



The State of New Hampshire

NHDES Department of Environmental Services



Robert R. Scott, Commissioner

August 02, 2017

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

REQUESTED ACTION

Approve The David F. Mahoney Marital QTIP Trust's request to perform the following work on the Piscataqua River, in Portsmouth. File # 2017-00704. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Proposal to install 240 linear feet of rip rap, 2,712 square feet of estuarine shoreline and 550 square feet of previously disturbed upland tidal buffer zone, along the shoreline of the Piscataqua River, to stabilize erosion and protect an existing commercial salt operation.

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

1. All work shall be in accordance with plans by Childs Engineering Corporation and Stable Growth Environmental dated June 2017, as received by the NH Department of Environmental Services (NHDES) on July 17, 2017.
2. Any further alteration of areas on this property that are within the jurisdiction of the NHDES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit does not allow dredging for any purpose.
4. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
5. 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.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

www.dés.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

10. Within three days of final grading or temporary suspension of work, 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.
11. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008) and shall be done to prevent any water quality degradation.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
16. The applicant shall consider developing a long-term site maintenance plan for managing non-salt sediment, debris and runoff, according to best management practices.

EXPLANATION

The NHDES Wetlands Bureau approved this project on July 24, 2017. 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 tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per administrative rule Env-Wt 302.01. The shoreline is unstable and actively eroding. The applicant has demonstrated the need to stabilize the area to minimize further loss of the shoreline.
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 administrative rule Env-Wt 302.03. The rip rap will be installed over the existing erosion area and match the grade of the outshore slope without extending out further than necessary to withstand the tidal power of the Piscataqua River.
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.
5. NH Natural Heritage Bureau (NHB) has record of sensitive species within the project area, but NHB does not expect impacts to the species by the project.
6. Compensatory mitigation is not required for this project, pursuant to administrative rule Env-Wt 303.03(c)(2)c., as the project involves only riprap or other bank stabilization to protect existing infrastructure.
7. The Portsmouth Conservation Commission unanimously recommended approval of the project. In addition, they recommend that the applicant develop a long-term site maintenance plan for managing non-salt sediment, debris and runoff, according to best management practices.

8. The NHDES has permitted this project with the condition that the project be carried out in a manner, using the recognized BMP's, to ensure protection of water quality and water quality standards.
9. The NHDES conducted a field inspection of the project site on July 19, 2017, and found that the site conditions are accurately represented in the file, with the exception that the erosion is more severe than the photos can reflect.
10. In accordance with RSA 428-A:8, the NHDES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the tidal resource, as identified under RSA 482-A:1.

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



RSA/Rule: RSA 482-A/ Env-Wt 100-900

WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

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



		File No: 2017-00704
		Check No: 017736
		Permit No: 654-80
		Initials: MA

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: **227 Market Street** TOWN/CITY: **Portsmouth**

TAX MAP: **119** BLOCK: LOT: **006** UNIT:

USGS TOPO MAP WATERBODY NAME: **Piscataqua River** NA STREAM WATERSHED SIZE: **1,495 sq. miles** NA

LOCATION COORDINATES (if known): **43.0797, -70.7585** 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.

Stabilization of approximately 240 linear feet of shoreline bank, which has been steadily eroding into the Piscataqua River over many years, to prevent the continued erosion of the existing slope. A stone riprap slope will be installed over the existing erosion area using high density stones, which are durable and will require minimal maintenance. The new stone riprap slope will be constructed to match the grade of the outshore slope.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **635 feet**

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.

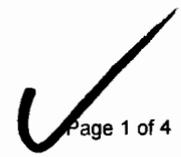
None

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 - 0567

b. Designated River the project is in 1/4 miles of: _____; and
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

NA



7. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **Creighton, William J.**TRUST / COMPANY NAME: **Granite State Minerals, Inc.**MAILING ADDRESS: **227 Market Street**TOWN/CITY: **Portsmouth**STATE: **NH**ZIP CODE: **03801**

EMAIL or FAX:

PHONE: **603-436-8505**

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

8. PROPERTY/OWNER INFORMATION (If different than applicant)LAST NAME, FIRST NAME, M.I.: **Mahoney, Jaqueline - Trustee**TRUST / COMPANY NAME: **The David F. Mahoney Marital QTIP Trust**

MAILING ADDRESS: _____

TOWN/CITY: **Concord**STATE: **NH**ZIP CODE: **03301**

EMAIL or FAX: _____

PHONE: _____

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

9. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **Parsont, Michael L.**COMPANY NAME: **Stable Growth Environmental LLC**MAILING ADDRESS: **P.O. Box 276**TOWN/CITY: **Barrington**STATE: **NH**ZIP CODE: **03825**EMAIL or FAX: **mparsont@stablegrowth.net**PHONE: **603-767-8633**ELECTRONIC COMMUNICATION: By initialing here **MLP**, I hereby authorize NHDES to communicate all matters relative to this application electronically**10. PROPERTY OWNER SIGNATURE**

See the Instructions & Required Attachments document for clarification of the below statements

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.

**See Attached Signature****William J. Creighton
Granite State Minerals, Inc.****03 / 13 / 2017**

Property Owner Signature

Date

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.

	Print name legibly	Town/City	Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

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.	ATF	TEMPORARY Sq. Ft. / Lin. Ft.	ATF
Forested wetland		<input type="checkbox"/>		<input type="checkbox"/>
Scrub-shrub wetland		<input type="checkbox"/>		<input type="checkbox"/>
Emergent wetland		<input type="checkbox"/>		<input type="checkbox"/>
Wet meadow		<input type="checkbox"/>		<input type="checkbox"/>
Intermittent stream		<input type="checkbox"/>		<input type="checkbox"/>
Perennial Stream / River	2,710 / 240	<input type="checkbox"/>	/	<input type="checkbox"/>
Lake / Pond	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Intermittent stream	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Perennial stream / River	564 / 240	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Lake / Pond	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Tidal water	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Salt marsh		<input type="checkbox"/>		<input type="checkbox"/>
Sand dune		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland buffer		<input type="checkbox"/>		<input type="checkbox"/>
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/>		<input type="checkbox"/>
Previously-developed upland in TBZ	1483	<input type="checkbox"/>		<input type="checkbox"/>
Docking - Lake / Pond		<input type="checkbox"/>		<input type="checkbox"/>
Docking - River		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Tidal Water		<input type="checkbox"/>		<input type="checkbox"/>
TOTAL	3,274 / 240		/	

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) 3,274 sq. ft. X \$0.20 = \$ 654.80

Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$

Permanent docking structure: _____ sq. ft. X \$2.00 = \$

Projects proposing shoreline structures (including docks) add \$200 = \$

Total = \$ 654.80

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 654.80

PROPERTY OWNER CONSENT

March 1, 2017

William J. Creighton
Granite State Minerals Inc.
227 Market Street
Portsmouth, New Hampshire 03801

Re: Consent for Wetlands Application for
227 Market Street, Portsmouth, N.H.

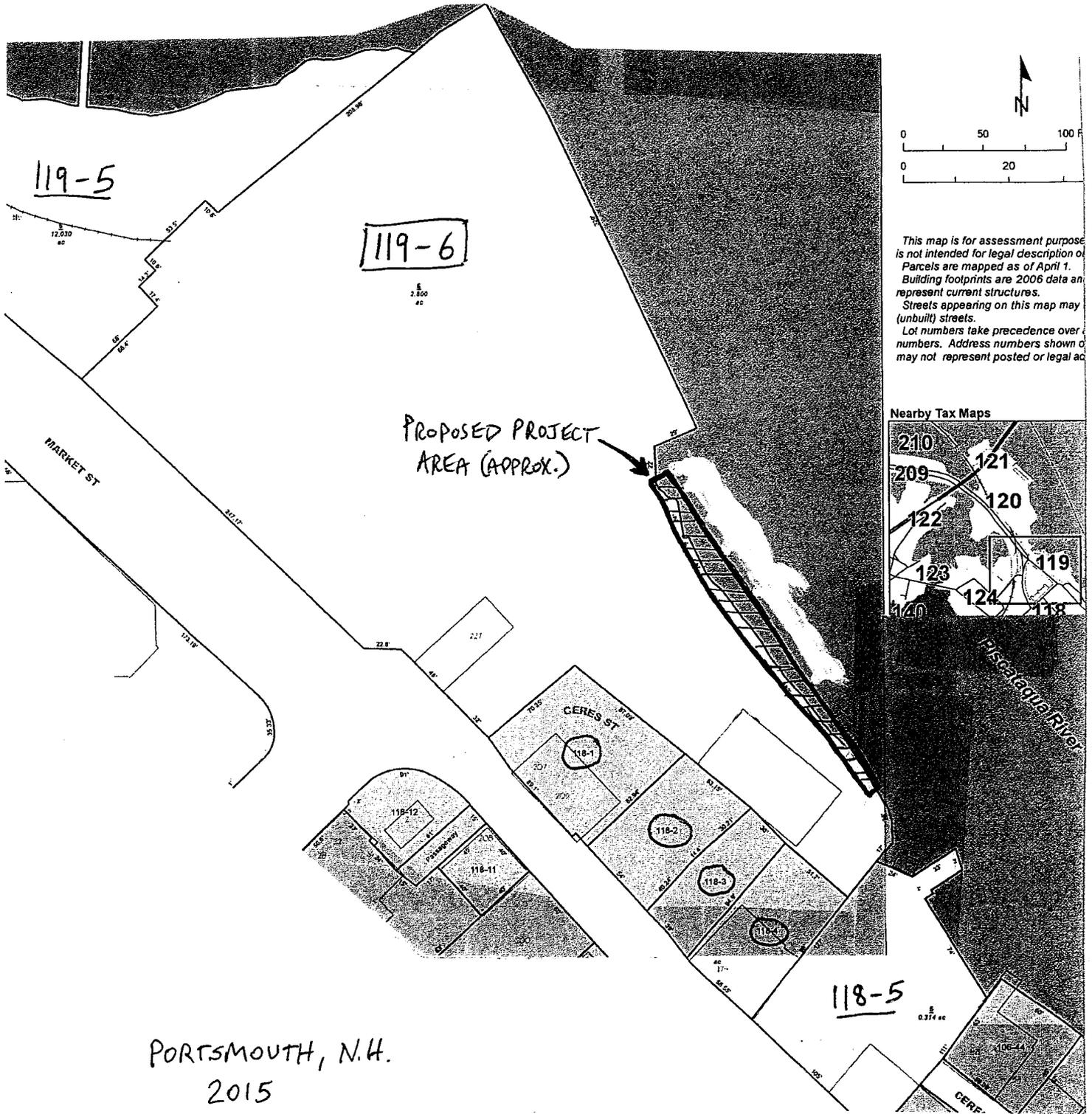
Dear Mr. Creighton:

On behalf of The David F. Mahoney Marital QTIP Trust, I hereby give consent to Granite State Minerals Inc., the TENANT at the 227 Market Street, Portsmouth property, to proceed with the permitting and approval process for the Wetlands Application, dated 03-13-17, to be submitted to the New Hampshire Department of Environmental Services for the purpose of maintaining and stabilizing the shoreline at the 227 Market Street, Portsmouth, New Hampshire property.


Jacqueline Mahoney, Trustee for
The David F. Mahoney Marital QTIP Trust
PROPERTY OWNER

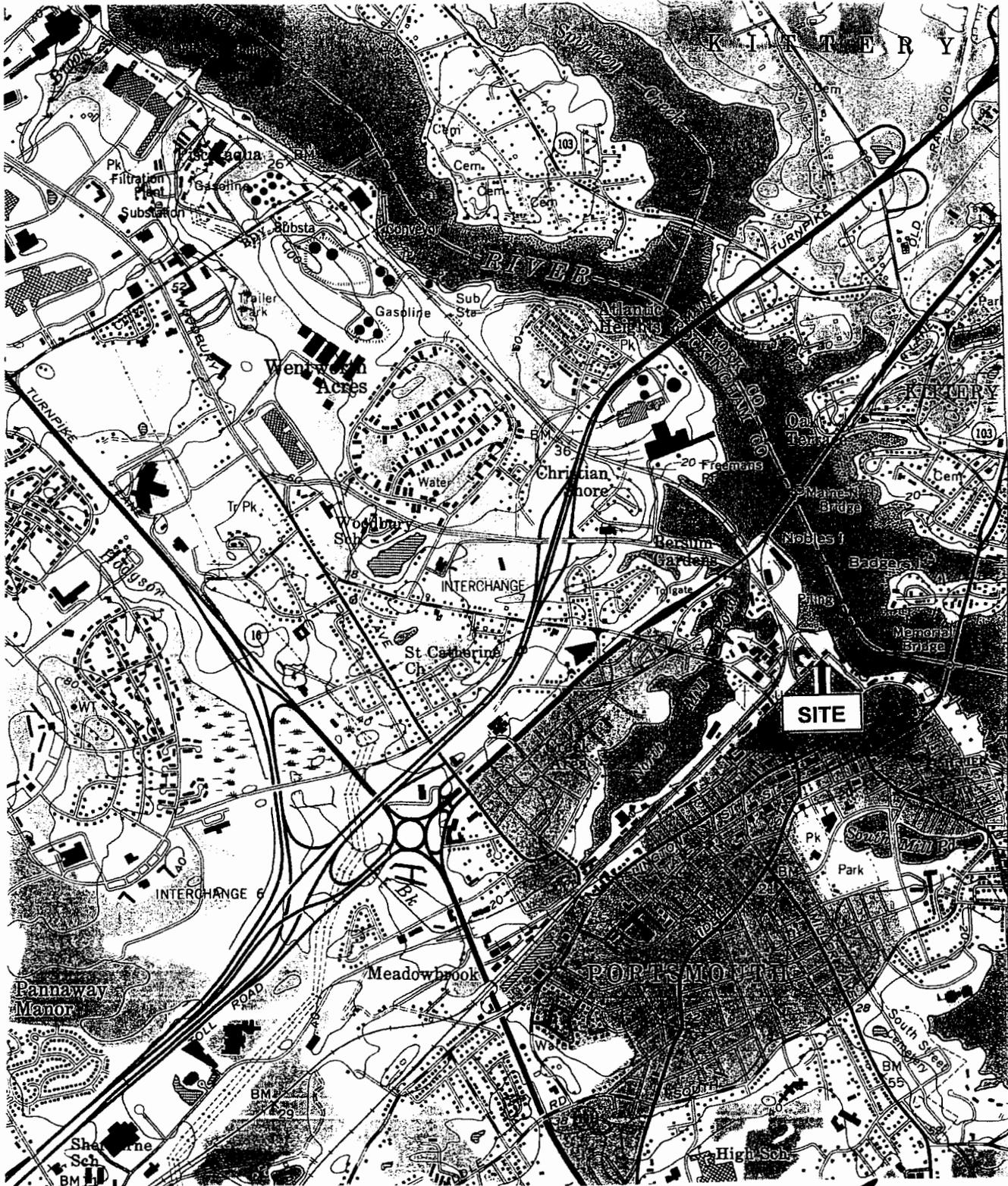
2-23-2017
Date

Granite State Minerals
227 Market Street – Tax Map 119, Lot 6
Portsmouth, New Hampshire



PORTSMOUTH, N.H.
2015
TAX MAP 119

Granite State Minerals
227 Market Street – Tax Map 119, Lot 6
Portsmouth, New Hampshire



Stable Growth Environmental LLC

S15
157



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Michael Parsont, Stable Growth Environmental LLC
P.O. Box 276
Barrington, NH 03825

From: NH Natural Heritage Bureau

Date: 2/28/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 2/23/2017

NHB File ID: NHB17-0567

Applicant: Granite State Minerals, Inc.

Location: Portsmouth
Tax Maps: 119 & 6

Project Description: Shoreline stabilization; a stone riprap slope shall be installed over an existing erosion area.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

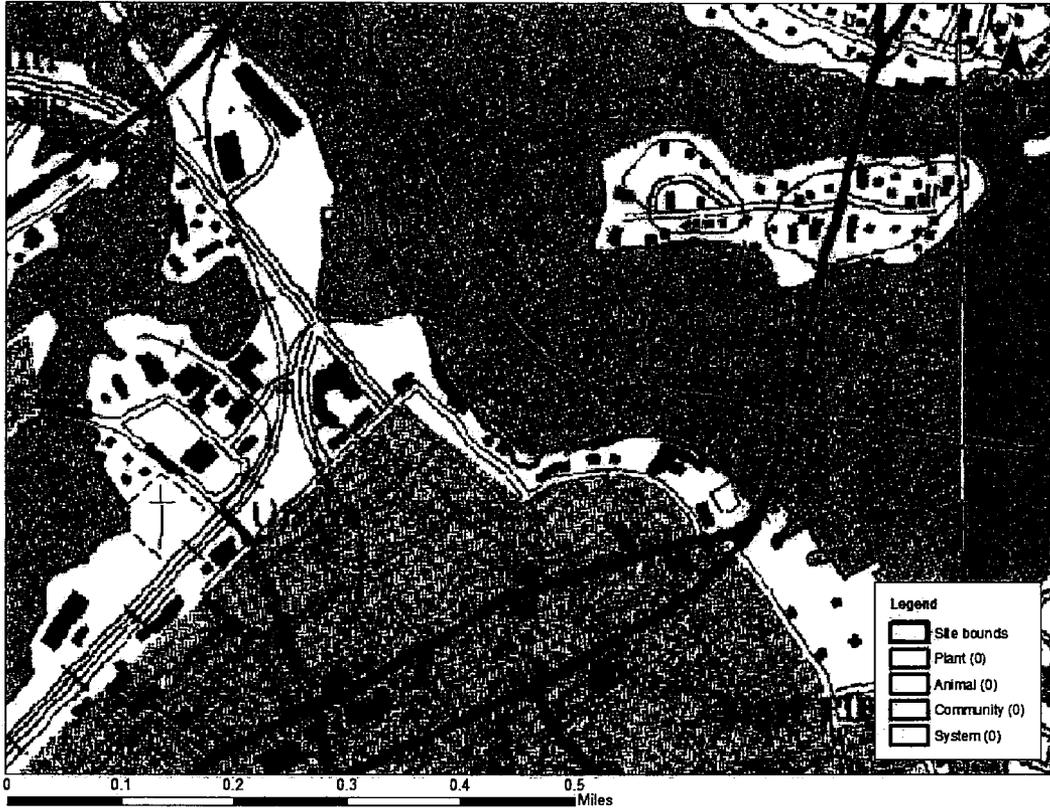
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 2/23/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-0567

NHB17-0567



Granite State Minerals
227 Market Street – Tax Map 119, Lot 6
Portsmouth, New Hampshire

ABUTTERS:

Tax Map 119, Lot 5
NH State Port Authority
P.O. Box 506
Portsmouth, NH 03802

Tax Map 118, Lots 1 & 2
Betty Belcher & Seth Morton
Associates, LLC
3 October Drive
Greenland, NH 03840

Tax Map 118, Lots 3 & 4
Eport Properties 1 LLC
173 Market Street
Portsmouth, NH 03801

Tax Map 118, Lot 5
National Society of Colonial Dames
c/o Ray Guerin
55 Ceres Street
Portsmouth, NH 03801

OWNER:

Tax Map 119, Lot 6
David F. Mahoney Marital QTIP Trust
c/o Jaqueline Mahoney, Trustee
[REDACTED]
Portsmouth, NH 03801

CONSULTANTS:

Engineer/Surveyor
Childs Engineering Corporation
34 William Way
Bellingham, MA 02019

Environmental
Michael L. Parsont, CWS, CPESC
Stable Growth Environmental LLC
P.O. Box 276
Barrington, NH 03825