



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

November 23, 2015

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

REQUESTED ACTION

Approve The Landings on Dover Point's request to perform the following work on the Piscataqua River, in Dover. File # 2015-01215. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Retain slip count and configuration of a 10-slip community dock, as approved by WSPCC (predecessor to DES) under permit D-856, including dimensions as amended by ACOE under permit NH-DOVE-86-083 in 1988, including construction of an 81 ft. x 6 ft. permanent pier, repair pilings of existing pier, remove existing deteriorated ramp and non-compliant floats, and replace with ramp to access main and finger float structures upgraded to current design standards in the following dimensions:

3 ft. x 36 ft. ramp connecting to a 6 ft. x 37 ft. access float connecting to main float
T-configuration consisting of two 8 ft. x 42 ft. concrete floats (total length 84 ft. running parallel to the river), to which will attach four 3 ft. x 20 ft. finger floats with an overall structure length of 172 ft.

Waive Env-Wt 402.21 Modification of existing structures.

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

1. All work shall be in accordance with revised plans by Eco-Analysts, Inc., dated September 30, 2015, as received by the Department on September 30, 2015.
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 Strafford 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.

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

6. Construction of this tidal docking structure on the Piscataqua River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

EXPLANATION

The DES Wetlands Bureau approved this project on October 23, 2015. DES 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. This dock was originally permitted by the state under permit D-856, which was issued to Marina Landing Corp. (formerly known as Development & Realty, Inc.), in 1986, by the Wetlands Board/WSPCC prior to the existence of DES.
3. The dock was also permitted in 1986 by the Army Corps in a separate approval NH-DOVE-86-083 (prior to the NH PGP agreement beginning in 1992), for the dock in 1986 as a community dock for 12 boats.
4. In 1988 the Army Corps then issued an amendment to NH-DOVE-86-083, increasing the length of the permanent pier to 100 ft. from 50 ft. with an overall structure length of 130 ft., measured from MHW to increase available water depth at low tide. The dock system was generally constructed according to this later approval.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing structure is deteriorated and in need of repair/replacement and upgrade to current-day design and safety standards.
6. 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. This updated permitting reconciles old permitting differences between the state and federal permits from approximately 30 years ago, and increases the structure size only enough to meet current day safety standards in terms of walkway width and length for stability and safe berthing. The overall dock structure remains in the same general footprint as that approved by the Army Corps, does not extend seaward beyond neighboring permitted structures, and is consistent with other current day tidal dock approvals.
7. 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. 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. 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 June 16, 2015; and the dock is located greater than 20 ft. off the abutting property lines.

8. DES Staff conducted a field inspection of the proposed project on July 6, 2105. Field inspection determined that the dock is seriously deteriorated and in need of replacement.
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.
10. Env-Wt 402.21 Modification of Existing Structures is waived relative to the increase in overall structure size to meet current day design standards, with the following findings:
 - a. The request meets the criteria of Env-Wt 204.05(a)(1)-(2) for a waiver to be granted;
 - b. The difference in dock size between the original state and later amended federal approval would have been approvable if properly applied for at the time;
 - c. Maintaining the dock is in the public interest as it will continue to provide community access to the resource for fourteen non-waterfront property owners within the subdivision.
11. The Dover Conservation Commission recommends approval of the application.

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.

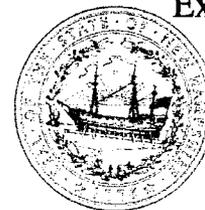
We respectfully submit this request for your consideration.


Thomas S. Burack
Commissioner



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

	COMPLETE Administrative Use Only MAY 22 2015	Administrative Use Only	File No.: <u>2015-01215</u>
			Check No.: <u>10019</u>
			Amount: <u>\$1,220.00</u>
			Initials: <u>LSL</u>

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: **17 Landing Way**

TOWN/CITY: **Dover**

TAX MAP: **95**

BLOCK: **1P**

LOT: **001**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Piscataqua River**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (If known): **43.070379 N -70.744833 W**

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 applicant proposes to replace two timber bents that are in disrepair and replace an existing three (3) foot wide by twenty four (24) foot long ramp with a three (3) foot wide by thirty-six (36) foot long ramp. In order to repair and reconfigure the float system, the applicant proposes to replace the existing concrete floats with two (2), eight (8) foot wide by forty-two (42) foot long concrete floats and place four (4), three (3) foot wide by twenty (20) foot long finger floats on the easterly end of the pier system. The purpose of the proposed modifications is to make necessary repairs and maintain the previously permitted docking space.

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

NHDES Related Permits: Permit #D-856 (Issued 1986), Permit #90-347 (issued 1990)

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 15 - 0608.**

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.:

TRUST / COMPANY NAME: **The Landings on Dover Point
c/o Bob Witkop**MAILING ADDRESS: **8 Landing Way**TOWN/CITY: **Dover**STATE: **NH**ZIP CODE: **03820**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

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.:

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 INFORMATIONLAST NAME, FIRST NAME, M.I.: **Vickers, Lisa**COMPANY NAME: **ECO-ANALYSTS, Inc.**MAILING ADDRESS: **P.O. Box 224**TOWN/CITY: **Bath**STATE: **ME**ZIP CODE: **04530**EMAIL or FAX: **lvickers7@gmail.com**PHONE: **(207) 615 - 1527**ELECTRONIC COMMUNICATION: By initialing here **lv**, 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.



Lisa Vickers

Lisa Vickers (Agent)

Print name legibly

May 6, 2015
 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.

<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>
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 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.

<input style="width: 100%; height: 100%;" type="text"/>			
Town/City Clerk Signature	Print name legibly	Town/City	Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

1. For applications where "Expedited Review" is checked on page 1, sign and accept the applications **only** if the Conservation Commission signature has been received;
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 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.

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	1020 sq. ft. <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	1020 sq. ft. /	/

13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

x 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: 1020 sq. ft. X \$1.00 = \$ **1020**

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

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

Total = \$ **1220**

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ **1220**



ECO-ANALYSTS, INC.
Environmental Consultants

P.O. Box 224 Bath, Maine 04530
 (207) 837-2199 · (207) 386-0451 (Fax) · timforrester@comcast.net

January 28, 2015

To Whom It May Concern:

By this letter, I authorize ECO-ANALYSTS, Inc., to act as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence associated with the pier system for The Landings on Dover Point located on Landing Way in the Town of Dover, NH; to attend meetings, site visits, and appear before all boards, commissions, and committees; and provide other services as required for completing the aforementioned tasks.

ROBERT WITKOP

Print Name

1-29-15

Date

Robert Witkop

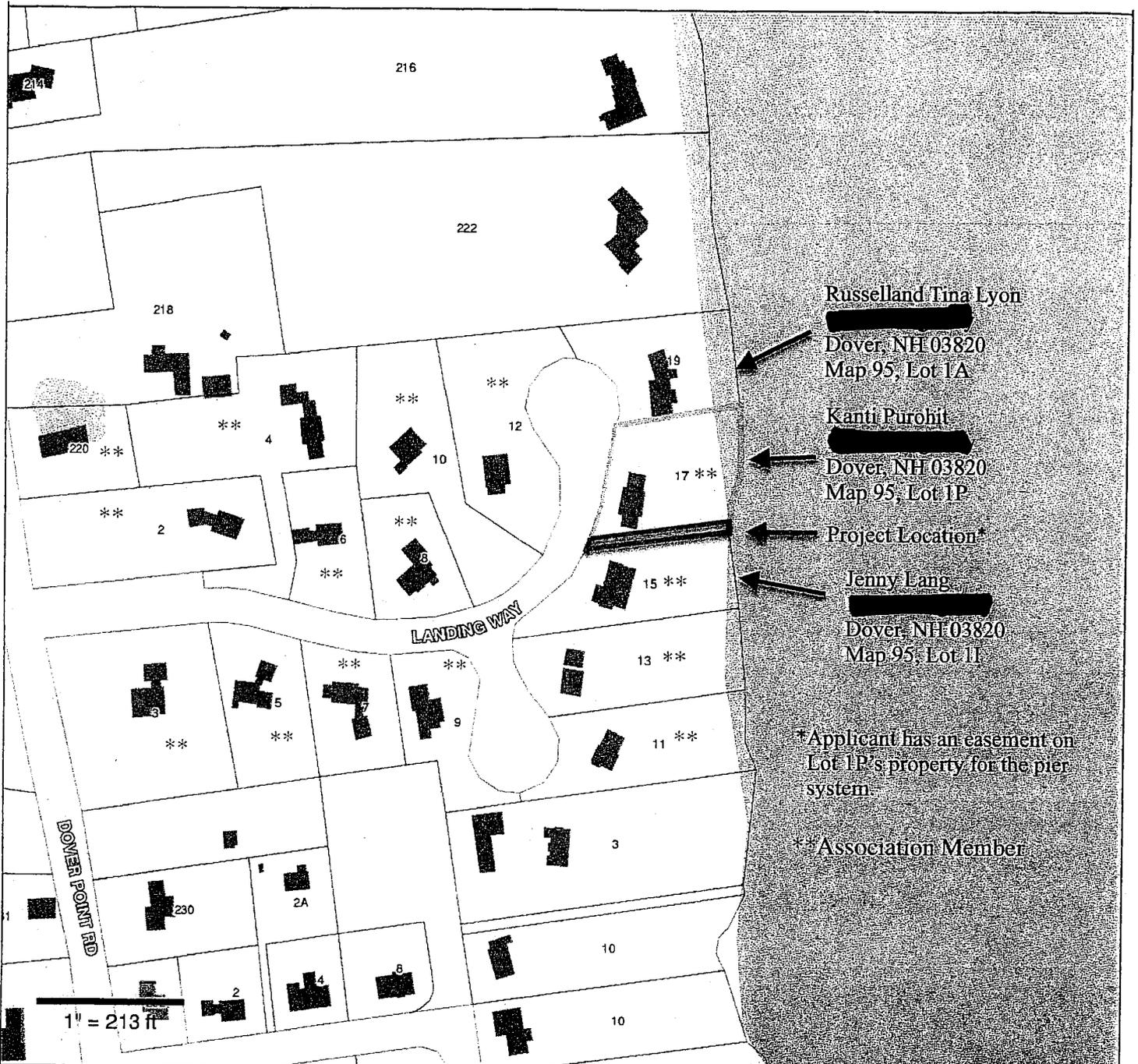
Signature

Thank you for the opportunity to work on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at timforrester@comcast.net.

Sincerely,

Timothy A. Forrester

Timothy A. Forrester
 Biologist



Russell and Tina Lyon
 [Redacted]
 Dover, NH 03820
 Map 95, Lot 1A

Kanti Purohit
 [Redacted]
 Dover, NH 03820
 Map 95, Lot 1P

Project Location*

Jenny Lang
 [Redacted]
 Dover, NH 03820
 Map 95, Lot 1I

*Applicant has an easement on Lot 1P's property for the pier system.

** Association Member

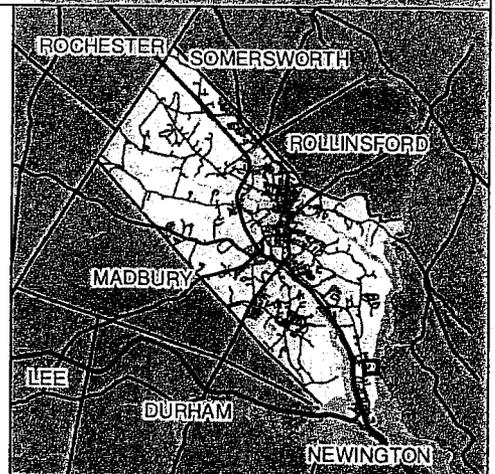
Landing Way Association
 Tax Map 95



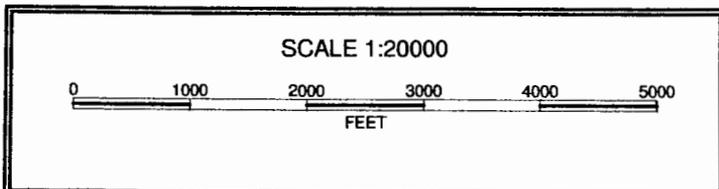
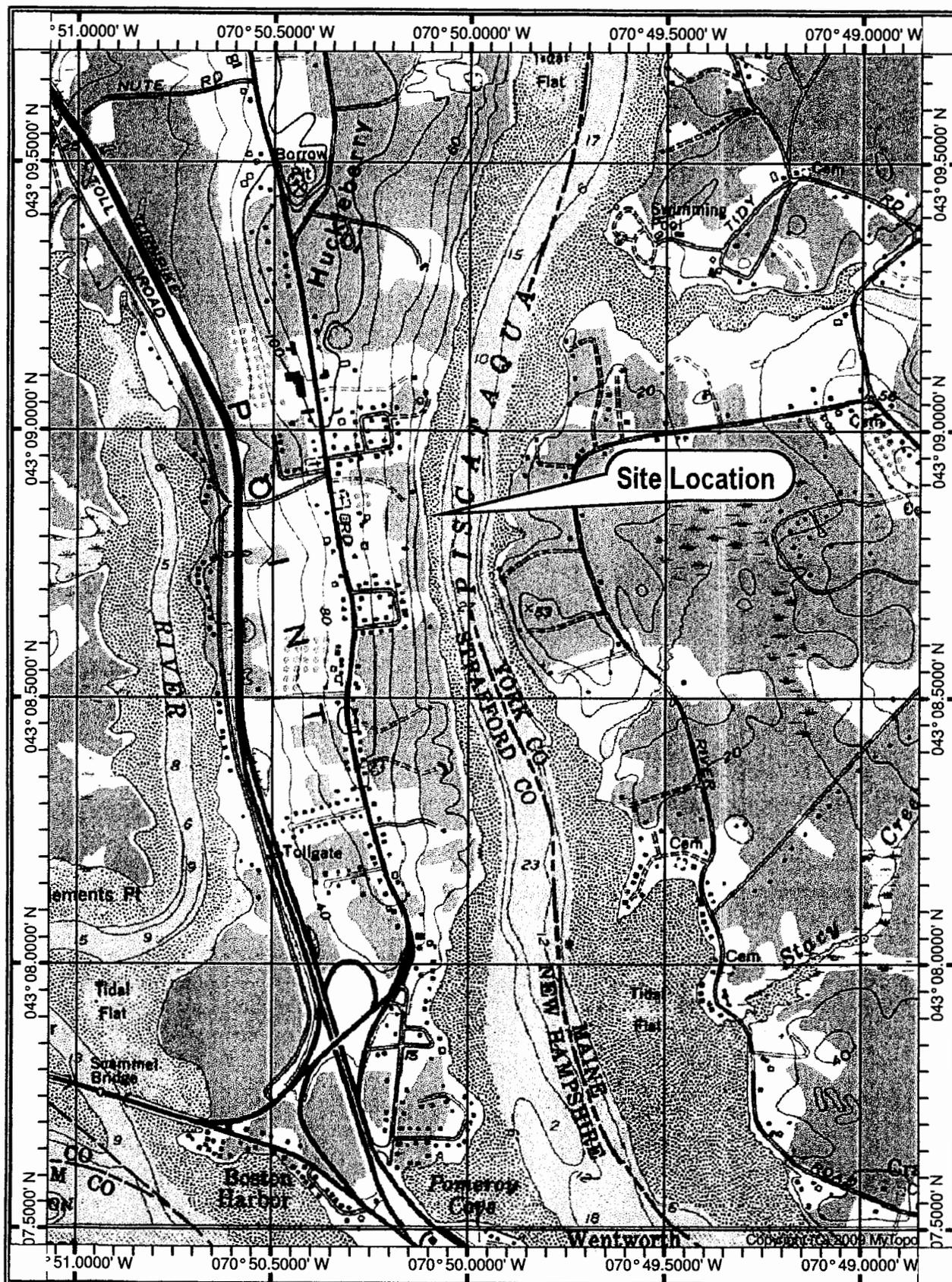
MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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

Parcels updated January 1, 2015



RS
156



Site Location Map for
Landing Way Association
proposed dock rebuild in
Dover, NH.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Lisa Vickers, Eco-Analysts, Inc.
P.O. Box 224
Bath, ME 04530

From: NH Natural Heritage Bureau

Date: 2/20/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 2/10/2015

NHB File ID: NHB15-0608

Applicant: The Landings on Dover
Point

Location: Dover
Tax Maps: 95-1P

**Project
Description:** Replace seasonal components of an existing pier. This includes replacing a 24' long gangway with a 36' long gangway and expanding the main concrete float from 65' to 84'.

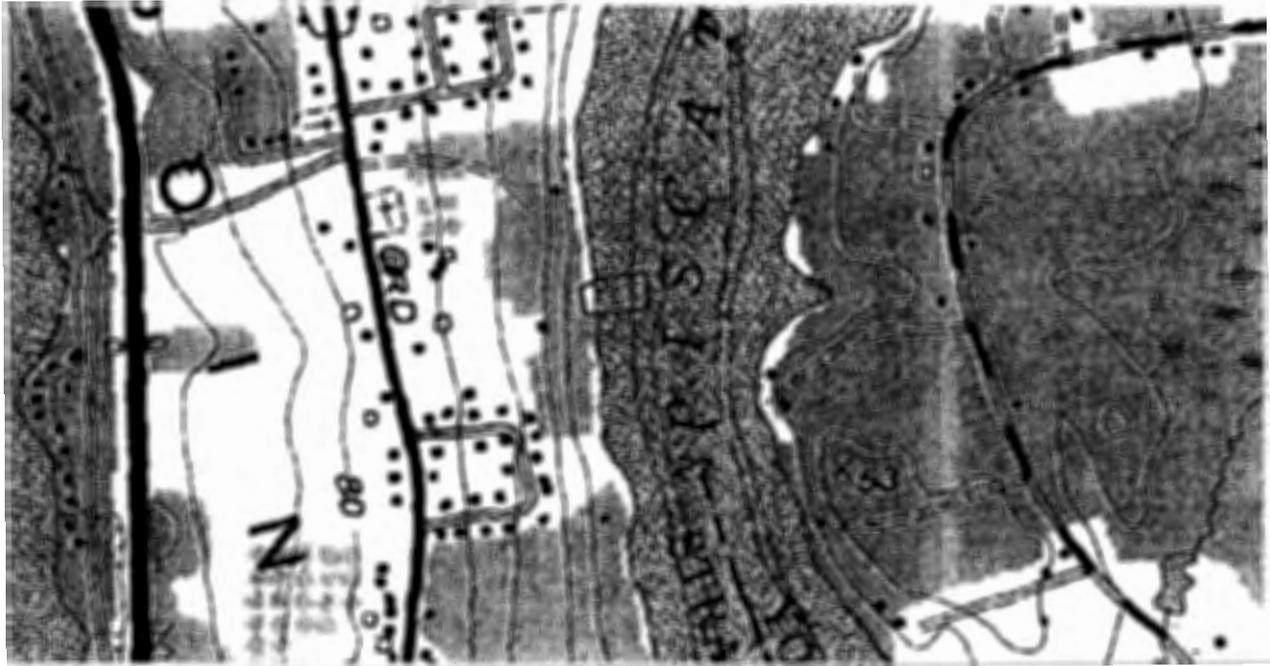
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 2/10/2015, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB15-0608**



7014 1820 0000 7117 5145

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Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



05/05/2015

Sent To Jenny Lang
 Street & Apt. No.,
 or PO Box No. [REDACTED]
 City, State, ZIP+4 Dover NH 03820

PS Form 3800, July 2014 See Reverse for Instructions

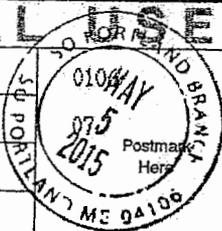
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



05/05/2015

Sent To Kanti Parokit
 Street & Apt. No.,
 or PO Box No. [REDACTED]
 City, State, ZIP+4 Dover NH 03820

PS Form 3800, July 2014 See Reverse for Instructions

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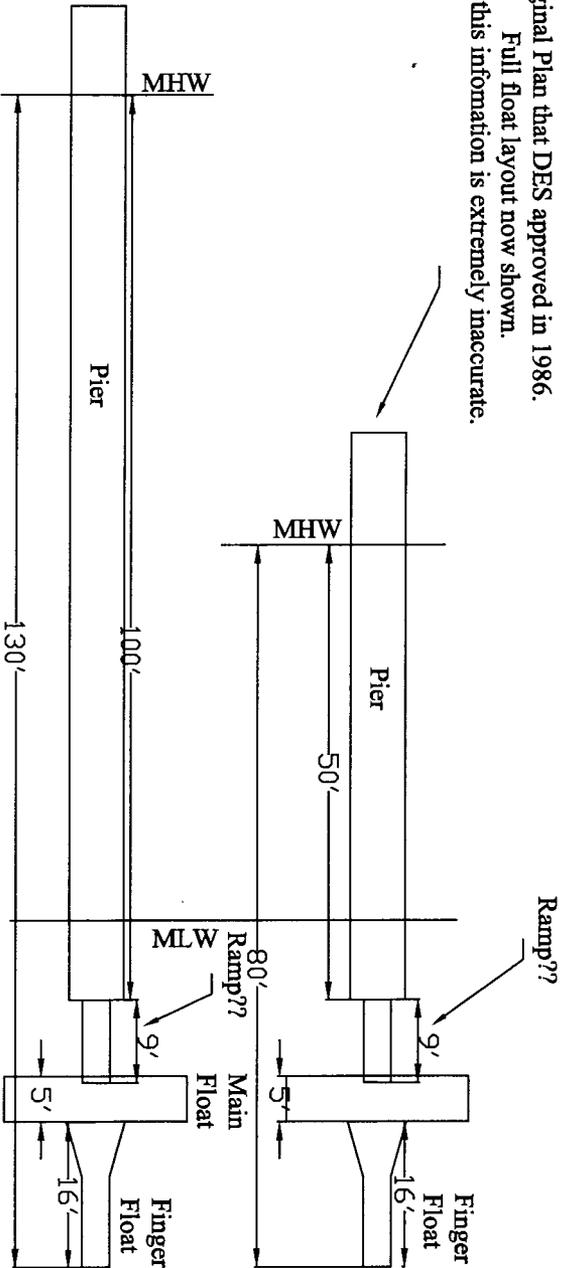


05/05/2015

Sent To Russell and Tina Lyon
 Street & Apt. No.,
 or PO Box No. [REDACTED]
 City, State, ZIP+4 Dover NH 03820

PS Form 3800, July 2014 See Reverse for Instructions

Original Plan that DES approved in 1986.
 Full float layout now shown.
 EA feels this information is extremely inaccurate.



Original Plan that ACOE approved in 1986.
 Full float layout now shown.
 EA feels this information is extremely inaccurate.



The Original DES Plan shows 80' from MHW to the end of the finger floats and 50' from MHW to the end of the Pier. That leaves 30' from the end of the pier to the end of the finger floats. The main float is 5' wide and the fingers are 16' long. That leaves only 9' for the length of the ramp. That cannot be correct, no one would install a 9' ramp.

The same general error exists within the Army Corps Permit that was altered to show 100' from MHW to the end of the Pier.

The Original Plans also show approximately 40' and 90' respectively between MHW and MLW. Which is it?

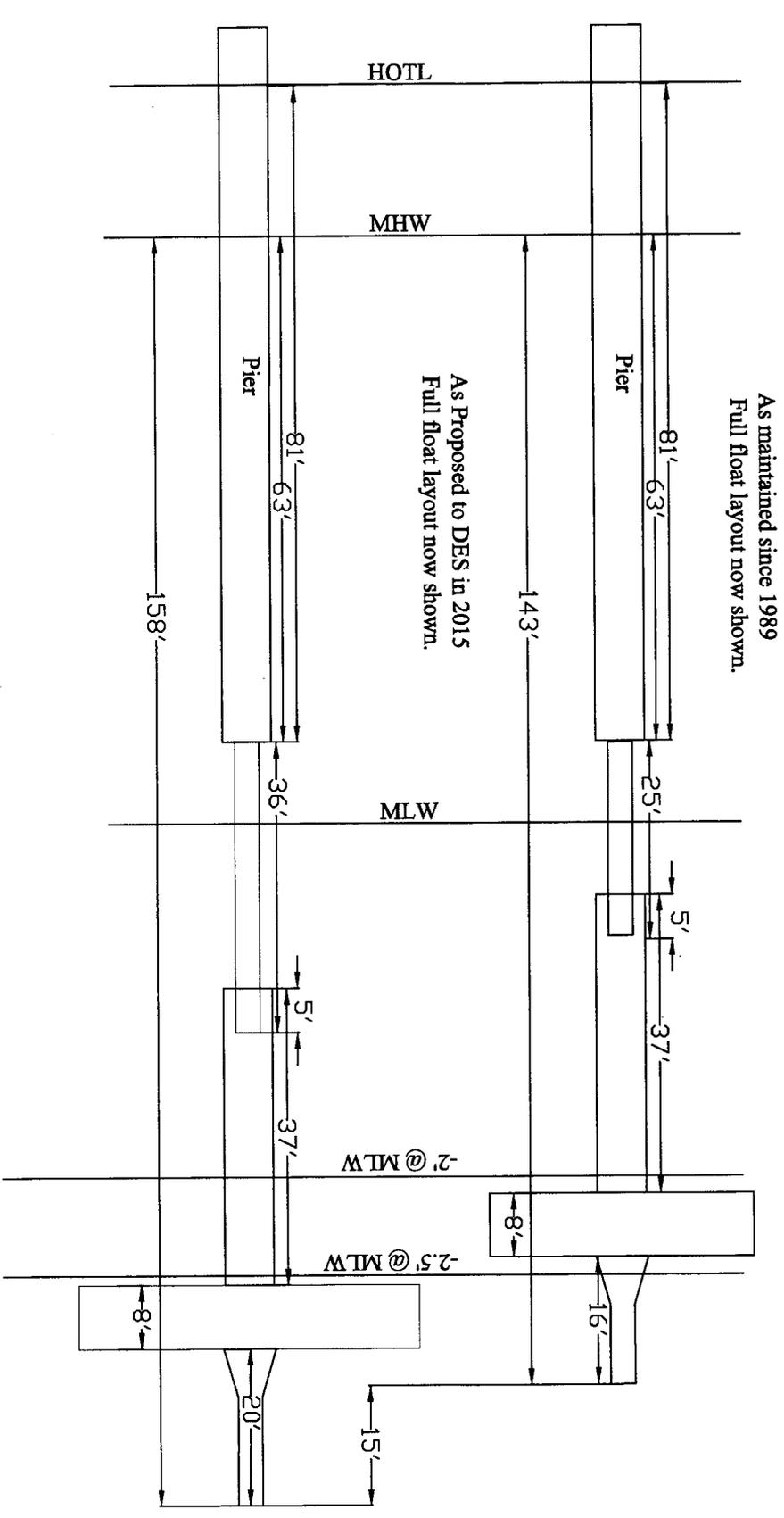
Because of these inaccuracies in the original plans, ECO-ANALYSTS, INC. cannot determine a common starting point to compare what was permitted, what was built, what was maintained and what is proposed today.

ECO-ANALYSTS, INC.
 ENVIRONMENTAL CONSULTANTS
 P.O. BOX 224 BATH, MAINE 04530
 (207) 837-2199 Fax (207) 386-0451
 timforrester@comcast.net

Date: 2/27/2015
 Revised: 8/7/2015
 Revised: 9/30/2015

Over View of the Original Permits for the Landing Way
 Association at Landing Way in Dover, NH.

Sheet
 1
 of
 3



ECO-ANALYSTS, INC.
ENVIRONMENTAL CONSULTANTS
 P.O. BOX 224 BATH, MAINE 04530
 (207) 837-2199 Fax (207) 386-0451
 timforrester@comcast.net

Date: 2/27/2015
 Revised: 8/7/2015
 Revised: 9/30/2015

Plan View of the Existing and Proposed Dock for the
 Landing Way Association at Landing Way in Dover, NH.

Sheet
 2
 of
 3



HOTL

N/F
Kanti Purohit
Map 95, Lot 1P

MHW

As Proposed to DES in 2015
Full float layout.

Steps (160' x 4.5')
Remaining

N/F
Jenny Lang
Map 95, Lot 11

Pier (6'x88')

10" dia piling

MLW

Ramp (3' x 36')

Access Float (6'x37')

-2' @ MLW

-2.5' @ MLW

Purohit/Lyon Property Line Extension

Concrete Float (8x42')

Concrete Float (8x42')

(3'x16')
Finger Float

(3'x16')
Finger Float

PISCATAQUA RIVER



Lang/ Property Line Extension

ECO-ANALYSTS, INC.
ENVIRONMENTAL CONSULTANTS
P.O. BOX 224 BATH, MAINE 04530
(207) 837-2199 Fax (207) 386-0451
timforrester@comcast.net

Date: 2/27/2015
Revised: 8/7/2015
Revised: 9/30/2015

Plan View of the Proposed Dock for the Landing Way
Association at Landing Way in Dover, NH.

Sheet
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of
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1713