



The State of New Hampshire
**Department of Environmental
Services**

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Robert R. Scott, Commissioner

April 6, 2018

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

REQUESTED ACTION

Approve Martin Kurowski and Christina Galli's request to perform the following work on Sagamore Creek, in Portsmouth. File # 2017-03138. This project will not have significant impact on or adversely affect the values of Sagamore Creek.

Construct a tidal docking structure consisting of a 4 foot x 10 foot landing in the upland tidal buffer zone, connecting to a 4 foot x 90 foot permanent pier, connecting to a 3 foot x 40 foot gangway, connecting to a 10 foot x 20 foot float with an overall structure length seaward of highest observable tide line of 140 feet, providing one slip on 132 feet of frontage on Sagamore Creek.

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 Ambit Engineering, Inc. dated October 2017, and revised through January 22, 2018 as received by the NH Department of Environmental Services (NHDES) on January 22, 2018.
2. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau prior to the commencement of construction.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock.
5. This tidal docking structure consisting of a 4 foot x 10 foot landing in the upland tidal buffer zone, connecting to a 4 foot x 90 foot permanent pier, connecting to a 3 foot x 40 foot gangway, connecting to a 10 foot x 20 foot float with an overall structure length seaward of highest observable tide line of 140 feet, providing one slip on 132 feet of frontage on Sagamore Creek, shall be the only structure on the frontage.
6. The height of the pier's decking over the surface of the tidal marsh at normal high tide shall equal the width of the decking. Decking shall have 3/4-inch spacing between the decking planks.
7. The seasonal structures, including but not limited to the gangway and float, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
8. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.

9. 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.
10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Construction of the dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the salt marsh and intertidal zone.
12. Pile driving or pile removal work shall be done during low tide.
13. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
14. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. All work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
16. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
17. Within three days of final grading or temporary suspension of work in an area that is adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

EXPLANATION

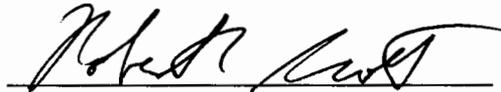
The NHDES Wetlands Bureau approved this project on March 07, 2018. The NHDES supported its decision with the following findings:

1. This is a major impact project per 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).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. There is currently no dock present on the frontage.
3. 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 Env-Wt 302.03. The applicant has reduced the length of the dock from the original submittal by eliminating a 10 foot x 20 foot landing float from the design. The dock is the minimum length necessary to provide full tide access at mean low water at this location, to a water depth which will prevent the float and vessel from sitting on the mud at low tide.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
 - a. The NH Natural Heritage Bureau (NHB) has record of a sensitive species occurring within the project vicinity, but the NHB does not expect impacts to the species by the project.
 - b. With respect to the proposal's impact on navigation, the design has been reviewed by the Pease Development Authority, Division of Ports and Harbors and, per letter dated November 15, 2017, determined that the project would have no negative effect on navigation in the channel.

5. The Portsmouth Conservation Commission (the Commission) recommended denial of the application in a letter to the NHDES dated November 9, 2017. The Commission expressed concerns regarding the lack of adequate information to make a recommendation. Specific concerns were related to the length of the pier, the number of piles, the size and configuration of the floats and impacts in the tidal buffer zone to access the dock.
6. The applicant provided a response to the Commission's concerns in a letter dated November 16, 2017. The applicant demonstrated that the length of the dock is necessary to provide full tide access at mean low water at this location, to a water depth which will prevent the float and vessel from sitting on the mud at low tide. The number of piles proposed is the minimum necessary to support the fixed pier and is the marine construction standard. The applicant has reduced the length of the dock from the original submittal by eliminating a 10 foot x 20 foot landing float from the design. In addition, the applicant has demonstrated that minimal upland tidal buffer zone impact is necessary to provide access to the tidal docking structure.
7. This dock is consistent with other tidal dock facility approvals in the seacoast.
8. The NHDES staff field inspection on February 21, 2018 found that plans accurately reflect field conditions and that the proposed design will not obstruct near-shore navigation.

Application file documents are being forwarded to the Governor and 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 submit this request for your consideration.



Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Land Resources Management
Wetlands Bureau

Check the status of your application: www.des.nh.gov/onestop



		Administrative Fee Only	File No. 2017-03138
			Check No. 8972
			Amount 1,640
			Initials SHK

1. REVIEW AND RESOURCES MANAGEMENT
Indicate your Review Time below. Refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact only)

2. PROJECT LOCATION:
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **212 Walker Bungalow Road** TOWN/CITY: **Portsmouth**

TAX MAP: **223** BLOCK: LOT: **21** UNIT:

USGS TOPO MAP WATERBODY NAME: **Atlantic Ocean** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): **X:1,229,932.39 Y: 203,990.10** Latitude/Longitude UTM 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 proposes 873 sq. ft. of permanent impact to jurisdictional tidal wetland and 47 sq. ft. of permanent impact to the previously developed 100' Tidal Buffer Zone for construction of a docking structure that consists of a 4' x 10' accessway, a 4' x 90' fixed wood pier, a 3' x 40' aluminum gangway, and two (2) 10' x 10' floats (overall structure length 170') arranged in an "L" shape providing two slips on 132 +/- feet of frontage along Sagamore Creek.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **132.73**

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 17 - 2701

b. Designated River the project is in ¼ miles of: _____; and
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___
 NA

LAST NAME, FIRST NAME, M.I.: **Kurowski, Martin F. & Cristina Galli**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: **Portsmouth** STATE: **NH** ZIP CODE: **03801**

EMAIL or FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: _____ STATE: _____ ZIP CODE: _____

EMAIL or FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically

LAST NAME, FIRST NAME, M.I.: **Riker, Steven, D.** COMPANY NAME: **Ambit Engineering, Inc.**

MAILING ADDRESS: **200 Griffin Road, Unit 3**

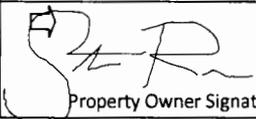
TOWN/CITY: **Portsmouth** STATE: **NH** ZIP CODE: **03801**

EMAIL or FAX: **sdr@ambitengineering.com** PHONE: **603-430-9282**

ELECTRONIC COMMUNICATION: By initialing here **SR**, I hereby authorize NHDES to communicate all matters relative to this application electronically

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.

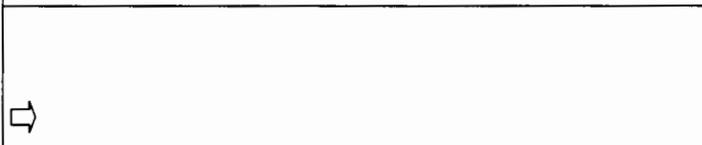
 Property Owner Signature	Agent-See Authorization	Steven D. Riker Print name legibly	10/19 / 2017 Date
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MUNICIPAL SIGNATURES

11. CONSERVATION COMMISSION SIGNATURE

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
3. Has no objection to permitting the proposed work.

	Print name legibly	Date
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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 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.

Kelli L Barnaby
 Town/City Clerk Signature

Kelli L Barnaby
 Print name legibly

Portsmouth
 Town/City

10-19-17
 Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

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:

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 mail or hand delivery.

13. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF

Prime wetland		<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer		<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	47	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond		<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River		<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	873	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	920 /		/

14. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	_____ sq. ft.	X \$0.20 =	\$ _____
Temporary (seasonal) docking structure:	400 sq. ft.	X \$1.00 =	\$ 400.00
Permanent docking structure:	520 sq. ft.	X \$2.00 =	\$ 1,040.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
Total =			\$ 1,640.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ _____



Property Information

Property ID 0223-0021-0000
Location 212 WALKER BUNGALOW RD
Owner YOUNG CARL ANTHONY TRUST OF 2015

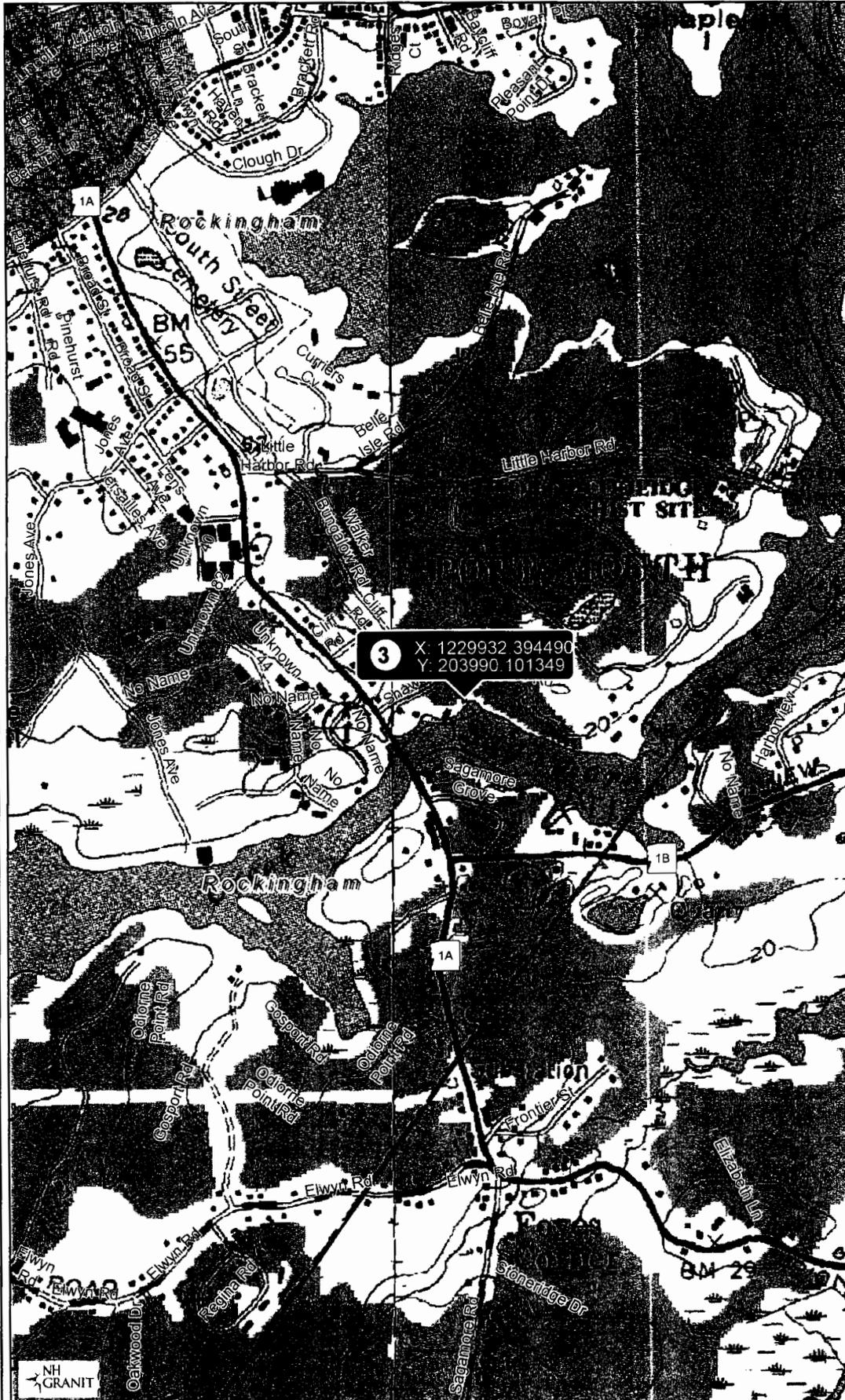


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2016
Properties updated 08/30/2017

Map by NH GRANIT



Legend

- State
- County
- City/Town

3 X: 1229932 394490
Y: 203990 101349

Map Scale

1: 12,988



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Map Generated: 8/30/2017

Notes



Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: John Chagnon, Ambit Engineering Inc
200 Griffin Road
Unit 3
Portsmouth, NH 03801

From: Amy Lamb, NH Natural Heritage Bureau
Date: 9/7/2017 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB17-2701
Description: The project proposes an addition onto the existing structure, a new septic system, and a tidal docking structure.

Town: Portsmouth

Location: Tax Map 223, Lot 21

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

Comments: Please send photos of the shoreline so NHB may determine the potential for marsh to occur on this property. Aerial photos of the property seemed to indicate potential habitat, but photos taken of the property during the growing season are needed to make this determination.

Plant species

Marsh Elder (*Iva frutescens*)

State¹ Federal Notes

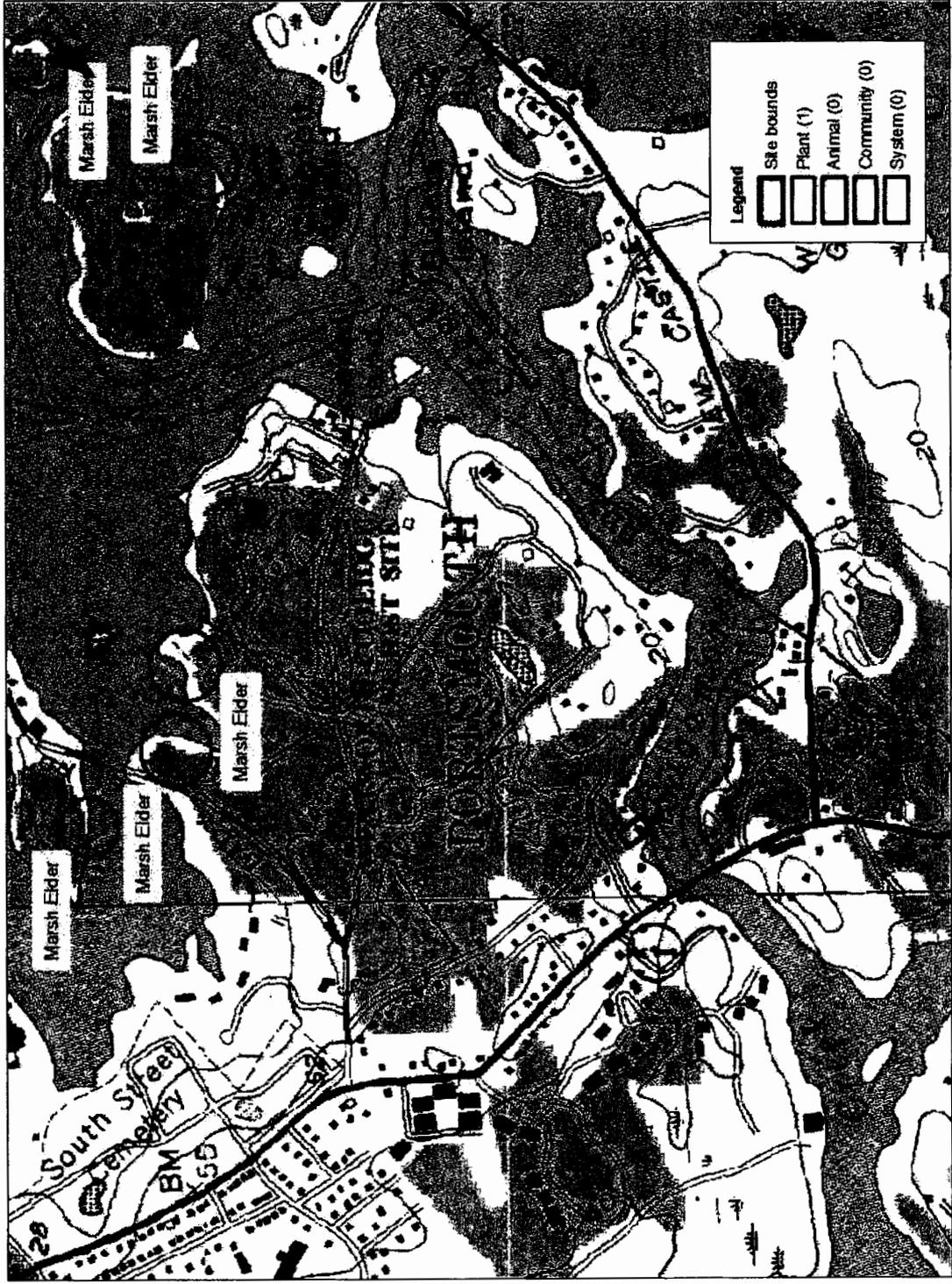
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There are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "-" = an exemplary natural community, or a rare 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.

NHB17-2701



0 0.1 0.2 0.3 0.4 0.5 Miles

ABUTTER'S LIST

JN 2816

Client: Martin & Cristina Kurowski

Project Address: 212 Walker Bungalow Road, Portsmouth, NH.

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
223	20	Lawrence N. Ciotti		[REDACTED]	Madison, CT 06443
223	22	Gregory C. & Sandra M. Desisto	541		New Castle, NH 03854