

The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

March 7, 2018

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

REQUESTED ACTION

Approve Michael C. McDonough's amended plan request to perform the following work on Little Bay, in Dover. File # 2014-01107. This project will not have significant impact on or adversely affect the values of Little Bay.

Amendment request to relocate an existing tidal docking structure to comply with the 20 foot abutter setback in accordance with RSA 482-A:3 XIII and NHDES Code of Administrative Rules Env-Wt 304.04 with no change in size or configuration.

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

- 1. **AMENDED**: All work shall be in accordance with revised plans and narrative by Michael McDonough dated November 27, 2017, as received by the Department (NHDES) on November 27, 2017.
- 2. The seasonal structures, ramp and floats, shall be removed for the non-boating season to an upland location.
- 3. 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.
- 4. 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.
- 5. 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.
- 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. Construction of this tidal docking structure consisting of a 4 foot x 32 foot permanent pier, connecting to a 3 foot x 30 foot ramp, connecting to 10 foot x 20 foot float, providing two slips on 67 foot of frontage on Little Bay, shall be the only dock structure on this water frontage.
- 8. Work shall be done during low tide.
- 9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

- 11. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
- 12. The decking of the dock shall have a minimum of 4 foot clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

EXPLANATION

The NHDES Wetlands Bureau approved this project on February 05, 2018. The NHDES supported its decision with the following findings:

The NHDES reaffirms Findings 1-6 and 8-10, amends Finding 7 and adds Finding 11:

- 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. There is currently no docking structure on the property to provide 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 decking of the dock will have a minimum of a 1:1 ratio of deck height to width as appropriate and will have 3/4-inch spacing between the decking planks. Further, the applicant will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the wetland resource.
- 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. NH Natural Heritage Bureau (NHB) has record of a sensitive species within the vicinity of the project, but NHB does not expect impacts to the species from the project. 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 August 27, 2014.
- 6. This dock is consistent with other tidal dock approvals in the seacoast.
- 7. **AMENDED**: The NHDES staff field inspection on November 24, 2014 and February 5, 2018 found that the site is accurately represented in the application.
- 8. The Dover Conservation Commission supported approval of the application.
- 9. This project has received an extensive inter-agency coordinated review between the state and federal levels.
- 10. In accordance with RSA 482-A:8, the 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.

ADDED FINDING:

11. The applicant is relocating Michael C. McDonough's existing tidal docking structure to comply with the 20 foot abutter setback in accordance with RSA 482-A:3 XIII and NHDES Code of Administrative Rules Env-Wt 304.04 with no change in size or configuration.

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 3

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

November 27th, 2017

To: Mr. Price

From: Michael McDonough

Subject: Amendment of permit #2014-01107 to move the dock outside the 20-foot setback called out in RSA 482-A:3 XIII (a).

The original dock location was predicated on a waiver provided under RSA 482-A:3 XIII (c). The abutters granting the waiver observed the actual location of the dock as it was installed and expressed remorse in providing the waiver.

Not wanting a dock installation that is a continuous source of frustration, this amendment changes the location of the dock to comply with RSA 482-A:3 XIII subparagraph (a) and no longer relies on the waiver provision of subparagraph (c).

The dock pier, ramp and floats remain the same size as originally permitted under permit #2014-01107. The location is changed to ensure the entire structure is completely outside the 20-foot setback as per the attached drawing.

Sincerely,

Michael McDonough



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

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



PERMIT APPLICATION

or wanye

MAY 0 9 2014	
NHDES LAND RESOURCES MANAGEMENT	

COMPLETE MAY 0 9 2014 2014-01107 1623 *760.00 Emk

REVIEW TIME: Indicate your Review Time	below. Refer to Guidance Document A for	instructions.			
⊠ Standard Review	w (Minimum, Minor or Major Impact)		☐ Expedited	l Review (Minimum In	npact)
2. PROJECT LOCATION: Separate applications must	be filed with each municipality that jurisdic	ctional impacts	will occur in.		
ADDRESS: 29 Boston Ha	rbor Rd			TOWN/CITY: Dover	
TAX MAP: 7	BLOCK:	LOT:	13A	UNIT:	
USGS TOPO MAP WATERBO	DY NAME: Little Bay	□ NA	STREAM WAT	TERSHED SIZE:	⊠ NA
LOCATION COORDINATES (I	f known):		☐ Latite	ude/Longitude 🔲 UTM	State Plane
under-sized slip on 67'	ed pier to a 3' x 24' ramp to a 5' x 40' of frontage on Little Bay. Fixed ple Il be a minimum of 6' high.				
4. RELATED PERMITS, E	NFORCEMENT, EMERGENCY AUTHOR	IZATION, SHO	RELAND, AL	TERATION OF TERR	tain, etc
이 그는 이 가게 있는 것 같아. 회사에 환경된 사람들이 사용을 가지하셨다면요 이 사람은	BUREAU & DESIGNATED RIVERS: lired Attachments document for instruction	ns to complete a	& b below.		
a. Natural Heritage Bureau	ı File ID: NHB <u>14 - 1609 .</u>				
	e project is in ¼ miles of: pplication was sent to Local River Advisor	y Committee: M	; and lonth: Da	y:Year:	

LAST NAME, FIRST NAME, M.I.: McDonough Michael C.		**************************************		
TRUST / COMPANY NAME:	MAILING	ADDRESS:		
TOWN/CITY: Lee			STATE: NH	ZIP CODE: 03861
EMAIL or FAX:	PHON			211 0002, 0000
			"	to the constant of the constant of
ELECTRONIC COMMUNICATION: By initialing here: mcm_, I h		COMMUNICATE A	Il matters relativo) to this арріксацоп еїесцопіса
7. PROPERTY OWNER INFORMATION (If different than	аррисану			
LAST NAME, FIRST NAME, M.I.:				
TRUST / COMPANY NAME:	MAILING A	DDRESS:		
TOWN/CITY:			STÅTE:	ZIP CODE:
EMAIL or FAX:		PHONE:		
ELECTRONIC COMMUNICATION: By initialing here, I h	ereby authorize DES to	communicate a	Il matters relative	to this application electronica
. AUTHORIZED AGENT INFORMATION				
AST NAME, FIRST NAME, M.I.:		COMPANY NA	WE:	Acceptance to the second secon
FAILING ADDRESS:				
,		s	STATE:	ZIP CODE:
OWN/CITY:	PHONE:	s	STATE:	ZIP CODE:
OWN/CITY: MAIL or FAX:				ZIP CODE: to this application electronical
PROPERTY OWNER/SIGNATURE	ereby authorize DES to	communicate all	I matters relative	
OWN/CITY: MAIL or FAX: LECTRONIC COMMUNICATION: By initialing here, I he PROPERTY OWNER/SIGNATURE BE: The instructions & Required Africulturalis document for of	ereby authorize DES to	communicate all	I matters relative	
OWN/CITY: MAIL or FAX: LECTRONIC COMMUNICATION: By initialing here, I he	form to act in my be his permit application into outlined in the ins SA 482-A:3, I and Enned in Env-Wt 302.0 chosen the least impass either previously permit to the best of my life misrepresented information in Env-Wt 302.0 chosen the least impass either previously permisrepresented information in the best of my life misrepresented information in legal actions additional state, longer the sate of th	communicate all we state the productions and v-Wt 100-900. 4 for the applicacting alternation with the proportion of the proportion to the production to th	cessing of this a Required Attac cable project type ve. Wetlands Burea Officer. cosed project. information is the New Hamps permits which	application, and to furnish chiment document. pe. au or would be considered true and accurate. shire Department of
MAIL or FAX: LECTRONIC COMMUNICATION: By initialing here, I he RECERTY OWNER SIGNATURE: Let Instructions & Required Additionals decement for of y signing the application, I am certifying that: I authorize the applicant and/or agent Indicated on this upon request, supplemental information in support of the I have reviewed and submitted Information & attachmental abutters have been identified in accordance with RS I have read and provided the required information outline I have read and understand Env-Wt 302.03 and have one can be applicated and the company of the application materials to the company of the application materials to the company of the application materials to the company of the application of the company of the company of the application of the company of the company of the application of the company of the company of the application of the company of t	form to act in my be his permit application into outlined in the ins SA 482-A:3, I and Enned in Env-Wt 302.0 chosen the least impass either previously permit to the best of my life misrepresented information in Env-Wt 302.0 chosen the least impass either previously permisrepresented information in the best of my life misrepresented information in legal actions additional state, longer the sate of th	communicate all we statements half in the process structions and v-Wt 100-900. 4 for the applicacting alternation mitted by the vector of the properties	cessing of this at Required Attact vable project type ve. Wetlands Bureau Officer. Dosed project. Information is the New Hamps permits which the Secorespond	application, and to furnish chiment document. pe. au or would be considered true and accurate, shire Department of a I am responsible for

MUNICIPAL SIGNATURES

10. 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
·	: :

虏

Authorized Commission Signature

DIRECTIONS FOR CONSERVATION COMMISSION

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

11. TOWN / CITY CLERK SIGNATURE

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

Town/City Clerk Signature

Print name legibly

Karen S. Laverty

Town/City

5/7/14

DIRECTIONS FOR TOWN/CITY CLERK:

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

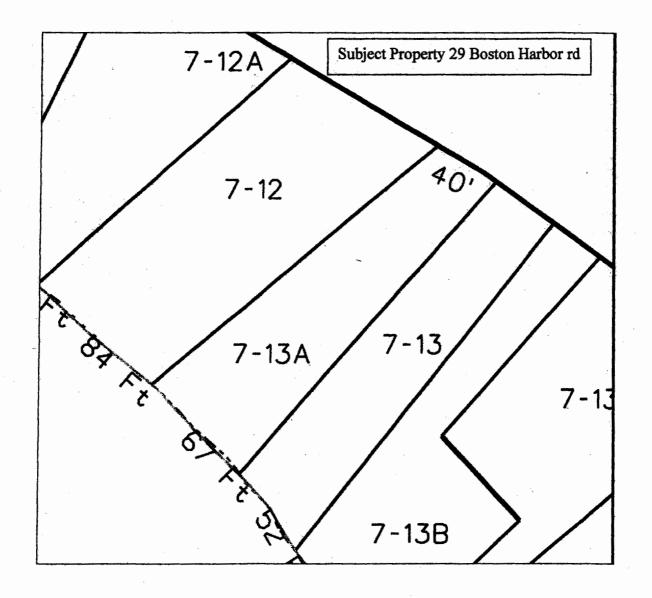
- 1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
- 2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice:
- 3. Collect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

12. IMPACT AREA: For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact Permanent: Impacts that will remain after the project is complete. Temporary: Impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete. After-the-fact (ATE): work completed prior to receipt of this application by DES. Check box to indicate ATF. PERMANENT **TEMPORARY JURISDICTIONAL AREA** Sq. Ft. / Lin. Ft. Sq. Ft. / Lin. Ft. Forested wetland ☐ ATF ☐ ATF Scrub-shrub wetland ☐ ATF ATF **Emergent wetland** ☐ ATF Wet meadow ☐ ATF ☐ ATF Intermittent stream ☐ ATF ☐ ATF Perennial Stream / River 1 ☐ ATF 1 ☐ ATF Lake / Pond 1 ☐ ATF 1 ☐ ATF 1 Bank - Intermittent stream □ ATF ☐ ATF ATE Bank - Perennial stream / River ATF 1 Bank - Lake / Pond 1 ☐ ATF ☐ ATF 1 Tidal water 1 ☐ ATF ☐ ATF ☐ ATF Salt marsh ☐ ATF Sand dune ☐ ATF Prime wetland ☐ ATF ATF Prime wetland buffer ☐ ATF Undeveloped Tidal Buffer Zone (TBZ) ATF ☐ ATF ☐ ATF ☐ ATF Previously-developed upland in TBZ ATF ☐ ATF Docking - Lake / Pond Docking - River ATF ☐ ATF Docking - Tidal Water 416 ATF ☐ ATF TOTAL 416 / 1 13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction Minimum Impact Fee: Flat fee of \$ 200 Minor or Major Impact Fee: Calculate using the below table below Permanent and Temporary (non-docking) sq. ft. X \$0.20 = \$ Temporary (seasonal) docking structure: 272 sq. ft. X \$1.00 = \$272 Permanent docking structure: 144 sq. ft. X \$2.00 = \$288 Projects proposing shoreline structures (including docks) add \$200 = \$200 Total = \$760The Application Fee is the above calculated Total or \$200, whichever is greater = \$760

CITY OF DOVER

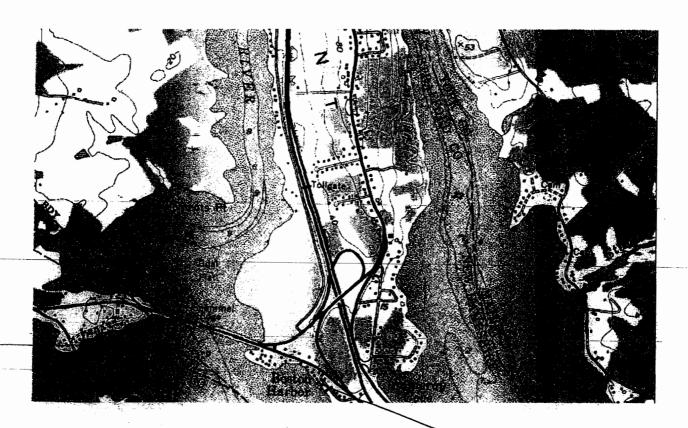
STRAFFORD COUNTY, NEW HAMPSHIRE TAX ASSESSOR'S MAP

MAP 7

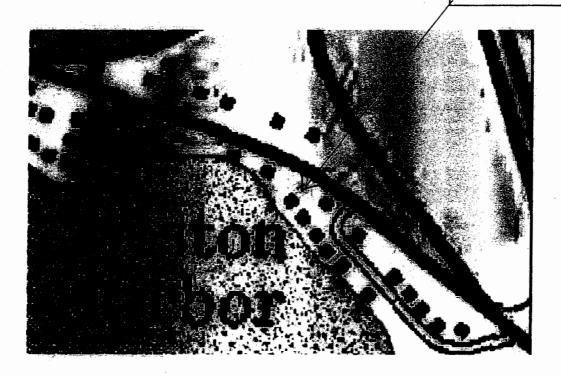


	Map/Lot#	Owner	Address
Abutter	7-12	William and Cassandra Miller	
Subject Property	7-13A	Michael and Sandra McDonough	
Abutter	7-13	Kenneth and Susan McLeary	

USGS Topographic Map Dover East 7.5-Minute Survey



29 Boston Harbor



R15



NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

To: Michael McDonough

Lee, NH 03861

From: NH Natural Heritage Bureau

Date: 5/2/2014 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/1/2014

NHB File ID: NHB14-1609 Applicant: Michael McDonough

Location: Dover

Tax Maps: 7-13A

Project

Description: Construct a 6' x 24' fixed pier to a 3' x 24' ramp to a 5' x 40' float.

Overall structure length of 80'; providing an under-sized slip on 67' of

frontage on Little Bay. Fixed pier and ramp will have

environmentally friendly Thru Flow Decking. Fixed pier will be a

minimum of 6' high.

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.

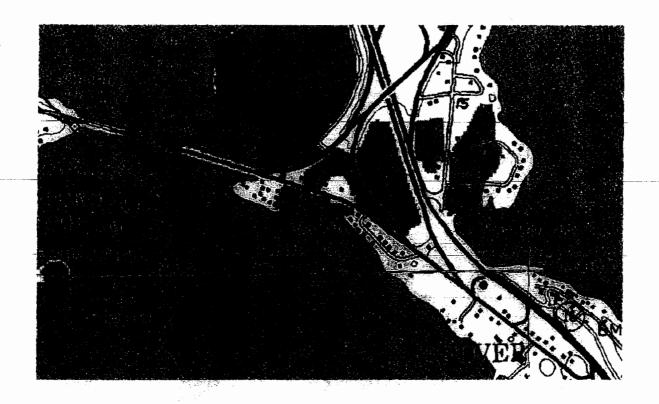
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 5/1/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB14-1609

NAME OF THE PROPERTY OF THE PARTY OF THE PAR

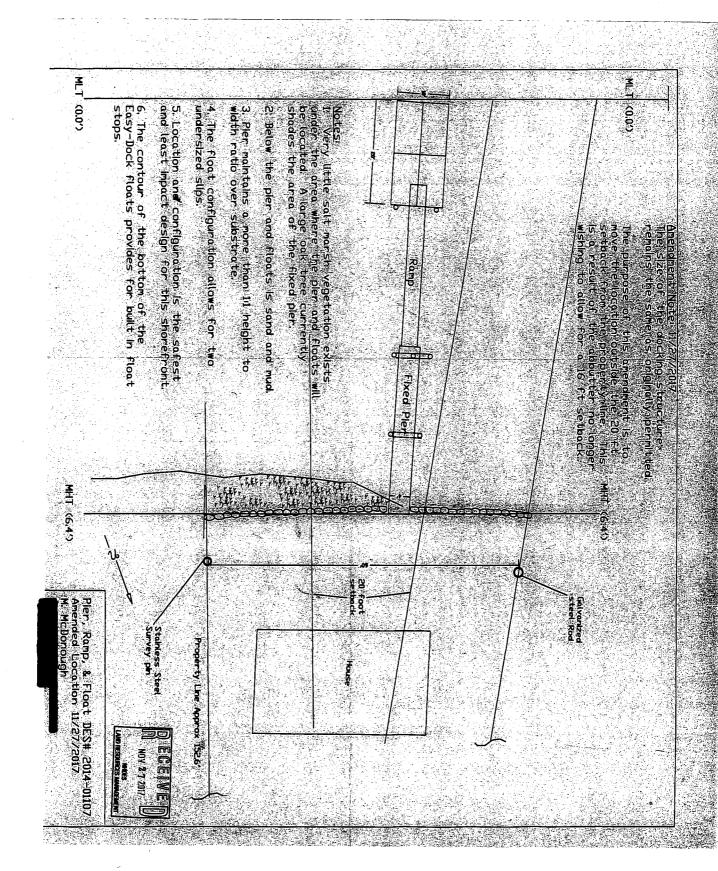


SENDER: COMPLETE THIS SEC	T/ON	COMPLETE TRIS S	ECTION ON DEL	IVERY
 Complete items 1, 2, and 3. Alsitem 4 if Restricted Delivery is d Print your name and address or so that we can return the card t Attack this card to the back of t or orising front if space permits. 	esired. I the reverse o you.	A. Signature XOVAN B. Received by (Prin	nted Name)	Agent Addressee C. Date of Delivery
1. Article Addressed to: Ray+Susan Kenne		D. Is delivery address If YES, enter deliv		
Stanfordvilk, 12581	Ny .	3. Service Type Certified Mail Registered Insured Mail 4. Restricted Deliver	□ C.O.D.	in the second se
		4. Nestricted Deliver	yr (Extra 100)	
Article Number (Transfer from service label)	2077 500	סים ייססם	2 7561	
PS Form 3811, February 2004	Domestic Reti	um Receipt		102595-02-M-1540

Delivery Confirmation Abutters at lot 7-13

so that we can return the car ach this card to the back of the front if space permi	of the malipiece.	B. Received by (Pri		C. Date of Delivery
1 + Savidy M	1:1km	D. Is delivery address If YES, enter deliv		
Marco Isla	nd, FL	3. Service Type		
Marco Isla 34146	nd, FL	3. Service Type Certified Mell Registered Insured Mall	☐ Express Ma ☐ Return Reco	if elpt for Merchandise
Marco Isla 34/46	nd, FL	☐ Certified Meil ☐ Registered	☐ Return Reco	

Delivery Confirmation Abotters at lot 7-12



east so all parts of the dock will be outside the 20 ft setback. The shape and size of the pier floats and ramp will remain the same. The pier is currently installed in the correct location as per the original permit at 16 ft from property line. As part of a dispute resolution the pier is being relocated outside the 20 ft setback called out in RSA 482-A,3 XIII (a) Amendments
The location of the dock is being shifted

Ples will be installed in the day during low water or in-water between Nov. 8th-Apr 9th.

vibratory harmers used to install any size and quantity of wood piles.

control management measures and practices will be used. When apropriate silt fences will be installed and maintained throughout the <u>Sedimentation and Erosion Control</u> Adequate sedimentation and erosion construction sequence.

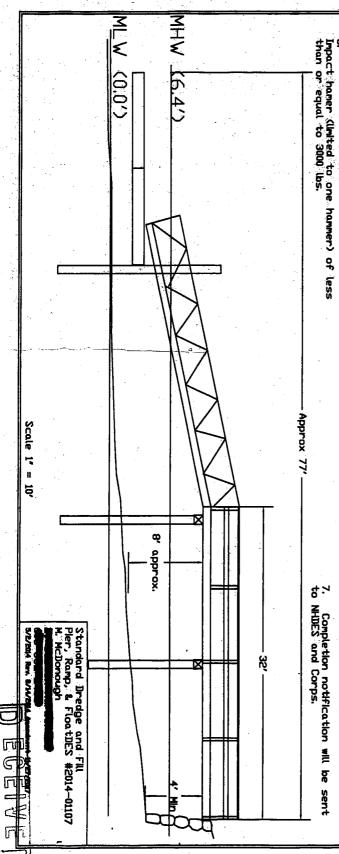
Best practices called out in NH Stormwater Manual Volume 3 will followed. De

No mechanized equipment will be oppurated on the salt flat.

Sod will be installed at the shore emediately following the installation of the pier.

Construction sequence:

- Two pilings will be driven adjacent each of the currently installed pier bents. 8
- 2. Two stones will be removed from the top of the wall at the new location.
- 3. The pier will be relocated on top of the new bent and wall locations
- with sod grass. Soil at top of wall will be stablized
- 5. The piling that is inside the 20 ft setback will be removed.
- Two float pllings will be driven
- Completion notification will be sent NHDES and Corps.



NHDES
NANAGEMENT