



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 17, 2016

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

REQUESTED ACTION

Approve Gregory & Sandra DeSisto's request to perform the following work on Sagamore Creek, in Portsmouth. File # 2016-00799. This project will not have significant impact on or adversely affect the values of Sagamore Creek.

Proposal to modify an existing tidal docking structure consisting of an 8 ft. x 85.58 ft. permanent pier connecting to a 3 ft. x 30 ft. ramp connecting to a 20 ft. x 32 ft. "E-shaped" float, total overall length of approximately 106 ft., providing three slips on 272 ft. of frontage on Sagamore Creek, to reduce the footprint of the dock by 352 sq. ft. to a final configuration consisting of a 6 ft. x 53 ft. permanent pier connecting to a 3 ft. x 40 ft. ramp connecting to a 10 ft. x 60 ft. float, total dock length 116 ft., providing three slips on 272 ft. of frontage on Sagamore Creek.

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 March 24, 2016 and revised through August 2, 2016, as received by the NH Department of Environmental Services (NH DES) on August 15, 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 NH DES Wetlands Bureau.
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 NH DES Wetlands Bureau prior to construction.
4. Appropriate siltation, erosion and 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. 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.
6. The modified tidal docking structure consisting of an 8 ft. x 85.58 ft. permanent pier connecting to a 3 ft. x 30 ft. ramp connecting to a 20 ft. x 32 ft. "E-shaped" float, total overall length of approximately 106 ft., providing three slips on 272 ft. of frontage on Sagamore Creek, to reduce the footprint of the dock by 352 sq. ft. to a final configuration consisting of a 6 ft. x 53 ft. permanent pier connecting to a 3 ft. x 40 ft. ramp connecting to a 10 ft. x 60 ft. float, total dock length 116 ft., providing three slips on 272 ft. of frontage on Sagamore Creek shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.

DES Web site: www.des.nh.gov

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

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

7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

EXPLANATION

The NH DES Wetlands Bureau approved this project on September 15, 2016. The NH DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposal modifies an existing tidal docking structure to reduce the impact within NH DES jurisdiction while improving the access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has demonstrated that the proposal is the least impacting alternative by reducing the impacts over public submerged lands by reducing the width of the fixed pier to 6 ft. and reducing the length of the fixed pier to 53 ft., an overall reduction of 352 sq. ft.
4. The applicant has demonstrated that this tidal dock modification is in accordance with Env-Wt 402.21 regarding modification of existing structures. Env-Wt 402.21 states that the NHDES shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the NHDES 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 surface area over public submerged lands is approximately 352 sq. ft. less than the current configuration and is not increasing the number of boat slips. Further, the applicant has demonstrated that the frontage supports four boat slips at this location pursuant to Env-Wt 402.13, but is choosing to have only three boat slips.
5. NH Natural Heritage Bureau (NHB) has records of a sensitive species within the vicinity of the project, but the NHB does not expect impacts to the species. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated May 3, 2016; and the dock is located greater than 20 ft. off the abutting property lines.
6. The Portsmouth Conservation Commission recommended approval of the project per letter received by the NHDES on April 21, 2016.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. NHDES staff field inspection on September 12, 2016 found that the plans accurately reflect field conditions.

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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



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

| | | | |
|--|--|--|-----------------------|
| | | | File No 2016-00779 |
| | | | Check No 8983 |
| | | | Amount \$ 496.00 |
| | | | Initials LSV |

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: **36 Shaw Road** TOWN/CITY: **Portsmouth**

TAX MAP: **223** BLOCK: _____ LOT: **22** UNIT: _____

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

LOCATION COORDINATES (if known): **n 43.05576 e -70.7839** Latitude/Longitude UTM
 State Plane

3. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

Reduce a permanent 8' x 85.7' piling pier to a 8' x 53' permanent piling pier (- 260.64), replace the existing 3' x 20' gangway and float system with a new 3' x 40' gangway, landing float and 10' x 60' main float (+236 sf). Cumulative impact estimated at + 95.33 sf. Pier is in need of repair and at this time the owners would like to modify the facility to provide better access at low tide. Currently at low tide the gangway is extremely steep and difficult to traverse.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **272'**

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC.:

6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: **NHB 16 - 0779**

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 >1/4 mile

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 (Individual)

LAST NAME, FIRST NAME, M.I.: **DeSisto, Gregory and Sandra**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: **New Castle** STATE: **NH** ZIP CODE: **03854**

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

ELECTRONIC COMMUNICATION: By initialing here: **GDS**, I hereby authorize NHDDES 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 NHDDES to communicate all matters relative to this application electronically

9. AUTHORIZED AGENT INFORMATION

LAST 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 NHDDES 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 NHDDES 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 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. 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 NHDDES correspondence. NHDDES will not

Proprietary 

Zachary Taylor -Dir of Operations
Riverside and Pickering Marine

3 / 25 / 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.

| | | |
|---|---|---|
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> |
| | Print name legibly | Date |

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

| | | | |
|---------------------------|---|---|---|
| | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> |
| 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 | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Intermittent stream | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Perennial stream / River | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Tidal water | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| 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 | -261.60 <input type="checkbox"/> ATF | +236 <input type="checkbox"/> ATF |
| Docking - Tidal Water | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| TOTAL | -261.6 / | +236 / |

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 = \$ _____

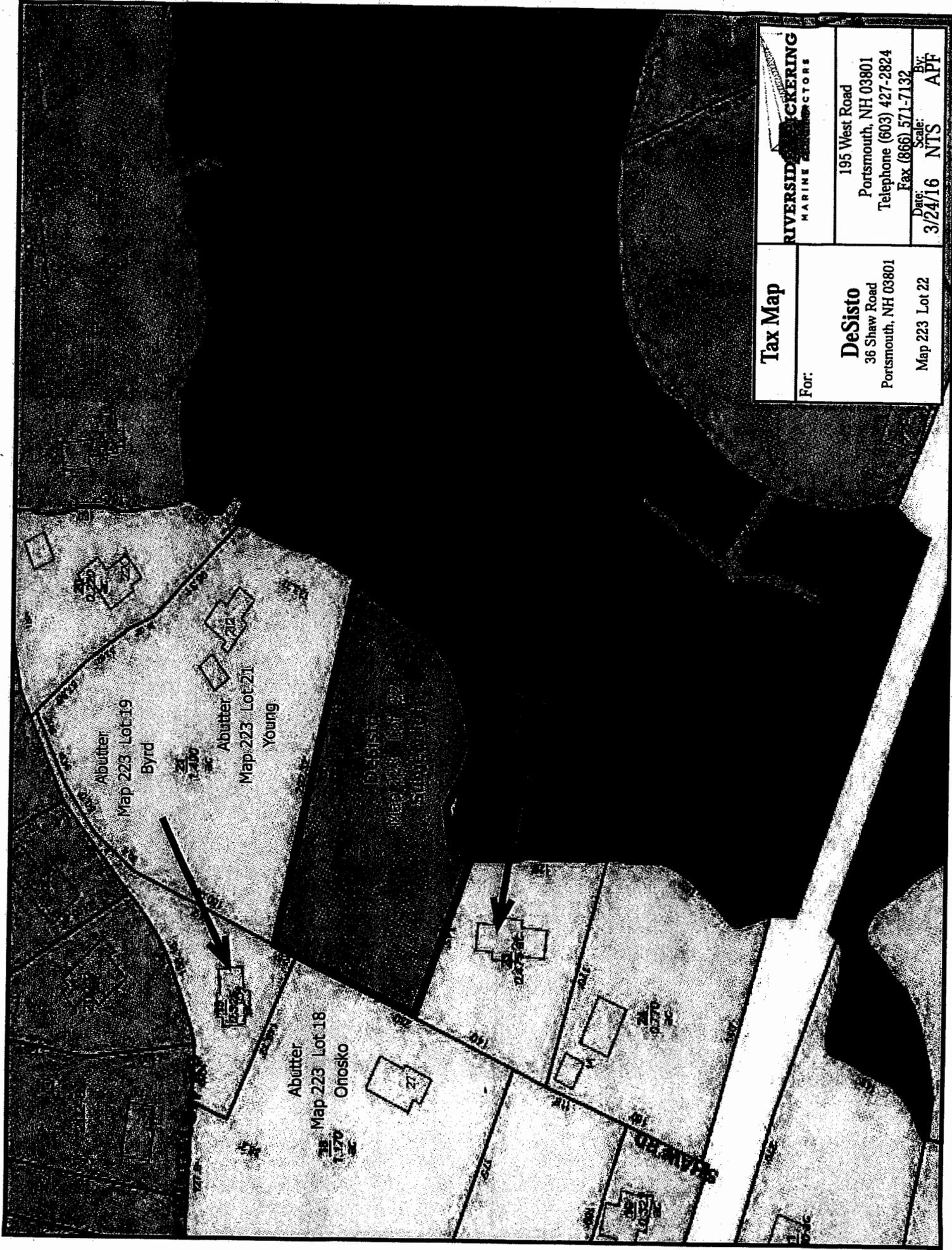
Temporary (seasonal) docking structure: **NEW +236** sq. ft. X \$1.00 = **\$ 236.00**

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

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

Total = **\$ 436.00**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 436.00**



| | |
|----------------|---|
| Tax Map | RIVERSIDE ENGINEERING MARINE ENGINEERS |
| | 195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (603) 571-7132 |
| For: | DeSisto 36 Shaw Road Portsmouth, NH 03801 Map 223 Lot 22 |
| Date: | 3/24/16 |
| Scale: | NTS |
| By: | APF |

(DOVER EAST)

070° 46' 16.73" W
042° 06' 43.07" N

(YORK HARBOR)

KITTERY QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

(YORK BEACH)

070° 42' 24.81" W
042° 04' 43.07" N



(PORTSMOUTH)

(Unavailable)

042° 01' 25.50" W
070° 46' 16.73" W

(EXETER)

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

North American 1983 Datum (NAD83)
Lambert Conformal Conic Projection

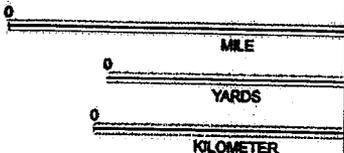
To place on the predicted North American
1927 move the projection lines 10M N and
41M E

Declination

MGN
GN

GN 1.19° W
MN 15.44° W

(EXETER)
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM

Site Map

For:

DeSisto
36 Shaw Road
Portsmouth, NH 03801

Map 223 Lot 22

RIVERSIDE ENGINEERING
MARINE ENGINEERS

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

Date: 3/24/16 Scale: NTS By: APF

1576
171



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: 3/31/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/16/2016

NHB File ID: NHB16-0779

Applicant: Allen Folsom

Location: Portsmouth
Tax Maps: 223-22

Project

Description: Reconstruct existing pier, reconfigure gangway and float.

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.

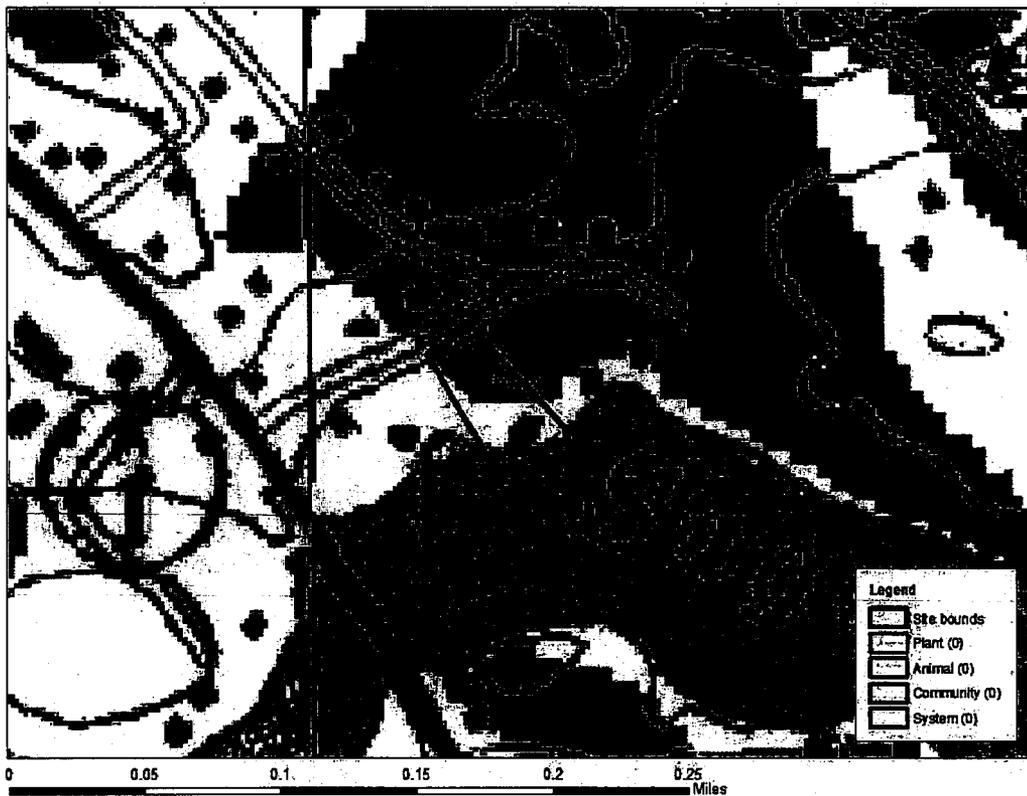
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 3/16/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-0779

NHB16-0779



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): Gregory and Sandra DeSisto
Location of proposed project: 36 Shaw Road, Portsmouth, NH Map 223, Lot 22
Brief description of work: Application to reduce a permanent pier and modify the existing gangway and float

ABUTTERS LIST

TM# 223 Lot 18
Joseph Onosko
Jane C Zill

Portsmouth, NH 03801

TM# 223 Lot 19
Brady Byrd
Brian Neste

Portsmouth, NH 03801

TM# 223 Lot 21
Young Carl Anthony Trust of 2015
Young Carl Anthony, Trustee

Portsmouth, NH 03801

TM# 223 Lot 23
John and Diane Connors

Portsmouth, NH 03801

CERTIFIED MAIL

7013 1090 0002 0195 7793

7013 1090 0001 0195 7809

7013 1520 0000 2163 6995

7015 1520 0000 2163 7008

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