



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



July 21, 2020

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

**REQUESTED ACTION**

Approve Sarah J. Mason Living Trust's request to perform the following work on the Piscataqua River in Portsmouth. File # 2020-00089. This project will not have significant impact on or adversely affect the value of the Piscataqua River.

Impact 340 square feet of tidal wetland and 24 square feet of previously-developed upland tidal buffer zone to replace an existing water access structure with a 4 foot by 6 foot access way connected to a 4 foot by 20 foot fixed pier connected to a 3 foot by 20 foot ramp connected to an 10 foot by 20 foot float. Also, impact 1,201 square feet of tidal wetland and 750 square feet of previously-developed upland tidal buffer zone to replace an existing stone revetment.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans dated December 2019, revised through May 13, 2020, by Ambit Engineering Inc., as received by the NH Department of Environmental Services (NHDES) on May 15, 2020, in accordance with Env-Wt 307.16
2. The permittee shall record any permit issued for overwater structures, shoreline stabilization, and any work in the tidal buffer zone, tidal wetlands, or sand dunes at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the NHDES with a copy of the permit stamped by the registry with the book and page and date of receipt, in accordance with New Hampshire Administrative Rule (Rule) Env-Wt 314.02(b) and (c).
3. In accordance with Env-Wt 606.06(b), ramp and float portions of residential tidal docks shall be seasonal and removed from the water during the non-boating season.
4. In accordance with Env-Wt 606.05(b), tidal docking installation shall be done by barge or upland to prevent the driving of construction equipment in or through tidal waters/wetlands or on the bottom of the inter-tidal zone.
5. In accordance with Env-Wt 609.10(b)(4), all work shall be done at low tide when the work area is fully exposed.

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29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
 NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588  
 TDD Access: Relay NH 1 (800) 735-2964

6. In accordance with Env-Wt 606.05(a), tidal docking construction shall be done in accordance with the standard conditions in Env-Wt 307.
7. In accordance with Rule Env-Wt 307.15(a), heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit.
8. In accordance with Rule Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.

#### EXPLANATION

The NHDES approved this project on June 15, 2020. The NHDES supported its decision with the following findings:

1. This is classified as a major project per Rule Env-Wt 606.17(a)(1), for all new overwater structure construction in tidal waters/wetlands.
2. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
3. Per Rule Env-Wt 311.06(h), the municipal conservation commission recommended approval of the proposed project on 02/19/2020.
4. Per Rule Env-Wt 313.01(a)(2), all applicable conditions specified in Env-Wt 307 have been met.
5. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 600 have been met.
6. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 600 have been met.
7. Per Rule Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, this permit for work to dredge or fill will not 'infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners' based on documentation that the proposed dredge and fill activity will be located entirely within the boundary of the applicant's property interest and will not result in any observable change in off-site surface water levels or flows.
8. Per Rule Env-Wt 313.03(a), the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.
9. The applicant has demonstrated specifically that each factor listed in Rule Env-Wt 313.03(b) has been considered in the design of the proposed major project.
10. Per Rule Env-Wt 603.09, the applicant obtained a statement, dated March 06, 2020, from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage.
11. Per Rule Env-Wt 606.06(e), the location, design, and method of construction for a proposed residential tidal dock has been based on the results of the coastal functional assessment (CFA), is the least environmentally-impacting practicable alternative, has been certified by a professional engineer as having sufficient structural integrity based on the results of the vulnerability assessment, and will not impede the passage of non-motorized watercraft to a degree that a reasonable person would find objectionable.
12. The residential tidal dock project meets the criteria listed in Rule Env-Wt 606.06(a) and (b).
13. The tidal shoreline stabilization project meets the criteria established in Rule Env-Wt 609.01(a) through (e).

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14. Per Rule Env-Wt 609.02(a) and (b), the application for the tidal shoreline stabilization project has demonstrated that the proposed technique or combination of techniques is based on best available scientific and engineering practices and addresses the criteria listed in Rule Env-Wt 609.02(b)(1) through (7).
15. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, the NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.

Application file documents are being forwarded to the Governor and the 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 request your approval of this item.

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish extending from the end.

Robert R. Scott  
Commissioner



**STANDARD DREDGE AND FILL  
WETLANDS PERMIT APPLICATION**  
Water Division/Land Resources Management  
Wetlands Bureau  
Check the Status of your Application



RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Sarah J. Mason Living Trust

<b>RECEIVED</b> Administrative JAN 05 2020 Only NHDES LAND RESOURCES MANAGEMENT	<b>INCOMPLETE</b> Use JAN 07 2020	<b>COMPLETE</b> Administrative JAN 28 2020 Only	File No: <u>2020-00089</u>
			Check No: <u>3124</u>
			Amount: <u>\$2,030.00</u>
			Initials: <u>LSL</u>

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard for existing dwellings over water pursuant to RSA 482-A:26, III (b). For more information, please consult the request form.

**SECTION 1 - CONCURRENT PROCESSING OF RELATED SHORELAND/WETLANDS PERMIT APPLICATIONS (Env-Wt 313.05)**

If the applicant is not requesting concurrent processing, please proceed to Section 2.

Is the proposed project eligible for the optional concurrent processing of related shoreland/wetlands permit applications (Env-Wt 313.05(d))? If the project is not eligible, proceed to Section 2 (the files will not be processed concurrently).

☐ Yes ☒ No

By signing this form and initialing this section, the applicant is requesting concurrent processing of related shoreland/wetlands permit applications and understands that concurrently filing the applications with a request to process the applications together constitutes:

- A waiver by the applicant of the shorter time frame, if application processing timelines are different for each permit program under the 2 statutes and their implementing rules; and
- An agreement by the applicant that any request for additional information by the department under either or both statutes shall affect the review timeframe of both applications being processed together.

Initials:

Initials:

**SECTION 2 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05)**

Please use the Wetland Permit Planning Tool (WPPT) or any other database or source to assist in identifying key features such as: priority resource areas (PRA), protected species or habitat, coastal area, or designated river, or designated prime wetlands.

**Step 1:** A certified wetland scientist must delineate and classify all wetlands and identify the predominant resource functions of each wetland, unless the exceptions listed in Env-Wt 306.05(a)(1) are met (Env-Wt 306.05(a)(1)).

**Step 2:** Determine whether the subject property is or contains a PRA by answering the following questions (Env-Wt 306.05(a)(2)):

1. Does the property contain any documented occurrences of protected species or habitat for such species? Please use the Natural Heritage Bureau (NHB) DataCheck Tool to make this determination. ☒ Yes ☐ No
2. Is the property a bog? Please use the WPPT "Peatland" layer (under the PRA module) for general location of bogs or any other database or source. ☐ Yes ☒ No
3. Is the property a floodplain wetland contiguous to a tier 3 or higher watercourse? Please use the WPPT "Floodplain Wetlands Adjacent to Tier 3 Streams" layer (under PRA module) or any other database or source. ☐ Yes ☒ No
4. Is the property a designated prime wetland or a duly-established 100-foot buffer? Please use the WPPT "Prime Wetlands" layers (under PRA module) or any other database or source. ☐ Yes ☒ No
5. Is the property a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? Please use the WPPT "Coastal" layers module and PRA module or any other database or source. ☒ Yes ☐ No

**Step 3:** For projects that are subject to Env-Wt 600, please attach the Coastal Functional Assessment (Env-Wt 603.04) and Vulnerability Assessment (Env-Wt 603.05) and conduct the data screening required by Env-Wt 603.03.

**Step 4:** Determine whether the following apply to the subject property (Env-Wt 306.05(a)(4); RSA 482-A:3, I(d)(2)):

1. Is the property within a Local River Management Advisory Committee (LAC) jurisdiction?  
If yes, please provide the following information: ☐ Yes ☒ No
  - The project is within ¼ mile of: ☐ Yes ☒ No
  - A copy of the application was sent to the LAC on Month:      Day:      Year: ☒ N/A (Env-Wt 311.01(e))
2. Is the property within or contains any areas that are subject to time of year restrictions under Env-Wt 307? ☐ Yes ☒ No

**Step 5:** For stream crossing projects: what is the size of the watershed (Env-Wt 306.05(a)(5))?

☒ N/A

**Step 6:** For dredge projects: is the subject property contaminated (Env-Wt 306.05(a)(6))? ☐ Yes ☐ No

☒ N/A

**Step 7:** Does the project have the potential to impact any of the following (Env-Wt 306.05(a)(7)):

☐ N/A

1. Impaired waters? ☒ Yes ☐ No
2. Class A waters? ☐ Yes ☒ No
3. Outstanding resource waters? ☐ Yes ☒ No

### SECTION 3 - PROJECT DESCRIPTION (Env-Wt 311.04(ii))

Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached" in the space provided below.

The project proposes 340 sq. ft. of permanent impact to tidal wetland, and 24 sq. ft. of permanent impact to previously developed 100' TBZ for the construction of a tidal docking structure; which will consist of a 4' x 6' accessway, a 4' x 20' fixed wooden pier, a 3' x 20' aluminum gangway, and a 10' x 20' float (overall structure length 50') providing two slips on 77+/- feet of frontage along the Piscataqua River. The project also proposes an additional 1,201 sq. ft. of permanent impact to tidal wetlands, and 750 sq. ft. of permanent impact to previously developed 100' TBZ for shoreline stabilization with the replacement of an existing stone revetment and a buffer planting area.

**SECTION 4 - PROJECT LOCATION**

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

ADDRESS: 363 New Castle Avenue

TOWN/CITY: Portsmouth

TAX MAP/BLOCK/LOT/UNIT: Map 207, Lot 3

UNITED STATES GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Piscataqua River

☐ N/A

LATITUDE (D.ddddd): X:1,230,420.3615° North (Optional)

LONGITUDE (D.ddddd): Y:209,493.2900° West (Optional)

**SECTION 5 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))**

If the applicant is a trust or a company, then the name of the trust or company should be written as the applicant's name.

NAME: Sarah J. Mason Living Trust

MAILING ADDRESS:

TOWN/CITY:

STATE: NH

ZIP CODE:

EMAIL ADDRESS:

FAX:

PHONE:

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

**SECTION 6 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))**☐ N/A

LAST NAME, FIRST NAME, M.I.: Riker, Steven, D. Ambit Engineering, Inc.

COMPANY NAME: Ambit Engineering, Inc.

MAILING ADDRESS: 200 Griffin Road

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS:

sdr@ambitengineering.com

FAX:

PHONE: 603-430-9282

ELECTRONIC COMMUNICATION: By initialing here *SR*, I hereby authorize NHDES to communicate all matters relative to this application electronically.**SECTION 7 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))**

If the owner is a trust or a company, then the name of the trust or company should be written as the owner's name.

☐ Same as applicant

NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL ADDRESS:

FAX:

PHONE:

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

**SECTION 8 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3)).**

Describe how the resource-specific criteria have been met (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters).  
Please see attached narrative.

**SECTION 9 - AVOIDANCE AND MINIMIZATION**

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization. Please refer to the application checklist to ensure that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable).

**SECTION 10 - MITIGATION REQUIREMENT (Env-Wt 311.02)**

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

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

☒ N/A - Mitigation is not required

**SECTION 11 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c).**

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration?

☒ Yes ☐ No

☒ N/A - Mitigation is not required

### SECTION 12 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without required permitting).

For intermittent streams, the linear footage of impact is measured along the thread of the channel.

For perennial streams/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

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

JURISDICTIONAL AREA	PERMANENT SF / LF		TEMPORARY SF / LF	
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 or 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/shoreline - Lake / Pond		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Tidal Waters	1,201 /	<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Tidal Marsh		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Sand Dune		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Designated Prime Wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Duly-established 100-foot 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 TBZ	774	<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	340	<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Vernal Pool		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
TOTAL	2,315 /			

### SECTION 13 - APPLICATION FEE (RSA 482-A:3, I)

☐ MINIMUM IMPACT FEE: Flat fee of \$400

☐ NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions)

☒ MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

Permanent and temporary (non-docking): 1,975 SF × \$0.40 = \$ 790.00

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Seasonal docking structure: 260 SF	× \$2.00 = \$ 520.00
Permanent docking structure: 80 SF	× \$4.00 = \$ 320.00
Projects proposing shoreline structures (including docks) add \$400 =	\$ 400.00
Total =	\$ 2,030.00
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 400.00	
<b>SECTION 14 - PROJECT CLASSIFICATION (Env-Wt 306.05)</b>	
Indicate the project classification.	
<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project
<input checked="" type="checkbox"/> Major Project	
<b>SECTION 15 - ALL APPLICABLE CONDITIONS IN Env-Wt 307 HAVE BEEN MET (Env-Wt 311.04(j); Env-Wt 313.01(a)(2)).</b>	
Check all conditions applicable to your project below. Please ensure that your plan design and access, construction sequence, and timing appropriately meet applicable conditions below:	
<input checked="" type="checkbox"/> Env-Wt 307.02 US Army Corps of Engineers (USACE) Conditions	<input type="checkbox"/> Env-Wt 307.11 Filling Activity Conditions
<input checked="" type="checkbox"/> Env-Wt 307.03 Protection of Water Quality Required	<input checked="" type="checkbox"/> Env-Wt 307.12 Restoring Temporary Impacts: Site Stabilization
<input type="checkbox"/> Env-Wt 307.04 Protection of Fisheries and Breeding Areas Required	<input checked="" type="checkbox"/> Env-Wt 307.13 Property Line Setbacks
<input type="checkbox"/> Env-Wt 307.05 Protection Against Invasive Species Required	<input type="checkbox"/> Env-Wt 307.14 Rock Removal
<input type="checkbox"/> Env-Wt 307.06 Protection of Rare, Threatened or Endangered Species and Critical Habitat	<input type="checkbox"/> Env-Wt 307.15 Use of Heavy Equipment in Wetlands
<input type="checkbox"/> Env-Wt 307.07 Consistency Required with Shoreland Water Quality Protection Act	<input checked="" type="checkbox"/> Env-Wt 307.16 Adherence to Approved Plans Required
<input type="checkbox"/> Env-Wt 307.08 Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers	<input type="checkbox"/> Env-Wt 307.17 Unpermitted Activities
<input checked="" type="checkbox"/> Env-Wt 307.09 Shoreline Structures	<input type="checkbox"/> Env-Wt 307.18 Reports
<input type="checkbox"/> Env-Wt 307.10 Dredging Activity Conditions	

Provide an explanation as to methods, timing, and manner as to how your project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)):  
Please see attached narrative.

#### SECTION 16 - REQUIRED CERTIFICATIONS ( Env-Wt 311.11)

Initial each box below to certify:

Initials: <i>SR</i>	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: <i>SR</i>	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: <i>SR</i>	<p>The signer understands that:</p> <ul style="list-style-type: none"> <li>The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> <li>Deny the application.</li> <li>Revoke any approval that is granted based on the information. And</li> <li>If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1.</li> </ol> </li> <li>The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.</li> <li>The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.</li> </ul>
Initials: <i>SR</i>	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

#### SECTION 17 - REQUIRED SIGNATURE (Env-Wt 311.04(d); Env-Wt 311.11)

SIGNATURE (OWNER): <i>[Signature]</i>	PRINT NAME LEGIBLY:	DATE: <i>[Date]</i>
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): <i>[Signature]</i>	PRINT NAME LEGIBLY:	DATE: <i>[Date]</i>
SIGNATURE (AGENT, IF APPLICABLE): <i>[Signature]</i>	PRINT NAME LEGIBLY: Steven D. Riker	DATE: 1/9/2020

[lrn@des.nh.gov](mailto:lrn@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)

<b>SECTION 18 TOWN/CITY CLERK SIGNATURE (Env-Wt 311.04(f))</b>	
As required by RSA 482-A:3, I(a),(1), 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.	
TOWN/CITY CLERK SIGNATURE: <i>Kelli L. Barnaby</i>	PRINT NAME LEGIBLY: <i>Kelli L. Barnaby</i>
TOWN/CITY: <i>PORTSMOUTH</i>	DATE: <i>1-15-2020</i>

**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. 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.
3. 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
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

**DIRECTIONS FOR APPLICANT:**

Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.

**APPLICATION CHECKLIST**

(Items identified with an asterisk (\*) are required only for Minor and Major Projects)

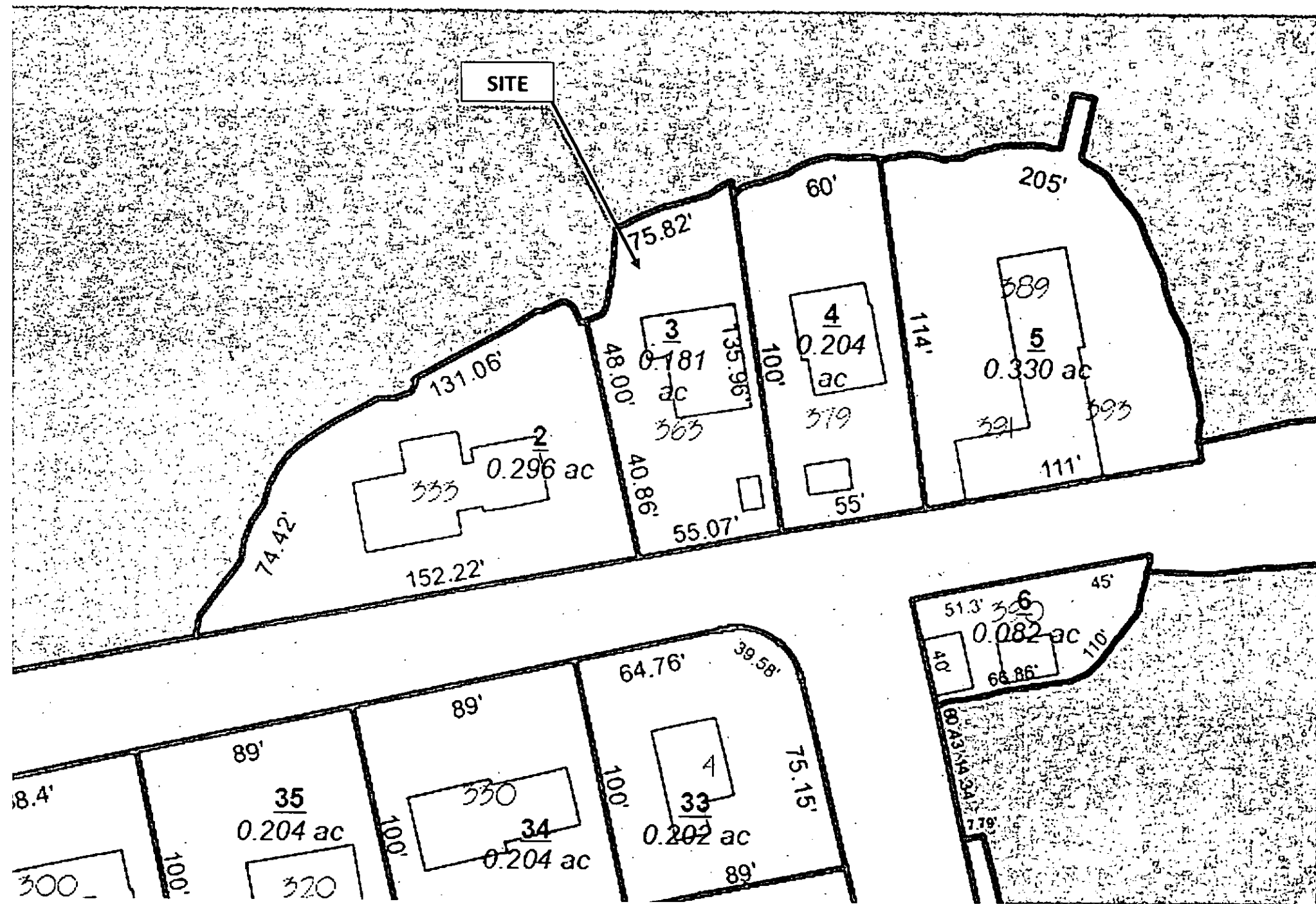
- ☐ The completed, dated, signed and certified application (Env-Wt 311.03(b)(1)).
- ☐ Correct fee as determined in RSA 482-A:3, I(b) or (c), subject to any cap established by RSA 482-A:3, X (Env-Wt 311.03(b)(2)).
- ☐ USACE "Appendix B, New Hampshire General Permits (GPs), Required Information and Corps Secondary Impacts Checklist" and its required attachments (Env-Wt 307.02).
- ☐ The results of actions required by Env-Wt 311.01 as part of an application preparation for a standard permit (Env-Wt 311.03(b)(3)).
- ☐ Project plans described in Env-Wt 311.05 (Env-Wt 311.03(b)(4)).
- ☐ Maps, or electronic shape files and meta data, and other attachments specified in Env-Wt 311.06 (Env-Wt 311.03(b)(5)).
- ☐ Explanation as to methods, timing, and manner as to how the project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)).
- ☐ If applicable, the information regarding proposed compensatory mitigation specified in Env-Wt 311.08 and Chapter Env-Wt 800 – Mitigation Worksheet, unless not required under Env-Wt 313.04 (Env-Wt 311.03(b)(8); Env-Wt 311.08; Env-Wt 313.04).
- ☐ Any additional information specific to the type of resource as specified in Env-Wt 311.09 (Env-Wt 311.03(b)(9); Env-Wt 311.04(j)).
- ☐ Project specific information required by Env-Wt 500, Env-Wt 600, and Env-Wt 900 (Env-Wt 311.03(b)(11)).
- ☐ A list containing the name, mailing address and tax map/lot number of each abutter to the subject property (Env-Wt 311.03(b)(12)).
- ☐ Copies of certified postal receipts or other proof of receipt of the notices that are required by RSA 482-A:3, I(d) (Env-Wt 311.03(b)(13)).
- ☐ Project design considerations required by Env-Wt 313 (Env-Wt 311.04(j)).

lrm@des.nh.gov or (603) 271-2147

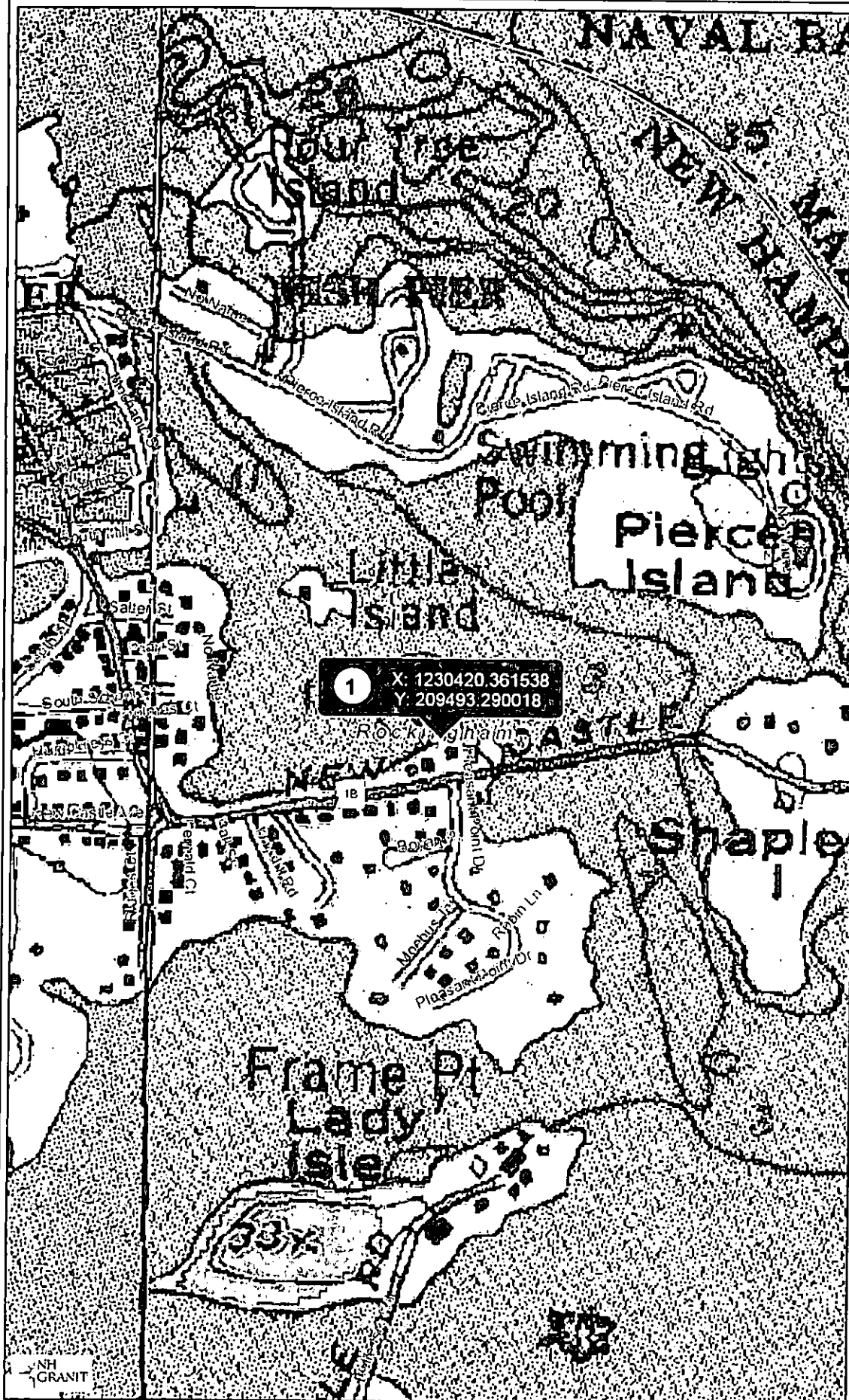
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- ☐ Town tax map showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter (Env-Wt 311.06(a)).
- ☐ Dated and labeled color photographs that:
  - (1) Clearly depict:
    - a. All jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur. And
    - b. All existing shoreline structures. And
  - (2) Are mounted or printed no more than 2 per sheet on 8.5 x 11 inch sheets (Env-Wt 311.06(b)).
- ☐ A copy of the appropriate USGS map or updated data based on LiDAR at a scale of one inch equals 24,000 feet showing the location of the subject property and proposed project (Env-Wt 311.06(c)).
- ☐ A narrative that describes the work sequence, including pre-construction through post-construction, and the relative timing and progression of all work (Env-Wt 311.06(d)).
- ☐ For all coastal projects, include a copy of the recorded deed with book and page numbers for the property (Env-Wt 311.06(e)).
- ☐ If the applicant is not the owner in fee of the subject property, documentation of the applicant's legal interest in the subject property, provided that for utility projects in a utility corridor, such documentation may comprise a list that:
  - (1) Identifies the county registry of deeds and book and page numbers of all of the easements or other recorded instruments that provide the necessary legal interest. And
  - (2) Has been certified as complete and accurate by a knowledgeable representative of the applicant (Env-Wt 311.06(f)).
- ☐ The NHB memo containing the NHB identification number and results and recommendations from NHB as well as any written follow-up communications such as additional memos or email communications with either NHB or New Hampshire Fish and Game Department (NHF&G) (Env-Wt 311.06(g)).
- ☐ A statement of whether the applicant has received comments from the local conservation commission and, if so, how the applicant has addressed the comments (Env-Wt 311.06(h)).
- ☐ For projects in LAC jurisdiction, a statement of whether the applicant has received comments from the LAC and, if so, how the applicant has addressed the comments (Env-Wt 311.06(i)).
- ☐ If the applicant is also seeking to be covered by the state general permits, a statement of whether comments have been received from any federal agency and, if so, how the applicant has addressed the comments (Env-Wt 311.06(j)).
- ☐ For after-the-fact applications: information required by Env-Wt 311.12 (Env-Wt 311.12).
- ☐ Coastal Resource Worksheet for coastal projects as required under Env-Wt 600.
- ☐ Prime Wetlands information required under Env-Wt 700.
- ☐ Stream Crossing Worksheet required by Env-Wt 900.
- ☐ Avoidance and Minimization Written Narrative, Avoidance and Minimization Checklist, or your own avoidance and minimization narrative (Env-Wt 311.07).
- ☐ \* Attachment A: Minor and Major Projects (Env-Wt 311.10).
- ☐ \* Functional Assessment (Env-Wt 311.10).



# Map by NH GRANIT



## Legend

- State
  - County
  - City/Town
- Coastal 2017 1-foot RGB

## Map Scale

1: 6,494

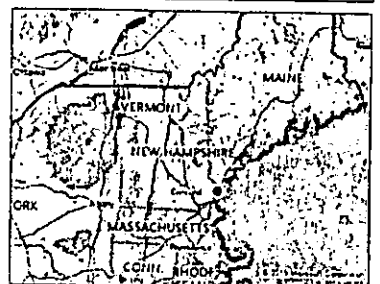
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Map Generated: 11/25/2019



## Notes

USGS Map





NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** John Chagnon, Ambit Engineering, Inc.  
200 Griffin Road  
Unit 3  
Portsmouth, NH 03801

**From:** NH Natural Heritage Bureau

**Date:** 12/4/2019 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 11/27/2019

**NHB File ID:** NHB19-3842

**Applicant:** John Chagnon

**Location:** Portsmouth  
Tax Maps: Tax Map 207, Lot 3

**Project Description:** The project proposes the installation of a docking structure and repair/expansion of an existing stone revetment for shoreline stabilization.

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.

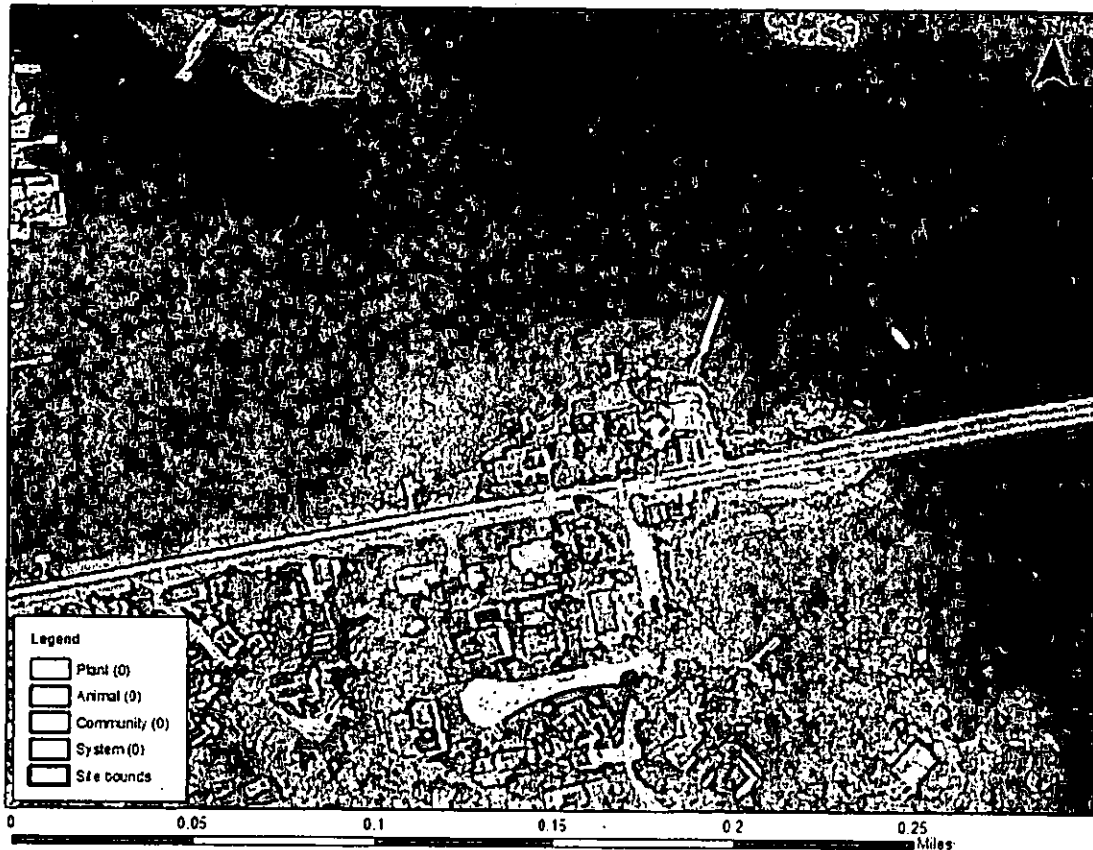
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/27/2019, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB19-3842

NHB19-3842



**ABUTTER'S LIST**

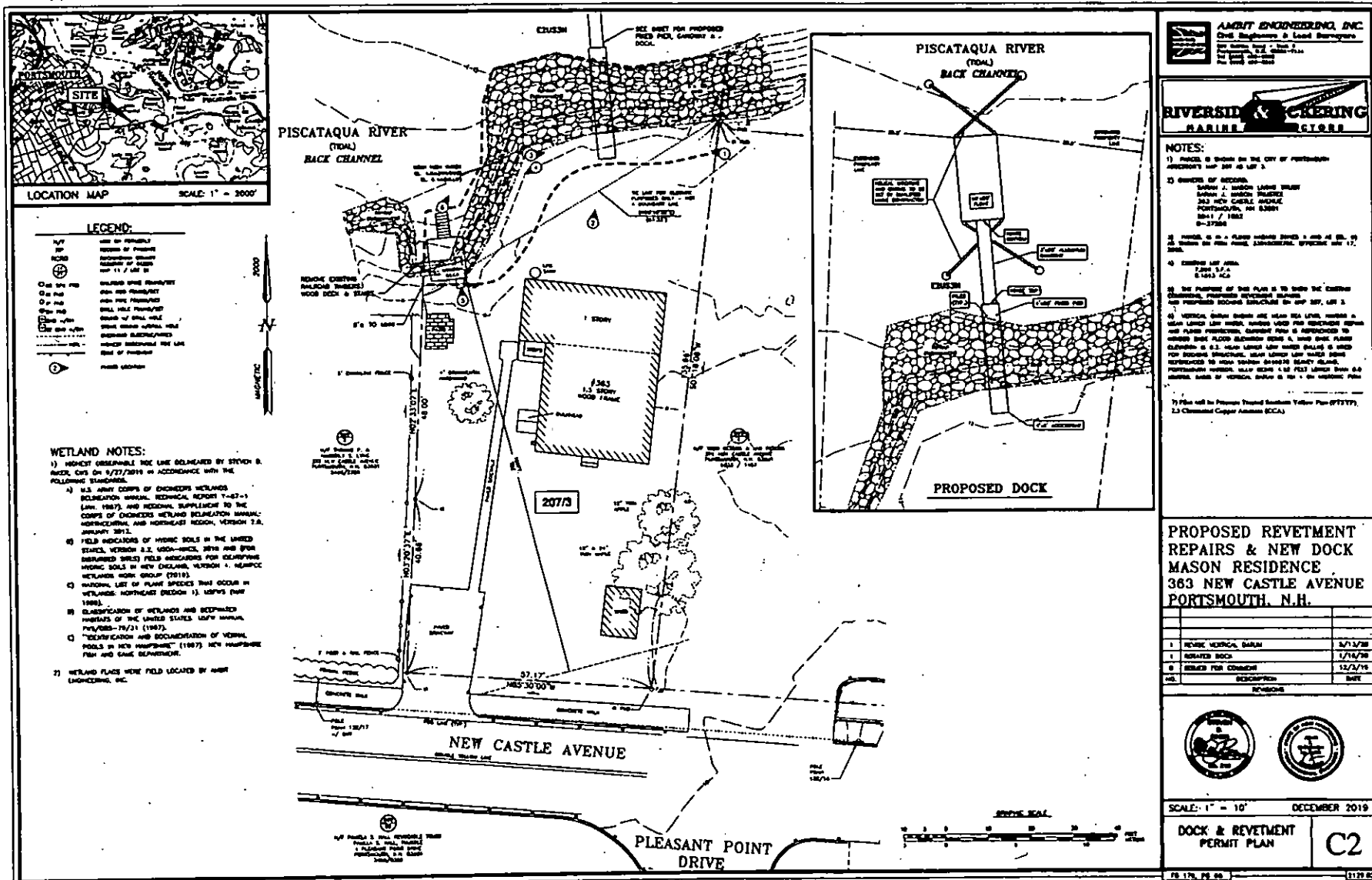
JN 2129.02

**Client: Sarah J. Mason Living Trust**

**Project Address: 363 New Castle Avenue, Portsmouth, NH 03801**

<b>MAP</b>	<b>LOT</b>	<b>NAME(S)</b>	<b>PO BOX</b>	<b>STREET ADDRESS</b>	<b>CITY/STATE/ZIP</b>
207	4	Todd & Jan Peters			
207	2	Thomas P. & Kimberly S. Lyng		.....	





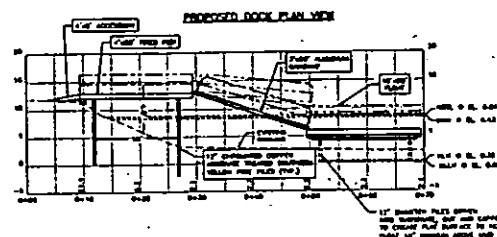
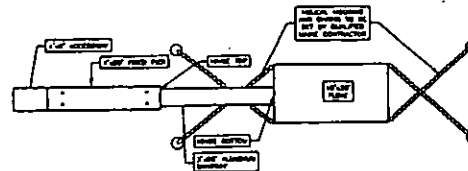
[illegible][illegible][illegible][illegible][illegible][illegible]

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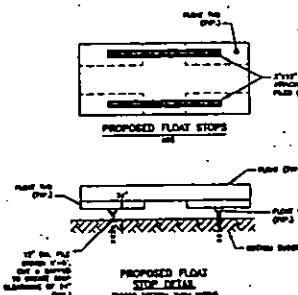
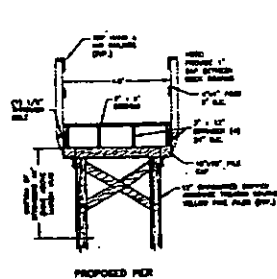
[illegible]

THE FOLLOWING INFORMATION WAS OBTAINED FROM A REPORT BY THE SECRETARIAT OF DEFENSE OF THE UNITED STATES OF AMERICA, DATED 1964, AND IS HEREBY REPRODUCED IN FULL. THE INFORMATION IS UNCLASSIFIED, AND IS BEING REPRODUCED IN FULL FOR THE INFORMATION OF THE UNITED STATES OF AMERICA. THE INFORMATION IS UNCLASSIFIED, AND IS BEING REPRODUCED IN FULL FOR THE INFORMATION OF THE UNITED STATES OF AMERICA.

**RESPONDERS:** While the courts are likely to have favorable responses to all the claims, especially in regard to finding that the state is liable on the basis of negligence in connection with the state's involvement in the capital, the courts will likely not allow claims for constitutional violations (double jeopardy, cruel and unusual punishment, etc.) to be successful.



STUDY BEAC



NOTES:

- NOTES:
- 1) ALL CONSTRUCTION SHALL BE COMPLETED BY 06:00 A.M. ON MONDAY, 11-28-84. NO WORK SHALL BE PERFORMED ON THE SITE 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION OR PUBLIC OR PRIVATE PROPERTY.
  - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ANY DAMAGE TO EXISTING UTILITIES OR CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
  - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS AND BEST MANAGEMENT PRACTICES FOR CONSTRUCTION. BEST MANAGEMENT PRACTICES, MARCH 1981.
  - 4) SURFACE DRAINAGE SHALL BE LOWER LOW WATER (ELLWS) OF THE NEARBY DRAINAGE CANAL ON HIGHWAY 66. REDUCTION FROM HIGHWAYS TO ELLWS BASED ON ROAD ELEVATION 5418.00-5420.00 FEET, PORTHURST. REDUCTION WITH FIELD DRAIN 5.63 FEET LOWER THAN 5.00 FEET DRAIN.
  - 5) WAREHOUSE OF THE ELLWS FOR DOCKING STRUCTURE MAY BE EXCEEDED AS IS SPECIFIED ON PROPOSED DOCK ELEVATION 5430.00 FEET. THE YEAR 1984 ELEVATION 5430.00 FEET.

2	ADD PROPOSED FILE NUMBER	5/13/81
1	ROTATE PLAT	1/18/81
8	ISSUE FOR COMMENT	12/3/80
NO.	DESCRIPTION	DATE



SCALE: 1"=10' . NOVEMBER 20

### DOCK DETAILS

D.1

