

### The State of New Hampshire

# Department of Environmental Services



#### Robert R. Scott, Commissioner

September 07, 2018

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

SEP13'18 AM 1:34 DAS

#### **REQUESTED ACTION**

Approve Frank Locker and Denise Whittier's request to perform the following work on the Piscataqua River, in Dover. File # 2018-00742. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Impact a total of 415 square feet, 140 square feet of permanent impact and 275 square feet of temporary impact for construction access to replace an existing non-conforming tidal docking structure. The new conforming structure consists of a 4 foot x 15 foot access way connecting to a 4 foot x 30 foot fixed pier, connecting to a 3 foot x 25 foot ramp, connecting to a 10 foot x 20 foot float. The overall structure length seaward of the highest observable tide line is 69 feet, providing one slip on 104 feet of frontage on the Piscataqua River.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with plans by Riverside and Pickering Marine Contractors dated October 22, 2017, and revised through June 20, 2018 last received by the NH Department of Environmental Services (NHDES) on June 20, 2018.
- No less than five state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
- 3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau prior to construction.
- 4. 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.
- 5. 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 New Hampshire Administrative Rule Env-Wq 1700.
- 6. This tidal docking structure consisting of a 4 foot x 15 foot access way connecting to a 4 foot x 30 foot fixed pier, connecting to a 3 foot x 25 foot ramp, connecting to a 10 foot x 20 foot float. The overall structure length seaward of the highest observable tide line is 69 feet, providing one slip on 104 feet of frontage on the Piscataqua River, and shall be the only docking structure on this water frontage.

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

- 7. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock and access way.
- 8. Construction of the dock shall occur from a barge equipped with a crane, at low tide, to reduce potential impacts to the river bank and to the estuarine intertidal and subtidal wetlands.
- 9. Pile driving or pile removal work shall be done during low tide to the maximum extent practicable.
- 10. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
- 11. Decking shall have at least 3/4-inch spacing between the decking planks to provide sufficient sunlight penetration and rainfall to underlying vegetation.
- 12. 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.
- 13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 14. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 15. The seasonal structures, including but not limited to the ramp and float, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
- 16. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
- 17. Within three days of final grading or temporary suspension of work in an area that is 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.

#### **EXPLANATION**

The NHDES Wetlands Bureau approved this project on August 08, 2018. The NHDES supported its decision with the following findings:

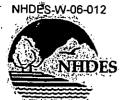
- This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.04(a), projects located tidal wetlands, except for repair of existing structures.
- 2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
- 3. The existing dock is nonconforming. The float rests on the mud flat during lower tide stages, the configuration is atypical and the structure is located within the 20 foot setback from the abutting property boundary.
- 4. The proposed dock is the minimum length necessary to provide access at this location during the majority of the tidal cycle and designed in such a way as to prevent the float from sitting on the mud at low tide. It is shifted slightly northward to be located outside of the 20 foot setback from the abutting property boundary, pursuant to New Hampshire Administrative Rule Env-Wt 304.04.
- 5. The decking of the proposed dock will have a minimum of 3/4-inch spacing between the decking planks and the bottom of the pier will be a minimum of 4 feet above the substrate to provide adequate ambient light levels to support the underlying salt marsh community.

- 6. Pursuant to New Hampshire Administrative Rule Env-Wt 402.21, Modification of Existing Structures, the Department finds that the proposed tidal docking structure is less environmental-impacting and represents a reduction of 73 square feet of construction surface area over public submerged lands than the existing configuration.
- 7. The permittee's contractor will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the tidal wetland resource.
- 8. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
- On September 28, 2017, NHDES disqualified a Permit by Notification application to reconstruct the
  existing non-conforming dock in-kind. Disqualification was based on the applicant's inability to provide
  sufficient evidence to prove that the structure was grandfathered or previously permitted through the
  NHDES.
- 10. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB17-1563) stated that there are "no recorded occurrences for sensitive species near this project area".
- 11. The NHDES staff field inspection conducted on June 01, 2018 found that the site is accurately represented in the application.
- 12. In correspondence dated March 23, 2018, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
- 13. In correspondence dated April 23, 2018, the Dover Conservation Commission stated no opposition to the project as proposed.
- 14. In correspondence dated April 18, 2017, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
- 15. In correspondence dated March 12, 2018, the NH Division of Historical Resources found that no historic properties will be affected by the proposed project.
- 16. In accordance with RSA 482-A:8, 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 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.

Robert R. Scott 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.

MARCET 2018.	MAR 2 1 2018	Adn	ninistrative Use Only	Amo	- <i>55</i> 5	
I REVIEW TIME Indicate your Review Time (below Refer	to Guidance Document A fo	or instructions				
Standard Review (Minimum, I	Minor or Major Impact)	· C	Expedited R	Review (Min	imum Impact on	ly)
2: PROJECT EOCATION Separate applications must be filed with	each municipality that jurisc	ictional impacts	will occur in			
ADDRESS: 306C Dover Point Road				TOWNCIT	Y: Dover	· Andrew Street Street Street
TAX MAP: L	BLOCK:	LOT:	111-B		UNIT:	
USGS TOPO MAP WATERBODY NAME: Pi	scataqua River	□ NA	STREAM WAT	TERSHED SI	IZE:	□ NA
LOCATION COORDINATES (If known): n 4	3.133037 e -70.834305		<u> </u>		☑ Latitude/I	ongitude 🗌
3 PROJECT DESCRIPTION Provide a brief description of the project of your project ADO: NOT: reply See Atta	outlining the scope of work ched: in the space provided	Áttách addition below	al speets as n	eeded(to pr	ovide a detailed	explanation/
The project consists of replacing lifespan. The existing dock may no disposed of completely. The new opler with 3'x25' seasonal gangway  4' SHORELINE FRONTAGE	ot be grandfathered or plock will consisting of a	permitted by E +/-15' long b	IES Tha avi	ation a dan		
☐ NA This lot has no shoreline frontage	SHOREI	INE FRONTAG	E: +/ 104'			
Shoreline frontage is calculated by determine straight line drawn between the property	nining the average of the dis	tances of the or	stud potusol s	avigable sh r line.	oreline frontage	and a
5: RELATED PERMITS, ENFORCEMEN	IT EMERGENCY AUTHOR	IZATION: SHO	RELAND, AL	TERATION	OF TERRAIN I	ETC
2017-2116 PBN application						
6 NATURAL HERITAGE BUREAU & D See the instructions & Required Attachme		is to complete a	& b below			
a. Natural Heritage Bureau File ID: NF	НВ <u>17</u> - <u>1563</u>					
<ul> <li>b. ☐ <u>Designated River</u> the project is in date a copy of the application was</li> <li>☑ NA</li> </ul>	1/4 miles of: sent to the <u>Local River Mar</u>	nagement Adviso	; and ory Committee	e: Month: _	_ Day: Ye	ar:

#### MUNICIPAL SIGNATURES

	11 CONSERVA	TION COMMISSION SIGN	NATURE	
The signature below certifie				n and
1. Waives its right to interv	\$260 B 2000 to 1000 B 2000			Na i de victe verdi
2 Believes that the applica	ation and submitted plans	accurately represent the p	roposed project; and	
3. Has no objection to perr	nitting the proposed work	og meren skriver skriver en en er en er en		
100				
		Print name legibly		Date

#### DIRECTIONS FOR CONSERVATION COMMISSION

- 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.

Kain Blant Karen D. Lavettü

Town/City/Clerk/Signature

Print name legibly

#### 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.
- 2.4MMEDIATELY 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. MMEDIATELY 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.

		<del></del>		<del></del> -			——————————————————————————————————————	t
HE VERN COMMUNICATION OF THE PARTY OF THE PA	TEINEORMATION: (Oestred permittholde)							
	IRST NAME, M.I.: Denise Whittier and Fr	ank Locker	* * * * * * * * * * * * * * * * * * * *	1		•		<del>.</del>
1	ST / COMPANY NAME: MAILING ADDRESS:		DRESS:				- :	
TOWN/CITY: [	Dover				STATE: NI	1	ZIP CODE: 03820	
EMAIL or FAX:	*See agent info	₹ •	PHONE	*See age	ht info	* * * * * * * * * * * * * * * * * * *	7	
ELECTRONIC electronically	COMMUNICATION: By initialing here: <b>DWFL</b>	, I hereby auth	onze NHĎES	to communi			e to this application	: ; :
8 JPROPER	Y.OWNER!INFORMATION:((f/d(fferent/th	an applicant						
LAST NAME, F	IRST NAME, M.I.: Same as above						, ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;	•
TRUST / COM	PANY NAME:	•	MAILING AE	DRESS:				
TOWN/CITY:	·				STATE:		ZIP CODE:	ja <b>R</b> )
EMAIL or FAX:			<del></del>	PHONE:	·		·	
ELECTRONIC electronically	COMMUNICATION: By initialing here <b>DWFL</b>	I hereby author	orize NHDES	to communic	cate all matter	s relative	to this application	
DITIA - CIDINIA INTO INTO IN	ZED AGENI INFORMATION							
LAST NAME, FIRST NAME, M.I.: Taylor, Zachary				COMPANY NAME: Riverside and Pickering Marine				
MAILING ADDI	RESS: 34 Patterson Lane							
TOWN/CITY: I	Newington	<u></u>			STATE: NI	1	ZIP CODE: <b>03801</b>	
EMAIL or FAX:	zach@riversideandpickering.com		PHONE: 6	03-427-282	24	·	<u> </u>	
	COMMUNICATION: By Initialing here <u>zt.</u> I here	eby authorize N	VHDÈS to co	mmunicate a	li matters relat	ive to th	is application electroni	cally
	InvoWNERISIGNATIURE ictions&Required Attachments documently	orcjarification	i of the ben	w statemen	is a v			
	e application, I am certifying that:	1. 21.11	•••				• ,	
	rize the applicant and/or agent indicated on equest, supplemental information in support				rocessing of	this ap	plication, and to furn	iish
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.								
<ol> <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> </ol>								
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-havé-réviewed-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. Iam av	ware that the work I am proposing may requi alling addresses I have provided are up to da	ire additional	state, local					
,	Vic The	Zachary T	aylor				/ 2018	
Property	Önner Signature	Riverside	and Picke	ering Marii	ne	Date		

shoreland@des.nh.qov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.qov

Page 2 of 4

413 IMPACT AREA Gorreach urisdictional area that will be/h	as been impacted, provide squ	are feet and if a	pplicable linear,feet.of,impact	
<u>Permanent: impacts; that will remain after</u> Tiemporany: impacts; not intended to rem	ain (and will be restored to pre	construction con	iditions) after the project is complete	
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft		TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland		☐ ATF		ATF
Scrub-shrub wetland		ATF	1	ATF
Emergent wetland		☐ ATF		ATF
Wet meadow	·	ATF		ATF
Intermittent stream		☐ ATF		ATF
Perennial Stream / River	1	☐ ATF	I	ATF
Lake / Pond		☐ ATF	•1	☐ ATF
Bank - Intermittent stream	<u>'</u>	☐ ATF	1	☐ ATF
Bank - Perennial stream / River	1	☐ ATF	/	☐ ATF
Bank - Lake / Pond	······································	ATF		ATF
Tidal water	1	☐ ATF	. /	☐ ATF
Salt marsh		ATF		ATF
Sand dune		☐ ATF	,	ATF
Prime wetland		☐ ATF		ATF
Prime wetland buffer		☐ ATF		ATF
Undeveloped Tidal Buffer Zone (TBZ)		ATF	!	ATF
Previously-developed upland in TBZ		☐ ATF	See All Control of the	ATF
Docking - Lake / Pond		☐ ATF	e a servicio de desperación de la compansión de la compan	ATF
Docking - River		☐ ATF		☐ ATF
Docking - Tidal Water	140	☐ ATF	275	ATF
TOTAL	140 /		275 / 0	
14 APPLICATION FEE See the Instru	ctions & Required Attachments	document for fu	rther instruction	
☐ Minimum Impact Fee: Flat fee of \$ 2	200			
Minor or Major Impact Fee: Calculate	-			
Permanent and	f Temporary (non-docking)	sq.	ft. X \$0.20 = \$	
Temporary (seasonal) docking structure:		275 sq.	ft. X \$1.00 = \$275	
Pel	rmanent docking structure:	140 sq.	ft. X \$2.00 = <b>\$.280</b>	
Projects p	proposing shoreline structure	es (including do	ocks) add \$200 = <u>\$ Paid w/PBN</u>	<u>1                                    </u>
			Total = \$ 555.00	·
The Application	Fee is the above calculated To	otal or \$200, whic	thever is greater = \$555.00	

shoreland@des.nh.qov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.qov

18 April, 2017

To Whom It May Concern:

RE: State of New Hampshire DES Permit by Notification Application for proposed docking structure within the previously developed 100. Tidal Buffer Zone and jurisdictional wetlands for <u>306C Dover Point road Dover, NH 03820</u>

This letter is to inform the State of New Hampshire DES the City of <u>Pover</u> in accordance with State Law that the following entitles: <u>Deritse Whittier & Frank</u>
<u>Locker</u>

Riverside & Pickering Marine Contractors, Inc.

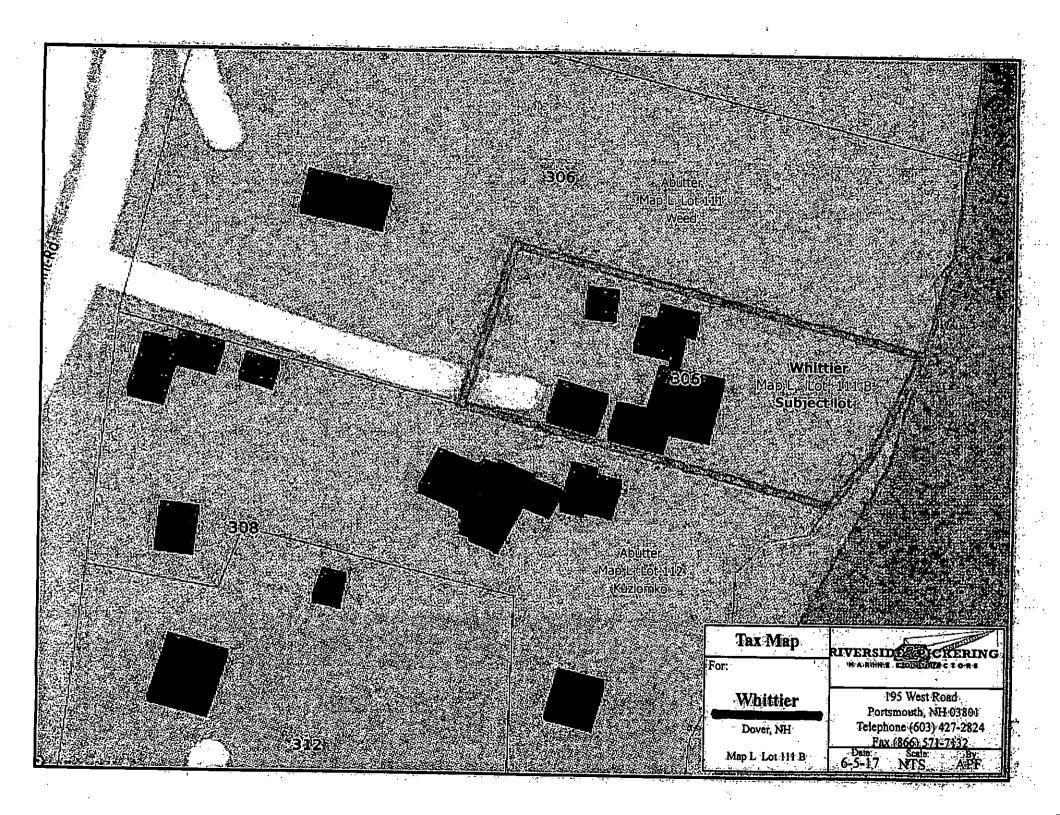
Are individually authorized to represent us as our agents in the approval process. Please feel free to call me if there is any question regarding this authorization.

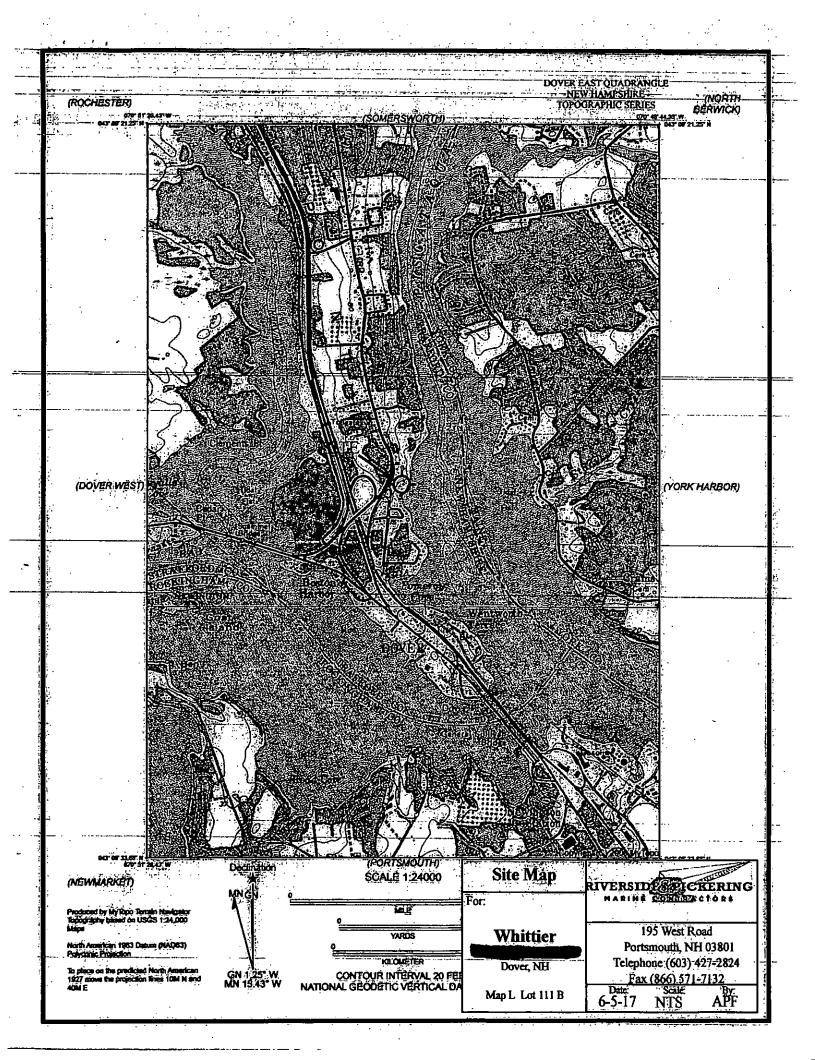
Sincerely,

Denise Whitter

Frank Locker

Dover, NH 03820





To:

Allen Folsom

P.O. Box 862

Wolfeboro Falls, NH 03896

Date: 5/25/2017

From: NH Natural Heritage Bureau

Re:

Review by NH Natural/Heritage Bureau of request dated 5/2

VALID ONLY#FÖR NOTIFICTION OR MINIMUM EXPEDITED A ์ ONS SUBMITTED TO

THE NHDES WETLANDS BUREAU

NHB File ID: NHB17-1563

Allen Folsom

ocation:

Tax Map(s)/Lot(s): L-111-B

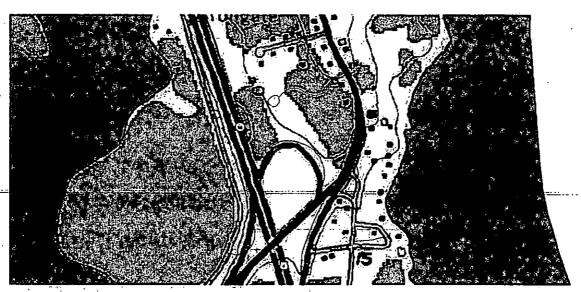
Project Description: Repair of an existing docking structure

The NH Natural Heritage database has been checked 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. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However many areas have never been surveyed for certain species. An on-site survey would provide better information of ecies and communities are indeed present.

This report is valid through 5/24/2018.

#### "MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB17-1563"





#### 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

Riverside & Pickering Marine Contractors

Name of property owner (s): Denise Whittier and Frank Locker

Location of proposed project: Map L. Lot 111-8. 306 C Dover Point Road, Dover, NH 03820

Brief description of work: Application to NH DES to replace and modify the existing docking system.

ABUTTERS LIST

TM# L Lot 111

Robert & Charlene Weed

Dover, NH 03820

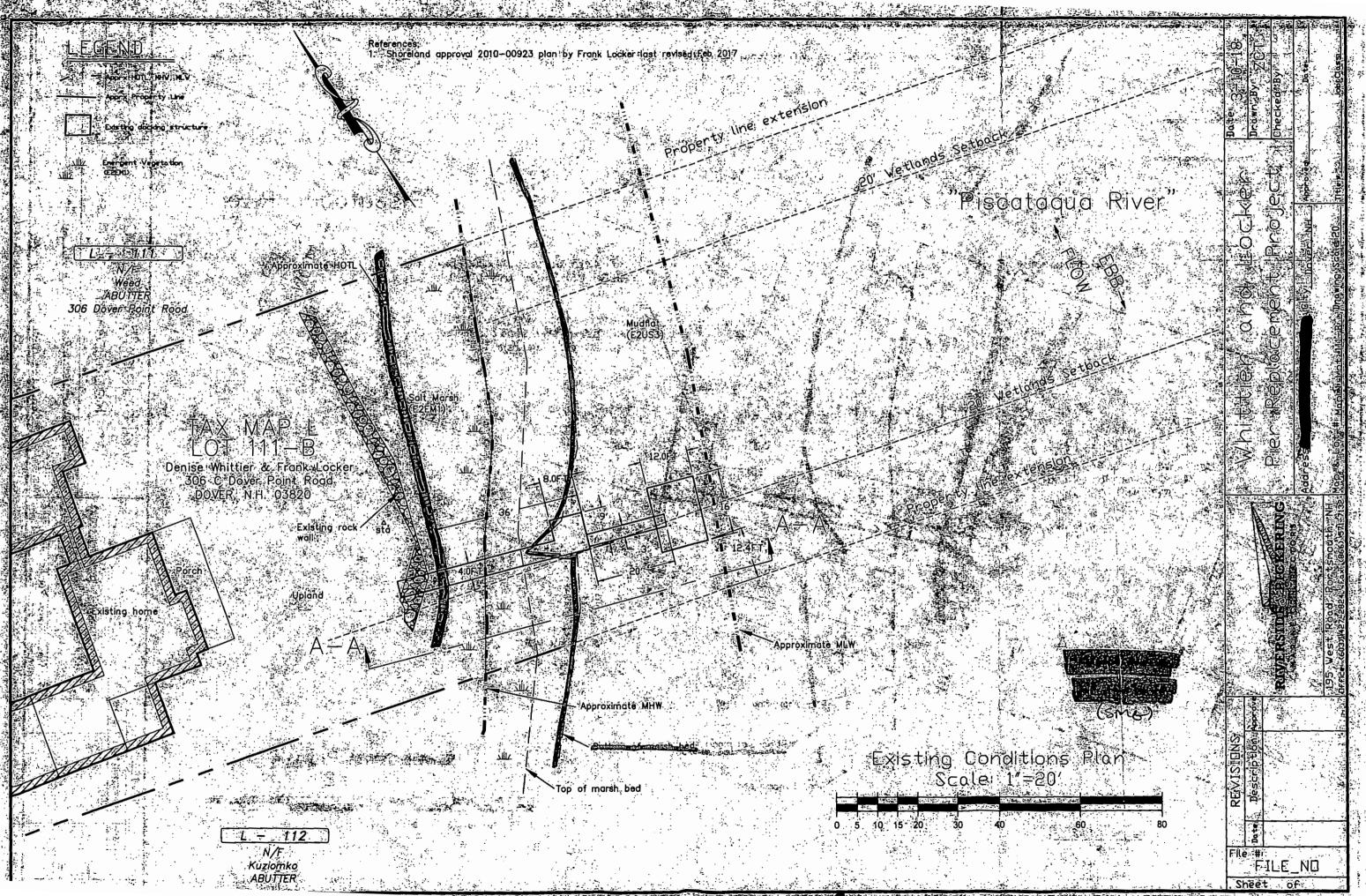
TM# L Lot 112 Henry Kuziomko

Döver, NH-03820

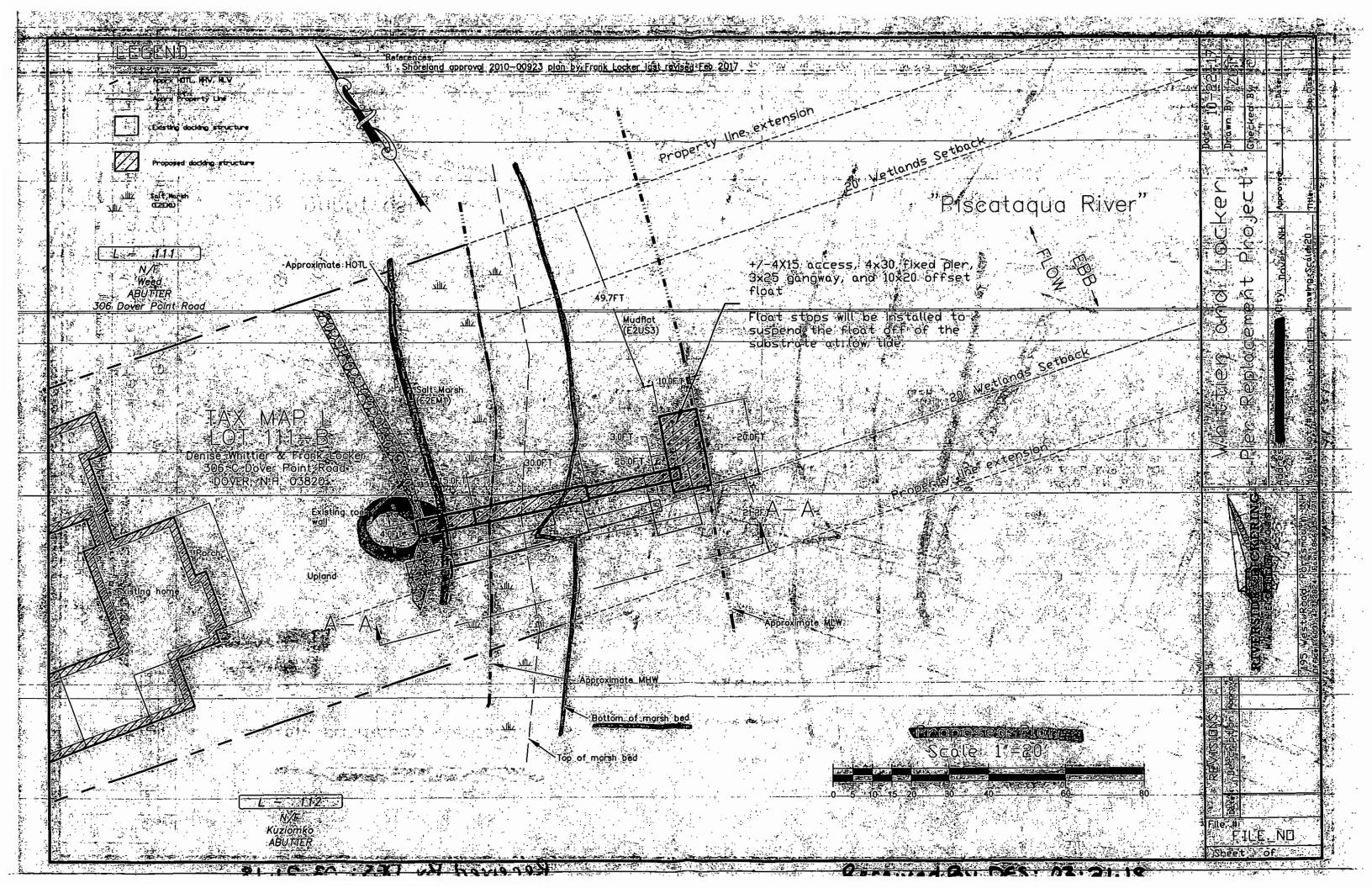
**CERTIFIED MAIL #** 

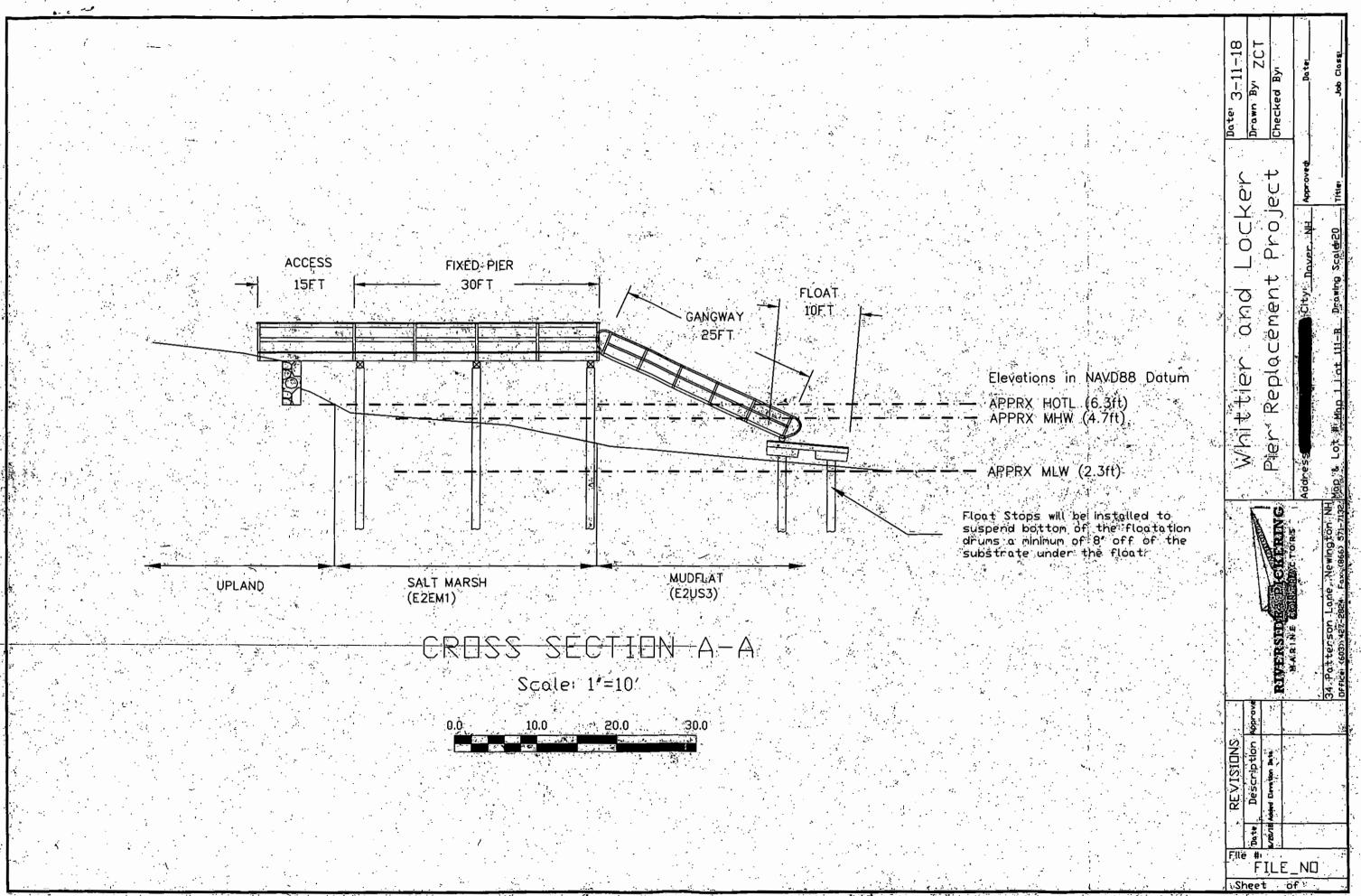
7015 0640 0004 0771 9881

7015 0640 0004 077109874



Condivad Ru DEC: AZ 21 14





Rocewed By DES: 06.20.18