



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

December 16, 2016

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

**REQUESTED ACTION**

Approve John and Diane Connors's request to perform the following work on Sagamore Creek, in Portsmouth. File # 2016-01232. This project will not have significant impact on or adversely affect the values of Sagamore Creek.

Replace a deteriorated existing non-conforming grand-fathered tidal dock with a conforming structure consisting of a 4 ft. wide x 114 ft. long permanent pier, with an attached 3 ft. wide x 40 ft. long gangway leading to a 6 ft. x 16 ft. landing float connected to a 10 ft. x 40 ft. seasonal float in a "T"-configuration, overall structure length 170 ft., providing two slips on 130 ft. of frontage.

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

1. All work shall be in accordance with revised plans by Riverside and Pickering Marine dated October 29, 2016, as received by the NH Department of Environmental Services (DES) on October 31, 2016.
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 DES Wetlands Bureau prior to the commencement of construction.
3. Not less than five state business days prior to starting work authorized by this permit, the permittee shall notify the DES Wetlands Bureau Pease District office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. Construction of this replacement tidal docking structure, consisting of a 4 ft. wide x 114 ft. long permanent pier, with an attached 3 ft. wide x 40 ft. long gangway leading to a 6 ft. x 16 ft. landing float connected to a 10 ft. x 40 ft. float in a "T"-configuration, overall structure length 170 ft., providing two slips on 130 ft. of frontage on Sagamore Creek, shall be the only dock structure on this water frontage, and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. 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.
6. The seasonal structures, including but not limited to the gangway and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
7. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
8. 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.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

9. 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.
10. 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.
11. Pile driving or pile removal work shall be done during low tide.
12. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
13. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. All work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
15. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
16. 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 DES Wetlands Bureau approved this project on November 16, 2016. DES 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. The proposal replaces an existing, deteriorated and non-conforming tidal docking with a new, conforming structure.
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 is replacing a deteriorated, non-conforming structure with a less-impacting, conforming structure, which reduces vegetative coverage and mudflat impacts within the tidal resource, while improving the access to the water for the applicant. The proposal reduces total structural coverage over public submerged lands from 1,299 sq. ft. to 1,072 sq. ft., a net reduction of 227 sq. ft.
4. The applicant has demonstrated that this tidal dock replacement is in accordance with Env-Wt 402.21 regarding modification of existing structures. Env-Wt 402.21 states that DES shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and DES finds, that the modification is less environmentally impacting, or provides for fewer boat slips and less construction surface area over public submerged lands, than the current configuration. The applicant has demonstrated that the replacement design results in an overall reduction in surface area over public submerged lands of 227 sq. ft.; is less environmentally impacting by 1) reducing structure coverage over salt marsh vegetation, and 2) by relocating the floats into a depth of water sufficient such that the floats will no longer bottom out at mean low tide; and will maintain the same number of boat slips as previously held.

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5. 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. NH Natural Heritage Bureau ("NHB") has record of sensitive species within the vicinity of the project, but NHB does not expect impacts to the species. With respect to the proposal's impact on navigation, the entire structure is located greater than 20 ft. off the abutting property lines or the imaginary extensions waterward. The design has been reviewed by the Pease Development Authority, Division of Ports and Harbors, who, per letter dated June 6, 2016, determined that the project would have no negative effect on navigation in the channel.
6. The Portsmouth Conservation Commission intervened on the application, but did not report further.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on September 12, 2016 found that plans accurately reflect field conditions.

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.



Thomas S. Burack  
Commissioner

TSB/CGA/IsI



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management

Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



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

	<p><b>COMPLETE</b> Administrative MAY 05 2016</p>	<p>Administrative Use Only</p>	File No.: 2016-01232
			Check No.: 9087
			Amount: \$ 200.00
			Initials: DB

**1. REVIEW TIME:**  
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: **24 Shaw Road**      TOWN/CITY: **Portsmouth**

TAX MAP: **223**      BLOCK:      LOT: **23**      UNIT:

USGS TOPO MAP WATERBODY NAME: **Sagamore Creek**       NA      STREAM WATERSHED SIZE:       NA

LOCATION COORDINATES (If known): **n 43.05584 e -70.74941**       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.

**Reduce permanent pier, perm gangway and float (1,299.42 sf) to a 4'x114' permanent piling pier (456 sf), seasonal 3'x40' gangway (120 sf), 6'x15' landing float (90 sf) and 10'x40' main float (400 sf). Pier is in need of repair and at this time the owners would like to modify the facility to provide better access at low tide. Currently at low tide the gangway is extremely steep and difficult to traverse. The proposal will reduce permanent impacts to the resource.**

**4. SHORELINE FRONTAGE**

NA This lot has no shoreline frontage.      SHORELINE FRONTAGE: **130.75'**

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** - **1252**

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

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147  
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095  
[www.des.nh.gov](http://www.des.nh.gov)

<b>7. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: <b>John &amp; Diane Connors</b>			
TRUST / COMPANY NAME:		MAILING ADDRESS: <b>24 Shaw Road</b>	
TOWN/CITY: <b>Portsmouth</b>		STATE: <b>NH</b>	ZIP CODE: <b>03801</b>
EMAIL or FAX: <b>*See agent info</b>		PHONE: <b>*See agent info</b>	
ELECTRONIC COMMUNICATION: By initialing here: <b>JC</b> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>8. PROPERTY OWNER INFORMATION (if different than applicant)</b>			
LAST NAME, FIRST NAME, M.I.: <b>Same as above</b>			
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			
<b>9. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>Taylor, Zachary</b>		COMPANY NAME: <b>Riverside and Pickering Marine</b>	
MAILING ADDRESS: <b>195 West Road</b>			
TOWN/CITY: <b>Portsmouth</b>		STATE: <b>NH</b>	ZIP CODE: <b>03801</b>
EMAIL or FAX: <b>zach@riversideandpickering.com</b>		PHONE: <b>603-427-2824</b>	
ELECTRONIC COMMUNICATION: By initialing here <b>zt</b> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>10. PROPERTY OWNER SIGNATURE:</b>			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> <li>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.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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.</li> <li>I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) 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.</li> <li>I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>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.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not</li> </ol>			
<input type="checkbox"/> Property Owner: 		<b>Zachary Taylor -Dir of Operations Riverside and Pickering Marine</b>	
		<b>5 / 1 / 2016</b> Date	

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147  
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095  
[www.des.nh.gov](http://www.des.nh.gov)

## 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.

<input type="checkbox"/>	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.

<input type="checkbox"/>	Kelli L. Barnaby	Portsmouth	5-3-16
Town/City Clerk Signature	Print name legibly	Town/City	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.	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	/	<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	/	<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		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Lake / Pond		<input type="checkbox"/>		<input type="checkbox"/>
Docking - River	-843.42	<input type="checkbox"/>	+520	<input type="checkbox"/>
Docking - Tidal Water		<input type="checkbox"/>		<input type="checkbox"/>
<b>TOTAL</b>	<b>-843.42 /</b>		<b>+610 /</b>	

**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 = \$ \_\_\_\_\_

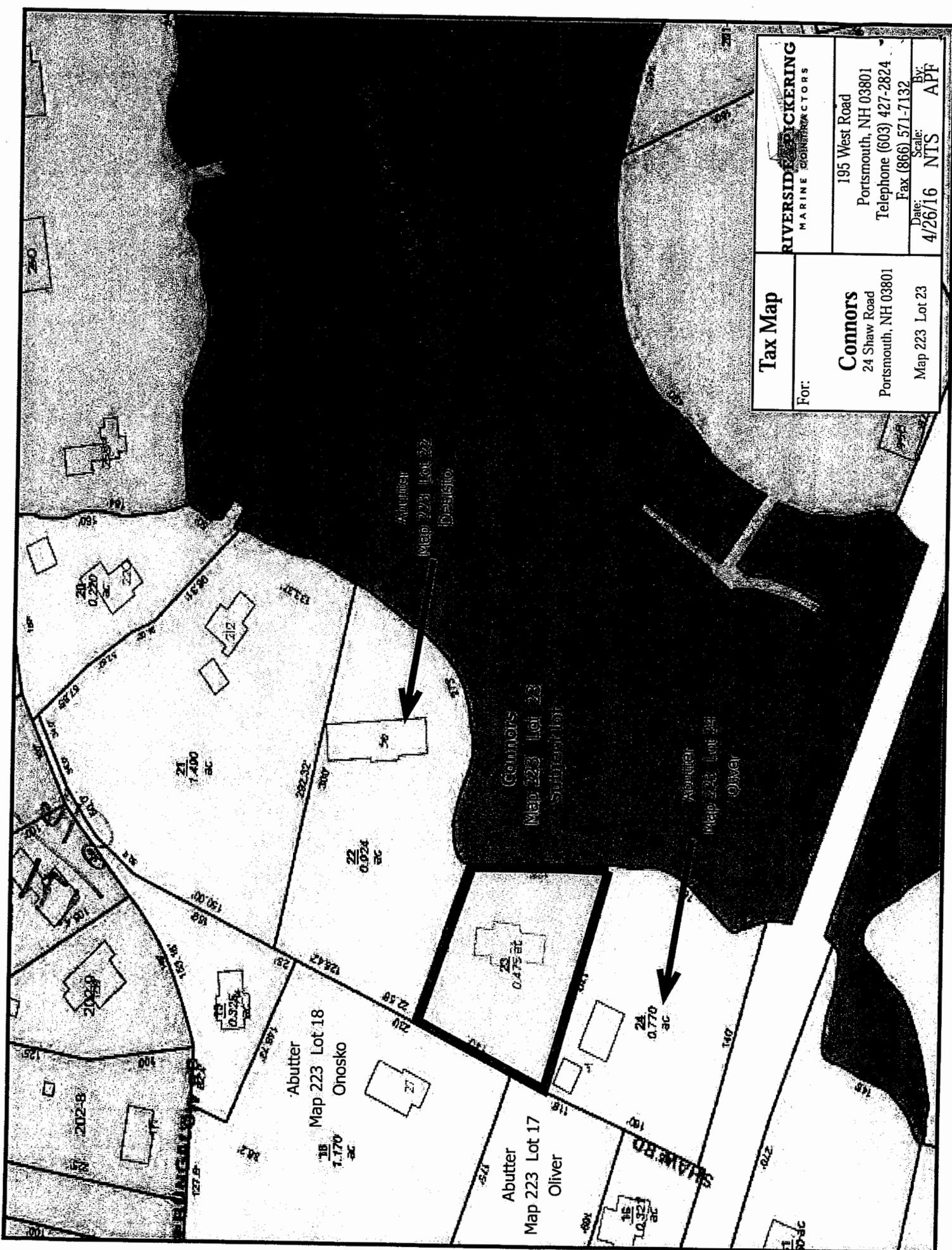
Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \$ \_\_\_\_\_

Permanent docking structure: - 233.42 sq. ft. X \$2.00 = \$ \_\_\_\_\_

Projects proposing shoreline structures (including docks) add \$200 = **\$ 200.00**

Total = **\$ 200.00**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 200.00**



<b>Tax Map</b>	<b>RIVERSIDE PICKERING</b> MARINE CONTRACTORS
	195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132
For:	<b>Connors</b> 24 Shaw Road Portsmouth, NH 03801 Map 223 Lot 23
Date:	4/26/16
Scale:	NTS
By:	APF

(DOVER EAST)

070° 46' 18.51" W  
043° 04' 44.00" N

(YORK HARBOR)

070° 43' 34.83" W  
043° 04' 44.00" N



(Unavailable)

516  
171

043° 01' 58.43" N  
070° 46' 18.51" W

(EXETER)

Produced by MyTopo Terrain Navigator  
Topography based on USGS 1:24,000  
Maps

North American 1983 Datum (NAD83)  
Lambert Conformal Conic Projection

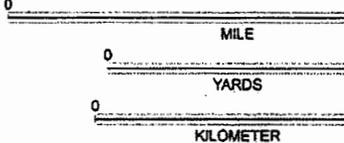
To place on the predicted North American  
1927 move the projection lines 10M N and  
41M E

Declination



GN 1.19° W  
MN 15.44° W

(EXETER)  
SCALE 1:24000



CONTOUR INTERVAL 20 FEET  
NATIONAL GEODETIC VERTICAL DATUM

Site Map

For:

**Connors**  
24 Shaw Road  
Portsmouth, NH 03801

Map 223 Lot 23

**RIVERSIDE PICKERING**  
MARINE CONTRACTORS

195 West Road  
Portsmouth, NH 03801  
Telephone (603) 427-2824  
Fax (866) 571-7132

Date: 4/26/16  
Scale: NTS  
By: APF



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** Allen Folsom, Advantage NH Lakes  
P.O. Box 862

Wolfeboro Falls, NH 03896

**From:** NH Natural Heritage Bureau

**Date:** 4/29/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 4/25/2016

**NHB File ID:** NHB16-1252

**Applicant:** Allen Folsom

**Location:** Portsmouth  
Tax Maps: 223-23

**Project**

**Description:** Reduce permanent pier impacts and reconfigure gangway and float for their frontage on the Sagamore Creek

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.

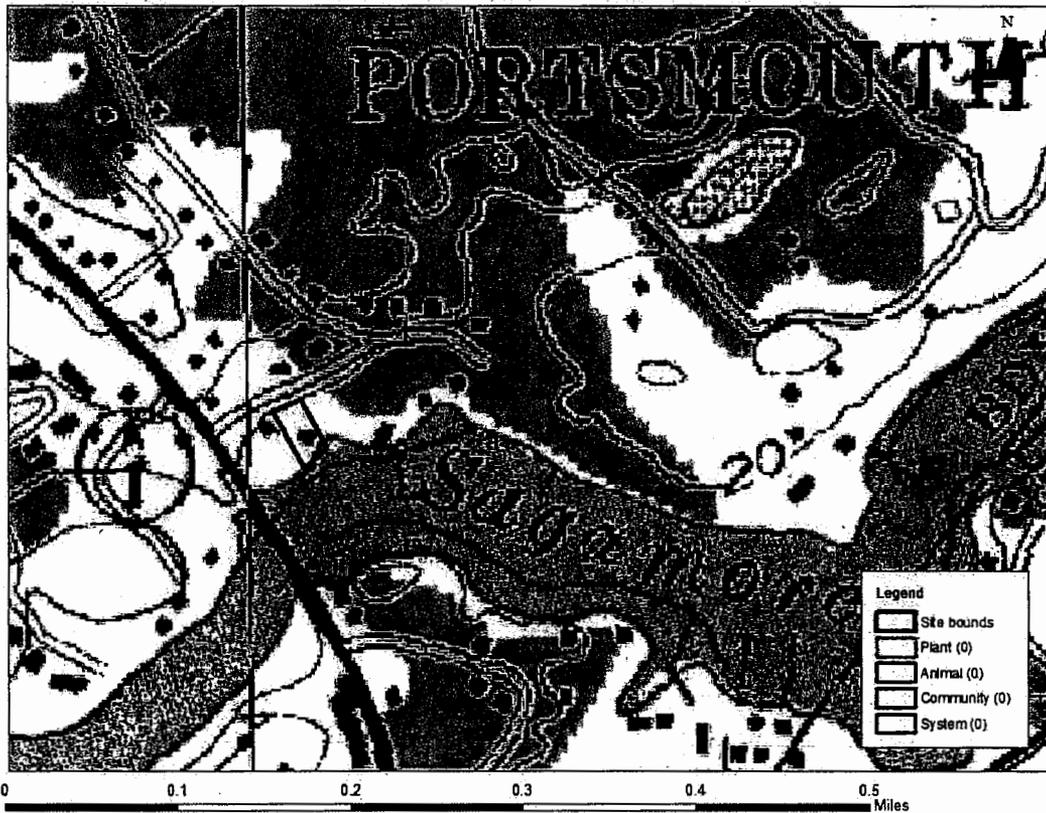
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 4/25/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-1252

NHB16-1252



# RIVERSIDE & PICKERING

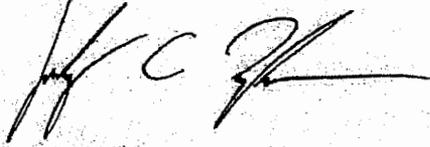
MARINE CONTRACTORS

## 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):** John & Diane Connors

**Location of proposed project:** 24 Shaw Road, Portsmouth, NH Map 223, Lot 23

**Brief description of work:** Application to reduce a permanent pier and modify the existing gangway and float

### ABUTTERS LIST

TM# 223 Lot 18  
Joseph Onosko  
Jane C Zill  
[REDACTED]

Portsmouth, NH 03801

TM# 223 Lot 17  
Russell & Maureen Foster  
[REDACTED]  
Portsmouth, NH 03801

TM# 223 Lot 22  
Gragory & Sandra DeSisto  
[REDACTED]  
New Castle, NH 03854

TM# 223 Lot 24  
James Oliver  
[REDACTED]  
Portsmouth, NH 03801

### CERTIFIED MAIL #

7015 0640 0001 6280 1883

~~7015 0640 0001 6280 1883~~

7015 0640 0001 6280 1890

~~7015 0640 0001 6280 1890~~

7015 0640 0001 6280 1906

~~7015 0640 0001 6280 1906~~

7015 0640 0001 6280 1913

~~7015 0640 0001 6280 1913~~

**Docks \* Piers \* Pile Driving \* Seawalls \* Residential \* Commercial \* Marine Towing**  
**Office: 603-427-2824 Fax: 866-571-7132**  
**195 West Road, Portsmouth, NH 03801**  
**[www.RiversideandPickering.com](http://www.RiversideandPickering.com)**  
A division of Riverside Marine Construction Inc.