



DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 20, 2015

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

REQUESTED ACTION

Approve Christine Estes' request to perform the following work on the Atlantic Ocean/Piscataqua River, in Dover. File # 2014-02211. This project will not have significant impact on or adversely affect the values of the Atlantic Ocean/Piscataqua River.

Proposal to modify an existing tidal docking structure by adding a new 3 ft. x 35 ft. ramp connecting to a new float system consisting of a 6 ft. x 10 ft. landing float connecting to a 8 ft. x 62 ft. main float and (3) 4 ft. x 24 ft. finger floats to the existing 6 ft. x 125 ft. permanent pier; overall structure length of 198 ft., providing six slips on 397 ft. of frontage on the Piscataqua River. Tidal docking structure is a common dock shared along the water frontage of two abutting properties.

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 July 25, 2014, as received by the Department on August 12, 2014.
2. The abutting waterfront lot (Tax Map L/Lot 89-B-4) cannot apply for and be granted a permit to build a separate dock on its own water frontage, and this restriction shall be recorded in the deed for said lot.
3. This permit is contingent upon DES receiving a copy of the final recorded deed language for the abutting lot, Tax Map L/Lot 89-B-4.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds office for both lots, Tax Map L/Lots 89-B and 89-B-4, by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Modification of this tidal docking structure by adding a new 3 ft. x 35 ft. ramp connecting to a new float system consisting of a 6 ft. x 10 ft. landing float connecting to a 8 ft. x 62 ft. main float and (3) 4 ft. x 24 ft. finger floats to the existing 6 ft. x 125 ft. permanent pier; overall structure length of 198 ft., providing six slips on 397 ft. of frontage on the Piscataqua River shall be the only dock structure on this water frontage (Tax Map L/Lot 89-B) and the abutting lot water frontage (Tax Map L/Lot 89-B-4).
6. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
7. 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.
8. 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.
9. Work shall be done during low tide.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

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

11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
12. Construction of the new dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
13. Any demolition debris shall be completely removed off site and disposed of properly.
14. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

EXPLANATION

The DES Wetlands Bureau approved this project on March 20, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. Pursuant to RSA 482-A:3,XIII(d), abutters may apply for a common dock on or near their common property line. The applicant has applied for a common dock for the existing waterfront lot, Tax Map L/Lot 89-B, and the abutting lot, Tax Map L/Lot 89-B-4.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The modified existing docking structure will become a common dock for two abutting lots to provide access to the water.
4. 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 Wt 302.03. The applicant is modifying an existing tidal docking structure to accommodate two waterfront lots, Tax Map L/Lots 89-B and 89-B-4.
5. The abutting lot, Lot 89-B-4, is restricted through its deed and permit conditions such that current and future owners cannot apply for and be granted a permit to build a separate dock on the water frontage of Lot 89-B-4.
6. 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.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
8. 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 by 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 in the federal channel, per letter dated August 27, 2014.
9. This dock is consistent with other tidal dock approvals in the seacoast.
10. DES staff field inspection on October 28, 2014 found that the site is accurately represented in the application.
11. The Dover Conservation Commission reviewed the application and voted to endorse it on September 22, 2014 with the recommendation that a deed restriction be put in place to limit the dock to the existing fixed pier and no additional dock be allowed on lot 89-B-4. Conditions #2-#5 of the permit reflect the comments of the Dover Conservation Commission.
12. 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 estuarine resource, as identified under RSA 482-A:1.

Her Excellency, Governor Margaret Wood Hassan
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.


Thomas S. Burack
Commissioner

TSB/CGA/wslsl

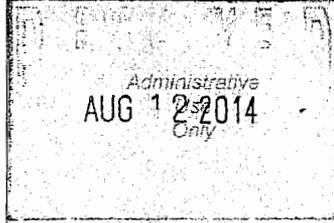


THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

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

	<p>COMPLETE</p> <p>Administrative Use Only AUG 12 2014</p>	<p>Administrative Use Only</p>	File No. 2014-02211
			Check No. 6880
			Amount: \$ 777.00
			Initials: DB

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)

2. PROJECT LOCATION:

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 192 Dover Point Road, Dover, NH

TOWN/CITY: Dover, NH

TAX MAP: Map L

BLOCK:

LOT: Lot 89 B

UNIT:

USGS TOPO MAP WATERBODY NAME:

Atlantic Ocean/Piscataqua River

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (If known): 1,206,416.74, 239,931.41

UTM State Plane

Latitude/Longitude

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.

Remove an existing 6' X 24' gangway and 10' X 30' float. Install new gangway and floats, consisting of a 3' X 35' aluminum gangway, 6' X 10' landing float and a 8' X 62' main float and (3) 4' X 24' finger floats located by moorings. (372 sf existing gangway and float impacts, 949 sf proposed gangway and float impacts requiring only 577 in additional sf impact).

This will be the only structure on the owners approximate 397' average shoreline frontage.

Note: The average shoreline frontage is comprised of the shore frontage for both lot 89B where the proposed seasonal structure modification is to occur and the adjacent lot 89 B-4. The adjacent lot 89 B-4 owner agrees to put the shore frontage into conservation and deed restrict the construction of a docking structure on the parcel.

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

Previous Wetlands Application Approval 1989-02114

5. 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 14 - 2069

b. Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___

NA

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Patrice Foster			
TRUST / COMPANY NAME:		MAILING ADDRESS: ██████████	
TOWN/CITY: Dover		STATE: NH	ZIP CODE: 03820
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			

7. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.: Same			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Zachary Taylor		COMPANY NAME: Riverside & 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 DES to communicate all matters relative to this application electronically			

9. 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 copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES 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 DES correspondence. DES will not forward returned mail.

 Property Owner Signature	See Letter of Authorization Included	Zachary Taylor, Dir Of Operations RPMC	8 / 1 / 2014
		Print name legibly	Date

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.

Authorized Commission Signature	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. 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	Karen Slavick Print name legibly	Dover Town/City	10/11/14 Date
---------------------------	-------------------------------------	--------------------	------------------

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 (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF.

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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	577 addtl impact <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	577 /	/

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 = \$ _____

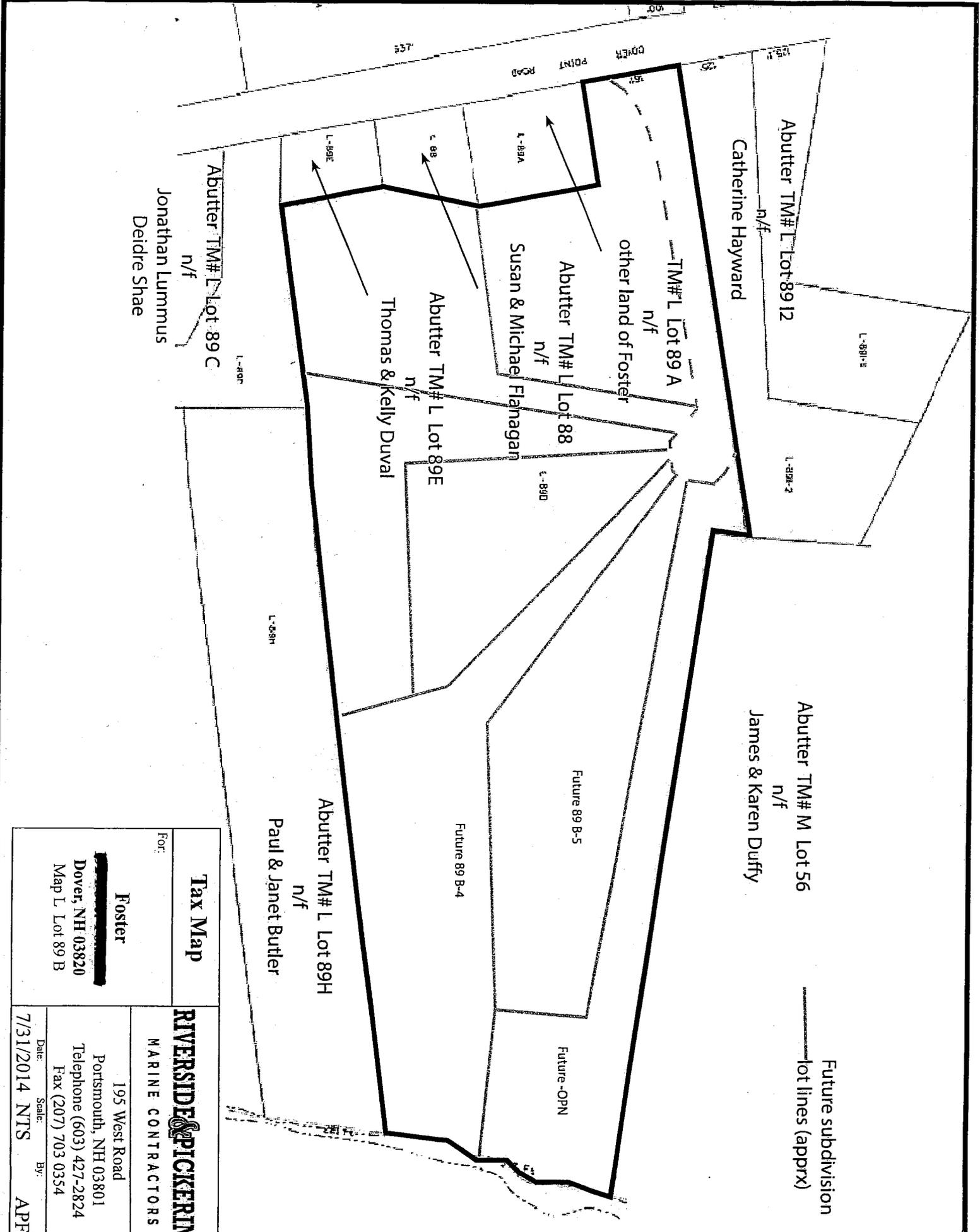
Temporary (seasonal) docking structure: **577** sq. ft. X \$1.00 = **\$ 577.00**

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

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

Total = **\$ 777.00**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 777.00**



Future subdivision
lot lines (apprx)

Abutter TM# L Lot 8912
n/f
Catherine Hayward

TM# L Lot 89 A
n/f
other land of Foster

Abutter TM# L Lot 88
n/f
Susan & Michael Flanagan

Abutter TM# L Lot 89E
n/f
Thomas & Kelly Duval

Abutter TM# M Lot 56
n/f
James & Karen Duffy

Abutter TM# L Lot 89H
n/f
Paul & Janet Butler

Abutter TM# L Lot 89 C
n/f
Jonathan Lummus
Deidre Shae

<p>Tax Map</p> <p>For: Foster Dover, NH 03820 Map L Lot 89 B</p>		<p>RIVERSIDE & PICKERING MARINE CONTRACTORS</p> <p>195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (207) 703 0354</p>	
Date: 7/31/2014	Scale: NTS	By: APF	

(ROCHESTER)

07° 51' 25.41" W
043° 10' 42.91" N

(SOMERSWORTH)

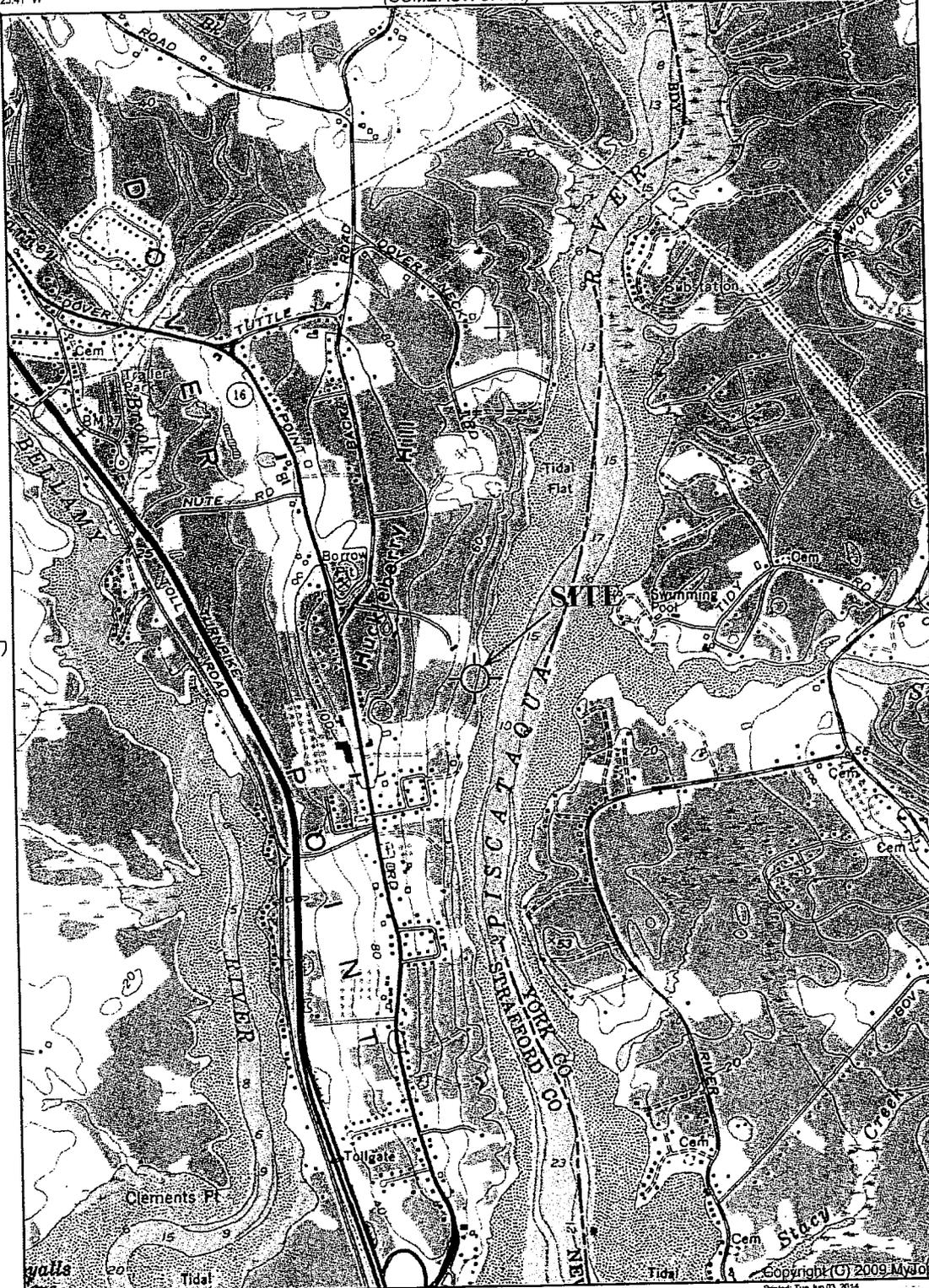
DOVER EAST QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

07° 48' 43.27" W
043° 10' 42.91" N

(NORTH
BERWICK)

(DOVER WEST)

(YORK HARBOR)



156 R15

043° 07' 55.34" N
07° 51' 25.41" W

(PORTSMOUTH)
SCALE 1:24000

Site Map

RIVERSIDE & PICKERING
MARINE CONTRACTORS

For:

Patrice Foster

~~XXXXXXXXXX~~
Dover, NH 03820
Map L Lot 89 B

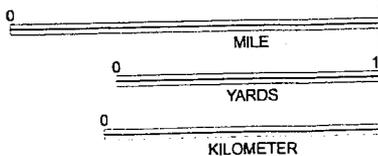
195 West Road
Portsmouth, NH 03801
Telephone (603) 427-2824
Fax (207) 703 0354

Date: 6/18/2014
Scale: NTS
By: APF

Declination



GN 1.25° W
MN 15.44° W



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM

(NEWMARKET)

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

North American 1983 Datum (NAD83)
Polyconic Projection

To place on the predicted North American
1927 move the projection lines 10M N and
40M E



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

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

From: NH Natural Heritage Bureau

Date: 6/13/2014 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 6/3/2014

NHB File ID: NHB14-2069

Applicant: Zachary Taylor

Location: Dover
Tax Maps: L 89 -B

Project

Description: Apply to reconfigure existing floats, add additional floats to accommodate additional boat slips for family and extend gangway.

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 6/3/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB14-2069



21-9-11



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): Patrice Foster

Location of proposed project: 192 Dover Point Road, Dover, NH Map L, Lot 89 B

Brief description of work: Replace an existing gangway and float attached to an existing pier with a 3' X 35' gangway and new float configuration consisting of a landing float, main float and three finger floats in an "W" configuration.

<u>ABUTTERS LIST</u>	<u>CERTIFIED MAIL #</u>	<u>ABUTTERS LIST-cont</u>	<u>CERTIFIED MAIL #</u>
Tax Map L Lot 89A Other Land of Foster	<u>N/A</u>	Tax Map L Lot 89 H Paul & Janet Butler [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1594
Tax Map L Lot 88 Susan & Michael Flanagan [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1563	Tax Map L Lot 89 I2 Catherine Hayward [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1600
Tax Map L Lot 89C Jonathan Lummus Deidre Shae [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1570	Tax Map M Lot 56 James & Karen Duffy [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1617
Tax Map L Lot 89E Thomas & Kelly Duval [REDACTED] Dover, NH 03820	7013 3020 0002 3503 1587		

Docks * Piers * Pile Driving * Seawalls * Residential * Commercial * Marine Towing

Office: 603-427-2824 Fax: 207-703-0354 195 West Road, Portsmouth, NH 03801

www.RiversideandPickering.com

A division of Riverside Marine Construction Inc.