

The State of New Hampshire PR22'20 PM 1:50 DAS

Department of Environmental Services

Robert R. Scott, Commissioner



April 21, 2020

His Excellency, Governor Christopher T. Sununu and The Honorable Council State House Concord, NH 03301

REQUESTED ACTION

Approve Marion Clough's request to perform the following work on Little Harbor in New Castle. File # 2017-00487. This project will not have significant impact on or adversely affect the values of Little Harbor.

On January 23, 2019, the NH Wetlands Council (Council) remanded the appeal of the NH Department of Environmental Services (NHDES) January 16, 2018 approval of the original application, requiring the NHDES to hold a public hearing on the application, allow a public comment period, and accept public comments pursuant to RSA 482-A:8. On June 27, 2019, the NHDES held a public hearing to receive additional public comments. After review of the public comments on March 13, 2020, the NHDES affirmed the above referenced application to permanently impact 280 square feet (sq. ft.) of estuarine and marine wetlands for the construction of a seasonal docking structure to include a 4 ft x 10 ft access ramp, a 4 ft x 30 ft pier with Thru Flow decking, a 3 ft x 15 ft aluminum ramp leading to an 8 ft x 10 ft float, the overall structure length of 60 ft that provides one slip on approximately 140 ft of frontage along the Piscataqua River Back Channel.

The NHDES imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors. dated 1/27/17 and revised 8/8/17, as received by the NH Department of Environmental Services (NHDES) Wetlands Bureau on August 8, 2017.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by NHDES.
- 3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. Prior to starting work under this permit, the permitted shall submit a copy of the recorded permit to NHDES by certified mail, return receipt requested.
- 4. Not less than five state business days prior to starting work authorized by this permit, the permittee shall notify NHDES and the New Castle Conservation Commission in writing of the date on which work under this permit is expected to start.
- 5. A "no cut / no maintenance buffer" shall be left on the property landward 100-feet from the highest observable tide line. This shall include, but is not limited to, trees, shrubs, and herbaceous vegetation.
- 6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
- 7. The float shall be fitted with float stops or similar structure so that the float will have minimal contact with the underlying intertidal area.

- 8. The height of the pier decking over the surface of the tidal marsh at normal high tide shall equal the width of the decking. Decking shall be Thru Flow decking.
- 9. Work shall be done during low tide.
- 10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 12. The seasonal structures, including but not limited to ramp and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.

EXPLANATION

The NHDES supported its decision with the following findings:

Standard for Approval:

- 1. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
- 2. Approvals must be consistent with the setbacks set forth by RSA 482-A:3 XIII (c) notwithstanding the provisions of subparagraph (a). Boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
- 3. This project is classified as major impact pursuant to Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
- 4. Env-Wt 101.03 "Abutter" means any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area which by its configuration would cause the project to affect non-contiguous properties, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one quarter mile from the limits of the proposed project.
- 5. Pursuant to Env-Wt 302.03, the applicant shall provide evidence which demonstrates that the potential impacts of the project proposal avoid and minimizes impacts to the maximum extent practicable.
- 6. Pursuant to Env-Wt 302.01(a), and Env-Wt 302.04(a)(1), the need for the proposed impacts shall be demonstrated by the applicant prior to the NHDES approval of any alteration of tidal wetlands. Preserving the integrity of saltmarshes and tidal wetlands shall be given highest priority by the NHDES, because of the high productivity and rarity of such wetlands and the difficulty in restoration in value and function for those environments. No project shall be allowed that intrudes into a tidal wetland unless the department finds that it is to be for the public good as set out in RSA 482-A:1.
- 7. The NH Supreme Court has explained that "Env-Wt 302.01(a) and, in turn, Env-Wt 302.04(a)(1) require an applicant to demonstrate 'a want of something requisite, desirable, or useful' prior to approval of any project that alters tidal wetlands." Appeal of Cook, 170 N.H. 746, 752 (2018).
- 8. In accordance with Rule Env-Wt 302.04(a)(3), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the type and classification of the wetlands involved.

- 9. In accordance with Rule Env-Wt 302.04(a)(7), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the impact on plants, fish and wildlife including, but not limited to: (a) Rare, special concern species; (b) State and federally listed threatened and endangered species; (c) Species at the extremities of their ranges; (d) Migratory fish and wildlife; (e) Exemplary natural communities identified by the DRED-NHB; and (f) Vernal pools.
- 10. In accordance with Rule Env-Wt 302.04(a)(8), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the impact of the proposed project on public commerce, navigation and recreation.
- 11. In accordance with Rule Env-Wt 302.04(a)(9), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the extent to which a project interferes with the aesthetic interests of the general public.
- 12. In accordance with Rule Env-Wt 302.04(a)(11), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the impact upon abutting owners pursuant to RSA 482-A:11, II.
- 13. In accordance with Rule Env-Wt 302.04(a)(13), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the impact of a proposed project on quantity or quality of surface and ground water.
- 14. In accordance with Rule Env-Wt 302.04(a)(14), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the potential of a proposed project to cause or increase flooding, erosion, or sedimentation.
- 15. In accordance with Rule Env-Wt 302.04(a)(16), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights.
- 16. In accordance with Rule Env-Wt 302.04(a)(17), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the impact of the proposed project on the values and functions of the total wetland or wetland complex.
- 17. In accordance with Rule Env-Wt 401.01(b), Purpose, the purpose of chapter Env-Wt 400 is to protect the public trust and other interests of the state of New Hampshire, by preserving the integrity of the surface waters of the state by requiring all structures to be constructed so as to insure safe navigation, minimize alterations in prevailing currents, minimize the reduction of water area available for public use, avoid impacts that would be deleterious to fish and wildlife habitat, and avoid impacts that might cause erosion to abutting properties.
- 18. In accordance with Rule Env-Wt 402.02, Navigation Space, the design and construction of docking facilities shall allow for a maximum of 2 feet of navigation space between a boat slip and any other structure or boat slip.
- 19. In accordance with Rule Env-Wt 402.04, Setbacks, as required by RSA 482-A:3, XIII(a), all docks shall be located at least 20 feet from any abutting property line or imaginary extension of the property line over surface water, unless the provisions of RSA 482-A:3, XIII(c) or (d) are met.
- 20. In accordance with Rule Env-Wt 402.05(a), Seasonal Docks, a seasonal dock shall be: (1) Designed to be installed at the beginning and removed at the end of the boating season; (2) Removed from the water for a minimum of 5 months of every calendar year; (3) Designed and placed in the water so as not to obstruct navigation; (4) Removed from the water for the purpose of applying paint, stain, or other preservatives; and (5) Installed only if in compliance with RSA 482-A:3, IV-a or otherwise permitted under RSA 482-A.

- 21. In accordance with Rule Env-Wt 606.03(a), Piers, Docks, Wharves, and Floats Criteria, projects shall be designed such that supporting cribs, piles, and caissons occupy no more than 5 percent of total volume under the structure at mean high water to allow most wave and current energy to pass through, and prevent deepening of the area in accordance with Rule Env-Wt 606.03(b).
- 22. In accordance with Rule Env-Wt 606.03(d), Piers, Docks, Wharves, and Floats Criteria, all floats shall be anchored, held by piles, or made fast to the shore or dock, to prevent substantial changes in their positions.
- 23. In accordance with Rule Env-Wt 606.03(e), Piers, Docks, Wharves, and Floats Criteria, floats that are not linked to the shore by ramps or piles, but are anchored, shall not exceed 400 square feet.
- 24. In accordance with Rule Env-Wt 603.03(f), Piers, Docks, Wharves, and Floats Criteria, all floats and floating structures or sections thereof, shall be positioned waterward of any vegetated wetlands or vegetated shallows.
- 25. The NHDES does not regulate boating or Jet Skis. The NH Department of Safety has jurisdiction over motor boats pursuant to RSA 270. There are proposed bills regulating Jet Ski use under consideration by the NH legislature.

Based on the record and the public comments submitted in writing or made at the Public Hearing, the NHDES makes the following additional findings:

- 1. On February 16, 2017, the NHDES received an application from the applicant for impacts to estuarine and marine wetlands for the construction of a seasonal docking structure for boating access.
- 2. The subject parcel or land on which the project is proposed is identified as New Castle Tax Map 9, Lot 23 (property). The property has an average of 140 feet of frontage along the Piscataqua River Back Channel.
- 3. The Piscatagua River Back Channel is a public waterbody controlled by the state.
- 4. On January 16, 2018, the NHDES approved the applicant's request to: Permanently impact 280 square feet (sq. ft.) of estuarine and marine wetlands for the construction of a seasonal docking structure to include a 4 ft. x 10 ft. access ramp, a 4 ft. x 30 ft. pier with Thru Flow decking, a 3 ft. x 15 ft. aluminum ramp leading to an 8 ft. x 10 ft. float, overall structure length 60 ft., providing one slip on approximately 140 ft. of frontage along the Piscataqua River Back Channel.
- 5. On March 21, 2018, the NH Wetlands Council received a revised Petition for Appeal from the NCCC.
- 6. On January 23, 2019, the NH Wetlands Council remanded the appeal to the NHDES for the NHDES to notice a public comment period and accept public comments on the application pursuant to RSA 482-A:8.
- 7. On February 1, 2019, the NHDES initiated a 45-day public comment period, under the authority of RSA 482-A:8. The NHDES received 35 comments in opposition of the project. Twenty-eight comments were received from residents of New Castle, four comments were received from town officials, and one comment apiece was received from the University of New Hampshire, the NH Piscataqua Region Estuaries Partnership, and the Rockingham County Conservation District. In particular, the NCCC submitted comments to the NHDES dated March 14, 2019 including a Report of Daniel Geiger, Certified Wetland Scientist of Oak Hill Environmental Services (Report). The NCCC's submittal outlined 'Summary Comments in Support of Permit withdrawal.'
- 8. On May 20, 2019 the NHDES received a petition to the New Castle Select Board signed by seven New Castle residents supporting the community effort to preserve and protect the environmental integrity of Lavenger Creek and the surrounding shore by opposing the application for a sixty-foot docking structure with ramp, pier and decking, ramp and float, along with the planned use of Jet Skis. The petition cites documentation by the NCCC and "attested to by over 25 letters from New Castle residents that approving

the permit would (1) undermine years of efforts to protect Lavenger Creek; (2) harm water quality, disturb and redistribute soft mud at the mouth of the Creek, and potentially reduce the capacity of the Creek to handle increased precipitation and flooding during large storms, and (3) encourage the use of motorized watercraft, including let Skis, thereby accelerating pollution and environmental degradation, harming wildlife, and destroying tranquility and beauty of this fragile ecosystem..."

9. The NHDES held a public hearing at the Portsmouth office of the NHDES on June 27, 2019 for the purpose of gathering information and public comment relative to the proposed impacts to the jurisdiction of the NHDES. Seventeen individuals provided testimony at the public hearing. The landowner's agent, Zachary Taylor, Tidal Ecological Consultant testified on behalf of the applicant. Bill Stewart testified on behalf of the New Castle Select Board. David Murray presented a video in opposition to the project. Several neighbors and abutters testified in opposition to the project. Attorney Maureen D. Smith and the NCCC agent Dan Geiger testified on behalf of the NCCC.

Rulings in Support of the Decision Pertaining to the Need for the Proposed Impacts

- 1. The applicant demonstrated their need to access water as a right to wharf out. "In New Hampshire, the right to wharf out to navigable depth has long been recognized as a common-law littoral right." Donaghey v. Croteau, 119 N.H. 320, 323 (1979).
- 2. Tidal docks that do not offer all-tide access, such that the float will rest on the substrate at lower tides, cannot be used to secure a vessel because the lack of water at lower tides makes it likely a vessel will be damaged by sitting on the substrate. Thus, vessels are secured to moorings in deeper waters until sufficient water depth enables a vessel to have sufficient draft to travel and secure to a dock while safely loading occupants and gear.
- 3. At the property, the proposed tidal dock is necessary to access the water with minimal impact to sensitive tidal wetlands.
- 4. The applicant has met the requirements to demonstrate need under the rules as "need" under the NHDES Wetlands Rules has been interpreted broadly by the New Hampshire Supreme Court. See Appeal of Cook, 170 N.H. 746 (2018).

Rulings in Support of the Decision Pertaining to the Least Impacting Practicable Alternative

- 1. Concerns were raised at the public hearing that the proposed docking structured is not the least impacting alternative.
- 2. Pursuant to Env-Wt 302.04(a)(3), the applicant correctly identified the resources proposed for impacts in accordance with the US Fish and Wildlife Service Manual FWS/OBS-79/31 Classification of Wetlands and Deepwater Habitats of the United States, Cowardin et al, 1979.
- 3. Impacts have been minimized to the furthest extent practicable. The seasonal usage of the docking structures on the property, particularly the pier, was designed as approved because the eight, 2-inch round metal pipes reduce any erosive possibilities from tidal current energy. The location of the dock on the property, reduced exposure to fetch, low water current velocities from the tidal cycle, and orientation on the frontage allows for the usage of the non-permanent, seasonal docking structures.
- 4. The storage of seasonal structures in the uplands on the property during the non-boating season such as this pier, ramp and float stored in the upland do not require authorization from the NHDES and do not qualify as permanent structures in accordance with Env-Wq 1406.04(c)(8). The Report's statements "There will be a significant number if pilings associated with the project, as well as a floating dock section [sic]" and "[g]iven the large number of piles" are not accurate and do not reflect the applicant's effort to

minimize the impacts as a result of the seasonal pier with the approved eight (8) 2-inch metal pipe piles. The socket pipes would be driven into the soil initially and the support pipes of the pier would be received in the previously driven socket pipes minimizing soil disturbance while the structures are installed and removed.

- 5. Through the review process of the application and recommendations by the NHDES, the applicant has provided redesigns of the docking pier and float on the property. More specifically, the pier has been designed with Thru flow decking to enable greater light penetration to reduce shading to the vegetation and substrate below. Literature from the manufacturer of Thru Flow states, "Our products are created with a unique open-surface design that allows water, debris, and sunlight to pass through your walking surface. This feature also protects against hydraulic pressure and uplift of the panel during extreme weather. Sunlight and water penetration also help vegetation below to stay alive and thrive, minimizing the effect of your walking surface on the environment." Additionally, the applicant has reduced the number of piles supporting the seasonal pier from 14 to 8. Further, float stops have been proposed on the float to suspend the float above the substrate at low tide as required by the Department of Army, Programmatic General Permit.
- 6. Pursuant to Env-Wt 302.01(a), preserving the integrity and investment through and guidance of the Rockingham County Conservation District the Lavenger Creek salt marsh has been given highest priority by the NHDES because of the high productivity and rarity of such wetlands and the difficulty in restoration of value and function for those environments.
- 7. Pursuant to Env-Wt 302.07(a)(7), the docking structures are located approximately 260 feet from the area where the Lavenger Creek channel transitions to a predominately tidal mudflat with fringe bands of emergent salt marsh vegetation of saltmarsh cordgrass (Spartina alterniflora) along the southerly and northerly banks of the area.
- 8. The salt marsh identified in the Report is contiguous with and adjacent to Lavenger Creek is approximately 700 feet from the docking structures on the land to the northeast.
- 9. The orientation of the docking structures as proposed on the property is nearly a north to south configuration perpendicular to the shore to maximize sunlight exposure to the substrate and vegetation below. Review of these plans clearly depict the docking structures located immediately adjacent to the fringe saltmarsh cordgrass at this location, not protruding into the channel beyond a reasonable length to create a navigation hazard to boats or other recreational activities.
- 10. The NHDES therefore, affirms the approval as the applicant has met Env-Wt 302.04(a) and (c).

Rulings in Support of the Decision Pertaining to the Impact of the Project on Water Quality, Storm Water Runoff, and Flooding

- 1. Many local residents and town officials testified at the public hearing and maintained that the proposed project will adversely impact water quality and will increase sediment loading to the ecosystem.
- 2. No evidence was provided corroborating the concern that docking structures on the property will deteriorate water quality. The low tidal flow velocity at this location does not exacerbate erosion and sedimentation by turbulence in the area. As previously provided in findings above, the pier is supported by a total of eight, 2-inch metal piles. One pair of these pipes is located at Mean High Water (MHW).
- 3. The property is adjacent to a low energy tidal system with little flow velocity from the Piscataqua River Back Channel and the Creek. Given the small diameter of the pipes and low tidal energy surrounding the docking structures' location, the NHDES finds the placement of the docking structures to have little to no

impact on the substrate that would cause erosion or sedimentation. Previously, pedestrian traffic to access the water for recreational boating adversely impacted the vegetation and disturbed the soils, exacerbating soil erosion within the Creek.

- 4. No evidence was provided corroborating the statement that the proposed dock would increase flooding resulting in property damage. The comments of Rockingham County Conservation District (RCCD) are mischaracterized by the NCCC. The recommendations provided by the RCCD at the New Castle Planning Board meeting of February 23, 2016, speak to "good planning, a coastal hazards master plan chapter, approve environmentally sensitive project with good conditions, enact ordinances to better protect resources to provide infrastructure and the existing structures on the island from possible future damage." There is no evidence that tidal docking structures will contribute to flooding on the regional scale purported by the NCCC.
- 5. There is no evidence supporting the assertion the dock will impact flooding in the immediate area.

Rulings in Support of the Decision Pertaining to Impacts to Habitat and Sensitive Areas

- Concerns were raised at the public hearing that the proposed project would adversely impact sensitive wildlife habitat of various water fowl, turkey (Meleagris gallopavo), and white-tailed deer (Odocoileus virginianus).
- 2. No communities of eel grass (Zostera marina) are present in the vicinity of the docking structure. The nearest eel grass bed is within the back channel of the Piscataqua River approximately 2,900 feet to the southwest of the property.
- 3. The State-threatened marsh elder (Iva Frutescens) is present around the Lavenger Creek salt marsh; however, it does not appear to be present on the property at 95 Mainmast Circle, New Castle. On October 3, 2019, the NHDES and Natural Heritage Bureau (NHB) staff inspected the property, and the inspection confirmed the absence of marsh elder on the property. The NCCC asserts marsh elder "does grow on the applicant's waterfront area," while the Report references the "presence of marsh elder in the area." Neither specifies specifically where the nearest specimen of marsh elder is in relation to the applicant's waterfront.
- 4. The NHB had no records of the presence of saltmarsh gerardia (Agalinis maritima) within the area. The NHB Datacheck for the 95 Mainmast Circle property did not suggest the presence of salt marsh gerardia on the property. Although the Report states salt marsh gerardia has been observed in the Lavenger Creek area, no specific location(s) had been provided in relation to the property. The photograph (Photograph 3) in the Report suggests the gerardia is located within the large salt marsh complex to the northeast from the property as the photo depicts glasswort (Salicornia spp.), salt marsh rush (Juncus gerardii), and salt grass (Distichlis spicata). The proposed docking structures are located within a densely vegetated community of tall form cordgrass. The plant species found in the photo are commonly found in high salt marsh while the tall form cordgrass is found at the low salt marsh as the cord grass is frequently inundated by the tide.
- 5. The hypothetical threats stated in the Report on vegetation loss within the salt marsh and spread of Common Reed (Phragmites australis) is more closely associated to stormwater influx to the system from developed upland areas in the form of unmitigated, nutrient laden stormwater runoff. The Report's findings on loss of salt marsh vegetation resulting from this project are not applicable.
- 6. The NHDES recognizes the storage racks for recreational watercraft including, but not limited to, canoes and kayaks are used by abutting properties contiguous along the shore of the Channel. Continued beaching or grounding of a vessel on the shore within the sensitive emergent cordgrass vegetation will

adversely impact the area/vegetation. These properties with boat racks in the surrounding area do not exhibit similar shorefronts as the property. Many of the abutting properties have rocky shores with less vegetation. Furthermore, these abutting properties have accessed the water for recreational uses by walking over the fragile saltmarsh cordgrass where present, impacting the cordgrass and in some instances permanently impacting the substrate with the placement of rubber-like matting leading down to the water's edge. These structures and continued use exacerbate impacts to the resource by concentrating water flow with impervious surfaces, impact vegetation, and impact the intertidal bank. Visual signs are evident in these locations by the lack of vegetation and worn areas over the intertidal bank.

7. There is no evidence that the proposed impacts to the bank and substrate associated with the construction of the seasonal dock will adversely affect sensitive areas or the overall wildlife habitat associated within this intertidal area.

Rulings in Support of the Decision Pertaining to Navigational Issues

- 1. Concerns were raised at the public hearing that the proposed docking structures would impede safe boating and navigation through Lavenger Creek were not supported.
- 2. Review of the approved plans confirms Env-Wt 401.01 (b) has been applied to the design of the project.
- 3. The terminus of the proposed docking structure is located approximately 40-feet from the center of the channel. At Mean High Water (MHW) there is approximately 80-feet of navigable water to the opposite shore and four feet of water depth available; therefore, the docking structure complies with Env-Wt 402.02. Furthermore, as designed, the furthest limit of the proposed docking structure is nested within, and flush with, the landward extension of the limited fringe of tidal marsh.
- 4. The proposed dock complies with RSA 482-A:3 XIII (c) and Env-Wt 402.04 as the dock is greater than 20-feet from an abutting property line.
- 5. The proposed dock has been designed in accordance with Env-Wt 402.05. The two seasonal dock supports (pipes) at MHW impact only 0.83% of the total volume under the 120 square foot pier. Therefore, the structure complies with Env-Wt 606.03(a). The application of Env-Wt 402.03(a)(3) does not apply to tidal docks.
- 6. The proposed seasonal pier crosses the narrowest vegetated area of saltmarsh cordgrass, using Thru Flow decking, maintaining a 1:1 ratio for height to width. The pier height allows for better light penetration to underlying vegetation and assist in preventing storm damage. Orienting the dock from north to south minimizes the impacts from shading to the furthest extent practicable. The reduced length of the pier has less adverse shading effects on vegetation than longer piers. To further reduce impacts to the vegetation below, the pier is narrower than typical piers providing less adverse shading effects on plant productivity. All of these construction practices minimize impacts to the vegetation on the property to the furthest extent practicable pursuant to Env-Wt 606.03(c).
- 7. The proposed ramp and float will not require anchors or piles to secure the structures from lateral movement as the area experiences low tidal flow velocities and wave action due to the lack of substantial fetch; therefore, the design does not warrant conformance with Env-Wt 606.03(d) and (e).
- 8. The proposed float location complies with Env-Wt 603.03(f) as the float is be positioned waterward of any vegetated wetlands or vegetated shallows.
- 9. The NHDES reviewed the applicant's plan approved prior to our approval. Review of the approved plan by Riverside & Pickering Marine Contractors (Sheet 2 of 2) dated July 11, 2016 clearly depicts the approximate stream channel at low water, approximate MHW, and approximate HOTL (Highest Observable Tide Line).

All docking structures extend 45-feet from the HOTL. The pier portion spans an area of mostly bare, sparsely vegetation mud/exposed soil. The ramp spans a majority of the salt marsh cordgrass.

- 10. The proposed float has been tucked into the narrowest portion of the salt marsh cordgrass along the frontage. The float does not extend further past the adjacent areas of salt marsh cordgrass to act as an obstacle for vessel passage. The terminus of the docking structure is approximately 40-feet from the center of the Channel. At MWH, there is approximately 80 feet of navigable water to the opposite shore and four feet of water depth available; therefore, the docking structure complies with Env-Wt 302.04(a)(8), Env-Wt 402.02, and Env-Wt 402.05(a)(3).
- 11. At the public hearing a New Castle resident presented a video using a drone and aerial imagery. The video drone footage had been digitally over-laid with the approved plan. The NHDES applicates the use of this technology to present a compelling argument. However, the scale and location of the digitized plan onto the aerial imagery in the video does not depict the accurate location of the marsh vegetation relative to the proposed dock. The video displaces the proposed dock plan further into the tidal channel beyond the actual proposed location mischaracterizing the impact on navigation to Lavenger Creek channel.
- 12. Review of the proposed approved cross sectional plan demonstrates that as the tide ebbs and water recedes, the sloped bathymetry from the float to the center of the Channel would leave the proposed float exposed, out of navigable water as the tide nears low.
- 13. The NHDES review of the record finds no evidence of any negative impact on public navigation as a result of the proposed project.

Rulings in Support of the Decision Pertaining to Cumulative Impacts

- 1. The applicant's agent's response to Env-Wt 302.04(a)(16) is thorough and appropriate detailing a rationale to adequately address this rule. The agent provided a hypothetical dock location plan for the area and the plan depicts properties immediately adjacent to the area. By this scaled plan, measurements were provided demonstrating contiguous abutters would have enough frontage with navigable water to enable a dock similar to the approved structure. Moreover, many properties along Lavenger Creek have non-compliant structures immediately adjacent to the tidal area in the 100-foot tidal buffer zone. Furthermore, properties have accessed the water for recreational use by walking over the fragile saltmarsh cordgrass, impacting the substrate and in some instances permanently impacting the substrate with the placement of rubber-like matting leading down to the water's edge. These structures and continued use exacerbate impacts to the resource by concentrating water flow with impervious surfaces and adversely impact vegetation.
- 2. The cumulative impacts assessed by the NHDES focus on feasible recreational water access to the cove area immediately adjacent to the property as those properties have reasonable access to the water via hypothetical dock alternatives. The NHDES would not entertain, nor approve, recreational docking structures within the larger salt marsh complex to the northeast of the property. The NHDES has routinely denied applications for impacts that span large linear portions of salt marsh as the impacts are not minimized.

Rulings in Support of the Decision Pertaining to Municipal Interests

1. The NHDES agrees with the NCCC in that the Lavenger Creek Conservation Plan aims to preserve the Lavenger Creek wetland system as "[t]he primary threat to the Lavenger Creek wetland system is a loss or degradation of its natural wetland and upland buffer." The NHDES' statutes are in line with this objective through the Shoreland Water Quality Protection Act, RSA 483-B, "A natural woodland buffer, consisting of

trees and other vegetation located in areas adjoining public waters, functions to intercept surface runoff, wastewater, subsurface flow, and deeper groundwater flows from upland sources and to remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants and to moderate the temperature of the near-shore waters." Concurrently, the NHDES also has jurisdiction of the 100-foot tidal buffer zone and has reviewed the application with an emphasis on preserving the ability of the buffer area to enhance habitat values in the adjoining tidal wetland and to protect tidal environments from potential sources of pollution. The structure's location preserves the integrity of the larger Lavenger Creek saltmarsh. The Lavenger Creek Conservation Plan does not prohibit the installation of docking structures.

Rulings in Support of the Decision pertaining to the project, interferes with the aesthetic interests of the general public

1. Concerns were raised through public comment and at the public hearing that the proposed docking structure interferes with aesthetic interests of the general public.

Application file documents are being forwarded to the Governor and the Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully request your approval of this item.

Robert R. Scott Commissioner



WETELANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management



'Administrative' Use



E E VE Administrative: FEBONO 2017



Check No.

Amount:

	NHOES OCCURGES MAY GEMENT.		de producer de la companya de la com	initials:	DO
2. PROJECT LOCATION: Separate applications must be filled with each municipality that jurisdictional impacts will occur in ADDRESS: 95 Mainmast Circle TAX MAP: 8	En en langement trate i distribilità della la collection della collection	Referito Guidance Document A fo	r instructions.	<u> 1900 (12 September 1903) (1905)</u> On destroyen en en en find en en en fin On destroyen en e	「MARKET MATTER」。 こうしゃ Matter PRATE PROTEST REPORTED THE PROTEST AT THE PRATE PROTEST AT THE
Separate applications must be filed with each municipality that jurisdictional impacts will occur in. ADDRESS: 95 Mainimast Circle	⊠ Standard Review (Minim	num :Minor or Major Impact)	Expedited	Review (Minimum Impa	act only)
USG\$ TOPO MAP WATERGODY NAME: LITTLE HARDOF	[14] ,杨宗明是他的第四次是1997年的第四次的第四次,从1500年上,	with each municipality that jurisd	ctional impacts will occur in	ti katalan kanan salah sa bada. Kanan salah salah salah sa sa salah salah	
US6S TOFO MAP. WATERBODY NAME: LIttle Harbor	ADDRESS: 95 Mainmast Circle	on mengerasika menangan pendelah dan kebasakan Terminan Kananggan dan Kananasia dan kebasah d		TOWNCITY: New C	astle
LOCATIONICOORDINATES (If known): fi 43.06546 e :70.72237 UTM [7] State Plane 3. PROJECT DESCRIPTION: Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply 'See Attached' in the space provided below. The project consists of providing a small seasonal docking structure consisting of a 4'x30' sectional dock with a 4'x10' seasonal access, ramp to a 3'x16' seasonal dangway landing on an 8'x10' seasonal float for recreational activities auch as boating, rowing, fishing and kayaking. The proposed project is to take place at 95 Mainmast Ciricle in New Castle, NH on the owner's property with frontage along Little Harbor. 4. SHORELINE FRONTAGE NA This tot has no shoreline frontage. SHORELINE FRONTAGE: +/- 140' Shoreline frontage is calculated by determining the average of the distances of the actual natural nevigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line. 6. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16	TAXMAP: 9	BLOCK	LOT: 23	UNIT:	
JTM Slate Plane PROJECT DESCRIPTION: Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below. The project consists of providing a small seasonal docking structure consisting of a 4'x30' sectional dock with a 4'x10' seasonal access ramp to a 3'x15' seasonal gangway landing on an 8'x10' seasonal float for recreational activities such as boating, rowing, fishing and kayaking. The proposed project is to take place at 95 Malmmast Ciricle in New Castle, NH on the owner's property with frontage along Little Harbor. A SHORELINE FRONTAGE	USGS TOPO MAP WATERBODY NAM	E: Little Harbor	□ NA STŘEAM N	/ATERSHED SIZE:	☐ NA
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below. The project consists of providing a small seasonal gardway landing on an 8'x10' seasonal float for recreational activities such as boating, rowing, fishing and kayaking. The proposed project is to take place at 95 Mainmast citivities such as boating, rowing, fishing and kayaking. The proposed project is to take place at 95 Mainmast Ciricle in New Castle, NH on the owner's property with frontage along Little Harbor. 4. SHORELINE FRONTAGE NA This lot has no shoreline frontage. SHORELINE FRONTAGE: +/- 140' Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line. 5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16		n 43 06546 e 70.72237	rangan kanggan salah sang Kanggan dan kanggan salah salah Kanggan salah s	⊠ Lautu	de/Longilude 🔲
4'x10' seasonal access ramp to a 3'x15' seasonal gangway landing on an 8'x10' seasonal float for recreational activities such as boating, rowing, fishing and kayaking. The proposed project is to take place at 95 Mainmast Ciricle In New Castle, NH on the owner's property with frontage along Little Harbor. 4. SHORELINE FRONTAGE: NA This tot has no shoreline frontage. SHORELINE FRONTAGE: +/- 140' Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the properly lines, both of which are measured at the normal high water line. 5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bûreau File ID: NHB 16	Provide a brief description of the pr			needed to provide a de	itálled explanátión
□ NA This lot has no shoreline frontage. SHORELINE FRONTAGE: +/- 140′ Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight-line drawn between the property lines, both of which are measured at the normal high water line. 5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16 2189 b. □ Designated River the project te in ¼ miles of:; and; and; and; and; and; Designated River the application was sent to the Local River Management Advisory Committee: Month; Day:	4'x10' seasonal access ramp activities such as boating, row	to a 3'x15' seasonal gangwa ving, fishing and kayaking.	y landing on an 8'x10' The proposed project i	seasonal float for re s to take place at 95	creational '
Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which ere measured at the normal high water line. 5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16 2169 b. Designated River the project is in ½ miles of:; and; and; and; and; Year:	4. SHORELINE FRONTAGE	ka ka mana <u>ka p</u>ana ka mana ka mana mana ka ma Manaka mana ka	en programmen en e	e service e la company de la company année de la company de la	Kanada ay ing Salatan da salatan Salatan salatan da kanada
straight line drawn between the properly lines, both of which are measured at the normal high water line. 5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC 6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16 2189 b. Designated River the project to in 1/4 miles of:; and; and; and; and	영화 전에는 소전하면 아이지 않아들이 얼룩하다		an many from the administration of the state		
6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16					ntage and a
See the Instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16 2189 b. Designated River the project is in 1/2 miles of:; and; and	5. RELATED PERMITS, ENFORCE	EMENT, EMERGENCY AUTHOR	IZATION, SHORELAND, A	ALTERATION OF TERR	AIN, ÉTÇ
See the Instructions & Required Attachments document for instructions to complete a & b below. a. Natural Heritage Bureau File ID: NHB 16 2189 b. Designated River the project is in 1/2 miles of:; and; and		en e	Terpezant Assembli et tes super i de la como et la como	n program and a series of the constraint of the	
b. Designated River the project is in ½ miles of:; and;	· [1] 10년 - [10년 10년 10년 10년 10년 10년 10년 10년 10년 10년	ment to the transfer of the mention of the mention of the section	ns to complete a & b below		
date a copy of the application was sent to the Local River Management Advisory Committee: Month; Day: Year:	a. Natural Heritage Büreau File ID	NHB <u>16 - 2189</u>		-M. 1. 3.1-31.50 Th. 1. 	
	date a copy of the application			ttee: Month; Day: _	Year:

7-ÁPBLÍCÁNT INFORMÁTION (Destred betmy holde	n)			
LASENAME TIRST NAME M.L. MAITON Glough		di Tanana		
TRUST COMPANY VAME	MALINGA	DDRESS .		
nownicity:		İ	ATE:	ZIP CODE:
EMAILTI FAX, 1586 ADON 1010	RHON	E. See agent	info	
ELECTRONIC COMMUNICATION BY INITIAL HE'S MCI	hereby authorize NHDÉS u	o communicate all	matters relativ	to this application electroni
8. PROPERTY OWNER INFORMATION (II different t	nap apolicant)	an salah dari kecalah dari dari dari dari dari dari dari dari	बान्य क्षेत्रके क्षेत्रक क्षेत्रक क्षेत्रक क्षेत्रक क्ष्या इत्योक क्षेत्रक क्ष्या कर्मा क्ष्या क्ष्य इत्योक क्ष्या क्ष्य	en e
LAST NAME: FIRST NAME, M.I. Same as above	The second secon	langed green see		i da grande de la elementa de la como de la c La como de la como de l
TRUST / COMPANY NAME:	MAILING A	DDRESS'		
POWNICHY:	a selektra a dalah sebesah dalah dalah sebesah dalah sebesah dalah sebesah dalah sebesah dalah sebesah dalah s Terlih dalah sebesah dalah	Š	IATE:	ZIP CODE:
EMAIL or FAX		PHONE:	ente de la composition della c	iliana de 1917, filosofie de describió de 1918 e 1918. Na como está consesso de describió de 1918 e 1918 e 1919.
ELECTRONIC COMMUNICATION: By Intitiating here here	i hereby authorize NHDE	S to communicate	ell malters rela	live to this application
9. AUTHORIZED AGENT INFORMATION	en e			
AST NAME: FIRST NAME: M.L. Taylor, Zachary	haranan era yak et ili. Mananan ang eta eta eta	COMPANY NAI	ME:KINGLEID	and Pickering Marin
MAILING ADDRÉSS: 195 West Road		The second secon	10 10 10 10 10 10 10 10 10 10 10 10 10 1	A Company of the Comp
fewlychy: Portsmouth			ATE: NH	ZIP CODE: 03801
EMAIL or FAX: zach@rlversideandpickering.com	PHONE: (303-427-2824	The part of the same	
		ommunicate all m	atters relative to	this application electronical
ELECTRONIC COMMUNICATION: By initialing here <u>zt</u> I he	reby authorize NHDES to c		<u>tokonike ite e</u> Tri te i te i et	रूपस्य क्रिक्ट वर्षा के निवस्त्री की है है है है है है है है है
10. PROPERTY OWNER SIGNATURE:		<u> Parker i Ar D. State Brance</u> Roger i Ar State Brance i Archi Control and Control and Con	turauruake etek e Tiri Wiri Hillerich Latiniera	gergerija i kalender gegen i jeden jeden i jeden jeden i jeden jeden i jeden jeden jeden jeden i jeden i jeden Portografija
10. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document i By signing the application, I am certifying that:	for cladication of the bel	ow slatements	booley Aprilio	and to findle
10: PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document i By signing the application, I am certifying that: 1. I authorize the applicant and/or agent indicated on upon request, supplemental information in suppor	for cladification of the bel i this form to act in my b it of this permit application	ow slatements shalf in the proc n.	and the second s	
to: PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document in significant in certifying that: 1. I authorize the applicant and/or agent indicated on upon request, supplemental information in support. I have reviewed and submitted information & altaction. 3. All abutters have been identified in accordance will	for clarification of the bel i this form to act in my be t of this permit application himents outlined in the li th RSA 482-A.3. I end E	ow statements shalf in the proc in. istructions and t nv-Wt 100 900	Required Atta	chment dócument.
to: PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document if By signing the application, I am certifying that: 1. I suithorize the applicant and/or agent indicated on upon request, supplemental information in suppor 2. I have reviewed and submitted information & attack 3. All abulters have been identified in accordance will 4. I have read and provided the required information 6. I have read and understand EnviWt 302.03 and he	for cladication of the bel i this form to act in my be it of this permit application himents outlined in the li in RSA 482-A3. I and £ outlined in Env-Wt 302.0 ave chosen the least imp	ow statements shalf in the procurs nstructions and to nv.Wt 100-900. 24 for the applications alternative	Required Atta able project ty	chment document. pe.
10. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document I By signing the application, I am certifying that: 1. I sulfibrize the applicant and/or agent indicated on upon request, supplemental information in suppor 2. I have reviewed and submitted information & attack 3. All abutters have been identified in accordance will have read and provided the required information. 5. I have read and understand Env-Wt 302.03 and he 6. Any structure that I am proposing to repair/replace grandiathered per Env-Wt 101.47.	for cladication of the below the form to action my be to this permit application with the later than the later to the following the following the following the following the following the least important the least important was either previously of the least important the least importa	ow statements shalf in the procure instructions and to inv:VVI 100-900. 24 for the applications alternative	Required Atta able project ty e. Vellands Bur	chment document. pë. sau or would be consider
10. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document if By signing the application, I am certifying that: 1. I authorize the applicant and/or agent indicated on upon request, supplemental information in suppor 2. I have reviewed and submitted information & attack 3. All abulters have been identified in accordance will 4. I have read and provided the required information. 5. I have read and understand Env-Wt 302.03 and have a submitted information. 6. Any sinucture that I am proposing to repair/replace grandfathered per Env-Wt 101.47. 7. I have submitted a Request for Project Review (Ri (SHPO) at the NH Division of Historical Resource.	for clarification of the below in this form to act in my but of this permit application in RSA 482-A3, I and E outlined in Env. Wt 302 days chosen the least important was either proviously por the least in the lea	ow statements shalf in the procure instructions and to inv-Wt 100-900. 24 for the applications and the instruction attended by the to	Required Atta able project ty e Wellands Bur the NH State	chment document. pë. sau or would be consider Historic Preservation Of
10. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document if By signing the application, I am certifying that: 1. I authorize the applicant and/or agent indicated on upon request, supplemental information in support in have reviewed and submitted information & attact and all abulters have been identified in accordance will have read and provided the required information. 5. I have read and understand Env. Wt. 202.03 and have read and understand Env. Wt. 202.03 and have a sinulcture that I am proposing to repair/replace grandfathered per Env. Wt. 101.47. 7. I have submitted a Request for Project Review (Ri (SHPO) at the NH Division of Historical Resource with the lead federal agency for NHPA 106 compiler.	for clarification of the bel i this form to act in my be it of this permit application the first at the first and the first and the first and the first and the first are chosen the least important and the first	ow statements shalf in the procur, structions and the structions and the statements of the spalic sacting alternative milited by the the statement at the statement of the statement of the procure of the statement of the stat	Required Atta able project ty e Vetlands Bur the NH State checicolical re roposed proje	Chment document. pe. eau or would be consider Historic Preservation Of Sources while coordinati
10. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document I By signing the application, I am certifying that: 1. I authorize the applicant and/or agent indicated on upon request, supplemental information in support in have reviewed and submitted information & altact in the applicant and/or agent indicated on upon request, supplemental information in support in have reviewed and submitted information & altact in have read and provided the required information. 1. I have read and understand Env. IVI. 302.03 and he are repair to that I am proposing to repair to place grandiathered per Env. IVI. 101.47 7. I have submitted a Request for Project Review (RI (SHPO) at the NH Division of Historical Resource with the lead federal agency for NHPA 106 compil is authorize NHDES and the municipal conservation. 8. I authorize NHDES and the municipal conservation. I have reviewed the information being submitted a 10. I understand that the Wilfut submission of falsified.	for clarification of the below the form to act in my be to this permit application in the light RSA 482-A3. I and E outlined in Env-Wt 302, ave chosen the least into was either previously permit in the light form (www.nh.gov/is to identify the presence is not that to the best of my or misrepresented information to inspect and that to the best of my or misrepresented informatical	ow statements shalf in the process in the process in the structions and I now I 100 900 24 for the application alternative in the state of the p knowledge the	Required Atta able project ty e. Vetlands Bur the NH State cheological re roposed proje Information is	Chment document. pe. eau or would be consider Historic Preservation Of sources while coordinati ct. true and accurate.
40. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document in the Instructions & Required Attachments document in the significant and/or agent indicated on upon request, supplemental information in support in have reviewed and submitted information & attacks. All abutters have been identified in accordance will have read and provided the required information. I have read and understand Env. Wt. 302.03 and he was read and understand Env. Wt. 302.03 and he was read and understand Env. Wt. 302.03 and he was read and understand Env. Wt. 302.03 and he was read and understand Env. Wt. 302.03 and he with the lead federal agency for NHPA 106 compiles with the lead federal agency for NHPA 106 compiles. I authorize NHDES and the municipal conservation in have reviewed the information being submitted at it understand that the willful submission of faisified Environmental Services is a criminal act, which me the aware that the work I am proposing may request.	for clarification of the below the form to act in my bent of this permit application of the permit application in the light RSA 482-A3. I and £ outlined in Env-Wt 302.0 ave chosen the least important was either previously permit in the presence of the commission to inspect and that to the best of my or misrepresented informative additional state, local	ow statements shalf in the procur, astructions and to nv.Wt 100.900. 24 for the applicating alternative ermitted by the to a of historical/ ar the site of the procured to the procured to the Nemation to the Nematical permits the Nematical	Required Atta able project ty e. Wellands Burn the NH State Chéological re roposed proje Information is w Hampshire	Chment document. pe. peu or would be consider Historic Preservation Off sources while coordination true and accurate. Department of
10. PROPERTY OWNER SIGNATURE: See the Instrictions & Required Attachments document in the Instrictions & Required Attachments document in the significant and/or agent indicated on upon request, supplemental information in support in have reviewed and submitted information & attacts. All abutters have been identified in accordance will a have read and provided the required information. I have read and understand Env Wt 302.03 and his Any sinicture that I am proposing to repair/replace grandiathered per Env.Wt 101.47 I have submitted a Request for Project Review (Right) at the NH Division of Historical Resource with the lead federal agency for NHPA 106 compiles. I authorize NHDES and the municipal conservation. I have reviewed the information being submitted a 10. I understand that the Wilful submission of falsified Environmental Services is a criminal act, which me	for clarification of the below the form to act in my bent of this permit application of the permit application in the light RSA 482-A3. I and £ outlined in Env-Wt 302.0 ave chosen the least important was either previously permit in the presence of the commission to inspect and that to the best of my or misrepresented informative additional state, local	ow statements shalf in the procurs astructions and the procurs by the specific acting alternative and the she of the procurs at the site of the procurs to the News at the site of the procurs to the News at the site of the procurs to the News at the site of the News at the site of the procurs to the News at the site of the site of the site of the News at the site of the sit	Required Atta able project ty e. Wellands Burn the NH State cheological re roposed proje information is w Hampshire s correspond	Chment document. pe. peu or would be consider Historic Preservation Off sources while coordination true and accurate. Department of

shoreland@des.nh.gov.or (603) 271-2147 NHDES Wellands Bureau, 29 Hazen Drive, PQ Box 95, Concord, NH 03302-0095 www.des.nh.gov

MUNICIPAL SIGNATURES

	i.	*	÷	١i	ľC	E	D	Ŷ.	۱٦	'n	ì١	Ò	Ċ	'n	À	Ŕ	ΙİĊ	·c	11	١ì	È	21	Ċ	XI.	١Ŧ	Ù	o E	í
		4.	٠,		د ب	-	Ţ.	٠,	8.		Ų.		۲	۳	ij	ı y	IJ,		15			٠,	إب		Ņ,	Ų.	Ņ.	-
	7	. ;;	-1				۲,	-						"		ः		ં '			٠,			-1		÷.		٠,
•		 ٠.٠		.:::	: -1.					٠,	N 74											· .		٠.		لندر		::.

The signature below certifies that the municipal conservation commission has reviewed this application, and:

- 1. Waives its right to intervene per RSA 482-A:11;
- 2. Believes that the application and submitted plans accurately represent the proposed project; and
- Has no objection to permitting the proposed work.

1	100
ч	
Ý	
3	

Print name legibly

Date

DIRECTIONS FOR CONSERVATION COMMISSION

- 1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. Expedited review regulres the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
- 3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A 3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans; and four USGS location maps with the town/city indicated below.

Beh Jane Rordan

a law fur horden

An/City Clerk Signature Print name legibly

VewCastle

0)//0// Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3.1

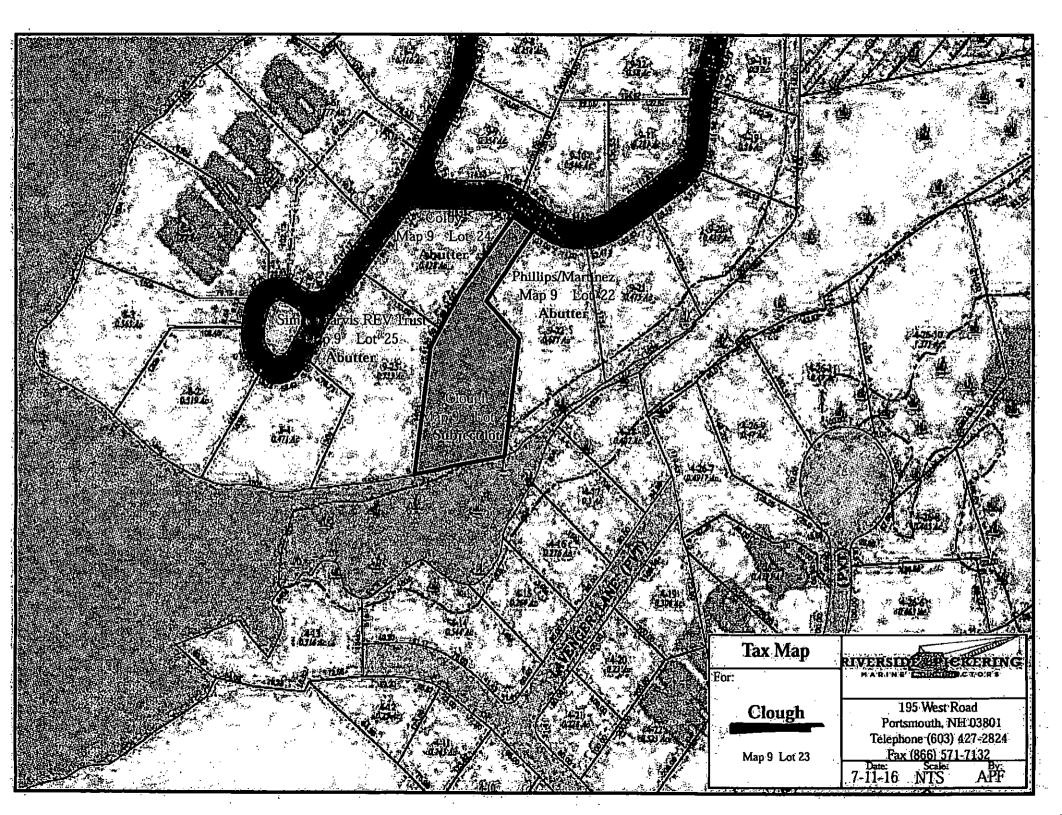
- For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above:
- Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mall or hand delivery.
- 4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
- Rétain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

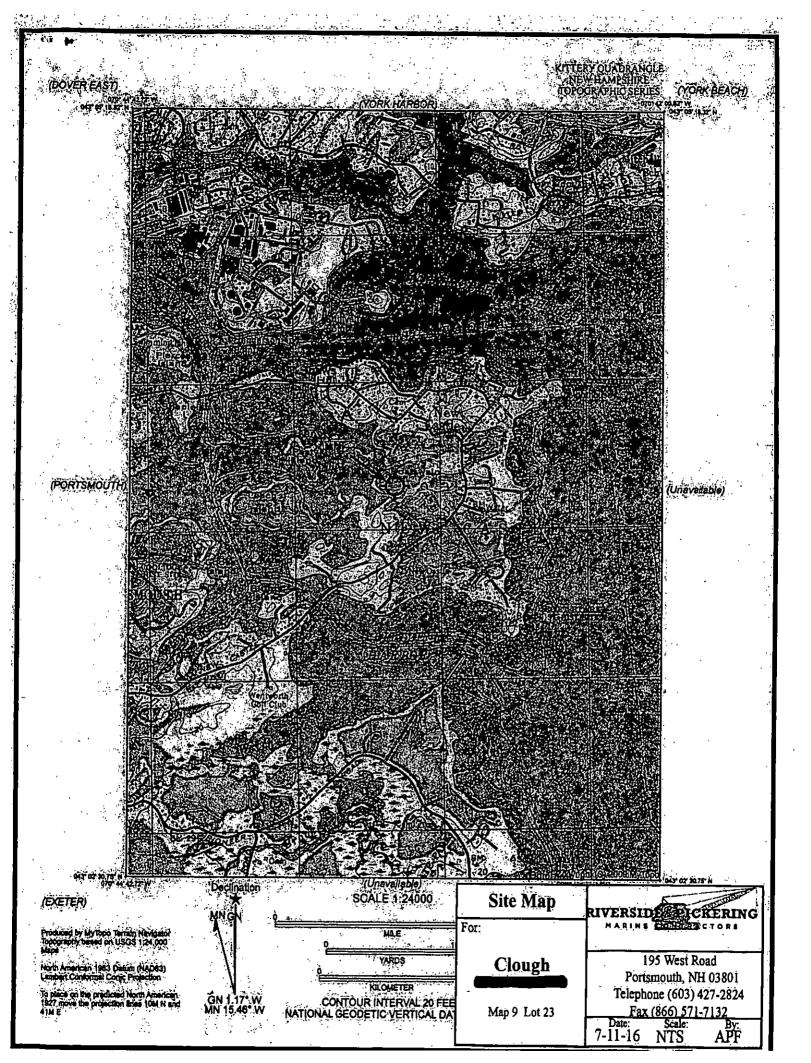
DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mall or hand delivery.

and the control of th	nas been impacted, provide square feet and	t; If applicable, linear feet of impact	
<u>Permanent impacts that will remain afte</u> Temporary: impacts not intended to rem	r the project is complete. iain (and will be restored to pre-construction	n conditions) after the project is comple	le
JURISDICTIONAL AREA	PERMANENT Sg. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.	
Forested welland	. □ ATF		□ATF
Scrub-shrub welland	L AIF		□ ÅTF
Emergent wetland	D ATE		☐ ÂTF
Wet meadow:	ATE		☐ ATE
Intermittent stream	. □ ATF		☑ ATF
Perennial Stream / River	/ Date		∄ ATF
Lake // Pônd	ATE	4	ATF
Bank - Intermittent stream	/ CATE	1	☐ ATF
Bank - Perennial stream / River	/ ATF		☑ ÁTE
Bank'-Lake / Pond	☐ ATE		☐ ATF
Tidal water	ATF		☐ Aff
Sáil marsh	△ ATF		ATF
Sand dune	☐ ATE		ATF
Prime welland			ATE
Prime welland buffer	☐ ÁTF		☐ ATE
Undeveloped Tidal Buffer Zone (TBZ)	☐ ATF		☐ AŢF
Previously-developed upland in TBZ	□ ATF	and the second s	☐ATF
Dockling - Lake / Pond	☐ AJF		☐ ATF
Docking - River	□ ATF	285	□ Aff
Docking - Tidal Water	LATE		☐ ATF
TOTAL	ta para da da da sa	285/10	e i i i jaro e de la companione de la comp La companione de la compa
14. APPLICATION FEE: See the Instit	ictions & Required Attachments document	for further instruction	ende de la Carago en en en 1973 a la <u>la Carago</u> de la Carago en la Carago en la Carago en la Carago en la Carago en la Carago en la Carago
Minimum impact Fee: Flat fee of \$			
Minor or Major Impact Fee: Calcula	enter transfer to the contract of the contract	- 0 V 00 00	
	d Temporary (non-docking)	sq.ft. X \$0.20 = \$	
Temporary (s	easonal) docking structure: 285	5 sq. ft. X \$1.00 = \$285.00	<u> </u>
.Řϵ	rmanent docking structure:	sq. ft. X \$2.00 = \$	
Projects'	proposing shoreline structures (including	ng docks) add \$200 = \$200.00	<u> </u>
		Total = \$ 485.00	<u> </u>
The Application	Fee is the above calculated Total or \$200,	, whichever is greater = \$ 485.00	· · · · · · · · · · · · · · · · · · ·

shoreland@des.nh.gov or (603) 271-2147
NHDES Wellands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov





Memo

NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Allen Folsom, Advantage NH Lakes

P.O. Box 862

Wolfeboro Falls, NH 03896

From: Amy Lamb, NH Natural Heritage Bureau

Date: 7/20/2016 (valid for one)year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB 16-2189

Town: New Castle

Description: The project consists of providing a small-seasonal docking structure consisting of a 4'x30' sectional dock with a 4'x10' seasonal

access ramp to a 3'x15' seasonal gangway/landington and selection and the control of the control of the proposed project is not account of the proposed project is not account of the proposed project is not account of the proposed project is not account of the proposed project is not account of the proposed project is not account of the proposed project is not account of the proposed project in the proposed project is not account of the proposed project in the proposed project is not account of the proposed project in the proposed project is not account of the proposed project in the proposed project is not account of the proposed project in the proposed project in the proposed project in the proposed project in the proposed project in the project

frontage along Lavengers Creek in Little Harbo

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please send site photos of the proposed work area so that I may determine the potential for the state threatened plant Marsh Elder (Iva frutescens) to occur onsite. Photos maybe sent to me at Amy Lamb@dred.nb:gov.

Plant species

Marsh Elder (Iva frutescens)

State / Federal Note

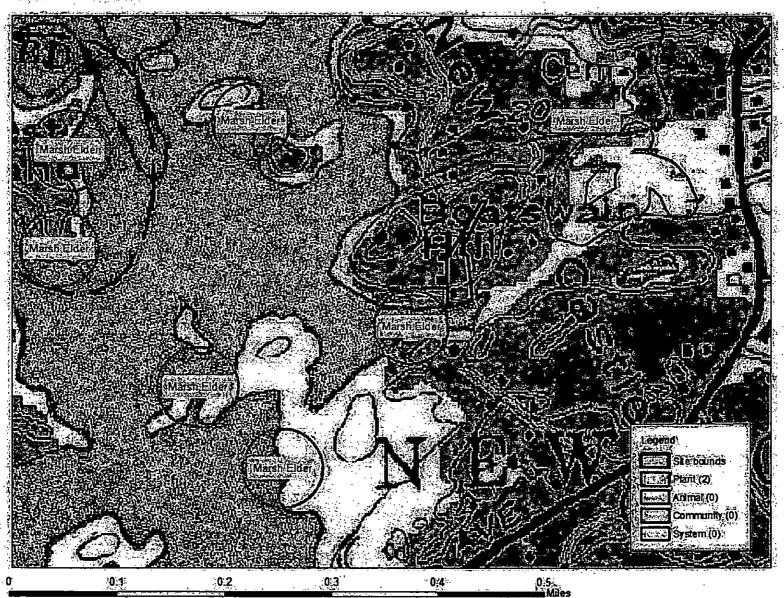
Libreaussare primarily alterations to the hydrology of the wetland, such as ditching or udal restrictions that might affect the sheet flow of tidal waters across the intertidal flat lactivities that eliminately lants, and increased input of nutrients and pollutants in storing unoff.

cation: Tax Maos: 9-23

Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concerns" = an exemplary partiral community, or alraic species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell-you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

NHB16-2189





ABUTTER NOTIFICATION

Dear Abutter,

As required by the NH Dept. of Environmental Services, you are being notified about proposed work at property, which abuts yours. Should you have any questions or concerns, please do not hesitate to contact this office. We will be glad to discuss any aspect of the proposed project. A copy of the full application sent to the NH Dept. of Environmental Services, Wetlands Bureau will be available for your inspection at your City/Town Clerk's office.

Thank you.

Zachary Taylor

Director of Operations, Riverside & Pickering Marine Contractors

Name of property owner (s): Marton Glough

Location of proposed project: 95 Mainmast Circle, New Castle, NH Map 9, Let 23

Brief description of work: Application to propose a seasonal pler, gangway and float

ABUTTERS LIST

TM# 9 Lot 22 Liane Pallips

William Martinez

TM# 9 Lot 24 Anita M. Colby

TM# 9 Lot 25 Simeon P. Javis Rev Trust **CERTIFIED MAIL #**

7015 0640 0001 6280 2049

7015 0640 0001 6280 2026

7015 0640 0001 6280 2033

