



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES 12:21 DAS



Thomas S. Burack, Commissioner

December 05, 2014

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

REQUESTED ACTION

Approve David Lemieux's request to perform the following work on the Bellamy River, in Dover. File # 2014-01105. This project will not have significant impact on or adversely affect the values of the Bellamy River.

Construct a tidal docking structure consisting of a 4 ft. x 10 ft. permanent pier to a 3 ft. x 35 ft. ramp connecting to 12 ft. x 6 ft. and 10 ft. x 20 ft. floats in a T-configuration, overall total dock length 62 ft., providing one slip on 279 ft. of frontage on the Bellamy River.

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

1. All work shall be in accordance with plans by Beals Associates, PLLC dated August 1, 2014, as received by the Department on August 4, 2014.
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.
6. Construction of this tidal docking structure consisting of a 4 ft. x 10 ft. permanent pier to a 3 ft. x 35 ft. ramp connecting to 12 ft. x 6 ft. and 10 ft. x 20 ft. floats in a T-configuration, shall be the only dock structure on this water frontage.
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.
10. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
11. 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.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964


EXPLANATION

The DES Wetlands Bureau approved this project on November 13, 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. There is currently no docking structure on the property to provide access to the water.
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 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.
4. 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.
5. 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 from 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 August 4, 2014.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on May 5, 2014 found that the site is accurately represented in the application.
8. The Dover Conservation Commission endorsed the application with the recommendation that the dock be constructed by barge.
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.

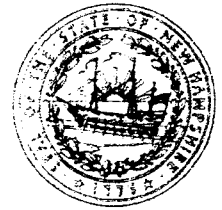

Thomas S. Burack
Commissioner



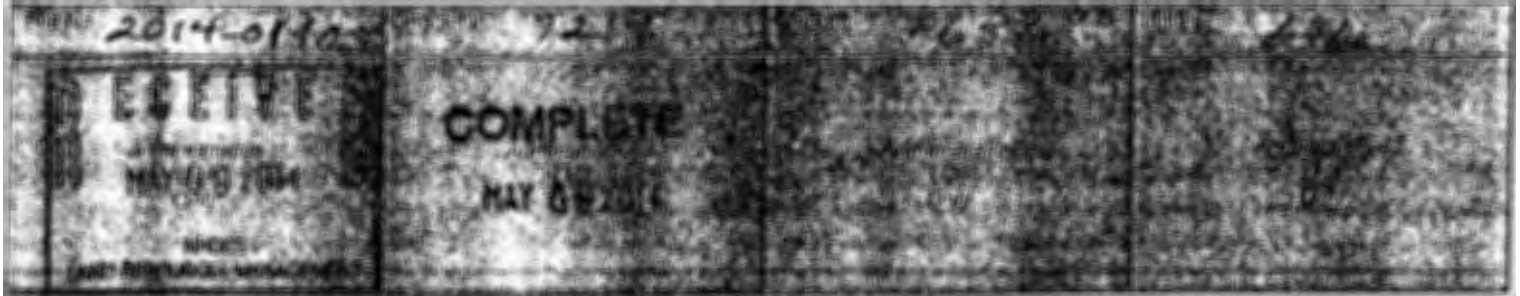
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organizations/divisions/water/wetlands/index.htm>
Application Status: <http://des.nh.gov/onestop/index.htm>



WETLANDS PERMIT APPLICATION



REVIEW TIME: Check the appropriate box to indicate whether you are requesting Standard or Expedited Review. Expedited Review is available for applications that meet the criteria for expedited review as defined in the Standard Review Manual.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

CHECKS: This section is provided to help you track the status of your application. Check the appropriate box to indicate whether you have provided the following items. If you have provided an item, check the appropriate box. If you have not provided an item, check the appropriate box. If you have provided an item, but it is not complete, check the appropriate box.

- LF Check for the application fee
- LF Completed application form with project description and required property owner signature or permission
- LF Completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit Appendix B
- LF Natural Heritage Bureau (NHB) report. NHB Report Number: 13-3577
- LF Is the project within a ¼ mile of a designated river? Y N. If yes: Indicate river: _____ and provide confirmation a copy of the application was sent to the Local Advisory Committee
- LF Color copy of a USGS map
- LF Photographs of the impact area
- LF Plans
- LF Copy of your tax map

Notes: Initial text to expiration to continue the application for technical review if applicable, and include the following information: Please note that if applicable, a permit is not provided until you have received a permit request and the permit application may be denied.

- LF Abutters list and copies of certified mail slips
- LF Response to the two (2) minimum impact questions
- LF Attachment A - Response to the twenty (20) minor and major impact questions
- LF Copies of comments, beyond the required NHB report, from NHB or the NH Fish and Game Department (NHFG)
- LF Mitigation Agreement Form and materials
- LF Date, time, contact information and a copy of notes for any pre-application meetings or correspondence with Wetlands Bureau Staff
- LF Property owner authorization for applicant and/or agent
- LF Attachment B - Design Consideration & General Plan Requirements
- LF Attachment C - Stream Crossing Requirements & Information
- LF Function and Value Assessment

3. PROPERTY OWNER INFORMATION

NAME: Calvin Potter

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Elliot STATE: ME ZIP CODE: 03903

EMAIL / FAX: PHONE:

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

OWNER PERMISSION: I hereby authorize the applicant and/or agent indicated below to act in my behalf as the applicant and/or my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

DR Lemieux Builders Inc.
Applicant name

Gove Environmental Services, Inc.
Agent name

[Signature]
Property Owner Signature

4/23/14
Date

4. APPLICANT INFORMATION: Required only if application is different than property owner

NAME: DR Lemieux Builders Inc. COMPANY NAME:

MAILING ADDRESS: 76 Exeter Road

TOWN/CITY: Newmarket STATE: NH ZIP CODE: 03857

EMAIL / FAX: PHONE:

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

5. AGENT INFORMATION

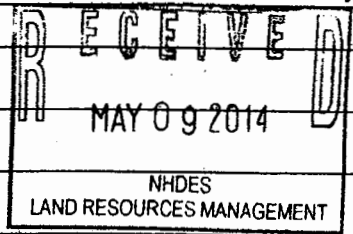
NAME: Luke Hurley

COMPANY NAME: Gove Environmental Services, Inc

MAILING ADDRESS: 8 Continental Drive

TOWN/CITY: Exeter STATE: NH ZIP CODE: 03833

EMAIL / FAX: lhurley@gesinc.biz PHONE: 603-778-0644



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

6. PROJECT LOCATION: A separate application must be filed with each municipality that jurisdictional impacts will occur in

ADDRESS: Spur Road TOWN/CITY: Dover

FAX MAP: L BLOCK: LOT: A UNIT:

US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Bellamy River

LOCATION COORDINATES (if known): Latitude/Longitude UTM State Plane

7. PROJECT DESCRIPTION: Provide a brief description of the project, including the state or local permit numbers, as applicable, and the state or local agency that issued the permit. Provide a brief description of the project, including the state or local permit numbers, as applicable, and the state or local agency that issued the permit.

The proposed project is for the construction of a seasonal dock, with a 4'x10' pier located in the upland tidal buffer, a 3'x35' ramp and , 10'x20' and 6'x12' floating docks. Total area for the dock is 417 square feet.

8. For each additional area that has been impacted, provide the following information:

	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	377					
Salt marsh						
Sand dune						
Prime wetland						
Prime wetland buffer						
Undeveloped Tidal Buffer Zone (TBZ)	40					
Previously-developed upland in TBZ						
Total:	417					

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NHDES
LAND RESOURCE MANAGEMENT

Surface water dredge and beach replenishment, provide the cubic yards of material: _____

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 = 279

Stream and river culverts and bridges, provide the watershed size of the contributing watercourse: _____

9. RELATED FILE: List all related files, including any other permits, approvals, or correspondence.

NHDES File # 2013-0342 Shoreland 2014-00905

A. **Fee** (RSA 482-A:3,I & Env-Wt 505.01(c))

Attach the application fee in the form of a check or money order payable to: "Treasurer-State of NH"

Minimum Impact Fee: Flat fee of \$ 200

OR

Minor or Major Impact Fee: 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 (seasonal) docking structure: _____ 377 sq. ft.	X \$1.00 = _____ 377
Permanent docking structure: _____ 40 sq. ft.	X \$2.00 = _____ 80
Projects proposing shoreline structures add \$200 = _____	200
Total = _____	657.00
The Application Fee is the above calculated Total or \$200, whichever is greater = _____	657.00

B. **Appendix B**

Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Corps Secondary Impacts Checklist. Link: <http://des.nh.gov/organization/divisions/water/wetlands/documents/pgp-appendix-b.pdf>

C. **NHB Review**

Attach the required report and map provided from NHB 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

Also, attach copies of any additional comments/correspondence received from NHB and/or the NHFG

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/designriv.htm>

2. If yes: Indicate river: _____

3. 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 Information link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

E. **USGS Map** (Env-Wt 501.02(a)(4) & 505.01(g))

Attach a copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map).

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

F. **Photographs** (Env-Wt 501.02(a)(3) & 505.01(i))

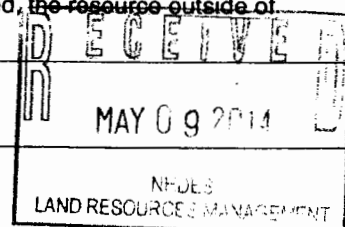
Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets

G. **Plans** (Env-Wt 501.02)

Attach plans See Attachments B & C for detailed plan requirements.

H. 1. **Tax Map** (Env-Wt 501.02(a)(1)& 505.01(e))

Attach a legible copy or tracing of the tax map from the municipal office



9. APPLICATION REQUIREMENTS CONT'D

2. Abutter Notification (Env-Wt 501.02(a)(1)& 505.01(f))

Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map

Exemption: Abutter notification shall not be required for logging operations, minimum impact agricultural projects, projects in utility rights-of-way, or public highway construction. (Env-Wt 501.01(c))

Permission: If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.

I. Need and Minimization & Avoidance (Env-Wt 302.03, Env-Wt 302.04, 505.01)

Minimum: Attach statements demonstrating:

1. The need for the proposed project; and
2. That the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.

-OR-

Minor & Major: Attach statements in response to the 20 questions in Attachment B

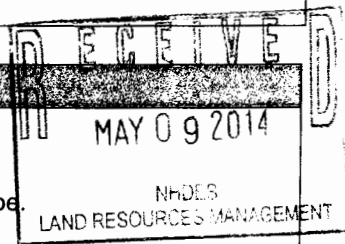
J. Mitigation

Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation? Y N

Projects that require mitigation are listed in section Env-Wt 302.03. Mitigation requirements are outlined in Chapter Env-Wt 800 of the Wetland Rules Env-Wt 100-900 Link: <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands>

If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)


Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc



10. PROPERTY OWNER SIGNATURE

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link: <http://www.nh.gov/nhdhr/review/>
6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
10. 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 / Authorized Applicant / Authorized Agent	Luke Hurley Print name legibly	4/17/2014 Date
Authorized applicant or agent signature acceptable with required property owner permission(s) in no. 3		

11. APPLICATION SUBMITTAL DIRECTION FOR THE BOARD

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:3,1) 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: Required for Expedited review only

Expedited review ONLY requires that the conservation commission's signature is obtained in the space below. The conservation commission signature should be obtained prior to submitting the original application and attachments 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.

X

Kam J Lawt

Karen S. Lavetta

5/7/14

Dover

Town/City Clerk Signature

Print name legibly

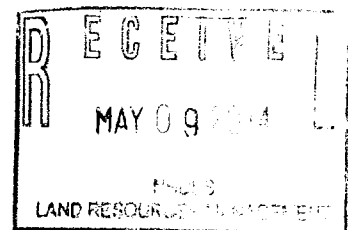
Date

Town/City

APPLICATION SUBMITTAL & MAILING DIRECTIONS FOR TOWN/CITY CLERK

Per RSA 482-A:3,1(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:3,1).
4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form and 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, 1; 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.

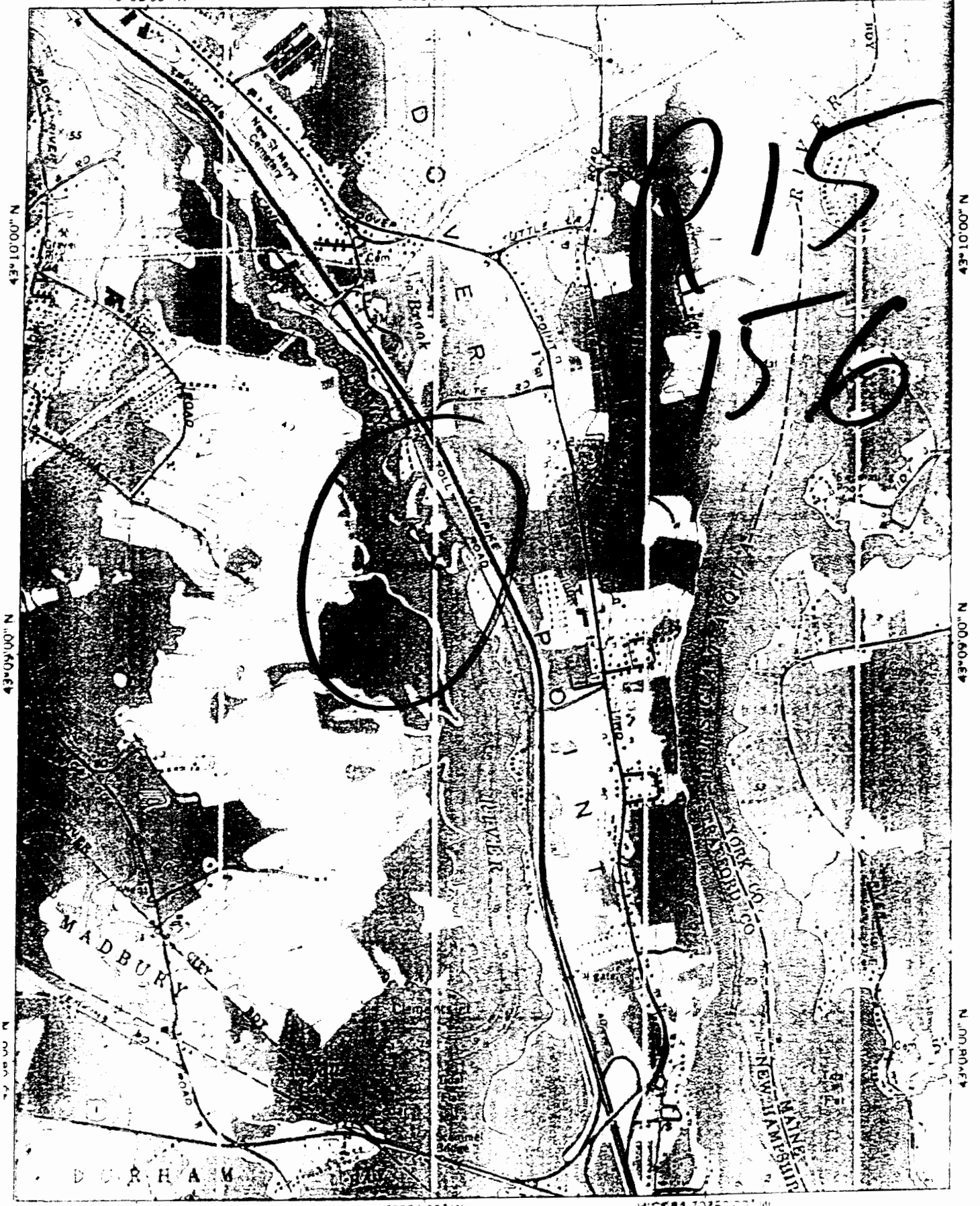


70°52'00" W

TOPOI map printed on 11/27/13 from 'SOUTHNH top' and 'Untitled.tpg'

70°51'00" W

WGS84 70°50'00" W



N.00.01°E4

N.00.60°E4

N.00.00°E4

N.00.00°E4

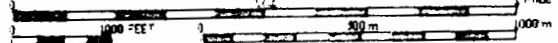
N.00.60°E4

N.00.00°E4

70°52'00" W

70°51'00" W

WGS84 70°50'00" W



Map printed with TOPOI & SRTM data by National Geographic. All rights reserved. © 2013

Memo

To: Luke Hurley, Gove Environmental Services, Inc.
8 continental Drive
Exeter, NH 03833

From: Melissa Coppola, NH Natural Heritage Bureau

Date: 12/4/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB13-3577

Town: Dover

Description: Single Family home and seasonal dock

Location: Tax Maps: L/14A

As requested, I have searched our database for records of rare species in these communities with the following results.

Comments: Please send site plans and site photos to NHB for their review. Send requests to melissacoppola@dred.nh.gov

Natural Community

Sparsely vegetated intertidal system

State Federated Notes

These communities are primarily alterations to the hydrology of the wetland which might affect the sheet flow of tidal waters across the intertidal areas. Increased nutrients and pollutants in storm runoff.

Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "..." = an example of a natural community or rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for this occurrence was more than 20 years ago.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

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NHHS
NHB'S
RESOURCES MANAGEMENT



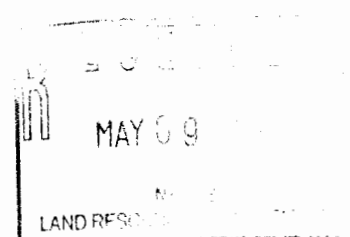
NEW HAMPSHIRE NATURAL HERITAGE BUREAU
DRED - DIVISION OF FORESTS & LANDS
PO Box 1856 - 172 PEMBROKE ROAD, CONCORD, NH 03302-1856
(603) 271-2214

To: Luke Hurley, Gove Environmental
From: Melissa Coppola, NHB-Environmental Information Specialist
Date: December 16, 2013
Subject: NHB13-3577

This memo is a follow-up to NHB13-3577 which had indicated an exemplary **sparsely vegetated intertidal system** near the proposed project. The Natural Heritage Bureau (NHB) requested further details about the project to: 1) determine the potential for impacts and 2) provide appropriate recommendations to avoid impacts if necessary.

Based on the information provided (site photos and site plans), NHB cannot determine if the proposed location of the seasonal dock is vegetated or rocky shoreline. NHB would recommend avoiding impacts to the sparse salt marsh vegetation of this community. There is likely plenty of unvegetated rocky shore where a dock could be placed without impacting the vegetation.

Should you have any further questions, contact me at 603-271-2215 ext. 323 or at Melissa.Coppola@dred.state.nh.us.



NHB13-3577



NH NATURAL HERITAGE BUREAU

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



4 15377

Valid for one year from this date. 04 Dec 2013

Historical record

New Hampshire Natural Heritage Bureau - System Record

Sparsely vegetated intertidal system

Legal Status

Federal: Not listed
State: Not listed

Conservation Status

Global: Not ranked (need more information)
State: Rare or uncommon

Description at this Location

Conservation Rank: Not ranked
Comments on Rank:

Detailed Description: Extensive *intertidal flats* that are exposed daily at low tide, bordered in places by *intertidal rocky shore* and *coastal shoreline strand/swale* communities.

General Area: 2010: Borders **salt marsh system** landward and **subtidal system** seaward.

General Comments:

Management

Comments:

Location

Survey Site Name: Great Bay

Managed By: Moody Point Open Space

County: Rockingham

USGS quad(s): Newmarket (4307018)

Town(s): Newington

Lat, Long: 430651N, 0705032W

Size: 3589.5 acres

Elevation:

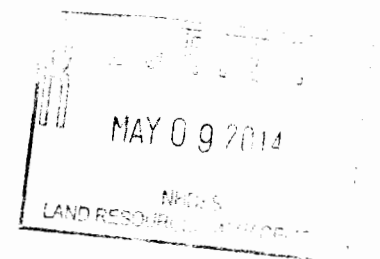
Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: Occurs throughout Great Bay from the mouths of its tributaries, through Little Bay, to the confluence with the Piscataqua River.

Dates documented

First reported: 1997-06-23

Last reported: 2010-10-13



LIST OF ABUTTERS

As defined as any person who owns property immediately adjacent and contiguous to the property on which the project will take place.

Tax Map—Lot Number
Owner of Record

Subject Parcel(s)

L/14A
DR Lemieux Builders, LLC
76 Exeter Road
Newmarket, NH 03857

Abutter/Owner of Concern (Approx. clockwise from top of Tax Map/Composite)

L/14N
Edward W. Hoginski Trustee
[REDACTED]
Dover, NH 03820

L/14P
Natalie Koellmer
[REDACTED]
Dover, Nh 03820

