The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 28, 2014

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

REQUESTED ACTION

Approve the City of Portsmouth's request to perform the following work on the Piscataqua River, in Portsmouth. File # 2013-02423. This project will not have significant impact on or adversely affect the values of the Piscatagua River.

Impact a total of 3,900 sq. ft. to remove an existing 20-slip public dock structure, including mooring blocks, the installation of utilities and replacement of the structure within the same general footprint, including the following:

- a) remove the existing 3 ft. x 38 ft. ramp and 2,425 sq. ft. floating dock and thirteen mooring blocks and replace with a new 3 ft. x 40 ft. ramp and 3,200 sq. ft. floating dock and fourteen mooring blocks with no change in the number of boat slips and;
- b) temporarily impact 700 sq. ft. of previously developed upland tidal buffer zone to install utilities to the dock structure.

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

- 1. All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated December 2013, as received by the Department on December 16, 2013.
- 2. 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.
- 3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. 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.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 8. The mooring blocks shall be embedded into the river bottom such that there will be no net change in the river bottom.
- 9. The decking of the dock shall have 3/4-inch spacing between the decking planks.

Her Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 2

EXPLANATION

The DES Wetlands Bureau approved this project on March 21, 2014. 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. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has demonstrated that the current public docking structure is deteriorated and needs to be replaced.
- 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 Wt 302.03. The applicant will be replacing the existing municipal floating dock with a new floating dock within the same general footprint with no change in the number of boat slips.
- 4. The applicant has demonstrated that the existing docking structure is substandard and the minimal increase in square footage meets current design standards that would be approvable if applied for as a new structure.
- 5. 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. NH Natural Heritage Bureau has no record of sensitive species within the vicinity of 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 January 3, 2014.
- 6. This floating dock structure is owned by the City of Portsmouth and is available for public use.
- 7. DES staff field inspections on February 7, 2014 found that the site is accurately represented in the application.
- 8. The Portsmouth Conservation Commission recommends approval of project.
- 9. 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.

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

We respectfully submit this request for your consideration.

Thomas S. Burack
Commissioner

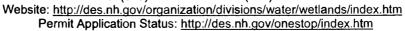
TSB/CGA/emk

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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





WETLANDS PERMIT APPLICATION

<u>ک</u> ا	013-02423 124913	AT 141,750.00	haters BC		
	COMPLETE SEPTIO 2013	Section as a section of the section	A (1977) 1885 (3) 18 3 1875 3 1877		
- L					
	TIME: Check the applicable box to indicate your review titeria to determine if your review time is Standard or Expe		t A for a summary of the minimum		
×	Standard Review (Minimum, Minor or Major Impact)	☐ Expedited Review	(Minimum Impact)		
2. APPLIC	ATION CHECKLIST: This checklist is provided to allow y	you to confirm all the required items	s are submitted.		
note that yo	al next to each item below to confirm these items, required our application and accompanying items will be returned to s next to each item for detailed instructions for completing	you if the below items are not pro			
LL	Check for the application fee (no. 9A)				
LL	Completed application form with project description (no	. 7) and required signatures (no.'s	10 & 13)		
LL	Completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit Appendix B (no. 9B)				
LL	Natural Heritage Bureau (NHB) report (no. 9C)				
LL	Is the project within a ¼ mile of a designated river? Y N. If yes, provide confirmation a copy of application sent to the Local Advisory Committee (no. 9D)				
LL	_ Color copy of a USGS map (no. 9E)				
LL	_ Photographs of the impact area (no. 9F)				
LL	Plans (no. 9G)				
LL	_ Copy of your tax map (no. 9H.1)				
Please initial next to each item to confirm that the following items, required for technical review, as applicable, are included in your application. Please note that if applicable items are not provided, you may receive a letter requesting outstanding items or your application may be denied.					
LL	Abutters list and copies of certified mail slips (no. 9H.2)				
LL	Response to the two (2) minimum impact questions (no. 9I)				
LL	Attachment A - Response to the twenty (20) minor and major impact questions				
	Copies of comments, beyond the required NHB report, from NHB or the New Hampshire Fish and Game Department (NHFG) (no. 9C)				
	Mitigation Agreement Form and materials (no. 9J)				
	Date, time, contact information and a copy of notes for any pre-application meetings or correspondence with Wetlands Bureau Staff				
<u>LL</u>	Property Owner or Applicant permission, as required (no	o.'s 3 & 4)			
	Attachment B - Design Consideration & General Plan Requirements				
	Attachment C - Stream Crossing Requirements & Information				
	Function and Value Assessment				

3. PROPERTY OWNER INFORMATION				
NAME:				
TRUST / COMPANY NAME: City of Portsmout	h			
MAILING ADDRESS: PO Box 1103			-	
TOWN/CITY: Portsmouth			STATE: NH	ZIP CODE: 03801
EMAIL or FAX:		PHONE: 603-610-		2 0002.
EMAIL OF FAX:		PHONE: 003-010-	-1 202	
ELECTRONIC COMMUNICATION: By initialing he	re:, I hereby au	thorize DES to communicate	e all matters relative	e to this application electronically
OWNER PERMISSION: I hereby authorize the approcessing of this application		cated below to act in my beha request, supplemental inform		
			Linn Lebel, PE	
Applicant pame			Agent name	
MARB	<u> </u>	9/2/	フィス	
Property Owner Signature			Date	
4. APPLICANT INFORMATION (If different the	han property owner)			
NAME: John Bohenko, City Manager				
COMPANY NAME: City of Portsmouth				
MAILING ADDRESS: PO Box 1103	·			
TOWN/CITY: Portsmouth	STATE: NH		ZIP CODE: 0380	1
EMAIL: jpb@cityofportsmouth.com		PHONE: 603-610-720	2	
ELECTRONIC COMMUNICATION: By initialing her	re, I hereby autl	horize DES to communicate	all matters relative	to this application electronically
APPLICANT PERMISSION: I hereby authorize the agent indicated below to act in my behalf as the agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. Linn Lebel, PE Agent name				
J. A.B.		9/3/20	13	
Applicant's Signature			Date	
5. AGENT (NFORMATION			<u>. </u>	·
NAME: Linn Lebel, PE				
COMPANY NAME: Appledore Marine Engine	ering, Inc.			
MAILING ADDRESS: 600 State Street, Suite	E			
TOWN/CITY: Portsmouth	STATE: NH	i	ZIP CODE: 03801	1
MAIL/FAX: llebel@appledoremarine.com/6	603-766-4599	PHONE: 603-766-1870)	
ELECTRONIC COMMUNICATION: By initialing here	e ${ m LL}$, I hereby auth	norize DES to communicate	all matters relative	to this application electronically

6. PROJECT LOCAT	ION (A separate a	pplication must be	filed with each mun	icipality that jurisdict	ional impacts will oc	cur in)
ADDRESS: Prescott Pa	ark, Marcy Street				TOWN/CITY: Portsn	nouth
TAX MAP: 104		BLOCK:	L	от: 1	U	NIT:
US GEOLOGICAL SURV	EY TOPO MAP WAT	ERBODY NAME: Pis	cataqua River			
LOCATION COORDINAT	ES (If known): 43.0	77586, -70.7512	51		∠ Latitude	e/Longitude 🔲 UTM
7. PROJECT DESCR to provide a detail risks being returne	ed explanation of y			g the scope of work. ched" in the space		
replacement syste water and electirca approximately 3,20 will be provided to of the park. The util Removals include existing water and gangway will also the total net chang the number of modern of the province of the provi	al utilities, and a 10 square feet ar the floating doc dity line installat approximately 2 electric service, be removed. ge will increase to pring blocks is n	3 ft x 40 ft alumind includes four less system by treation will be appropriately 425 square feet and thirteen (13) the area of the flecessary to mee	inum gangway. teen (14) moorin nching and insta eximately 250 fee of the existing p 3) mooring block oating dock by 7 et current design	The replacement g blocks. Update allation of utility liet. Dermanent floatings. An existing 3-175 square feet. To standards.	floating dock sy d water and electines within the ex ing dock system, a ft x 38-ft long alu This increase in f	stem is trical service xisting grounds associated minum
Temporary = impact After-the-fact = work	k completed prior to	receipt of this app	lication by DES		1	T
	Permanent Sq. Ft.	Permanent Lin. Ft.	Temporary Sq. Ft.	Temporary Lin. Ft.	After-the-fact Sq. Ft.	After-the-fact Lin. Ft.
Forested wetland						
Scrub-shrub wetland						
Emergent wetland						
Wet meadow						
Intermittent stream						
Perennial stream / river						
Lake or pond						
Tidal water	775					
Salt marsh						
Sand dune						
Prime wetland						
Prime wetland buffer Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ						
Total:	775					

Surface water dredge and beach replenishment, provide the cubic yards of material: N/A						
Shoreline structures, provide the average shoreline frontage (linear feet), using the formula below:						
	(Straight line distance pin to pin:) + (Actual natural navigable shoreline pin to pin) $/2 = 1700$					
Strea	m and river projects, provide the watershed size of the contributing watercourse:					
	TI ATED EN EQ. () is a related file on a manual a Market de Charaland Alteration of Tomain Cub	sourface or other)				
8. KI	ELATED FILES (List related files or approvals (Wetlands, Shoreland, Alteration of Terrain, Sub	osurrace or otner)				
040	DUCATION DECUMPENTS. This confication and decomposition terms will be extended to	nove if it area and impedia A will does not				
	PLICATION REQUIREMENTS: This application and accompanying items will be returned to voided.	you in items oddined in A - H. 1 are not				
⊠ A.	Fee: Attach the application fee in the form of a check or money order payable to: "Treasure 505.01(c))	r-State of NH" (RSA 482-A:3,I & Env-Wt				
	Minimum Impact Fee (Standard & Expedited Review): Flat fee of \$ 200					
	<u>OR</u>					
	Minor or Major Impact Fee (Standard Review): Complete the application fee table below					
	Permanent impacts (non-docking): sq. ft. X \$0.20 =					
	Temporary impacts (non-docking): sq. ft. X \$ 0.20 =	_				
	Temporary impacts (non-docking).					
	Temporary (seasonal) docking structure: sq. ft. X \$1.00	=				
	Permanent docking structure: 775 sq. ft. X \$2.00	= 1550				
	Projects propering shareling structures add \$200	= 1750				
	Projects proposing shoreline structures add \$200 =	- 1730				
	Total :	= 1750				
	The Application Fee is the above calculated Total or \$200, whichever is greater	1750				
⊠ B.	<u>Appendix B</u> : Attach a completed U.S. Army Corps of Engineers New Hampshire Programma – Corps Secondary Impacts Checklist. Link: http://www.nae.usace.army.mil/Regulatory/SGP/					
⊠ C.	NHB Review: Documentation from the Department of Resources and Economic Developme indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323.	nt's Natural Herit a ge Bureau (NHB)				
	Attach the REQUIRED letter/memo and map provided by NHB; and					
	Provide copies of any additional comments received from NHB and/or the NHFG.					
	Indicate species identified by the NHB Review:					
⊠ D.	Designated Rivers:					
	1. Is the project within a ¼ mile of a designated river? ☐ Y ☒ N					
Designated river list and map link: http://des.nh.gov/organization/divisions/water/wmb/rivers/desigriv.htm						
2. If yes: Indicate river: Piscataqua River is not listed as a designated river.						
 As required by RSA 482-A:3,I(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: Day: Year: 						
	LAC link: http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm					

⊠E	<u>USGS Map</u> : Attach a copy of a U. S. Geological Survey top been outlined (surveyed property boundaries not required). 1 (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g)) Topographic Map Links: <a 2,000="" =="" feet<="" href="http://des.nh.gov/organization/divisi</td><td>The map must be at an <u>unaltered</u> scale of 1:</td><td>24,000 or 1" td="">		
57 -			<u> </u>
<u> </u>	<u>Photographs</u> : Attach legible and labeled color photographs outside of impact area, any shoreline structures and culvert i	clearly depicting the junsdictional areas to b nlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))	e impacted, the resource
⊠G	Plans: Attach plans (Env-Wt 501.02). See Attachments B &	C for detailed plan requirements.	
⊠н	Tax Map: Attach a legible copy or tracing of the tax map f	rom the municipal office (Env-Wt 501.02(a)(1)	₹ 505.01(e))
	licable items outlined in H.2 - J are not provided, you may rece request letter is a courtesy and applications that do not include		nation. Please note that a
	2. Abutter Notification: Confirm the submitted tax map illustrated on the property, and the location of properties of abutters name(s) and mailing address(es); or provide a list of abutter (Env-Wt 501.02(a)(1)& 505.01(f))	(defined Env-Wt 101.03) with each lot labele	ed with the abutter's
	Exemption: Abutter notification shall not be required for log utility rights-of-way, or public highway constru		al projects, projects in
	Permission: If jurisdictional impacts occur within 20 feet of water signed permission letter(s) from the aff 304.04). This letter must be notarized if your abutter permission is not required for mainter	fected abutters must be included with this ap r project is a boat docking facility (RSA 482-A	plication (Env-Wt
⊠ I.	Need and Minimization & Avoidance (Env-Wt 302.03, Env-Wt	302.04, 505.01):	
	Minimum: Attach statements demonstrating:		
	 The need for the proposed project; and That the proposal is the alternative with the least adverse i OR- 	mpact to areas and environments under the	department's jurisdiction.
	Minor & Major: Attach statements is response to the 20 quest	tions in Attachment B	
☐ J.	Mitigation: Minor & Major Impact Projects ONLY: Does the	e project require compensatory mitigation?]Y⊠ N
	Projects that require mitigation are listed in section Env-Wt 30 Wetland Rules Env-Wt 100-900 Link: http://des.nh.gov/organiz		
	If yes: Attach a completed Mitigation Agreement Form and m Link: http://des.nh.gov/organization/commissioner/pip/forms/w	•	(a)(6) & 501.06)
10. F	ROPERTY OWNER SIGNATURE (authorized applicant or ag	ent signature acceptable with required perm	ission(s) above; 3 & 4)
	ning the application, I am certifying that:		
	All abutters have been identified in accordance with RSA 482- I have read and provided the required information outlined in E		1
3 .	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 grandfathered per Env-Wt 101.44.	previously permitted by the Wetlands Burea	u or would be considered
5.	I have submitted a copy of the application materials to the NH Link: http://www.nh.gov/nhdhr/review/	State Historic Preservation Officer.	
6.	l authorize DES and the municipal conservation commission to		
8.	I have reviewed the information being submitted and that to the understand that the willful submission of falsified or misrepressions of the control of the	sented information to the New Hampshire Do	
9. 10.	Environmental Services is a criminal act, which may result in lead am aware that the work I am proposing may require additionate and apport and am are up to date and apport and mail.	al state, local or federal permits which I am re	
	150	Jun P. Bohenco	alelana
(⊠l Pro	perty Owner / Authorized Applicant / Authorized Agent	Print name legibly	7/3/2VI>
⊬-v '''		· ····· · · · · · · · · · · · · · · ·	Date

11. APPLICATION SUBMITTAL DIRECTIONS FOR APPLICANT

- 1. If you are seeking expedited review, submit the original application form and accompanying items to the conservation commission for signature before submitting the application to the town/city clerk for mailing to DES. Standard review applications do NOT require conservation commission signature.
- 2. All applications require the original application form and accompanying items, with four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) are submitted to the town/city clerk for their required signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail

12. CONSERVATION COMMISSION SIGNATURE (Expedited review only)

Expedited review requires that the conservation commission's signature is obtained in the space below. Standard review applications do NOT require the conservation's commission's signature. The Conservation Commission signature should be obtained prior to submitting the original application and four copies to the town/city clerk for mailing to the DES. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

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.

X

Authorized Commission Signature

Print name legibly

Date

13. TOWN / CITY CLERK (All applications require this section to be completed by the Town/City Clerk)

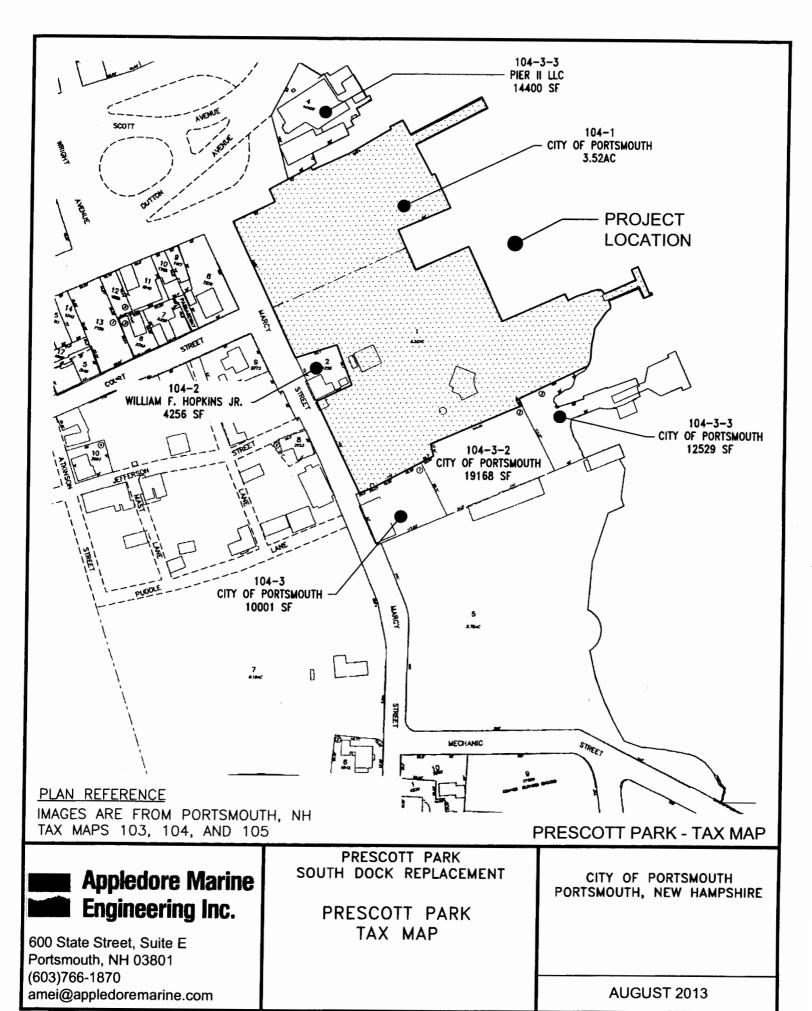
As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by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

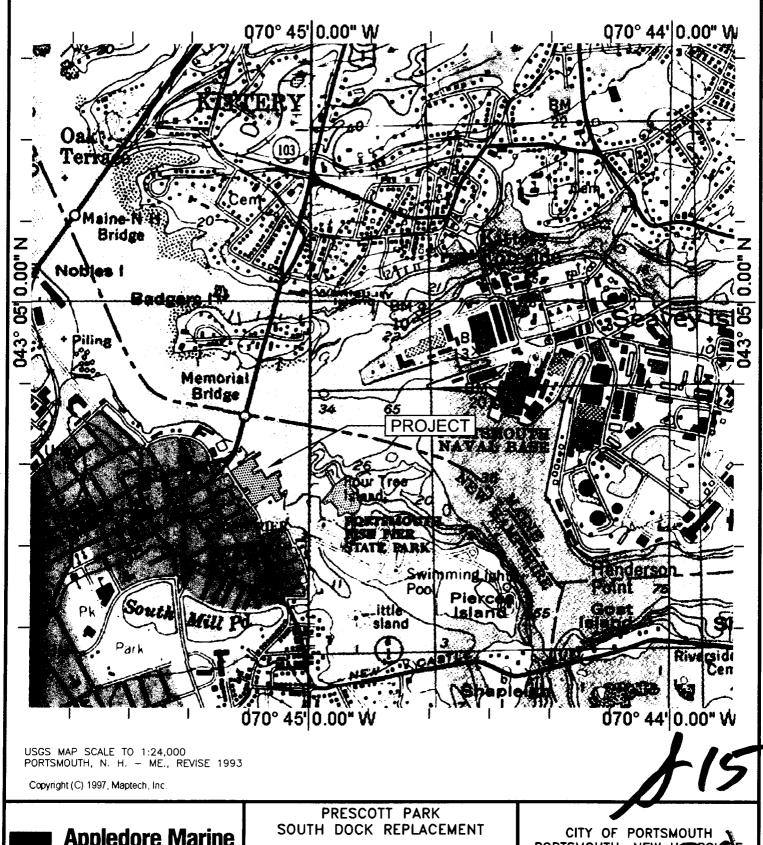
Town/City Clerk

APPLICATION SUBMITTAL & MAILING 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 only if the Conservation Commission signature has been sought (Standard Review Applications do NOT require the Conservation Commission signature);
- 2. Collect from the applicant 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 in the space above;
- 5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public:
- 6. Immediately distribute a copy of the application with attachments to 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 (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application form and attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

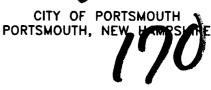






Appledore Marine Engineering Inc.

600 State Street, Suite E Portsmouth, NH 03801 (603)766-1870 amei@appledoremarine.com LOCATION PLAN



AUGUST 2013



NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

To: Luke Hurley, Gove Environmental Services, Inc.

8 continental Drive Exeter, NH 03833

From: NH Natural Heritage Bureau

Date: 8/23/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 8/23/2013

NHB File ID: NHB13-2566 Applicant: City of Portsmouth

Location: Portsmouth

Tax Maps: 104-1

Project

Best films. Replace an existing thing dock and expand it by 775 square feet.

The NH Natural Heritage database has teen effectively staff of the Nt Natural Heritage Burgau and/or the NH Nongame and Endangered Species and exemplary natural communities near the area manner below. The species considered include those listed as Threatened of Endangered by either the state of New Hampshire or the federal government.

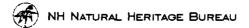
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 8/23/2013, and cannot be used for any other project.

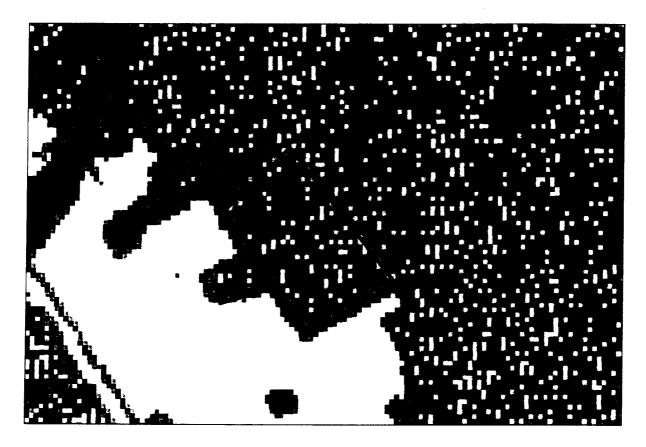


NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB13-2566

NHB13-2566





1:1311

Valid for one year from this date 23 Aug 2013



Abutter's List & Certified Mail Slips

Subject Parcel:

104-1 City of Portsmouth PO Box 1103 Portsmouth, NH 03801

Abutting Parcels:

/ 104-2 (57 Marcy Street) Holgate Limited Partnership 163 Central Ave. Dover, NH 03820

✓ 104-3-2
 (Marcy Street)
 City of Portsmouth
 Prescott Park/Recreational Dept.
 PO Box 628
 Portsmouth, NH 03801

/ 104-3-3
(Marcy Street)
City of Portsmouth
Prescott Park/Recreational Dept.
PO Box 628
Portsmouth, NH 03801

✓ 105-4 (10 State Street) Pier II LLC PO Box 432 Stratham, NH 03885