



The State of New Hampshire

## Department of Environmental Services



J.A.M.  
31

**Robert R. Scott, Commissioner**

September 08, 2017

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

### REQUESTED ACTION

Approve Samuel and Jane Pollard's request to perform the following work on Little Bay, in Dover. File # 2017-00393. This project will not have significant impact on or adversely affect the values of Little Bay.

Reconstruct a previously existing grandfathered tidal dock with a modified design consisting of a 4 ft. wide x 10 ft. long access ramp above the highest observable tide line, connecting to a 4 ft. wide x 20 ft. long permanent pier, connecting to a 3 ft. wide x 20 ft. long gangway, connecting to a 6 ft. wide x 20 ft. long float on float stops, overall structure length seaward of highest observable tide line 60 ft., providing one slip on 10 ft. of frontage. Rip rap 15 linear feet (98 square feet) on a diagonal to stabilize the tidal shoreline in place of a derelict wooden bulkhead.

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

1. All work shall be in accordance with revised plans by Ambit Engineering dated June 12, 2017, as received by the NH Department of Environmental Services (NHDES) on June 16, 2017.
2. This permit, along with the notarized permission for the structure to be within 20 ft. of each of the abutting property lines imaginary extension into the water, shall not be effective until recorded at the appropriate county Registry of Deeds office by the permittee. A copy of the recorded permit and recorded notarized permission letters shall be submitted to the NHDES Wetlands Bureau prior to the commencement of construction.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease District office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. Construction of this replacement tidal docking structure, with a modified design consisting of a 4 ft. wide x 10 ft. long access ramp above the highest observable tide line, connecting to a 4 ft. wide x 20 ft. long permanent pier, connecting to a 3 ft. wide x 20 ft. long gangway, connecting to a 6 ft. wide x 20 ft. long float on float stops, overall structure length seaward of highest observable tide line 60 ft., providing one slip on 10 ft. of frontage, shall be the only dock structure on this water frontage. The permittee has notarized permission for the dock to be within 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. The height of the pier's decking over the surface of the tidal marsh at normal high tide shall equal the width of the decking. Decking shall have 3/4-inch spacing between the decking planks.
6. The seasonal structures, including but not limited to the gangway and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

7. 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.
8. 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 Env-Wq 1700.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
10. Construction of the dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the salt marsh and intertidal zone.
11. Pile driving or pile removal work shall be done during low tide.
12. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
13. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. All work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
15. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
16. Within three days of final grading or temporary suspension of work in an area that is 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

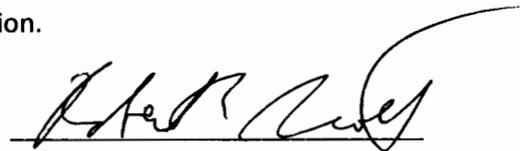
The NHDES Wetlands Bureau approved this project on August 09, 2017. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposal replaces a previously existing grandfathered, deteriorated and nonconforming tidal docking with a new, more conforming structure.
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 is replacing a deteriorated, nonconforming structure with a less impacting, conforming structure, which removes a collapsing timber bulkhead and reduces mudflat impacts within the tidal resource, while improving the access to the water for the applicant. The proposal reduces total structural coverage over public submerged lands from approximately 396 square ft. to 260 square ft., a net reduction of 136 square ft. or 35%.
4. The applicant has demonstrated that this tidal dock replacement is in accordance with Env-Wt 402.21 regarding modification of existing structures. Env-Wt 402.21 states that NHDES shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and 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 replacement design results in an overall reduction in surface area over public submerged lands by 136 square ft.; is less environmentally impacting by:

- 1) removing the negative erosive shoreline impact of the timber bulkhead and replacing with rip rap compatible with the two adjoining properties, and changing the connection point of the pier from the bulkhead to the upland; and
  - 2) by designing float stops for the float such that the float will no longer bottom out at mean low tide; and will limit the structure to only one boat slip.
5. 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, as follows:
- a. NH Natural Heritage Bureau ("NHB") has record of sensitive species within the vicinity of the project, but NHB does not expect impacts to the species.
  - b. With respect to the proposal's impact on near-shore navigation, the replacement structure is to be located in the same location as the previously existing structure. The abutters on both sides have both provided notarized letters of permission which will be recorded with the permit allowing the applicant to construct the structure within 20 feet of the abutting property lines or the imaginary extensions waterward thereof. It is possible for the boat to be berthed at the end of the float, minimizing potential encroachment into the waterspace of the abutters. The design has been reviewed by the Pease Development Authority, Division of Ports and Harbors, who, per letter dated March 13, 2017, determined that the project would have no negative effect on navigation in the channel.
6. The Dover Conservation Commission intervened on the application, but did not report further.
7. This dock is consistent with other tidal dock approvals for historic structures in the seacoast.
8. NHDES staff field inspection on May 04, 2017 found that plans accurately reflect field conditions.

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.



Robert R. Scott  
Commissioner



**WETLANDS PERMIT APPLICATION**  
Land Resources Management  
Wetlands Bureau

Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



			File No: <b>2017-00393</b>
			Check No: <b>0258</b>
			Amount: <b>4638.20</b>
			Initials: <b>EMK</b>

**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: **33B Boston Harbor Road**      TOWN/CITY: **Dover**

TAX MAP: **7**      BLOCK:      LOT: **13C**      UNIT:

USGS TOPO MAP WATERBODY NAME: **Little Bay**       NA      STREAM WATERSHED SIZE:       NA

LOCATION COORDINATES (If known): **X:1,204,927.92 Y:229,444.92**       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.

**The project proposes 180 sq. ft. of temporary, and 120 sq. ft. of permanent impact to jurisdictional tidal wetlands for a tidal docking structure consisting of a 4' x 30' fixed pier, a 3' x 20' aluminum gangway, and 6' x 20' float located by pilings (overall structure length 70') providing one slip on 10 feet of shoreline frontage. The project also proposes 28 sq. ft. of permanent and 63 sq. ft. of temporary impact to repair "in kind" the existing timber retaining wall located along the shoreline.**

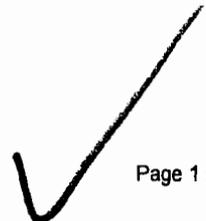
**4. SHORELINE FRONTAGE**

NA This lot has no shoreline frontage.      SHORELINE FRONTAGE: **10 feet**  
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** - **3488**



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

**7. APPLICANT INFORMATION (Desired permit holder)**

LAST NAME, FIRST NAME, M.I.: **Samuel W. & Jane P. Pollard**

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Dover**

STATE: **NH**

ZIP CODE: **03820-4645**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: \_\_\_\_\_, I hereby authorize NHDES to communicate all matters relative to this application electronically

**8. PROPERTY OWNER INFORMATION (if different than applicant)**

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_, I hereby authorize NHDES to communicate all matters relative to this application electronically

**9. AUTHORIZED AGENT INFORMATION**

LAST NAME, FIRST NAME, M.I.: **Riker, Steven, D.**

COMPANY NAME: **Ambit Engineering, Inc.**

MAILING ADDRESS: **200 Griffin Road, Unit 3**

TOWN/CITY: **Portsmouth**

STATE: **NH**

ZIP CODE: **03801**

EMAIL or FAX: **sdr@ambitengineering.com**

PHONE: **603-430-9282**

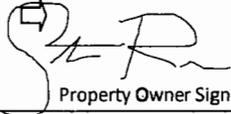
ELECTRONIC COMMUNICATION: By initialing here SR, I hereby authorize NHDES to communicate all matters relative to this application electronically

**10. PROPERTY OWNER SIGNATURE:**

See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form ([www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review)) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the 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.

 Property Owner Signature	Agent-See Authorization	Steven D. Riker Print name legibly	2 / 2 / 17 Date
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### MUNICIPAL SIGNATURES

#### 11. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

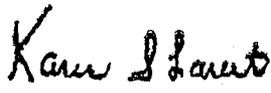
	Print name legibly	Date
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#### DIRECTIONS FOR CONSERVATION COMMISSION

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

#### 12. TOWN / CITY CLERK SIGNATURE

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

 Town/City Clerk Signature	Karen S. Laretta Print name legibly	Dover Town/City	2/3/2017 Date
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**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

[shoreland@des.nh.gov](mailto: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](http://www.des.nh.gov)

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	28	<input type="checkbox"/> ATF	63	<input type="checkbox"/> ATF
Docking - Lake / Pond		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - River		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Tidal Water	120	<input type="checkbox"/> ATF	180	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>148 /</b>		<b>243 /</b>	

**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) 91 sq. ft. X \$0.20 = \$ 18.20

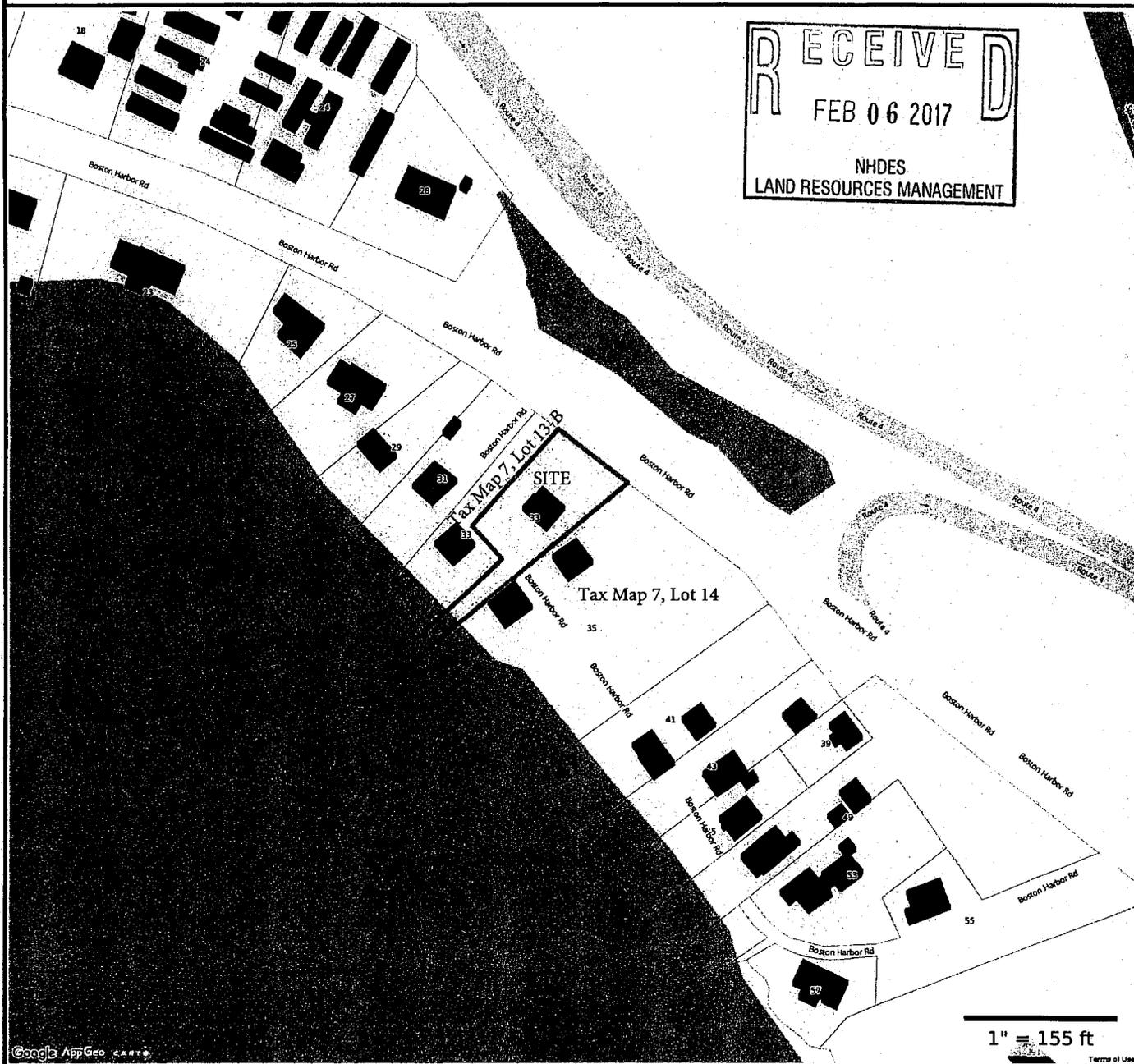
Temporary (seasonal) docking structure: 180 sq. ft. X \$1.00 = \$ 180.00

Permanent docking structure: 120 sq. ft. X \$2.00 = \$ 240.00

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

Total = \$ 638.20

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



**RECEIVED**  
 FEB 06 2017  
 NHDES  
 LAND RESOURCES MANAGEMENT

1" = 155 ft  
3123911 Terms of Use

Property Information	
Property ID	07013-C00000
Location	33 B BOSTON HARBOR RD
Owner	POLLARD SAMUEL W &

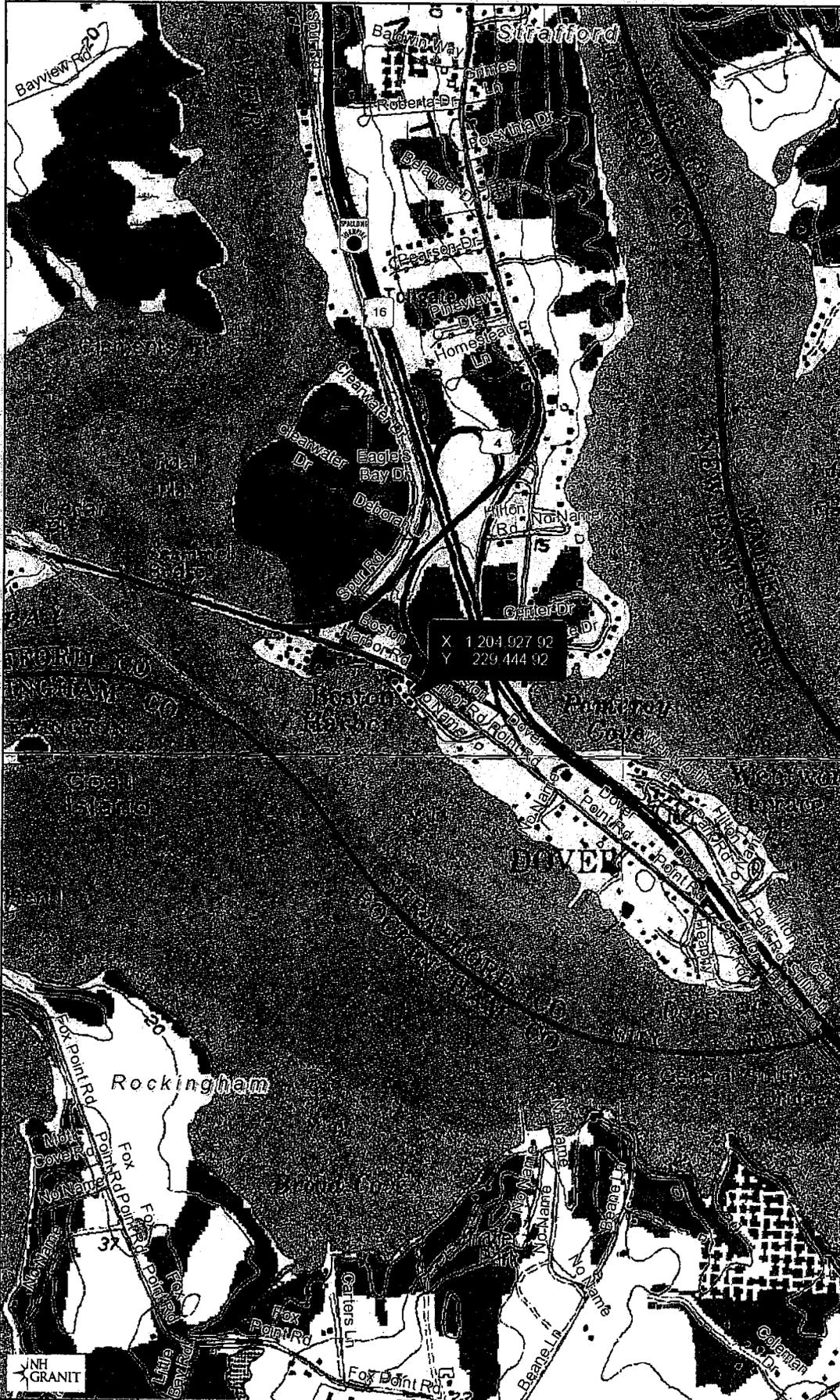


**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 11/15/2016  
 Properties updated 11/21/2016

# Map by NH GRANIT



## Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

R E C E I V E D

FEB 06 2017

NHDES  
LAND RESOURCES MANAGEMENT

Map Scale

1: 15,898

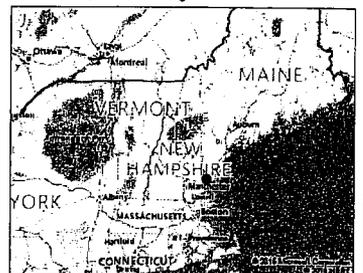


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Map Generated: 11/2/2016

## Notes

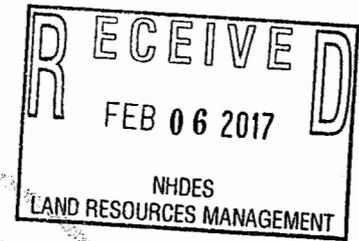
R15 / 143





NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** John Chagnon, Ambit Engineering Inc  
200 Griffin Road  
Unit 3  
Portsmouth, NH 03801



**From:** NH Natural Heritage Bureau

**Date:** 11/22/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 11/17/2016

**NHB File ID:** NHB16-3488

**Applicant:** Samuel & Jane Pollard

**Location:** Dover  
Tax Maps: Tax Map 7, Lot 13-C

**Project Description:** The project proposes a new tidal docking structure and repair/replacement of an existing timber retaining wall.

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.

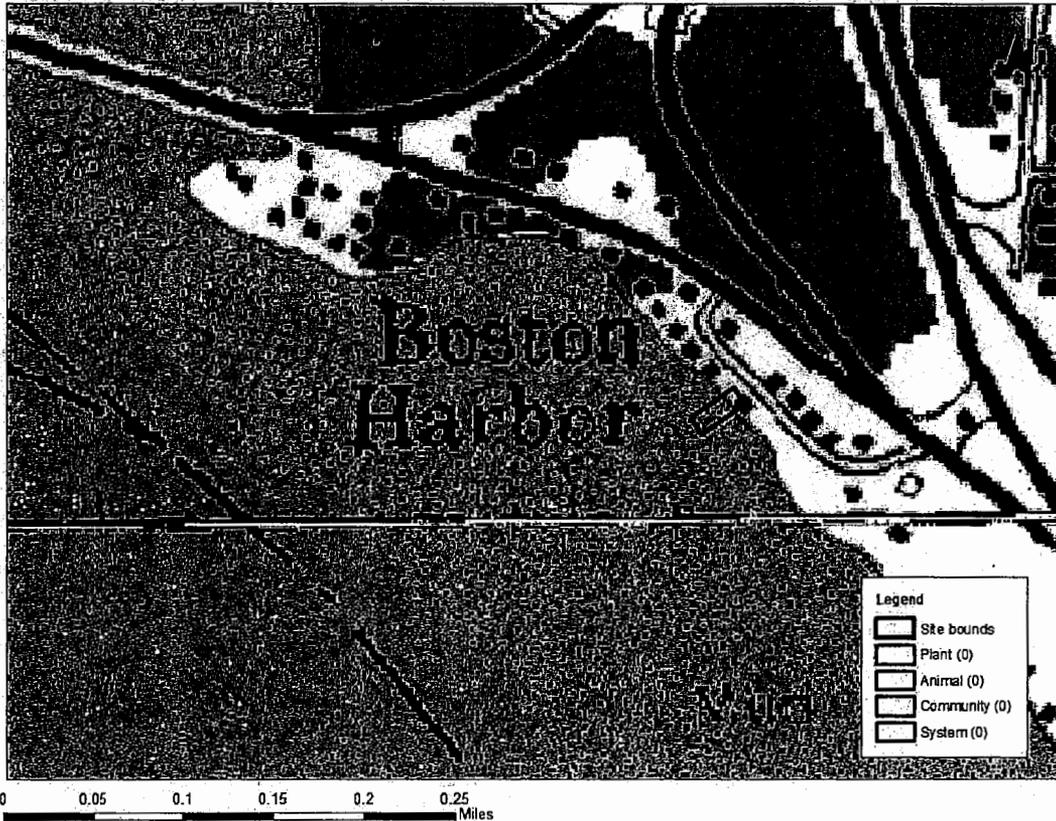
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/17/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-3488

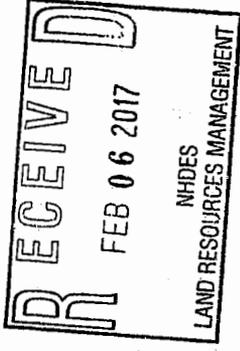
NHB16-3488



**ABUTTER'S LIST**

JN 2552.07

Samuel W. & Jane P. Pollard  
33B Boston Harbor Road  
Dover, NH



MAP LOT NAME(S) PO BOX STREET ADDRESS CITY/STATE/ZIP

7 13B Fritz Family Revocable Trust of 2015  
John & Jean Marie Fritz Co-Trustees  
7 14 Madeline R. Mccooey Rev. Trust  
John J. Mccooey Trustee

Dover, NH 03820

Vero Beach, FL 32963

Portsmouth, NH 03801

200 Griffin Road, Unit 3

Dover, NH 03820

Engineer **Ambit Engineering, Inc.**  
Civil Engineers & Land Surveyors

Applicant/Owner

7 13C Samuel W. & Jane P. Pollard