



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

December 02, 2015

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

REQUESTED ACTION

Approve Vincent Taccetta III Revocable Trust of 1998's request to perform the following work on the Piscataqua River, in New Castle. File # 2015-00704. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

After-the-fact request to retain two (2) existing floats on the Piscataqua River. The first float is 32 ft. 7 inch x 10 ft. float and is comprised of one (1) 16 ft. 3 inch x 10 ft. float and one (1) 16 ft. 4 inch x 10 ft. float. The second float is 40 ft. x 5 ft. and is comprised of one (1) 24 ft. x 5 ft. and one (1) 16 ft. x 5 ft. float.

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

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated March 24, 2015, and revised through October 8, 2015 as received by the NH Department of Environmental Services (DES) on October 8, 2015.
2. This permit is not valid and effective until it has been recorded with the Rockingham County Registry of Deeds by the applicant. The permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

EXPLANATION

The DES Wetlands Bureau approved this project on November 2, 2015. DES supported its decision with the following findings:

1. On October 18, 2011, DES received a complaint from the New Castle Board of Selectmen for the property identified as 1 Steamboat Lane, more specifically referenced as New Castle Tax Map 18, Lot 16 (the Property) alleging the installation of a floating dock adjacent to a public right-of-way (ROW).
2. On October 31, 2011, DES issued an Alleged Violator Letter (AV Letter) to Vincent Taccetta III Revocable Trust, Vincent Taccetta III, Trustee (Taccetta), notifying Taccetta of the complaint on the Property received by DES and providing an opportunity for Taccetta to respond to the AV Letter within 20-days.

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

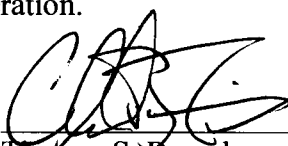
3. In response to the AV Letter, DES inspected the Property on December 1, 2011. During the inspection DES noted:
 - a. A wooden float approximately 20 ft. by 30 ft. had been secured along the west side of the existing pier on the Piscataqua River immediately adjacent to the shore; and,
 - b. A wooden float approximately 10 ft. by 30 ft. had been secured to the southwest corner of the existing float on the Piscataqua River.
4. On March 22, 2012, DES issued a letter to Taccetta identifying the structures above and stating that DES found no approved permits for these two (2) structures. In response, DES requested the following:
 - a. By May 21, 2012, submit an application to retain both structures; or,
 - b. By May 21, 2012, completely remove both structures from DES jurisdiction and provide photo documentation of the removal of these structures to DES.
5. On March 4, 2014, DES issued Letter of Deficiency LRM 14-002 (LOD) to Taccetta as no response was provided to the March 22, 2012 letter. The LOD requested a response by May 3, 2014.
6. On May 7, 2014, DES received correspondence from Taccetta in response to the LOD. Taccetta submitted a hand-written note and the first two pages of a DES Wetlands Permit Application.
7. On May 16, 2014, DES issued a letter to Taccetta in response to the materials received stating that the LOD had not been satisfied because a complete application was not submitted.
8. On March 30, 2015, DES received an after-the-fact Wetlands Permit Application to retain the two (2) floats.
9. This is a major impact project per Administrative Rule Env-Wt 303.02(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. 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.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) & (c), Requirements for Application Evaluation, has been considered in the design of the project.
13. DES Staff conducted a field inspection of the proposed project on August 17, 2015. Field inspection determined the floats had been relocated within the property line extensions over the water.
14. 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 marine resource, as identified under RSA 482-A:1.
15. The applicant received notarized written concurrence from those abutters whose property lines are within 20 ft. of the proposed docking structures in accordance with RSA 482-A:3 XIII(c).

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16. The NH Division of Ports and Harbors "examined the proposed site and found the structure will have no negative effect on navigation in the channel."
17. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

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.

for 
Thomas S. Burack
Commissioner

TSB/CGA/lsl



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

			File No 2015-00704
			Check No 7815
			Amount \$ 729.80
			Initials Emk

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: 1 Steamboat Lane		TOWN/CITY: New Castle, NH	
TAX MAP: Map 18	BLOCK:	LOT: Lot 16	UNIT:
USGS TOPO MAP WATERBODY NAME: Piscataqua River		<input type="checkbox"/> NA	STREAM WATERSHED SIZE: <input type="checkbox"/> NA
LOCATION COORDINATES (If known): 43.07260 n -70.71722 e		<input checked="" type="checkbox"/> Latitude/Longitude <input type="checkbox"/>	
UTM <input type="checkbox"/> 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.

Application to retain (2) existing (ATF) After-the-Fact floats. One float is located along the southwesterly side of the existing pier 32'-7"L x 10'W float comprised of (1) 16'-3"L x 10'W float and (1) 16'-4"x10'W float. The second float is located to the southeasterly side of the existing pier 40'L x 5'W comprised of (1) 24'L x 5'W and (1) 16'L x 5'W. ATF float impacts equal 527.8 square feet. The pier, gangway and main float are previously permitted structures.

4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...
2011-2713, LRM 14-002

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: **NHB 14 - 4513**

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.: Vincent Taccetta III

TRUST / COMPANY NAME: Vincent Taccetta III Rev Trust of 1998

MAILING ADDRESS: [REDACTED]

TOWN/CITY: New Castle

STATE: NH

ZIP CODE: 03854-0024

EMAIL or FAX: see agent info

PHONE: see agent info

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

7. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.: Same

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

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

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Zachary Taylor

COMPANY NAME: Riverside & Pickering Marine

MAILING ADDRESS: 195 West Road

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL or FAX: zach@riversideandpickering.com

PHONE: (603) 427- 2824

ELECTRONIC COMMUNICATION: By initiating here ZT, I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

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

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

See Letter of Authorization Included

Zachary Taylor, Dir Of Operations
RPMC

3 / 24 / 2015

Property Owner: 

Print name legibly


Date

MUNICIPAL SIGNATURES

10. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

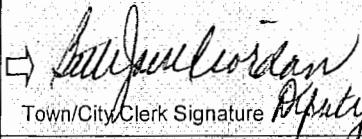
 Authorized Commission Signature	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

11. TOWN / CITY CLERK SIGNATURE

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

 Town/City Clerk Signature	Pete Jane Rurdan Print name legibly	New Castle Town/City	3-26-15 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(d):

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3, I).
4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

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

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Scrub-shrub wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Emergent wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Wet meadow		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Intermittent stream		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Perennial Stream / River	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Lake / Pond	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Intermittent stream	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Perennial stream / River	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Lake / Pond	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Tidal water	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Salt marsh		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Sand dune		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland buffer		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Previously-developed upland in TBZ		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Lake / Pond		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - River	2	<input checked="" type="checkbox"/> ATF	525.8	<input checked="" type="checkbox"/> ATF
Docking - Tidal Water		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
TOTAL	2 /		525.8 / 72'-7"	

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

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) _____ sq. ft. X \$0.20 = \$ _____

Temporary (seasonal) docking structure: **525.8** sq. ft. X \$1.00 = **\$ 525.80**

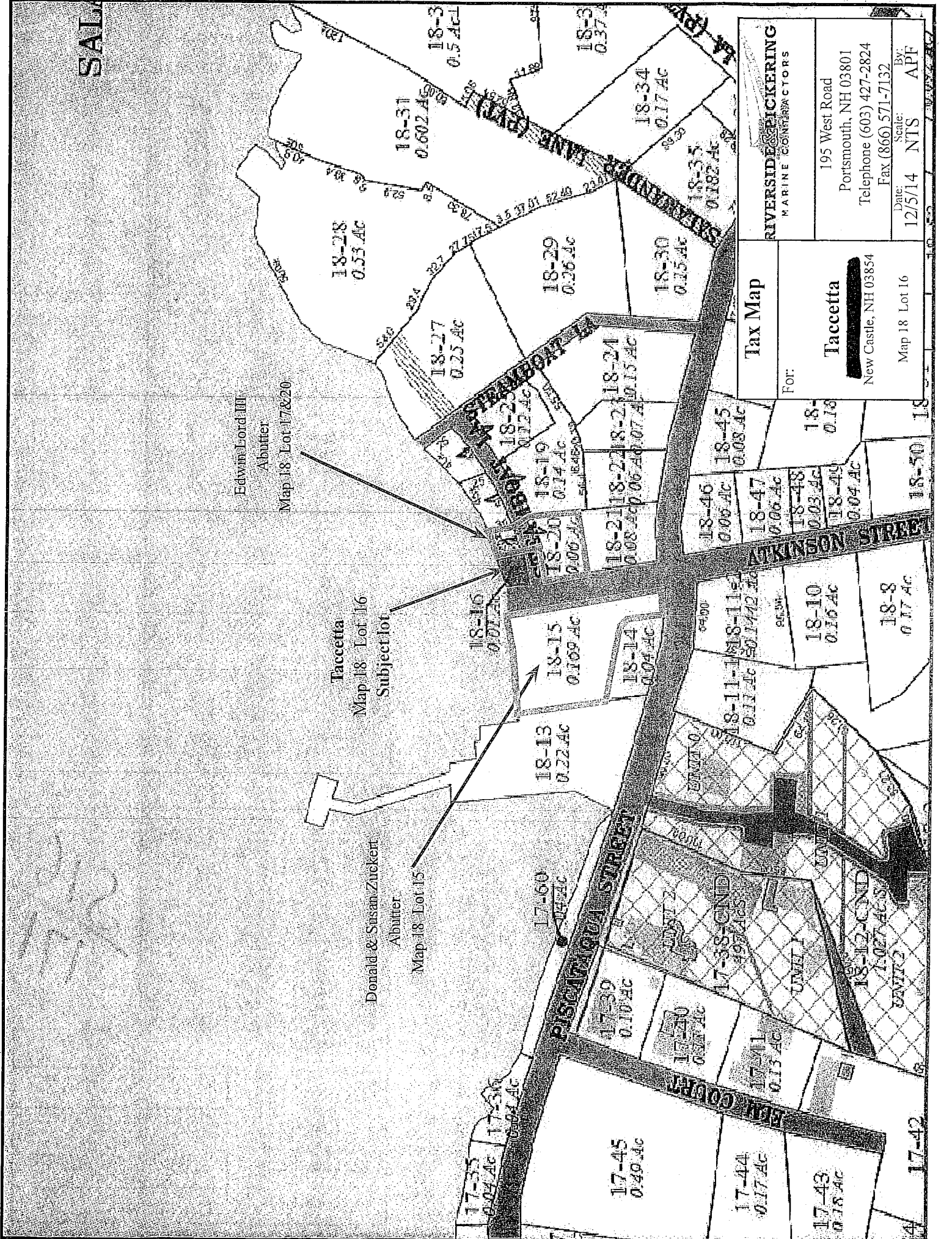
Permanent docking structure: **2** sq. ft. X \$2.00 = **\$ 4.00**

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

Total = **\$ 729.80**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 729.80**

SALV



Edwin Lord III
Abutter
Map 18 Lot 17 & 20

Taccetta
Map 18 Lot 16
Subject lot

Donald & Susan Zuckert
Abutter
Map 18 Lot 15

Tax Map	For: Taccetta New Castle, NH 03854	RIVERSIDE PICKERING MARINE CONTRACTORS	
		195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132	Date: 12/5/14 Scale: NTS By: APF

(DOVER EAST)

070° 44' 22.28" W
043° 05' 46.32" N

(YORK HARBOR)

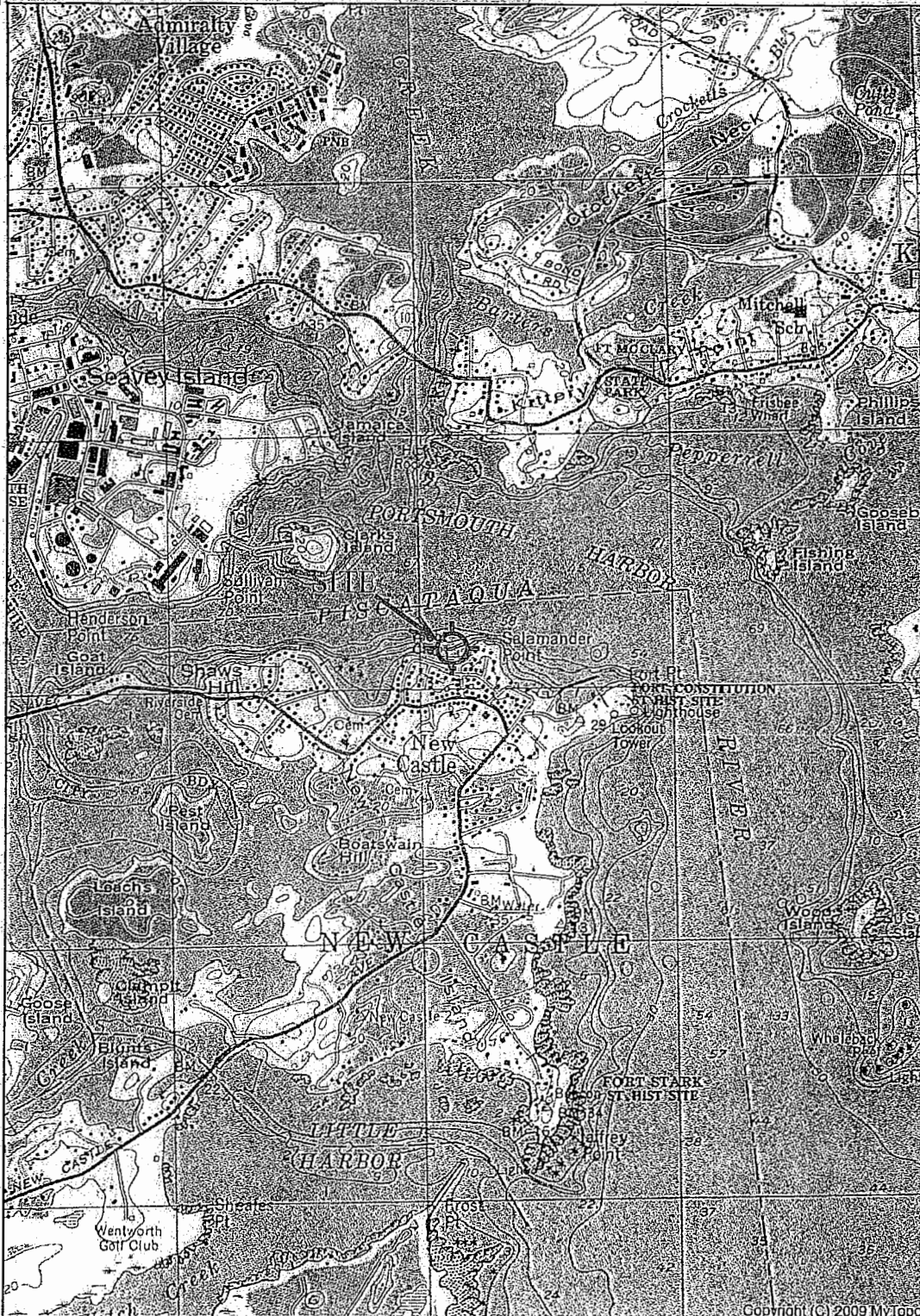
KITTERY QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

(YORK BEACH)

070° 41' 40.38" W
043° 05' 46.32" N

(PORTSMOUTH)

(Unavailable)



043° 02' 58.75" N
070° 44' 22.28" W

Copyright (C) 2009 MyTopo

S16
171

(EXETER)

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

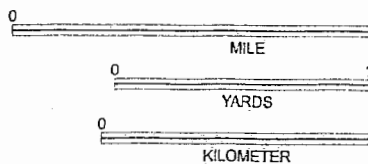
North American 1983 Datum (NAD83)
Lambert Conformal Conic Projection

To place on the predicted North American
1927 move the projection lines 10M N and
41M E

Declination



(Unavailable)
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM

Site Map

For:

Taccetta

New Castle, NH 03854

Map 18 Lot 16

RIVERSIDE & PICKERING
MARINE CONTRACTORS

195 West Road
Portsmouth, NH 03801
Telephone (603) 427-2824
Fax (866) 571-7132

Date: 12/5/14
Scale: NTS
By: APF



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Zachary Taylor
P.O. Box 368

Eliot, ME 03903

From: NH Natural Heritage Bureau

Date: 12/17/2014 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 11/19/2014

NHB File ID: NHB14-4513

Applicant: Zachary Taylor

Location: New Castle
Tax Maps: 18-16

Project

Description: Apply to retain an existing float "After the fact"

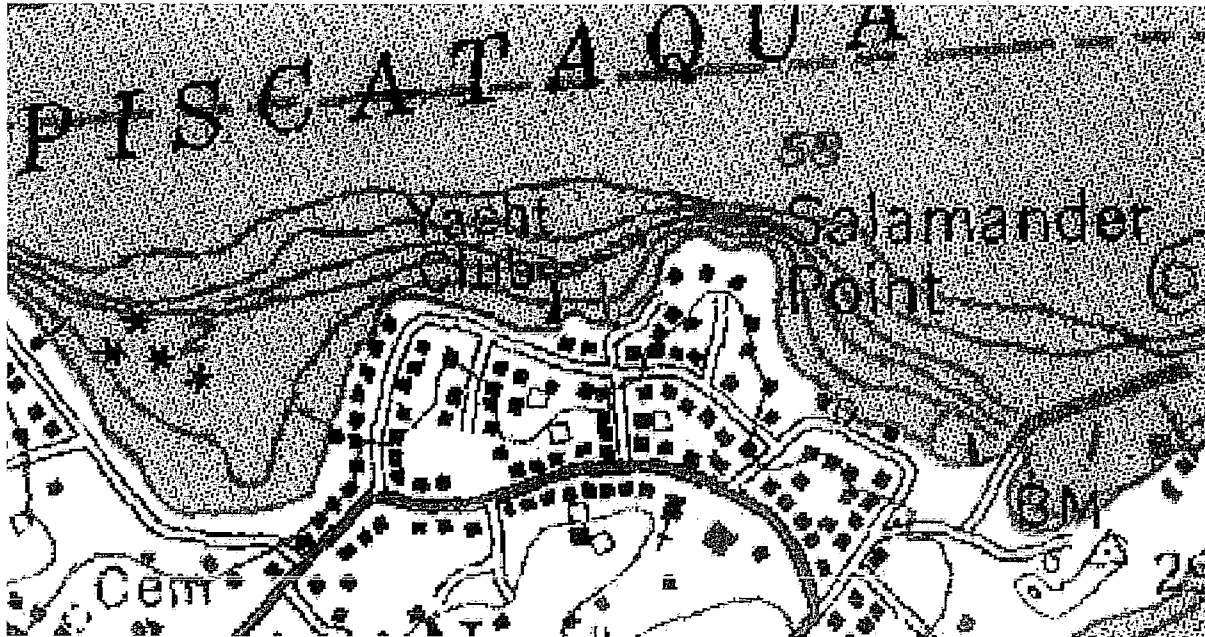
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 11/19/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB14-4513



RIVERSIDE & PICKERING
MARINE CONTRACTORS

ABUTTER NOTIFICATION

Dear Abutter,

As required by the NH Dept. of Environmental Services, you are being notified about proposed work at property, which abuts yours. Should you have any questions or concerns, please do not hesitate to contact this office. We will be glad to discuss any aspect of the proposed project. A copy of the full application sent to the NH Dept. of Environmental Services, Wetlands Bureau will be available for your inspection at your City/Town Clerk's office.

Thank you,



Zachary Taylor
Director of Operations, Riverside & Pickering Marine Contractors

Name of property owner (s): Vincent Taccetta III
Location of proposed project: 1 Steamboat Lane, New Castle, NH Map 18, Lot 16
Brief description of work: Application to retain two (After the Fact) floats

ABUTTERS LIST

TM# 18-17 & 18-20
Edwin Lord III
c/o M. Willich
[REDACTED]
New Castle, NH 03854

TM# 18-15
Donald & Susan Zuckert
[REDACTED]
New Castle, NH 03854-0307

CERTIFIED MAIL #

7013 1090 0001 6550 5474

7013 1090 0001 6550 5474

7013 1090 0001 6550 5481

7013 1090 0001 6550 5481