NHDES

The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 30, 2014

His Excellency, Governor Margaret Wood Hassan and The Honorable Council State House Concord, NH 03301

REQUESTED ACTION

Approve Jeffrey/Nellann Hiatt's request to perform the following work on Little Bay, in Newington. File # 2014-00685. This project will not have significant impact on or adversely affect the values of Little Bay. An amendment request received on July 18, 2014, requested that gabion baskets filled with shot rock and rip rap be substituted for the boulders and rip rap.

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

- 1. **AMENDED**: All work shall be in accordance with revised plans by Berry Surveying & Engineering dated July 15, 2014, as received by the NH Department of Environmental Services (DES) on July 24, 2014.
- 2. The contractor performing the work shall use a rubber tracked excavator and utilize mats to buffer the substrate from the equipment within the temporary impact area.
- 3. There shall be no impact to the Spartina Alterniflora along the shoreline of the property. This area shall be protected from impact during construction.
- 4. A siltation/turbidity barrier shall be installed throughout the duration of construction to protect from the occurrence of sedimentation during tidal cycles.
- 5. All temporary work areas shall be restored to original condition following completion of construction
- 6. Coastal staff shall be notified in writing prior to commencement of work and upon its completion. Notification may be via e-mail to David Price at David.Price@des.nh.gov.
- 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.
- 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 construction.
- 9. 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.
- 10. Within three days of final grading or temporary suspension of work in an area that is in or 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.
- 11. Work below highest observable tideline shall be done during low tide.
- 12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

		·
		·
		·

His Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 2

- 15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 17. All refueling of equipment shall occur outside of surface waters or wetlands.
- 18. All work shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.

EXPLANATION

The DES Wetlands Bureau approved this project on September 29, 2014. DES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has provided evidence that the bank is severely eroded and needs stabilization.
- 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 Wt 302.03. The applicant has designed the slope stabilization project with a combination of bioengineering planted with native species and a minimal amount of stone placed at the toe of the slope.
- 4. The applicant has demonstrated by plan and example that each factor listed in 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 from the project.
- 5. The applicant has addressed Env-Wt 801.03 regarding mitigation by proposing to plant native non-invasive species within the waterfront buffer.
- 6. The Newington Conservation Commission did not submit comments on this application.
- 7. In accordance with RSA 482-A:8, DES 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 estuarine 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.

Thomas S. Burack Commissioner

TSB/CGA/emk



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road Barrington, NH 03825 Phone: (603) 332-2863

Fax: (603) 335-4623 www.BerrySurveying.Com

July 18, 2014

Mr. David Price NH Department of Environmental Services Land Resources Management Wetlands Bureau 29 Hazen Drive, PO Box 95 Concord, NH 03302-0095

RE: Dredge & Fill Permit, Jeffrey & Nellann Hiatt, Newington, NH

Wetlands Permit Application

Request for Amendment of Application

Dear Mr. Price:

Thank you for your call this week following up my e-mail of July 11, 2014. In the interim we have received the Review and Approval Notice from the Wetland Bureau Administrator.

The following is a restatement from the e-mail, in part.

I have been working with multiple contractors on trying to obtain bids for the plans as submitted to the bureau. The original contractor that we were talking to, who owns boulders in a sand & gravel pit and who gave the Hiatt's an estimate prior to the full design, has decided not to bid the project.

The boulders are proving to be a problem, from both a cost and handling standpoint. As stated in our last communication, the boulders if perfectly round are over 5 tons and if perfectly square upwards to 11 tons. The boulders have been the reason that several firms opted not to bid the proposal. The location of the project, access to the work, and movement of the materials seem to be the biggest obstacles.

It has been suggested by two contractors in the last week that Gabion baskets filled with shot rock and rip rap would be far more economical and present far fewer logistical problems. The initial concept for the replacement of the boulders would be a gabion wall, two tiers high similar to the NRCS diagram and middle picture in the Maccaferri brochure. This wall would be six feet tall and when toed into the surface be the equivalent height of the original proposal. The gabion wall will vegetate over time. The rectangular nature of the gabion baskets that are tied together would provide a more

solid wall with less opportunity for migration of the smaller in-fill rocks. Due to the saltwater contact, the gabion baskets would need to be stainless steel.

Plan Set Revisions:

We have revised the plan set, plan views and construction details, to reflect the requested Amendment to the Application using the Gabion Baskets. The areas of impact will remain the same as those reflected in my letter of June 10, 2014 and as reflected in the Review and Approval Notice.

If you have any questions or comments, please feel free to call or write.

Best regards,

BERRY SURVEYING & ENGINEERING

Kenneth A. Berry, PE, LLS, JP CPESC, NH Septic Designer

Principal: VP - Technical Operations

KBerry@BerrySurveying.Com

Cell: (603) 978-0358





THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 Phone: (603) 271-2147 Fax: (603) 271-6588 http://des.nh.gov/organization/divisions/water/wetlands



PERMIT APPLICATION

E CELLY	60.45				F.102	014-001	28s
Administrative	Adm	LEIE I	Adm	inistrative	une L	1330	Φ
MAR 2 0 2014	MAR 2 (0-2014		Use Only	·mA	111/8 June	.00
NHDES LAND RESOURCES MANAGE	MENT					els CMB	
1. REVIEW TIME: Indicate your Review Time b	below. Refer to Guidan	nce Document A for ins	structions.				
⊠ Standard Review	/ (Minimum, Minor or M	flajor Impact)		☐ Expedited	d Review (I	Minimum Impact)	
2. PROJECT LOCATION: Separate applications must I	be filed with each mun	nicipality that jurisdictio	nal impacts v	rill occur in.			
ADDRESS: 80 Little Bay R	≀oad				TOWN/CIT	Y: Newington	
TAX MAP: 15	BLOCK:		LOT: 1			UNIT:	
USGS TOPO MAP WATERBOD	DY NAME: Little Bay		□ NA	STREAM WAT	TERSHED S	SIZE:	□ NA
LOCATION COORDINATES (If	known): N 222051 / E	≣ 1201398		<u> </u>		☐ Latitude/Longitu	ude 🗌 UTM
3. PROJECT DESCRIPTION Provide a brief description of of your project. DO NOT rep	f the project outlining th	he scope of work. Atta	ach additiona ow.	speets as n	eeded to p	rovide a detailed	explanation
The existing bank adjace to remove trees that are slope will be armored wi with rolled turf reinforce due to grading and stabithree-feet in elevation, w boulders which will weig	currently underming th native rounded ement and native stabilization is 3,975 sq vill be 1,762 square	ined or in danger a boulders, reinforce hrubs that are both quare feet and temp e feet. The tempora	nd to grade ed with rip drought a porary impa ary impact i	the slope rap, and the sun tole to the tole the tole the tole the tole to the tole the tole to the tole tole to the tole tole to the tole tole tole the tole tole tole tole tole tole tole tol	to a 1 to e balance erant. The he Norma	1 slope. The b e of the slope s e impact on the al High Water N	ase of the stabilized e slope Mark,
4. RELATED PERMITS, EN	FORCEMENT, EMER	GENCY AUTHORIZA	TION, SHOR	ELAND, AL	TERÁTION	OF TERRAIN, E	TC
Not Applicable							
5. NATURAL HERITAGE BU See the Instructions & Requir			complete a	& b below.			
a. Natural Heritage Bureau f	File ID: NHB <u>13</u> - <u>3</u>	3231 .					
	project is in ¼ miles of plication was sent to L	of:ocal River Advisory Co	ommittee: Mo	; and nth: Da	ıy: Yea	ar:	

S ARPECARIANISORNATION (Descriperationalistics) 1 - 34-				
LAST NAME, FIRST NAME, M.I.: Hiatt, Jeffrey D & Nellann				
TRUST / COMPANY NAME:	MAILING	ADDRESS:		
TOWNCITY: Newington			STATE: NH	ZIP CODE: 03801
EMAIL or FAX:	PHON	Æ: (2008)		
ELECTRONIC COMMUNICATION: By initialing here: JDH_, I hereby auth	orize DES to	communicate a	ıll matters relative t	to this application electronically
CECCETTO CONTEX MECHANISTE ESTIMATE INTERNAL CONTRACTOR OF	iii.			
LAST NAME, FIRST NAME, M.I.: Hiatt, Jeffrey D & Nellann	A STATE OF S		The second secon	THE PARTY OF THE P
TRUST / COMPANY NAME:	MAILING A	DDRESS:		
TOWN/CITY: Newington	_1		STATE: NH	ZIP CODE: 03801
EMAIL or FAX:		PHONE:		
ELECTRONIC COMMUNICATION: By initialing here I hereby aut	horize DES to	communicate	all matters relative	to this application electronically
CONTRACTOR ASSETT TO THE CONTRACTOR ASSET TO THE				
LAST NAME, FIRST NAME, M.I.: Berry, Kenneth A., PE, LLS	ACCES TO SECTION AND ADDRESS OF THE PARTY OF	COMPANY	AME:Berry Sur	veying & Engineering
MAILING ADDRESS: 335 Second Crown Point Road				
TOWN/CITY: Barrington		-	STATE: NH	ZIP CODE: 03825
EMAIL or FAX: kberry@berrysurveying.com	PHONE: 6	03-332-286	3	
ELECTRONIC COMMUNICATION: By initialing here KAB, I hereby autho	rize DES to c	ommunicate all	matters relative to	this application electronically
	and the first	Western en		
By signing the application, I am certifying that:				
I authorize the applicant and/or agent indicated on this form to upon request, supplemental information in support of this permits.			ocessing of this a	pplication, and to furnish
2. I have reviewed and submitted information & attachments outling	ned in the In	structions an		hment document.
 All abutters have been identified in accordance with RSA 482-4 I have read and provided the required information outlined in E. 				Ye
5. I have read and understand Env-Wt 302.03 and have chosen the	he least imp	acting alterna	itive.	
Any structure that I am proposing to repair/replace was either p grandfathered per Env-Wt 101.47.	reviously pe	mitted by the	e Wetlands Burea	au or would be considered
7. I have submitted a copy of the application materials to the NH S				
 I authorize DES and the municipal conservation commission to I have reviewed the information being submitted and that to the 				nue and accurate.
10. I understand that the willful submission of falsified or misrep	resented in	formation to		
Environmental Services is a criminal act, which may result in 11. I am aware that the work I am proposing may require additional transfer.			al permits which	I am responsible for
 obtaining. The mailing addresses I have provided are up to date and a forward returned mail. 	ppropriate f	or receipt of	DES correspond	dence. DES will not
- Al woll of M Ma NIEL	Hiatt & No	ellann Hiatt	311	12-14
Property Owner Signature Print name le	gibly	. <u> </u>	Date	

MUNICIPAL SIGNATURES

10. CONSE	ERVATION COMMISSION SIGNATURE	
The signature below certifies that the municipal of 1. Waives its right to intervene per RSA 482-A:12. Believes that the application and submitted p. 3. Has no objection to permitting the proposed version of the proposed version in the proposed v	11; lans accurately represent the proposed p	

Print name legibly

DIRECTIONS FOR CONSERVATION COMMISSION

- 1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
- 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.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

Town/City Clerk Signature

Authorized Commission Signature

LANDA C. COLEMAN

Print name legibly

NEWINGTON

ty |

3/19/14

Date

Date

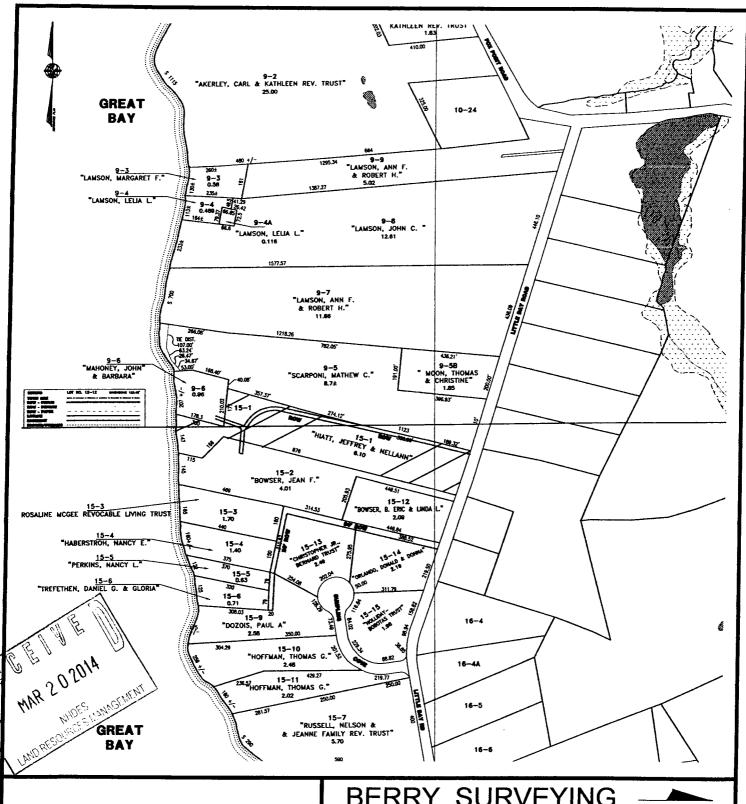
DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1(d):

- 1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
- Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
- 3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,I).
- 4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
- 5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
- 6. 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 in accordance with RSA 482-A:3, I; and
- 7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application, (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. 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. After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF. PERMANENT **TEMPORARY** JURISDICTIONAL AREA Sq. Ft. / Lin. Ft. Sq. Ft. / Lin. Ft. ☐ ATF ☐ ATF Forested wetland ATF ☐ ATF Scrub-shrub wetland ATF ☐ ATF **Emergent wetland** Wet meadow ☐ ATF ☐ ATF ☐ ATF Intermittent stream ☐ ATF / Perennial Stream / River ATF / ☐ ATF Lake / Pond 1 ATF / □ ATF 1 ☐ ATF 1 Bank - Intermittent stream ☐ ATF Bank - Perennial stream / River 1 ☐ ATF 1 ☐ ATF Bank - Lake / Pond 1 ☐ ATF ☐ ATF 1 ☐ ATF 1,762 / 130 Tidal water ☐ ATF ☐ ATF Salt marsh ☐ ATF ☐ ATF Sand dune □ ATF ☐ ATF Prime wetland ☐ ATF Prime wetland buffer ☐ ATF ☐ ATF ☐ ATF Undeveloped Tidal Buffer Zone (TBZ) ☐ ATF ☐ ATF Previously-developed upland in TBZ 3,975 □ ATF Docking - Lake / Pond TATE ☐ ATF ☐ ATF Docking - River ☐ ATF Docking - Tidal Water ☐ ATF ☐ ATF **TOTAL** 3,975/ 1,762 / 130

13. 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		· ·	- IP - FIA - 1
Permanent and Temporary (non-docking) 5737 sq. ft.	X \$0.20 =	\$ 1,147.40	<u> </u>
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 =	\$ 1,147.40	
The Application Fee is the above calculated Total or \$200, whichever	is greater =	\$	• .



TAX MAP
HIATT PROPERTY
80 LITTLE BAY ROAD
NEWINGTON, N.H.
TAX MAP 15, LOT 1

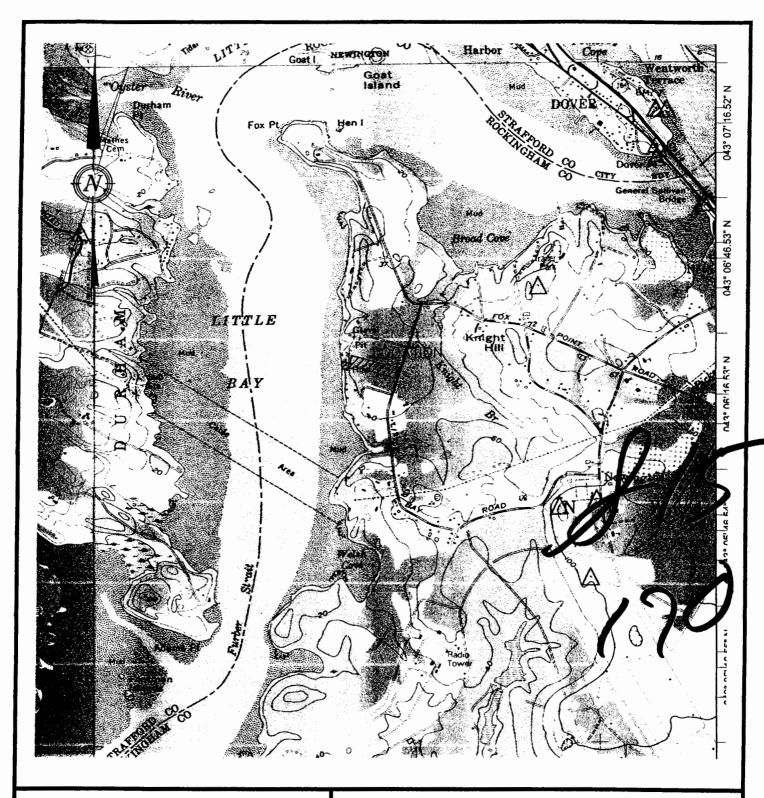
BERRY SURVEYING — & ENGINEERING

335 SECOND CROWN POINT RD. ROCHESTER, N.H. 332-2863

SCALE : 1" = 400'

DATE: NOVEMBER 5, 2013

FILE NO.: DB 2012 - 108



USGS SITE LOCATION MAP HIATT PROPERTY 80 LITTLE BAY ROAD NEWINGTON, N.H. TAX MAP 15, LOT 1

MAR 2 0 2014

BERRY SURVEYING —

335 SECOND CROWN POINT RD. BARRINGTON, N.H. 332-2863

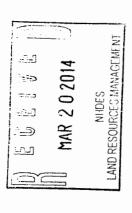
SCALE: 1" = 2000'

DATE: NOVEMBER 5, 2013

FILE NO.: DB 2012 - 108

Memo

Berry Surveying & Engineering 148 Second Crown Point Road Barrington, NH 03825 Kenneth Berry Ţ O



NHB DATACHECK RESULTS LETTER NH NATURAL HERITAGE BUREAU

> Melissa Coppola, NH Natural Heritage Bureau From:

11/4/2013 (valid for one year from this date) Review by NH Natural Heritage Bureau Date:

Town: Newington NHB13-3231 NHB File ID:

Shoreland Stabilization Project: Placing toe reinforcement, grading eroded slope and stabilizing with vegetation and geotechnical Location: Tax Maps: Tax Map 15, Lot 15-1 Description:

reinforcement.

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 to NHB for further review. Sending the requested information may help to dismiss concerns. Send requested info to: melissa.coppola@dred.nh.gov.

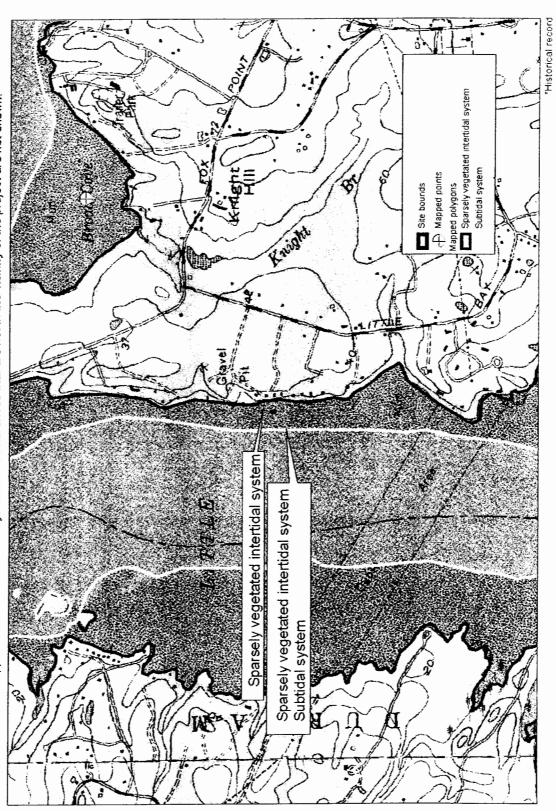
Natural Community Sparsely vegetated intertidal system Subtidal system	State1	Federal 	Notes Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal
			flat) and increased input of nutrients and pollutants in storm runoff

Codes: "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.

information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain 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 species. An on-site survey would provide better information on what species and communities are indeed present.

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



1.15377

New Hampshire Natural Heritage Bureau - System Record

Sparsely vegetated intertidal system

Legal Status

Conservation Status

Federal: Not listed

Global: Not ranked (need more information)

State:

Not listed

Rare or uncommon State:

Description at this Location

Conservation Rank:

Not ranked

Comments on Rank:

Detailed Description: Extensive intertidal flats that are exposed daily at low tide, bordered in places by intertidal

rocky shore and coastal shoreline strand/swale communities.

General Area:

General Comments:

Management Comments:

2010: Borders salt marsh system landward and subtidal system seaward.

Location

Survey Site Name:

Great Bay

Managed By:

Moody Point Open Space

County: Rockingham Town(s): Newington

USGS quad(s): Newmarket (4307018)

Lat, Long:

Size:

3589.5 acres

Elevation:

Precision:

Within (but not necessarily restricted to) the area indicated on the map.

Directions:

Occurs throughout Great Bay from the mouths of its tributaries, through Little Bay, to the

confluence with the Piscataqua River.

Dates documented

First reported:

1997-06-23

Last reported:

2010-10-13

430651N, 0705032W

New Hampshire Natural Heritage Bureau - System Record

Subtidal system

Legal Status

Conservation Status

Federal: Not listed Not listed Global: Not ranked (need more information)

State:

Rare or uncommon

Description at this Location

Conservation Rank:

Not ranked

Comments on Rank:

Detailed Description: Channels and bay bottoms that vary in width from a few feet to almost a mile across, covered by water even at low tide. Patches of subtidal eelgrass bed occur at the edge of the

adjacent sparsely vegetated intertidal system.

General Area:

2010: Borders a sparsely vegetated intertidal system.

General Comments:

Management Comments:

Location

Survey Site Name:

Great Bay

Managed By:

Portsmouth Country Club

County: Rockingham USGS quad(s): Portsmouth (4307017)

Town(s): Newington

Lat. Long:

430431N, 0705256W

Size:

3207.7 acres

Elevation:

Precision:

Within (but not necessarily restricted to) the area indicated on the map.

Directions:

Occurs throughout the Great Bay estuary, from the upper todal reaches of tributary streams to the

confluence of the bay with the Piscataqua River.

Dates documented

First reported:

1997-06-17

Last reported:

2010-10-13



NEW HAMPSHIRE NATURAL HERITAGE BUREAU

DRED - DIVISION OF FORESTS & LANDS
PO BOX 1856 -- 172 PEMBROKE ROAD, CONCORD, NH 03302-1856
(603) 271-2214

To:

Ken Berry, Berry Surveying & Engineering

From:

Melissa Coppola, NHB-Environmental Information Specialist

Date:

December 16, 2013

Subject:

NHB13-3231

This memo is a follow-up to NHB13-3231 which had indicated two exemplary natural community systems near the proposed project. The Natural Heritage Bureau (NHB) requested further details about the project to: 1) determine the potential for impacts and 2) provide appropriate recommendations to avoid impacts if necessary.

Based on the information provided (site plans and site photos), NHB does not expect impacts to these natural community systems. Critical to this determination is the fact that the salt marsh cordgrass area will be protected from potential construction impacts by both silt fence and construction fencing.

Should you have any further questions, contact me at 603-271-2215 ext. 323 or at Melissa.Coppola@dred.state.nh.us.

