



The State of New Hampshire
Department of Environmental Services

Clark B. Freise, Assistant Commissioner



March 06, 2017

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

REQUESTED ACTION

Approve Michael Mittleman Revocable Trust's request to perform the following work on Rye Harbor, in Rye. File # 2016-02391. This project will not have significant impact on or adversely affect the values of Rye Harbor.

Proposal to modify an existing tidal docking structure consisting of a 9.5 ft. x 127.5 ft. permanent pier by reducing the fixed dimensions to an 8 ft. x 120 ft. permanent pier and adding a 3 ft. x 40 ft. ramp connecting to a 6 ft. x 20 ft. land float and a 10 ft. x 20 ft. main float for total dock length of 188 ft., providing two (2) slips in the Rye Harbor.

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

1. All work shall be in accordance with plans by Riverside and Pickering Marine Contractors dated July 26, 2016, as received by the NH Department of Environmental Services (NHDES) on August 22, 2016.
2. 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.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. Prior to starting work under this permit, the permitted shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
4. 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.
5. Each float shall be fitted with a float stop or similar structure so that the float will have minimal contact with the underlying intertidal area.
6. 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.
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.des.nh.gov

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

EXPLANATION

The NHDES Wetlands Bureau approved this project on February 03, 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 sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The applicant proposes to gain access to Rye Harbor and the Atlantic Ocean for private recreational use, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant will utilize the existing pier and add a ramp and floats for safe access to Rye Harbor, therefore, 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.
4. The applicant reduced the over size of the pier from 9.5 ft. x 127.5 ft. to 8 ft. x 120 ft. under the NHDES Permit by Notification file 2013-03029.
5. Env-Wt 402.21 states that the department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department 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 reduction in length of the pier reduced the overall number of pilings from 24 to 18 resulting in less construction surface area over public submerged lands.
6. 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.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
8. In a letter dated September 19, 2016, the Pease Development Authority, Division of Ports and Harbors stated, "We examined the proposed site and found that the structure will have no negative effect on navigation in the channel.
9. This dock is consistent with other tidal dock approvals in the seacoast.
10. NHDES staff field inspection on January 27, 2017 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.



Clark B. Freise
Assistant Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

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



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

	<p>COMPLETE Administrative Use Only AUG 22 2016</p>	<p>Administrative Use Only</p>	File No. 2016-02391
			Check No. 9360
			Amount \$ 388.75
			Initials Emk

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: **130 Harbor Road**

TOWN/CITY: **Rye**

TAX MAP: **92**

BLOCK:

LOT: **14**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Rye Harbor**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known): **n 42.999 e -70.7487**

State Plane

Latitude/Longitude UTM

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.

ATF reduction of existing 9.5' x 127.5 permanent pier repaired under prior approval 2013-03029 to 8' x 120' (251.25 reduction in permanent square footage), propose an addition of a seasonal 3' x 40' gangway (120 SF), seasonal 6' x 20' landing float (120 SF) and seasonal 10' x 20' main float (200 SF). Proposal will increase seasonal structure totals by 188.75 SF, NET reduction in impacts total 62.5 SF.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage.

SHORELINE FRONTAGE:

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...

2013-03029

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** - **2262**

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 or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

7. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **Michael Mittleman**TRUST / COMPANY NAME: **Michael Mittleman REV Trust**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Rye**STATE: **NH**ZIP CODE: **03870**EMAIL or FAX: ***See agent info**PHONE: ***See agent info**ELECTRONIC COMMUNICATION: By initialing here: **MM**, 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.: **Same as above**

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

9. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **Taylor, Zachary**COMPANY NAME: **Riverside and Pickering Marine**MAILING ADDRESS: **195 West Road**TOWN/CITY: **Portsmouth**STATE: **NH**ZIP CODE: **03801**EMAIL or FAX: **zach@riversideandpickering.com**PHONE: **603-427-2824**ELECTRONIC COMMUNICATION: By initialing here **zt**, 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 wilful 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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not

Pr

**Zachary Taylor -Dir of Operations
Riverside and Pickering Marine****8 / 17 / 2016**

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.

	Donnam DeCotis	Rye NH	8/8/16
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.	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	/	/
Lake / Pond	/	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
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	<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	440
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	/	440 / 20

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 = \$ _____

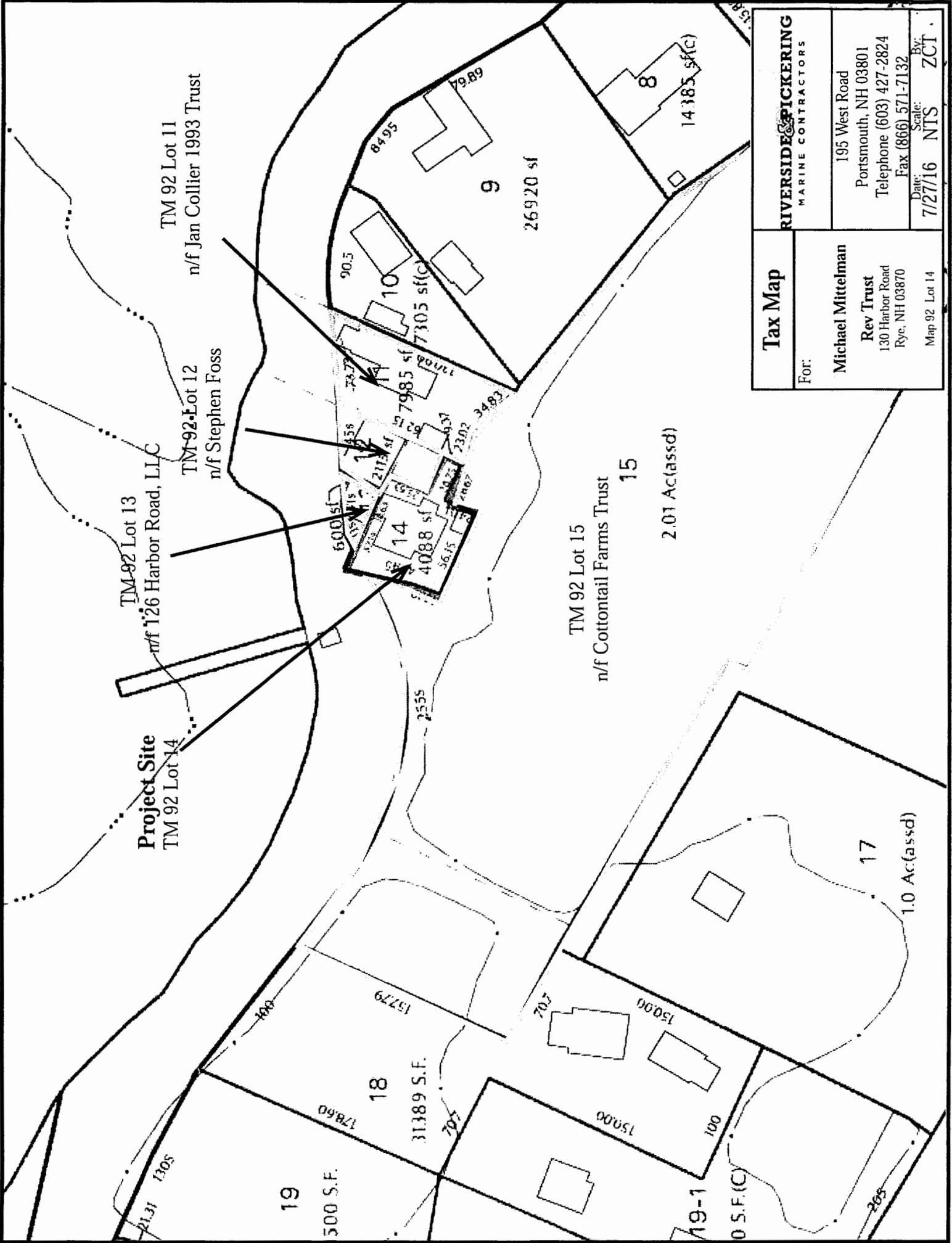
Temporary (seasonal) docking structure: **188.75** sq. ft. X \$1.00 = **\$ 188.75**

Permanent docking structure: _____ sq. ft. X \$2.00 = **\$ 0.00**

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

Total = **\$ 388.75**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 388.75**



Tax Map	RIVERSIDE PICKERING MARINE CONTRACTORS
	For: Michael Mittelman Rev Trust 130 Harbor Road Rye, NH 03870 Map 92 Lot 14
	195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132 Date: 7/27/16 Scale: NTS By: ZCT

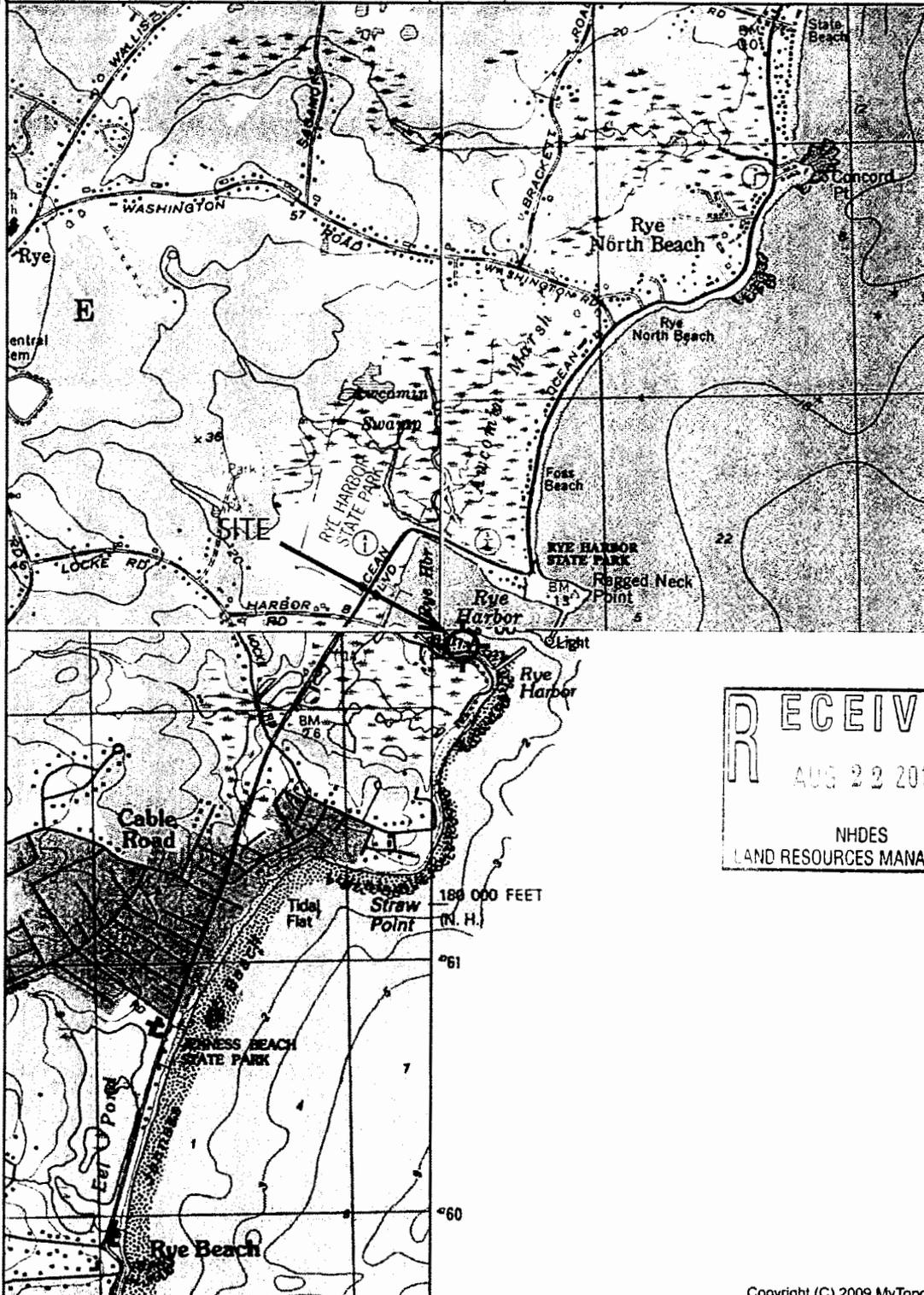
(EPPING)

(KITTERY)

070° 46' 14.89" W
043° 01' 21.46" N

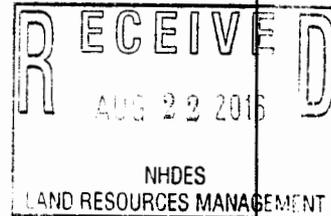
(KITTERY)

070° 43' 33.15" W
043° 01' 21.46" N



(KINGSTON)

(Unavailable)



042° 58' 33.89" N
070° 46' 14.89" W

Copyright (C) 2009 MyTopo

042° 58' 33.89" N

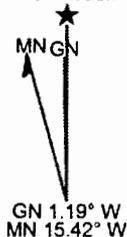
(HAVERHILL)

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

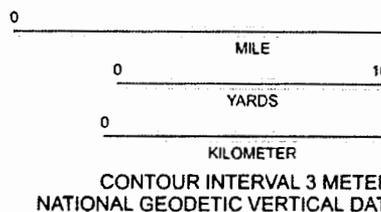
North American 1983 Datum (NAD83)
Universal Transverse Mercator Projection

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

Declination



(Unavailable)
SCALE 1:24000



Site Map

For:

Michael Mittelman

Rev Trust
130 Harbor Road
Rye, NH 03870

Map 92 Lot 14

RIVERSIDE & PICKERING
MARINE CONTRACTORS

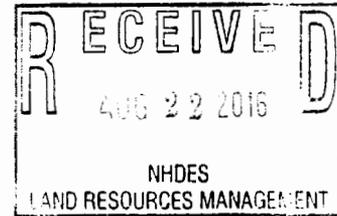
195 West Road
Portsmouth, NH 03801
Telephone (603) 427-2824
Fax (866) 571-7132

Date: 7/27/16 Scale: NTS By: ZCT



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Allen Folsom, Advantage NH Lakes
P.O. Box 862
Wolfeboro Falls, NH 03896



From: NH Natural Heritage Bureau

Date: 7/25/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 7/19/2016

NHB File ID: NHB16-2262

Applicant: Allen Folsom

Location: Rye
Tax Maps: 92-14

Project

Description: Provide a gangway and float to an existing pier

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.

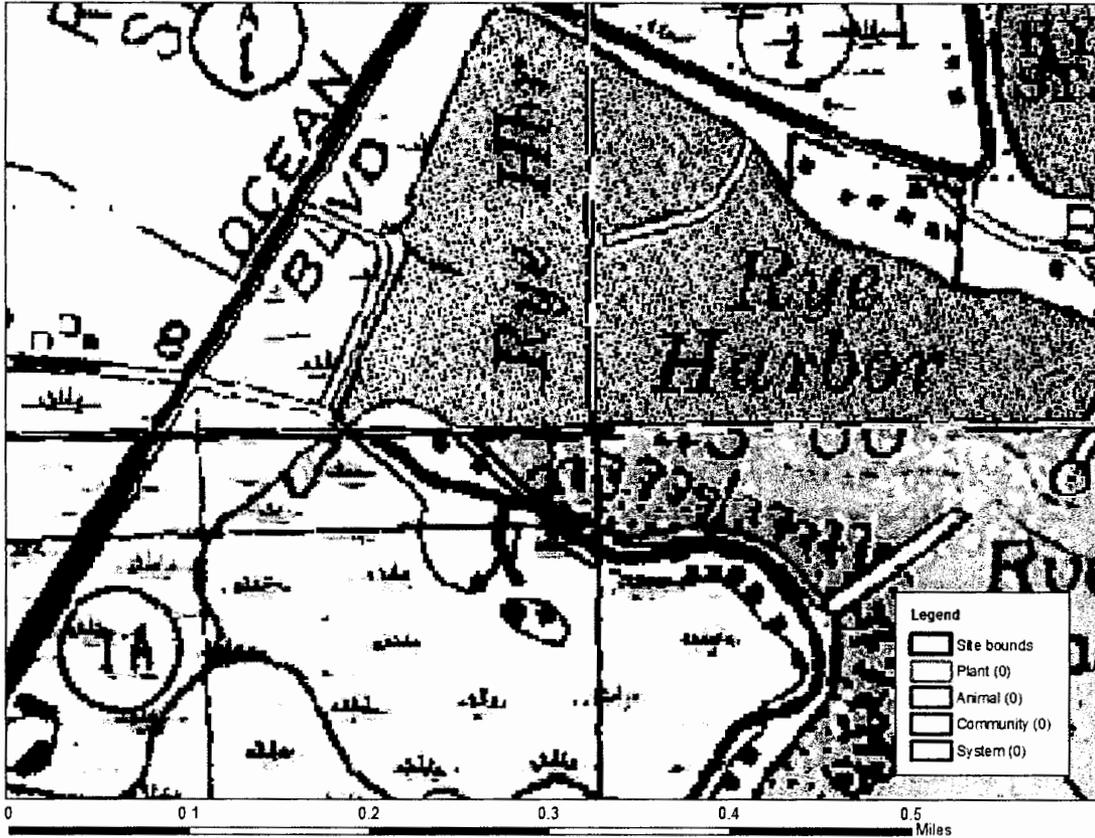
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/19/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-2262

NHB16-2262



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): Michael Mittleman REV Trust
Location of proposed project: 130 Harbor Road, Rye, NH Map 92, Lot 14
Brief description of work: Application to propose the addition of a gangway and float to an existing pier

ABUTTERS LIST

TM# 92 Lot 11
Jan L Collier 1993 Trust

Stuart, FL 34997

TM# 92 Lot 12
Stephen W Foss
c/o Jenifer Smyth

North Palm Beach, FL 33408

TM# 92 Lot 13
126 Harbor Road LLC

Boca Raton, FL 33486

TM# 92 Lot 15
CottonTail Farms Trust

Rye, NH 03870

CERTIFIED MAIL

7015 0640 0001 6280 2088

~~7015 0640 0001 6280 2088~~

7015 0640 0001 6280 2101

~~7015 0640 0001 6280 2101~~

7015 0640 0001 6280 2095

~~7015 0640 0001 6280 2095~~

7015 0640 0001 6280 2118

~~7015 0640 0001 6280 2118~~

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195 West Road, Portsmouth, NH 03801

www.RiversideandPickering.com

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