



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 14, 2014

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

REQUESTED ACTION

Approve Glenn E. Kisch Trust's request to perform the following work on the Piscataqua River, in New Castle. File # 2013-02959. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Construct a 6 ft. x 24 ft. fixed pier with a 4 ft. x 35 ft. aluminum gangway landing on a 10 ft x 40 ft. seasonal float system anchored by moorings in the Piscataqua River on 267.65 ft. of shoreline frontage.

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

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated October 15, 2013, as received by the NH Department of Environmental Services (DES) on October 29, 2013.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit does not allow dredging for any purpose.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. The decking of the dock shall have a minimum of 5 ft. clearance from the surface of the fringing intertidal marsh and shall have 3/4-inch spacing between the decking planks.

EXPLANATION

The DES Wetlands Bureau approved this project on February 7, 2014. 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 tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

DES Web site: www.des.nh.gov

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

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

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.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The Chief Harbormaster for the NH Port Authority Ports and Harbors has examined the site and found that the structure will have no negative effect on navigation in the channel.
6. 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 riverine/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



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

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>
Permit Application Status: <http://des.nh.gov/onestop/index.htm>



WETLANDS PERMIT APPLICATION

File No. 2013-02959	Check No. 5844	Amount \$1,180.00	Initials: CMB
RECEIVED ADMINISTRATIVE OCT 29 2013 LAND RESOURCES MANAGEMENT	COMPLETE OCT 29 2013	Administrative Use Only	Administrative Use Only

1. **REVIEW TIME:** Check the applicable box to indicate your review time. Refer to Guidance Document A for a summary of the minimum impact criteria to determine if your review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

2. **APPLICATION CHECKLIST:** This checklist is provided to allow you to confirm all the required items are submitted.

Please initial next to each item below to confirm these items, required for administrative review, are included in your application. Please note that your application and accompanying items will be returned to you if the below items are not provided. Refer to the number in parentheses next to each item for detailed instructions for completing that item.

- Check for the application fee (no. 9A)
- Completed application form with project description (no. 7) and required signatures (no.'s 10 & 13)
- Completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit Appendix B (no. 9B)
- Natural Heritage Bureau (NHB) report (no. 9C)
- Is the project within a ¼ mile of a designated river? Y N. If yes, provide confirmation a copy of application sent to the Local Advisory Committee (no. 9D)
- Color copy of a USGS map (no. 9E)
- Photographs of the impact area (no. 9F)
- Plans (no. 9G)
- Copy of your tax map (no. 9H.1)

Please initial next to each item to confirm that the following items, required for technical review, as applicable, are included in your application. Please note that if applicable items are not provided, you may receive a letter requesting outstanding items or your application may be denied.

- Abutters list and copies of certified mail slips (no. 9H.2)
- Response to the two (2) minimum impact questions (no. 9I)
- Attachment A - Response to the twenty (20) minor and major impact questions
- Copies of comments, beyond the required NHB report, from NHB or the New Hampshire Fish and Game Department (NHFG) (no. 9C)
- Mitigation Agreement Form and materials (no. 9J)
- Date, time, contact information and a copy of notes for any pre-application meetings or correspondence with Wetlands Bureau Staff
- Property Owner or Applicant permission, as required (no.'s 3 & 4)
- Attachment B - Design Consideration & General Plan Requirements
- Attachment C - Stream Crossing Requirements & Information
- Function and Value Assessment

3. PROPERTY OWNER INFORMATION

NAME: Glenn E. Kisch Trust

TRUST / COMPANY NAME: Glenn E. Kisch, Trustee

MAILING ADDRESS: [REDACTED]

TOWN/CITY: New Castle STATE: NH ZIP CODE: 03854-0097

EMAIL or FAX: * See agent info PHONE: * See agent info

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

OWNER PERMISSION: I hereby authorize the applicant and/or agent indicated below to act in my behalf as the applicant and/or my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Glenn E. Kisch Trust
Applicant name

Zachary Taylor- Dir of Operations, RPMC
Agent name

See attached LOA (Letter of Authorization)
Property Owner Signature

Date

4. APPLICANT INFORMATION (if different than property owner)

NAME:

COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY: STATE: ZIP CODE:

EMAIL: PHONE:

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

APPLICANT PERMISSION: I hereby authorize the agent indicated below to act in my behalf as the agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Agent name

Applicant's Signature

Date

5. AGENT INFORMATION

NAME: Zachary Taylor, Director of Operations

COMPANY NAME: Riverside and Pickering Marine Contractors

MAILING ADDRESS: P.O. Box 368

TOWN/CITY: Eliot STATE: ME ZIP CODE: 03903

EMAIL/FAX: zach@riversideandpickering.com PHONE: (207) 451- 9229

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

6. PROJECT LOCATION (A separate application must be filed with each municipality that jurisdictional impacts will occur in)

ADDRESS: 372 Portsmouth Ave			TOWN/CITY: New Castle		
TAX MAP: 14	BLOCK:	LOT: 8	UNIT:		
US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Piscataqua River					
LOCATION COORDINATES (If known): Lat 43.07154 N Long -70.73551 E <input checked="" type="checkbox"/> Latitude/Longitude <input type="checkbox"/> UTM <input type="checkbox"/> State Plane					

7. 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 or your application risks being returned as incomplete.

Construct a 6' x 24' fixed pier with a 4' x 35' aluminum gangway landing on a 10' x 40' float system located by moorings

For each jurisdictional area that will be or has been impacted, provide square feet and, if applicable, linear feet of impact
 Temporary = impacts that are not intended to remain after the project is completed.
 After-the-fact = work completed prior to receipt of this application by DES

	Permanent Sq. Ft.	Permanent Lin. Ft.	Temporary Sq. Ft.	Temporary Lin. Ft.	After-the-fact Sq. Ft.	After-the-fact Lin. Ft.
Forested wetland						
Scrub-shrub wetland						
Emergent wetland						
Wet meadow						
Intermittent stream						
Perennial stream / river						
Lake or pond						
Tidal water	144					
Salt marsh						
Sand dune						
Prime wetland						
Prime wetland buffer						
Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ						
Total:	144					

Surface water dredge and beach replenishment, provide the cubic yards of material: _____

Shoreline structures, provide the average shoreline frontage (linear feet), using the formula below:
(Straight line distance pin to pin) + (Actual natural navigable shoreline pin to pin) / 2 = 267.65'

Stream and river projects, provide the watershed size of the contributing watercourse: _____

8. RELATED FILES (List related files or approvals (Wetlands, Shoreland, Alteration of Terrain, Subsurface or other)

9. APPLICATION REQUIREMENTS: This application and accompanying items will be returned to you if items outlined in A – H.1 are not provided.

A. Fee: Attach the application fee in the form of a check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3, I & Env-Wt 505.01(c))

Minimum Impact Fee (Standard & Expedited Review): Flat fee of \$ 200

OR

Minor or Major Impact Fee (Standard Review): Complete the application fee table below

Permanent impacts (non-docking): _____	sq. ft.	X \$0.20 =	_____
Temporary impacts (non-docking): _____	sq. ft.	X \$ 0.20 =	_____
Temporary (seasonal) docking structure: <u>540</u>	sq. ft.	X \$1.00 =	<u>540.00</u>
Permanent docking structure: <u>144</u>	sq. ft.	X \$2.00 =	<u>288.00</u>
Projects proposing shoreline structures add \$200 =			<u>200.00</u>
Total =			<u>1028.00</u>
The Application Fee is the above calculated Total or \$200, whichever is greater =			<u>\$1,028.00</u>

B. Appendix B: Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Corps Secondary Impacts Checklist. Link: http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf

C. NHB Review: Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323.

Attach the REQUIRED letter/memo and map provided by NHB; and

Provide copies of any additional comments received from NHB and/or the NHFG.

Indicate species identified by the NHB Review: Marsh Elder- On-site survey indicated none

D. Designated Rivers:

1. Is the project within a ¼ mile of a designated river? Y N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>

2. **If yes:** Indicate river: _____

3. As required by RSA 482-A:3, I(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: **Month:** ___ **Day:** ___ **Year:** ___

LAC link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

E. **USGS Map:** Attach a copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

F. **Photographs:** Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))

G. **Plans:** Attach plans (Env-Wt 501.02). See Attachments B & C for detailed plan requirements.

H. 1. **Tax Map:** Attach a legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1) & 505.01(e))

If applicable items outlined in H.2 - J are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied.

2. **Abutter Notification:** Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1) & 505.01(f))

Exemption: Abutter notification shall not be required for logging operations, minimum impact agricultural projects, projects in utility rights-of-way, or public highway construction. (Env-Wt 501.01(c))

Permission: If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.

I. **Need and Minimization & Avoidance (Env-Wt 302.03, Env-Wt 302.04, 505.01):**

Minimum: Attach statements demonstrating:

1. The need for the proposed project; and
2. That the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.

-OR-

Minor & Major: Attach statements in response to the 20 questions in Attachment B

J. **Mitigation: Minor & Major Impact Projects ONLY:** Does the project require compensatory mitigation? Y N

Projects that require mitigation are listed in section Env-Wt 302.03 and mitigation requirements in Chapter Env-Wt 800 of the Wetland Rules Env-Wt 100-900 Link: <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-900.pdf>

If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06) Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc

10. PROPERTY OWNER SIGNATURE (authorized applicant or agent signature acceptable with required permission(s) above; 3 & 4)

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link: <http://www.nh.gov/nhdhr/review/>
6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

X



Zachary Taylor- Dir Of Operations, RPMC 10/17/13

Property Owner / Authorized Applicant / Authorized Agent

Print name legibly

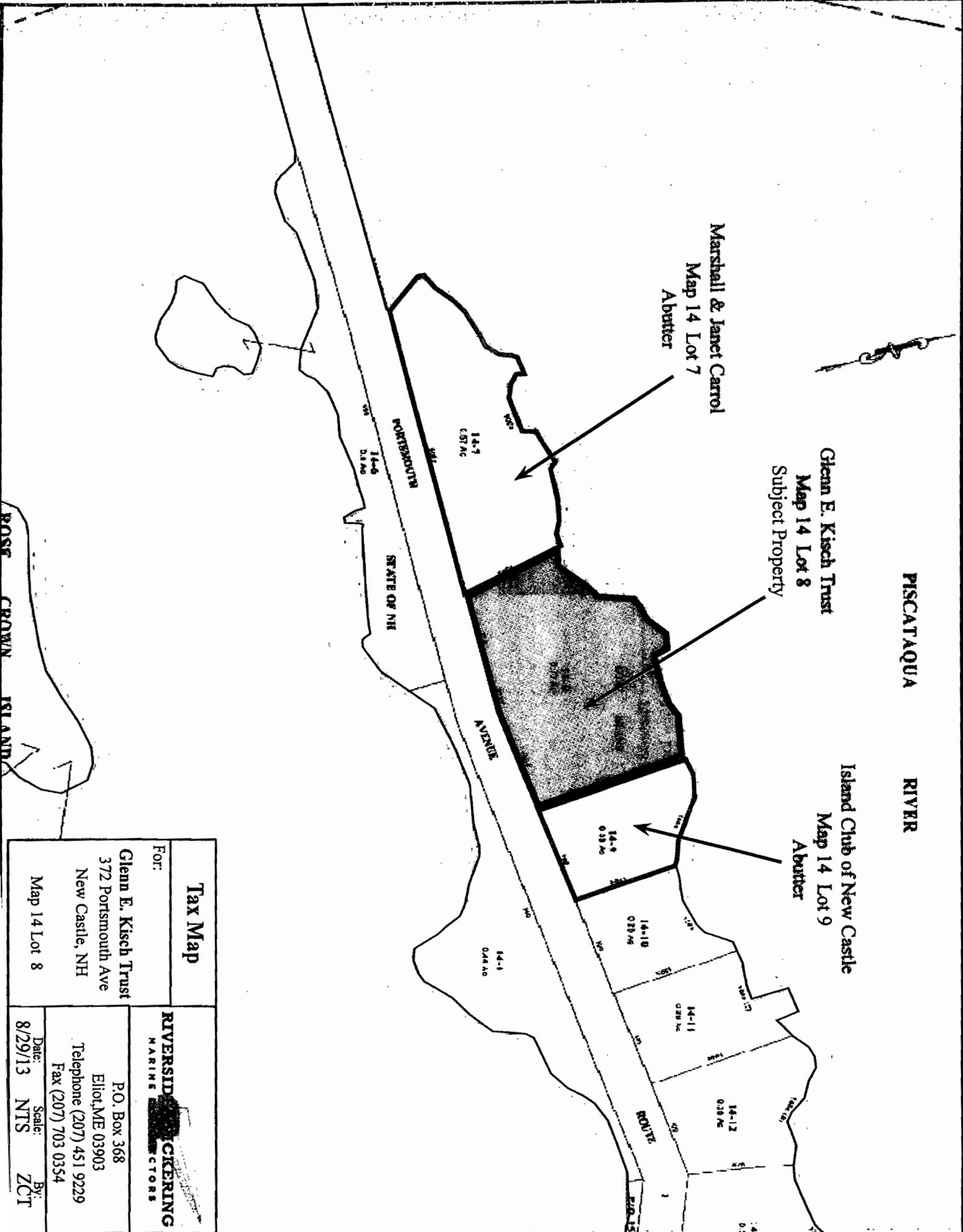
Date

PISCATAQUA RIVER

Glenn E. Kisch Trust
Map 14 Lot 8
Subject Property

Island Club of New Castle
Map 14 Lot 9
Abutter

Marshall & Janet Carrol
Map 14 Lot 7
Abutter



Tax Map

FOR:

Glenn E. Kisch Trust
372 Portsmouth Ave
New Castle, NH

Map 14 Lot 8

RIVERSIDE ENGINEERING
MARINE CONTRACTORS

P.O. Box 368
Elliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

Date: 8/29/13
Scale: NTS
By: ZCT

(DOVER EAST)

070° 45' 28.90" W
043° 05' 42.28" N

(YORK HARBOR)

KITTERY QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES (YORK BEACH)

070° 42' 46.98" W
043° 05' 42.28" N



816
171

(PORTSMOUTH)

(Unavailable)

043° 02' 54.88" N
070° 45' 28.90" W

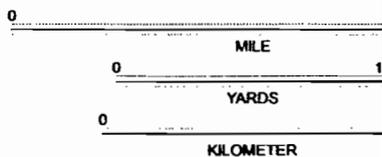
(Unavailable)

043° 02' 54.88" N

(EXETER)



SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM

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
41ME

Site Map		RIVERSIDE DICKERING MARINE CONTRACTORS
For: Glenn E. Kisch Trust		
372 Portsmouth Ave. New Castle, NH 03854		P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354
Date: 8/29/13	Scale: NTS	By: ZCT

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Zachary Taylor
P.O. Box 368
Eliot, ME 03903

From: Melissa Coppola, NH Natural Heritage Bureau
Date: 9/6/2013 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB13-2622
Description: Proposed fixed pier, gangway and float system for residential use

Town: New Castle
Location: Tax Maps: 14-8

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: NHB recommends a survey for this species at the proposed location.

Plant species	State ¹	Federal	Notes
Marsh Elder (<i>Iva frutescens</i>)	T	--	Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

¹Codes: "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.

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, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

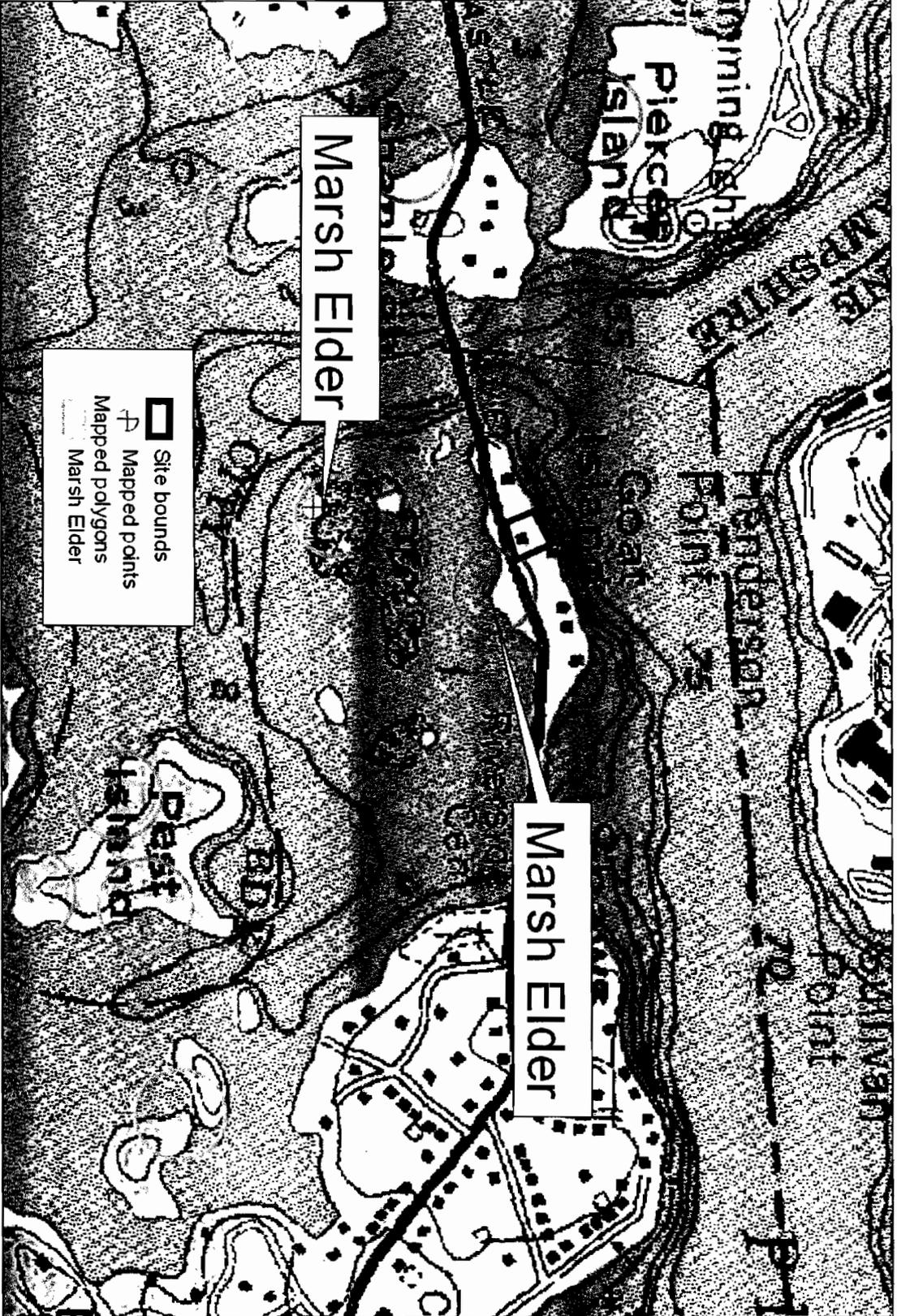
NHB13-2622



NH NATURAL HERITAGE BUREAU

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.



New Hampshire Natural Heritage Bureau - Plant Record

Marsh Elder (*Iva frutescens*)**Legal Status**

Federal: Not listed
 State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
 State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Excellent quality, condition and landscape context ('A' on a scale of A-D).
 Comments on Rank: This rank may be for the state rather than relative to others in the region.

Detailed Description: 1996: Constant observation since 1953 reported, including all stages of phenology and age structure. 1982: Good clump observed.

General Area: 1996: On shores of several islands and peninsulas in the more or less enclosed bay system. Associated plant species: *Solidago sempervirens* (seaside goldenrod), *Juncus gerardii* (salt marsh rush), *Spartina patens* (salt-meadow cord-grass), *Triglochin maritimum* (arrow-grass), *Elymus virginicus* (Virginia wild rye), *Atriplex patula* (narrow-leaved orach), and *Artemisia vulgaris* (common mugwort). Substrate: gravel and marsh peat and muck. 1982: On shore at Pleasant Point.

General Comments:
 Management
 Comments:

Location

Survey Site Name: Little Harbor, back channel
 Managed By: Little Harbor Trust

County: Rockingham USGS quad(s): Kittery (4307016)
 Town(s): Portsmouth Lat, Long: 430409N, 0704409W
 Size: 57.8 acres Elevation: 10 feet

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

Directions: In the vicinity of Rte. 1B which encircles the Little Harbor back channel from Portsmouth to New Castle and Rye. Many of the sites are visible only by boat.

Dates documented

First reported: 1953 Last reported: 1996-04-01

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
Project Planner, Riverside & Pickering Marine Contractors

Name of property owner (s): Glenn E. Kisch Trust

Location of proposed project: 372 Portsmouth, New Castle, NH Map 14, Lot 8

Brief description of work: Construct a 6' X 24' fixed pier with an associated stepped access, gangway and float.

ABUTTERS LIST

Tax Map & Lot Number

CERTIFIED MAIL

Tax Map 14, Lot 7
396 Portsmouth Ave

7011 2000 0001 7876 5199

Marshall & Janet Carroll, Jr.
Trustee of M&J Revoc Trust

[REDACTED]
New Castle, NH 03854

Tax Map 14, Lot 9
358 Portsmouth Ave

7011 2000 0001 7876 5205

Island Club of New Castle

[REDACTED]
New Castle, NH 03854