



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

January 22, 2018

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

REQUESTED ACTION

Approve Todd A. Gagliano's request to perform the following work on the Piscataqua River, in Newington. File # 2017-02166. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Impact approximately 144 square feet (38 linear feet) of tidal wetlands for installation of rip rap revetment for shoreline stabilization.

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

1. All work shall be in accordance with plans by Civilworks New England dated August 29, 2017, and revised through December 4, 2017 as received by the NH Department of Environmental Services (NHDES) on December 4, 2017.
2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
3. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
4. Work shall be done during low tide conditions and in the dry only.
5. 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.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Construction equipment shall work from upland locations only. Construction equipment shall not be located within wetlands or surface waters.
9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

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

10. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be re-vegetated with like native species within three days of the completion of the disturbance.
11. All work shall be done from the top of the bank only.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
16. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

EXPLANATION

The NHDES Wetlands Bureau approved this project on December 22, 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 tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per administrative rule Env-Wt 302.01. The existing concrete seawall is damaged and cracking and the previous rip rap wall has subsided. The applicant has demonstrated the need to stabilize the area and minimize further damage.
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 administrative rule Env-Wt 302.03. The rip rap will be installed in front of the existing concrete seawall and over the existing subsided rip rap. The rip rap will match and blend into the rip rap walls of the abutting properties without extending out further than necessary to withstand the tidal power of the Piscataqua River.
4. The applicant has demonstrated by plan and example that each factor listed in administrative rule 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 sensitive species within the project area, but NHB does not expect impacts to the species by the project.
6. Compensatory mitigation is not required for this project, pursuant to administrative rule Env-Wt 303.03(c)(2)c., as the project involves only riprap or other bank stabilization to protect existing infrastructure.
7. The Newington Conservation Commission signed the NHDES application and, as such, waived its right to intervene per RSA 482-A:11. The Newington Conservation Commission believed the application and submitted plans accurately represented the proposed project, and had no objection to permitting the project.

8. NHDES conducted a field inspection of the project site on December 21, 2017, and found that the site conditions are accurately represented in the file.
9. In accordance with RSA 428-A:8, 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 tidal resource, as identified under RSA 482-A:1.

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

We respectfully submit this request for your consideration.



Robert R. Scott
Commissioner

RRS/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

<div style="border: 2px solid black; padding: 5px;"> <p style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">R E C E I V E D</p> <p style="font-size: 0.8em;">Administrative Use Only</p> <p style="font-size: 1.2em; font-weight: bold;">JUL 24 2017</p> <p style="font-size: 0.8em;">NHDES</p> </div>	<div style="border: 2px solid black; padding: 5px;"> <p style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">C O M P L E T E</p> <p style="font-size: 0.8em;">Administrative Use Only</p> <p style="font-size: 1.2em; font-weight: bold;">JUL 24 2017</p> </div>	<div style="border: 2px solid black; padding: 5px;"> <p style="font-size: 0.8em;">Administrative Use Only</p> </div>	<p>File No: 2017-02166</p> <p>Check No: 3757</p> <p>Amount: \$200.00</p> <p>Initials: EMK</p>
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1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact)
 Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT:

If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the Determine if Mitigation is Required Frequently Asked Question.

Mitigation Pre-Application Meeting Date: Month: ___ Day: ___ Year: ____

N/A - Mitigation is not required

3. PROJECT LOCATION:

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: **101 Patterson Lane** TOWN/CITY: **Newington**

TAX MAP: **14** BLOCK: _____ LOT: **14** UNIT: _____

USGS TOPO MAP WATERBODY NAME: **Piscataqua River** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): **43°06'32" N, 70°48'17" W** Latitude/Longitude UTM State Plane

4. 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 consists of installing a 4' high by 38' long (approximately 144 square feet) armor stone wall in front of the existing seawall.

5. SHORELINE FRONTAGE:

NA This does not have shoreline frontage. SHORELINE FRONTAGE: **38'**

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.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

7. 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 17 - 1494

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: ____

N/A

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Gagliano, Todd, A.**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: **Newington** STATE: **NH** ZIP CODE: **03801**

EMAIL or FAX: _____ PHONE: _____

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

9. 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.

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Haight, Stephen, J.** COMPANY NAME: **Civilworks New England**

MAILING ADDRESS: **P.O. Box 1166**

TOWN/CITY: **Dover** STATE: **NH** ZIP CODE: **03821**

EMAIL or FAX: **shaight@civilworksne.com** PHONE: **(603) 749-0443**

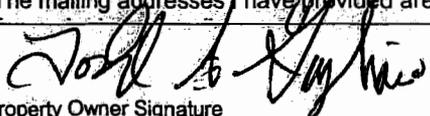
ELECTRONIC COMMUNICATION: By initialing here **SJH**, I hereby authorize NHDES to communicate all matters relative to this application electronically.

11. PROPERTY OWNER SIGNATURE

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

By signing the application, I am certifying that:

- 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.
- I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
- All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
- I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 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.
- 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.
- I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
- I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
- 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.
- I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
- The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not


TODD A GAGLIANO
6/6/2017

Property Owner Signature
Print name legibly
Date

MUNICIPAL SIGNATURES

12. 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.

	Jane E. Hislop <small>Print name legibly</small>	7/13/17 <small>Date</small>
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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.

13. 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.

	LAURA C. COLEMAN <small>Print name legibly</small>	NEWINGTON <small>Town/City</small>	July 18, 2017 <small>Date</small>
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

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.

14. 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	144 / 38 <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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	144 / 38	/

15. 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: _____ sq. ft. X \$1.00 = \$ _____

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

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

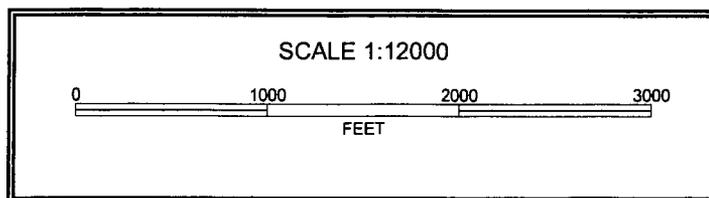
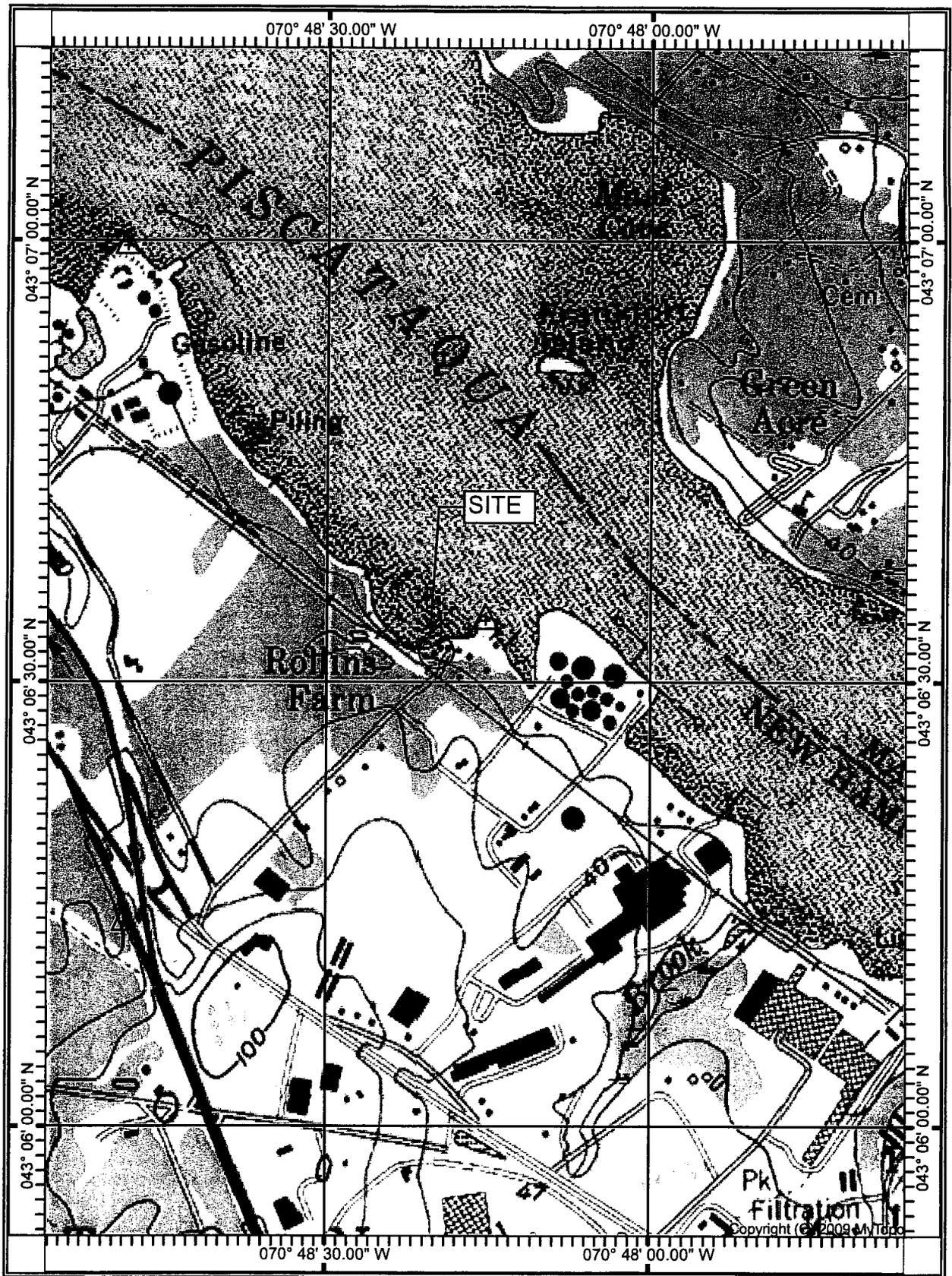
Total = \$ _____

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

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



RECEIVED

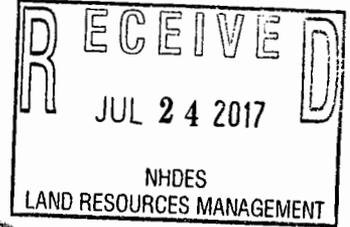
JUL 24 2017

NHDES
LAND RESOURCES MANAGEMENT



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Paige Dickie, Civilworks New England
181 Watson Road
P.O. Box 1166
Dover, NH 03821



From: NH Natural Heritage Bureau

Date: 5/22/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/18/2017

~~VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU~~

NHB File ID: NHB17-1494 **Applicant:** Paige Dickie

Location: Newington, NH
Tax Maps: Tax Map 14 Lot 14

Project

Description: The project consists of installing a 4' high by 38' long (approximately 144 square feet) armor stone wall at face of existing seawall.

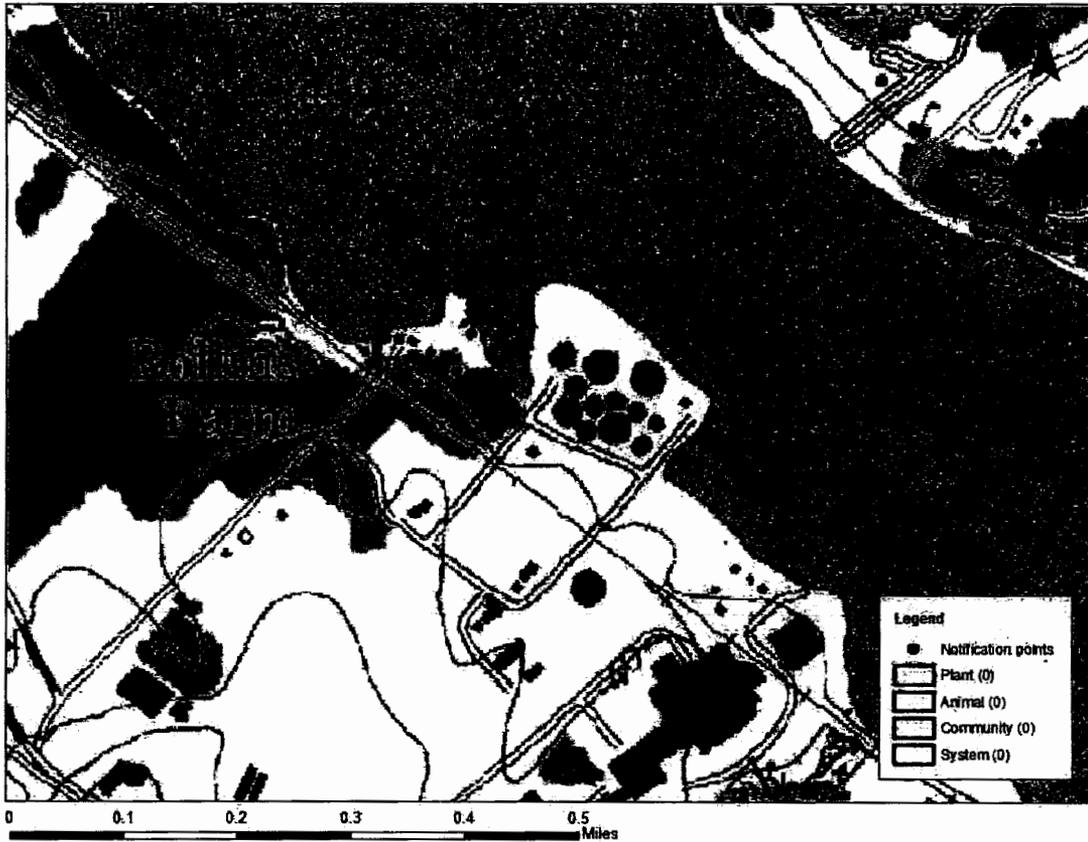
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 5/18/2017, and cannot be used for any other project.

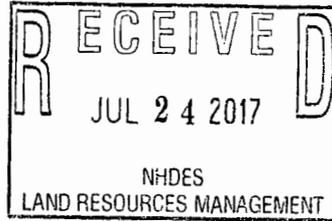


MAP OF PROJECT BOUNDARIES FOR: NHB17-1494

NHB17-1494



**Abutters List – June 29, 2017
101 Patterson Lane
Newington, NH
Tax Map 14, Lot 14**



Map-Lot-Unit

Owner Name & Address

14-14

Todd A. & Christine A. Gagliano
[REDACTED]
Newington, NH 03801

14-13

Jeff C. Lundgren
[REDACTED]
Newington, NH 03801

14-15

Norman G. Lederc
Living Trust Norman G. Leclerc
[REDACTED]
Newington, NH 03801

Engineer:

Civilworks New England
P.O. Box 1166, 181 Watson Road
Dover, NH 03821

Surveyor:

James Verra and Associates, Inc.
101 Shattuck Way, Suite 8
Newington, NH 03801

Soil Scientist:

Gove Environmental Services, Inc.
8 Continental Drive, Bldg. 2 Unit H
Exeter, NH 03833