The State of New Hampshire

NHDES

Department of Environmental Services

Robert R. Scott, Commissioner

November 25, 2019

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

DEC02'19 PM 2:22 DAS

DECO

2:22 has

REQUESTED ACTION

Approve Northeast Record Retention, LLC's request to perform the following work on Merrimack River in Hooksett. File # 2019-01726. This project will not have significant impact on or adversely affect the values of Merrimack River.

Temporarily impact 265 square feet of riverbank to install an 8 foot x 12 foot landing and associated 6 foot x 30 foot gangway with an 8 foot flared terminus and impact 12 square feet of river bed for the installation of dock anchors and an 10 foot x 120 foot seasonal pier on 412 linear feet of shoreline frontage along the Merrimack River in Hooksett.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with plans by TFM dated September 23, 2019 and as received by the NH Department of Environmental Services ("NHDES") on September 25, 2019.
- 2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Bureau by certified mail, return receipt requested.
- 3. A combination of shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted within 30 days of the initial installation of the seasonal pier.
- 4. The use of the seasonal pier shall be to watercraft associated with rowing activities. Any change in use shall require permission from Central Rivers Power or holder of the Federal Energy Regulatory Commission (FERC) license for the Amoskeag Dam and the NHDES Wetlands Bureau.
- 5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
- 6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
- 7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

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- 8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
- 9. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
- 10. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
- 11. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
- 12. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
- 13. This permit shall not preclude the NHDES from initiating appropriate action if the NHDES later determines that the boat ramp depicted as "existing" on the plans submitted by or on behalf of the permittee was not previously permitted or grandfathered.
- 14. All seasonal structures shall be removed for the non-boating season.
- 15. This permit does not authorize any regrading or contouring of the bank.

EXPLANATION

The NHDES approved this project on October 24, 2019. The NHDES supported its decision with the following findings:

- 1. This project is classified as a major impact project per Rule Env-Wt 303.02(d), construction of a docking facility providing 5 or more boat slips.
- 2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
- 3. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of the Merrimack River, a public hearing under RSA 482-A:8 is not required.
- 5. The proposed 10 foot x 120 foot seasonal pier and associated gangway fails to conform to the 6 foot maximum width and 40 foot maximum length of structure allowed pursuant to Rule Env-Wt 402.03, Dimensions.
- 6. The applicant has requested a waiver of Rule Env-Wt 402.03 in order to install a seasonal 10 foot x 120 foot seasonal pier as provided underpart Rule Env-Wt 204, Waivers.
- 7. The applicant has submitted evidence supporting that the requested 10 foot x 120 foot pier is an operational necessity for the unique usage of the pier.
- 8. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a)(1).

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- 9. The applicant has demonstrated that strict compliance with Rule Env-Wt 402.03 will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a)(2).
- 10. The request for a waiver meets the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 402.03 is granted.
- 11. Pursuant to Rule Env-Wt 402.15, Commercial Use Municipal Review, (b), the applicant shall submit a copy of the local permit or approval, or a letter from the applicable local land use board or local governing body indicating that a permit or approval is not required under local regulations, to the NHDES with the application or otherwise, prior to the NHDES making a decision on the application.
- 12. The applicant has submitted letters from the Town of Hooksett Community Development Department and the Town of Hooksett Conservation Commission stating that local requirements are being met, and has therefore met the requirements of Rule Env-Wt 402.15.

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

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34PROJECTLOCATIONS	ust be submitted to reach municipa	lity within which we	land impacts occurs	
ADDRESS: 107 West River Road		<u>, , , , , , , , , , , , , , , , , , , </u>	TOWN/CITY: Hook	sett
ТАХ МАР: 29	BLOCK:	LOT: 28	UNIT:	
USGS TOPO MAP WATERBODY NAME: Merr	imack River		REAM WATERSHED SIZE:	
LOCATION COORDINATES (If known): 1040	122.39, 200937.65] Latitude/Longitude 🗍 UTM (State Plane
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6 - RELATED NHDES LAND RESOURCES A Please indicate if any of the following pe To determine if other Land Resources M	rmit applications are required and anagement Permits are required. re	if required the statu fer to the <u>Land Reso</u> t	s of the application	
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Individual Sewerage Disposal per RSA 48 Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B	5-A:2			
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Permit Application -Revised 01/2019	<u>www.des</u>	. <u></u>		Page 1 of 4

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8. APPUCANTINFORMATION (Desired permit holder)			Lon Area Maria		· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
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OWN/CITY: Bedford				STATE: NH	ZIP C	ODE: 03110	
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Permit Application -Revised 01/2019

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MUNICIPAL SIGNATURES

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The signature below certifies that the municipal conservation commission has reviewed this application, and 1. Waives its right contervene per/RSA 482'A:11; 2. Believes that the application and submitted plans accurately represent the proposed project; and 3. Has no objection to permitting the proposed work

Print name legibly .

 $A_{i}, A_{i}, A_{i}, A_{i}$

Hucsen.

Date

The 11, 2019

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 requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Jown/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 be reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

Print name I

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.

Xan

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:31

- 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;
- 3. 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 mail 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
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

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

<u>lrm@des.nh.gov</u> or (603) 271-2147

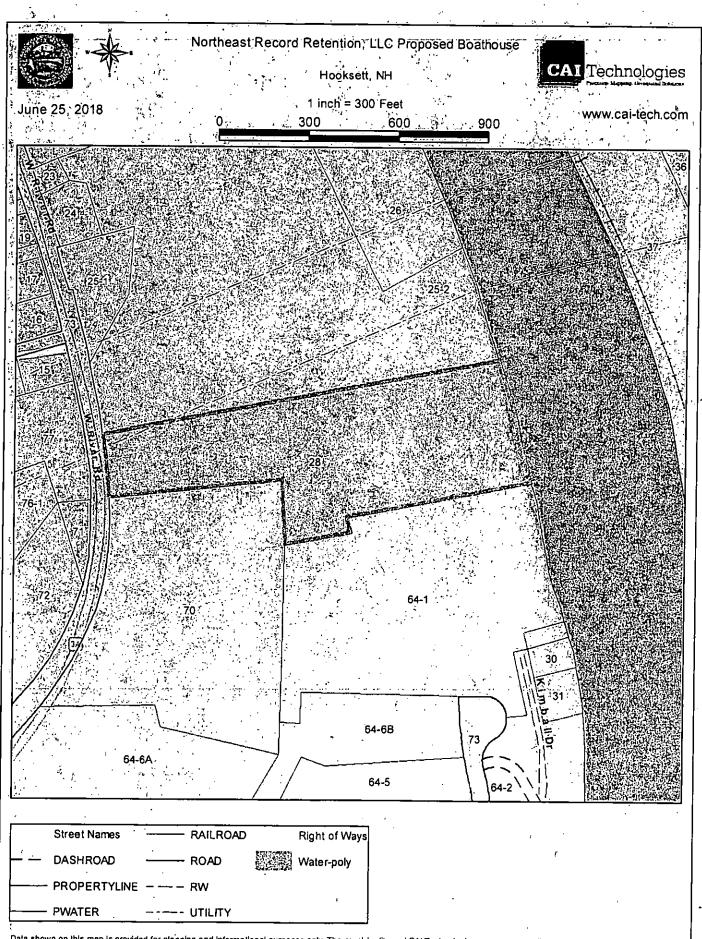
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nb.gov

,		المشابد سيتربط المستعم	يسب والمراجع والمراجع المراجع المراجع المراجع	ې يەمەر دە بەرمە
NHDES_W-06-012				
14.1MPAGI/AREA				
ktorkeach jurisdictional area that will be /h Permonent: imposts that will be main of ter		feet and in applicabl	e linear reet of impact and so the	
Temporary simpacts not intended to rem	the second se	struction conditions	after the project is completed.	
Untermittenti Streamst linear jootage dist	ince of disturbance is measured a	ong the thread of the	channel - its de av service	
Perennial Streams//Rivers the total linea	rifootage(distance)is(calculated by	summing the length	s of disturbance to the channel and a	ach bank 🥠
JURISDICTIONALAREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Un. Ft.	
Forested wetland	/	ATF	- · · · · · · ·	
Scrub-shrub wetland		ATF		 A^
Emergent wetland	,			
Wet meadow		ATE		
Intermittent stream channel	1	° 🗌 ATF 👘	18	
Perennial Stream / River channel	/	ATF	1.	
Lake / Pond	1	ÁTF	/	A
Bank - Intermittent stream	/	ATF	1	
Bank - Perennial stream / River	<u>, · /</u>	ATF	265 / 37	
Bank - Lake / Pond		ATF		A1
Tidal water	· /	ATF		
Salt marsh		ATF		
Sanḋ dune	· · ·			A1
Prime wetland		ATF		
Prime wetland buffer		ATF	· · · · · · ·	
Undeveloped Tidal Buffer Zone (TBZ)				EA 🗌
Previously-developed upland in TBZ	·····	ATF	· · · · · · · · · · · · · · · · · · ·	TA
Docking _ Lake / Pond	·····	ATF		TA
Docking - River	12	ATF		. 🗌 AT
Docking - Tidal Water				
Vernal Pool	······································	ATF		
TOTAL	12 /		265 / 37	
15. APPLICATION FEE: See the Instruction	is & Required Attachments docum	ent for further instru	ction	
Minimum Impact Fee: Flat fee of \$ 2		an an the second se	<u>AN ELE INTERNESSEE 11128 ALMBACH</u>	والمعادية والمتلا التراسي والميار
Minor or Major Impact Fee: Calculate				
Permanen	t and Temporary (non-docking)	265 sq. ft	. X \$0.20 = \$ 53	
Temporar		12 sq. ft	X \$1.00 = \$ 12	· · · · · · · · · · · · · · · · · · ·
	Permanent docking structure:	sq. ft		
	Projects proposing shoreline st		···· · · · · · · · · · · · · · · · · ·	
			Total = <u>\$ 265</u>	

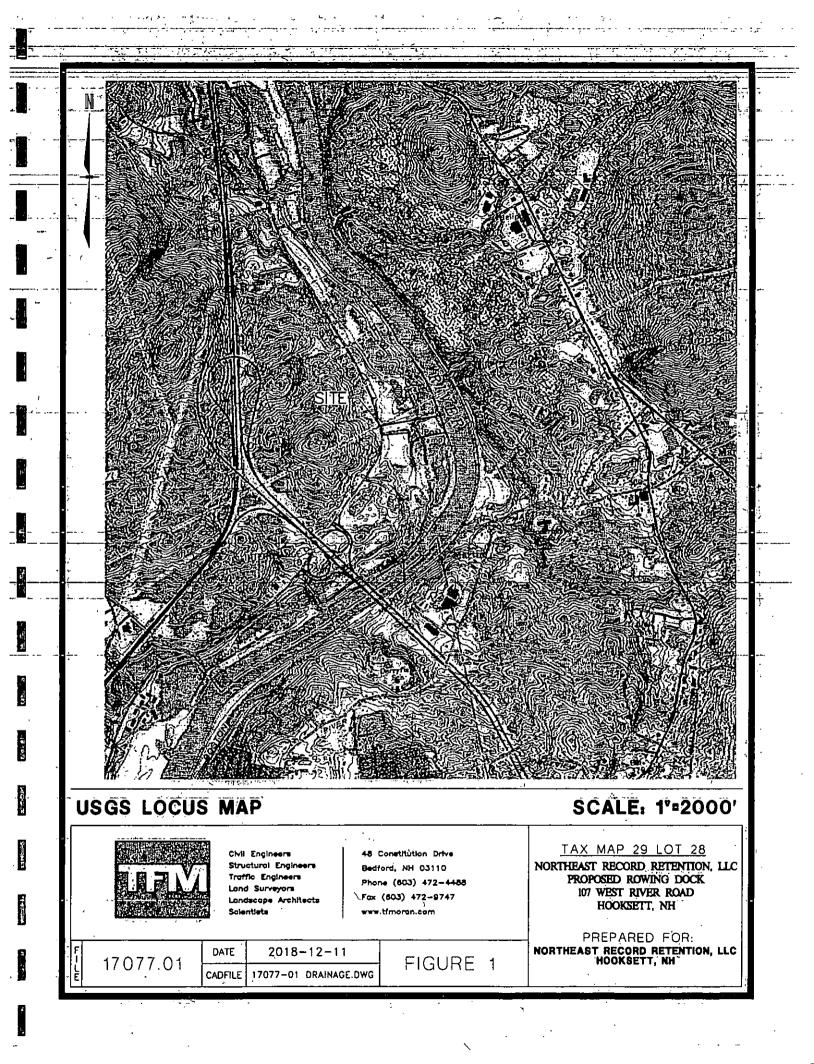
Irm@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

Permit Application -Revised 01/2019

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misrepresentation of this map.



CONFIDENTIAL – NH Dept. of Environmental Services review

Memo

NH NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

- To: Jeremy Belanger 48 Constitution Dr Bedford, NH 03110
- ------
- From: Amy Lamb, NH Natural Heritage Bureau
- Date: 5/1/2019 (valid for one year from this date)
- Re: Review by NH Natural Heritage Bureau NHB File ID: NHB19-1329 Town: Hooksett Description: The project proposes to install a boathouse on Lot 29 28 An existing boat ramp and proposed docks will be utilized to access the Merrimack River.
- cc: Kim Tuttle
- As requested, I have searched our database for records of rare species and exemplary natural communities with the following-results

Comments: The previous review for this project is NHB18=1006. It was determined that NHB did not have concerns about the three rare plant species and exemplary natural community, and they were therefore excluded from this review letter. Please contact the NH Fish & Game Department to address wildlife concerns.

Vertebrate species

Bald Eagle (Haliaeetus leucocephalus)

New England Cottontail (Sylvilagus transitionalis)

Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "-" = an exemplary natural community, or a rare species tracked by NHN atural 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.

Notes

Contact the NH Fish & Game Dept (see below).

Contact the NH Fish & Game Dept (see below).

Federal

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Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

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.

Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488

DNCR/NHB 172 Pembroke Rd. Concord, NH 03301 CONFIDENTIAL – NH Dept. of Environmental Services review

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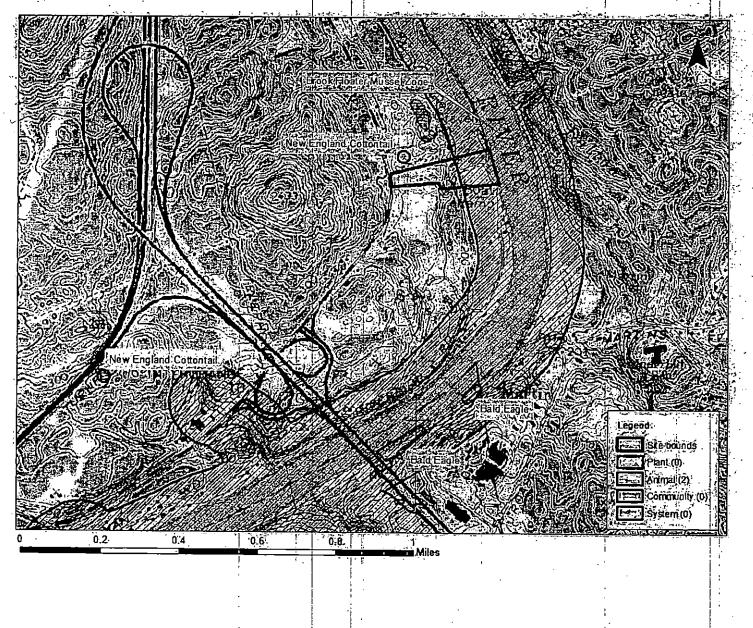
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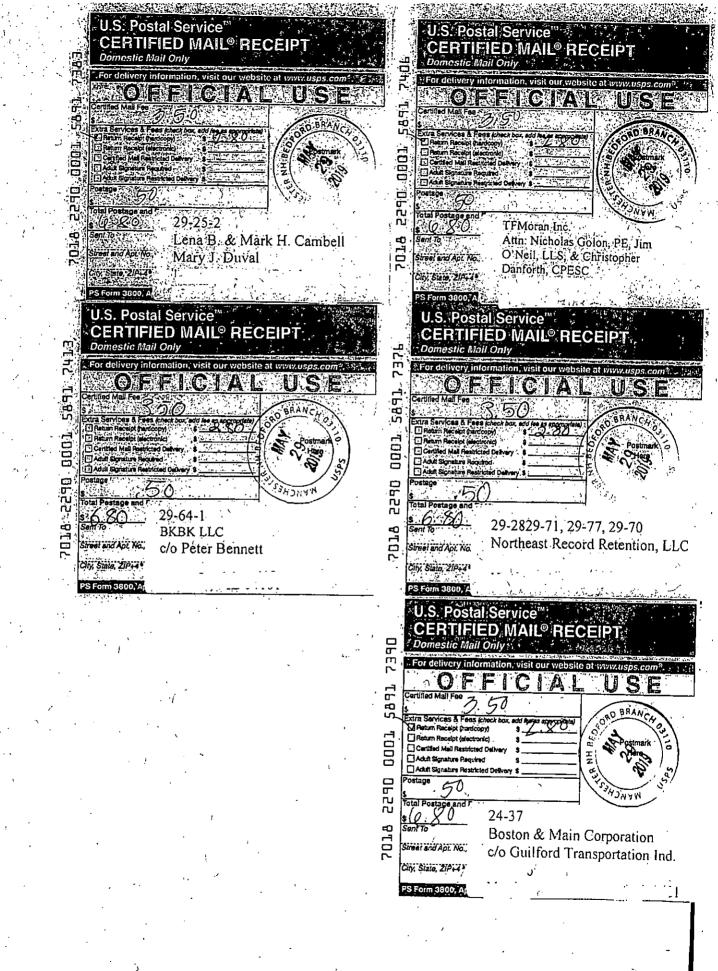
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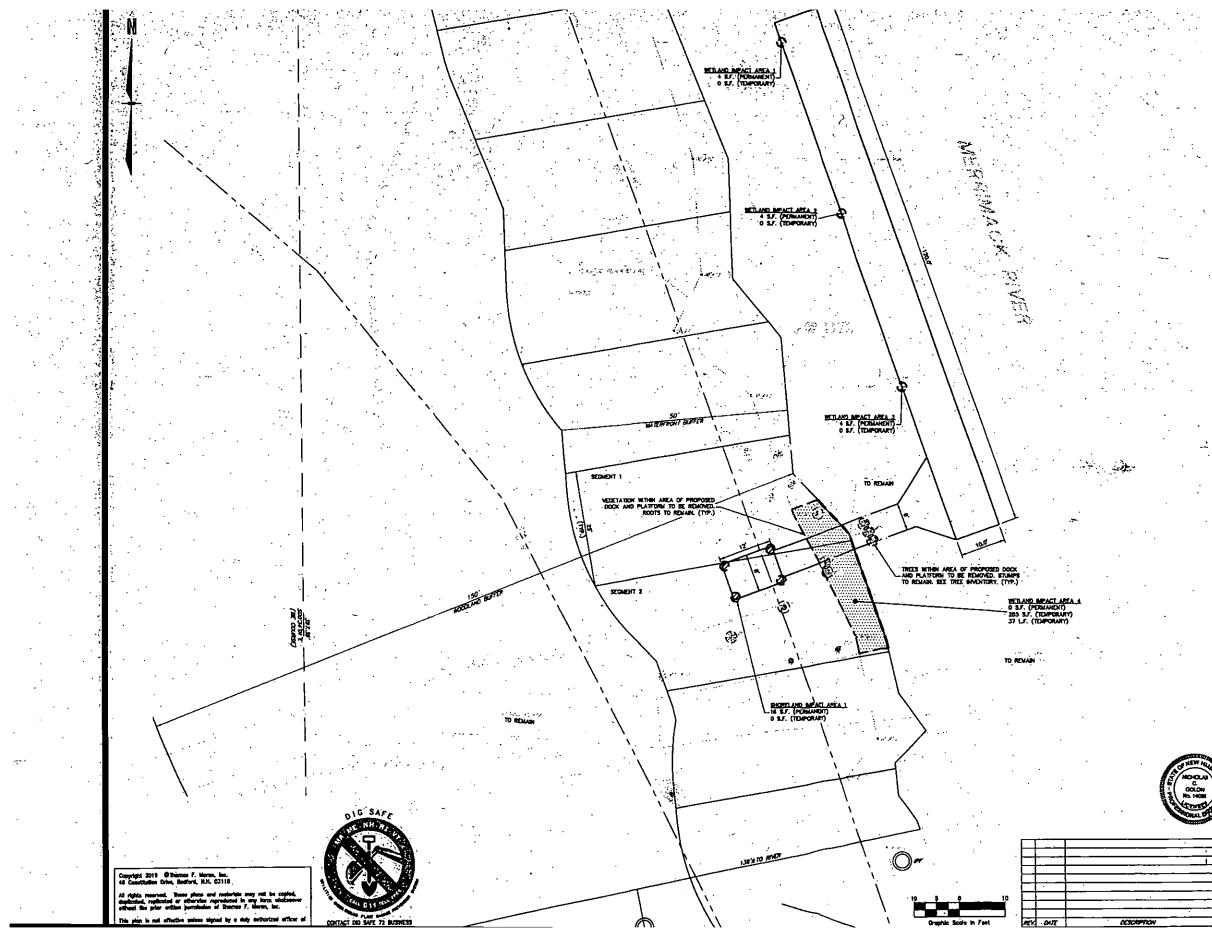
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NHB19-1329







VICINITY PLAN > SCALE 1 -2.200's 3 NOTES ... WP 29 LOT 28: HORTHEAST RECORD RETAINON LLC ARE OF PARCEL - FR. DO B OK 2467 PG. 300 ARE OF PARCEL - FR. DO B FL OR IGLE ACRESS 2. BATENTRIA BUTTE THE FORT SCORE (V TO 50) BITM ARE OF PROPOSED WORL THEE NO. APPROVE • (JISI) 4 PROPOSED · · OAK / 11 121 22 22 23 : 24 . BLECH 1 - 24 THEE INCOMING SCORE . . la la companya da companya 1 4 INC. MARKET STATES THE HO T ANTHON, DA. PROPOSED DOSTING . **A**L THE INDIG TAX MAP 29 LOT 28 SHORELAND TREE INVENTORY PLAN PROPOSED ROWING DOCK A SEP 107 WEST RIVER ROAD, HOOKSETT, NH OWNED BY & PREPARED FOR NORTHEAST RECORD RETENTION, LLC SCALE 1"=10" SEPTEMBER 23, 2019
 CMI Engineers
 48 Constitution Drive

 Structural Engineers
 Bedfard, NH 03110

 Troffic Engineers
 Phone (803) 472-4480

 Land Surveyors
 Fax (803) 472-9747
 ÷ TFM Phone (803) 472-4488 * I www.timoron.com 01 CX 17077.01 01 JB P8 -SHEET 1 OF 1