



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

Thomas S. Burack, Commissioner



July 15, 2013

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

**REQUESTED ACTION**

Approve Robert Elliott and William Meserve's request to perform the following work on the Squamscott River, in Newfields. File # 2013-00674. This project will not have significant impact on or adversely affect the values of the Squamscott River.

Modify an existing tidal docking structure to raise the existing 4 ft. x 19 ft. fixed pier to 4 ft. over the saltmarsh vegetation, replace two existing pilings and replace the existing 8 ft. x 6 ft. float with a new 8 ft. x 15 ft. float providing one slip on 1,157 ft. of frontage on the Squamscott River.

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

1. All work shall be in accordance with revised plans by William Meserve, as received by the Department on June 12, 2013.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 4 ft. x 19 ft. fixed pier to a 2.5 ft. x 24 ft. ramp to a 8 ft. x 15 ft. float providing one slip on 1,157 ft. of frontage on the Squamscott River 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.

DES Web site: [www.des.nh.gov](http://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



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.

#### EXPLANATION

The DES Wetlands Bureau approved this project on June 14, 2013. DES supported its decision with the following findings:

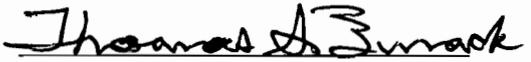
1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has demonstrated that two pilings are deteriorated and need to be replaced. The applicant meets the requirements pursuant to Env-Wt 402.13 to increase the float size along the frontage.
3. Pursuant to Env-Wt 402.21, the applicant has demonstrated that the modification to the existing docking structure is less environmentally impacting by raising the height of the existing fixed pier to meet the requirements of the 1:1 ratio of deck height to width as appropriate over the saltmarsh.
4. 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 owner is replacing deteriorated pilings and minimally increasing the float size. Further, the applicant will be utilizing a barge and crane to complete construction from the water to minimize impacts to the wetland resource.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of Natural Communities and state-endangered species within the vicinity of the project. The applicant has coordinated with NHB to minimize impacts to these 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 May 7, 2013.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on June 12, 2013 found that the site is accurately represented in the application.
8. The Newfields Conservation Commission did not submit comments on this application.
9. The Exeter River Local Advisory Committee did not submit comments on this application.
10. 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.



Her Excellency, Governor Margaret Wood Hassan  
and The Honorable Council  
Page 3

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

We respectfully submit this request for your consideration.

  
Thomas S. Burack  
Commissioner

TSB/CGA/emk





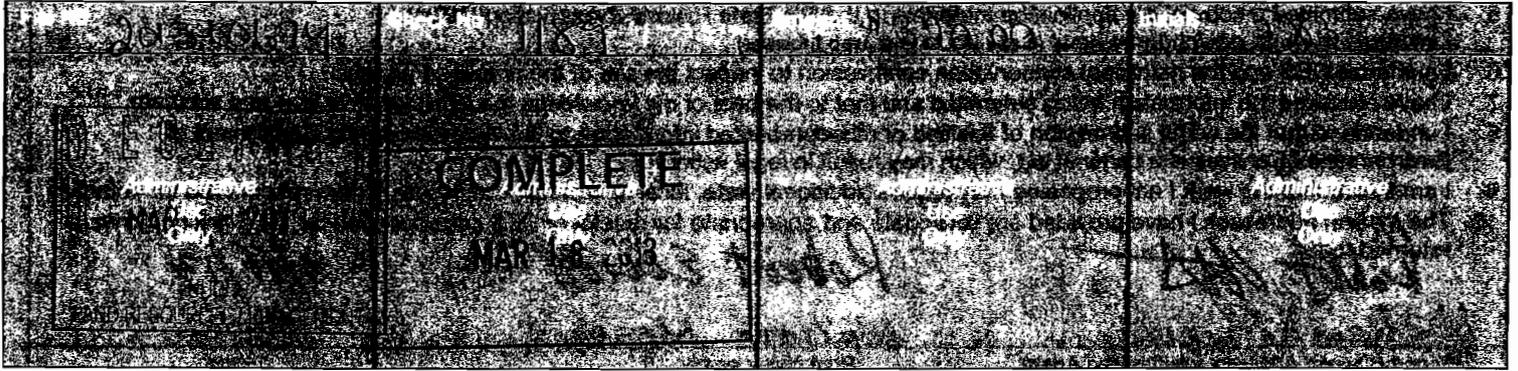
THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND RESOURCES MANAGEMENT  
WETLANDS BUREAU

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

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



## WETLANDS PERMIT APPLICATION



**REVIEW TYPE:**

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

**PROJECT LOCATION:**

ADDRESS: 12 River Rd		TOWN/CITY: Newfields	
TAX MAP: 102	BLOCK:	LOT: 47	UNIT:
US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Squamscott River		LOCATION COORDINATES (If known): <input type="checkbox"/> Latitude/Longitude <input type="checkbox"/> UTM <input type="checkbox"/> State Plane	

NAME: William Meserve and Robert Elliott

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Newfields	STATE: NH	ZIP CODE: 03856
EMAIL or FAX: [REDACTED]	PHONE: [REDACTED]	

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : WLM)

NAME:	COMPANY:	
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL or FAX:	PHONE:	

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : \_\_\_\_\_)

I. Attach the application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,1 & Env-Wt 505.01(c))

- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 OR
- Minor or Major Impact (Standard Review): Complete the minor & major 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:	120 sq. ft.	X \$1.00 =	\$120
Permanent docking structure:	_____ sq. ft.	X \$2.00 =	_____
Projects proposing shoreline structures add \$200 =			\$200
Total =			\$320
The Application Fee is the above calculated Total or \$200, whichever is greater =			\$320

J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).

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

- Abutter Notification Exceptions see Env-Wt 501.01(c).
- 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.

K. Need, Avoidance & Questions:

- Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and  
2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR
- Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04(a)

L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?

Y  N 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](http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc)

**8. RELATED FILES/APPROVALS:** If applicable, indicate files and approvals that are related to the proposed project or project site. [Link to all NHDES Programs, Bureaus and Units](http://des.nh.gov/programs/index.htm) <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau enforcement, emergency authorizations: \_\_\_\_\_

Wetlands Bureau approvals, denials: \_\_\_\_\_

Shoreland/ Alteration of Terrain/ Subsurface: \_\_\_\_\_

Other: \_\_\_\_\_

**9. PROJECT DESCRIPTION:** Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and other the fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, panne wetland/buffer, tidal waters, salt marsh, sand dune, riparian/ tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but **DO NOT** reply "See Attached" in the space provided below.

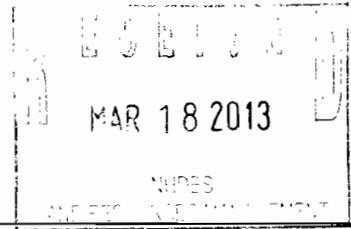
Replace 2 pilings and split cap set at end of existing pier. Replace existing 8' x 6' float with new 8' x 15' float located by moorings. The float area will be increased by 72 sf and the 2@6" diameter piles will impact .4sf in the tidal buffer.

The existing 24' X 2.5' gangway and 19' X 4' fixed dock will be reused.

The float and the gangway are placed on the upland portion of the property seasonally.

The property is a 12.1 acre lot with 1157 lf of water frontage at mean high water.

Installation of piles will be done by barge. No machinery will be used in the tidal wetland area.



**10. APPLICATION REQUIREMENTS:** This application will be returned to you if items outlined in A - H are not provided. If applicable items outlined in B - H are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your web browser.

A. 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: Squamscott

3. As required by RSA 482-A:3,1(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: 3 Day: 15 Year: 2013

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

B. Property Owner or Authorized Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))

C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))

D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/) or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.

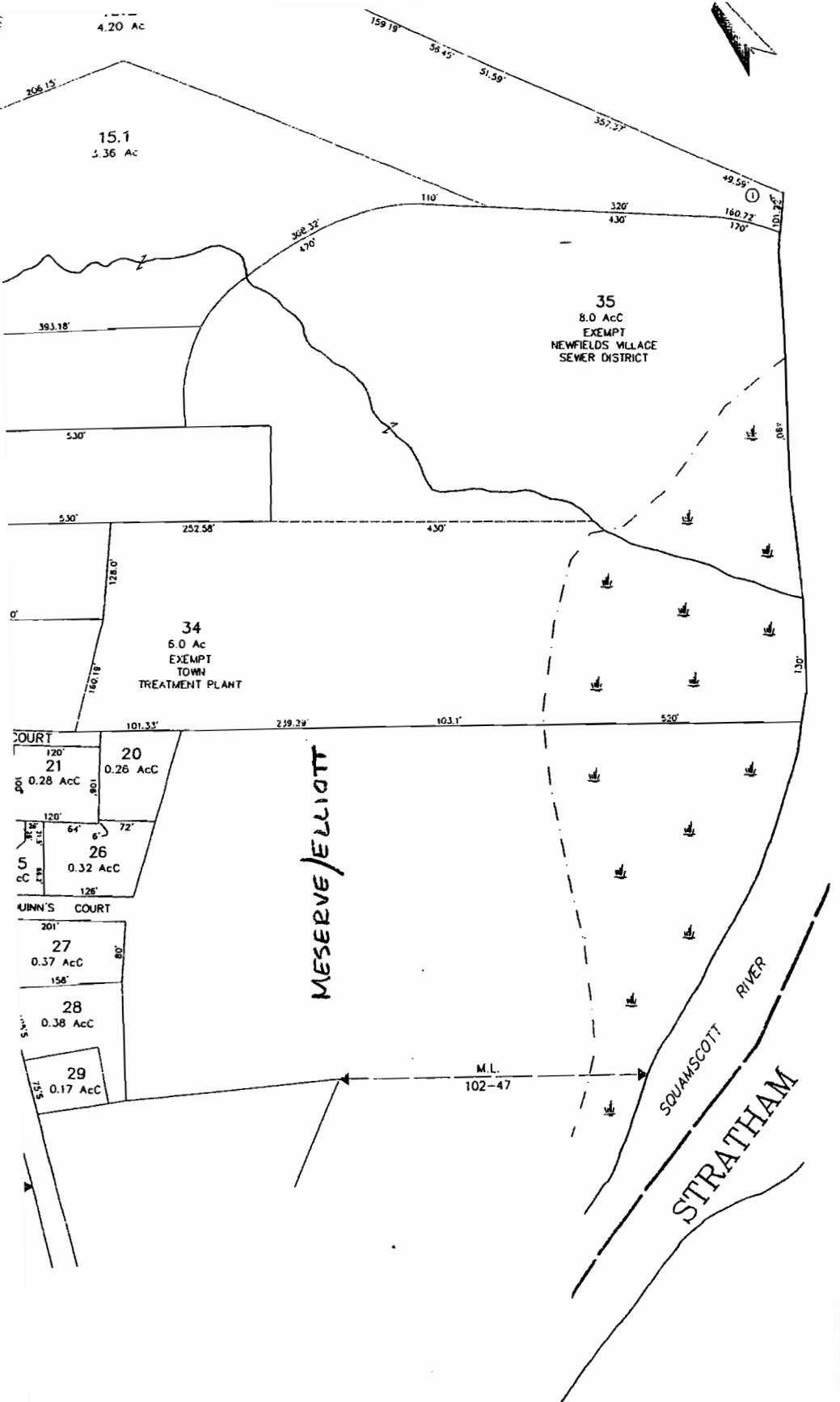
E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))

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

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

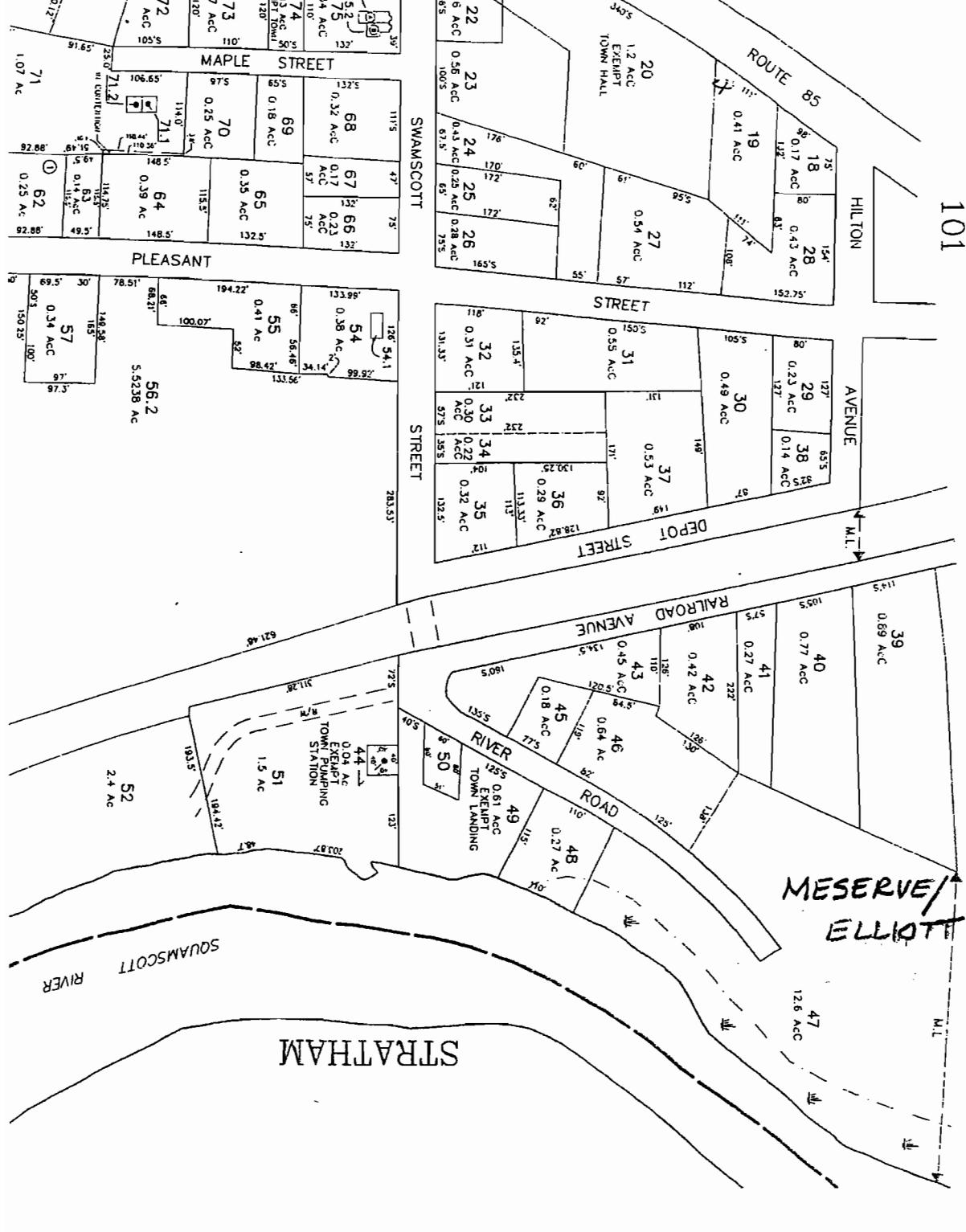
G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.

H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Required Information and Corps Secondary Impact Checklist: [http://www.nae.usace.army.mil/Regulatory/SGP/NH\\_PGP.pdf](http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf) (scroll to page 29 of 34 to reach Appendix B).

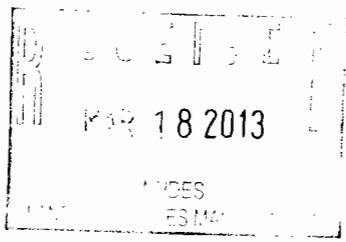


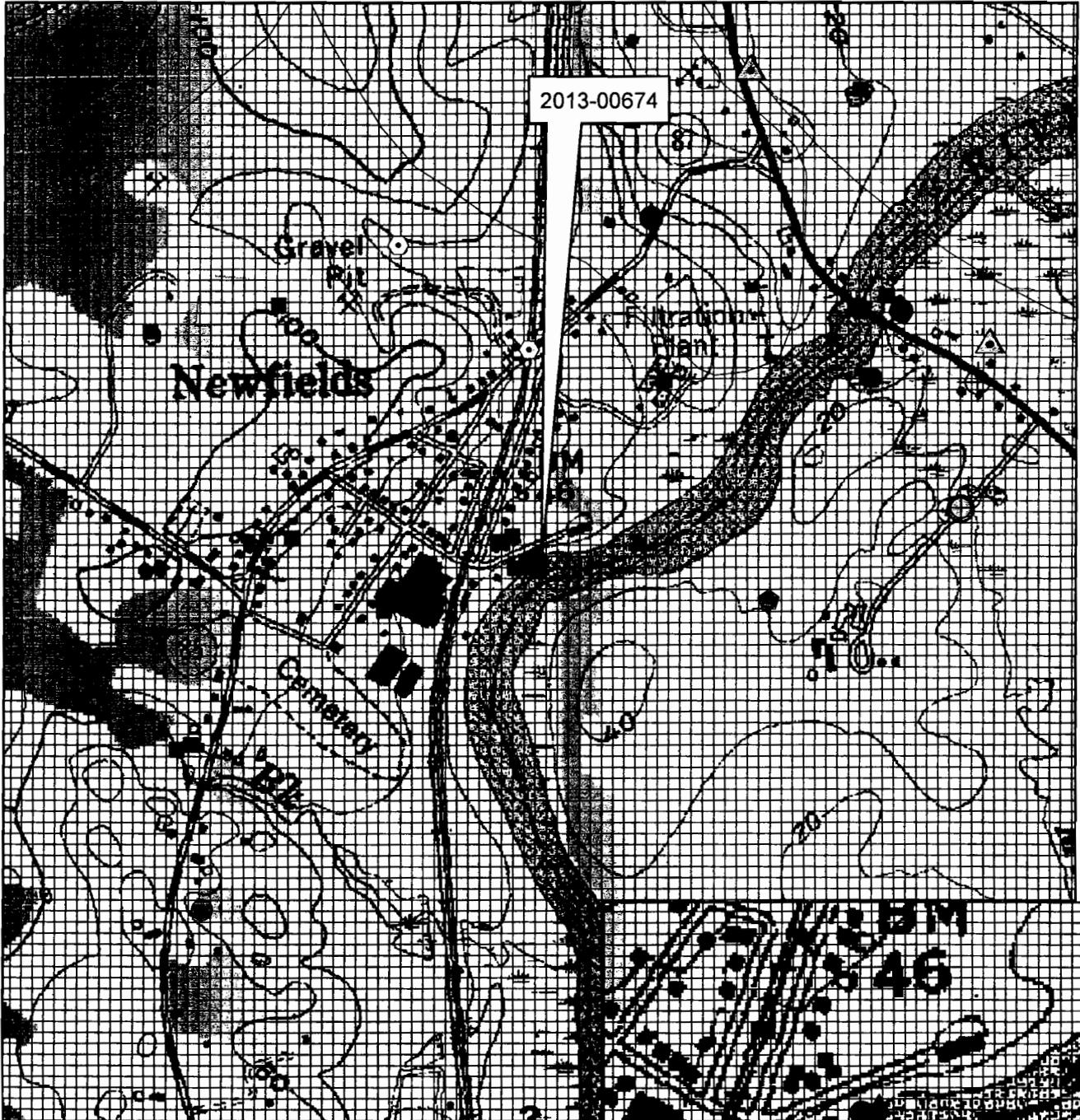
102-47  
 MAR 18 2013  
 102-47

	SCALE 1 INCH = 100 FEET	TOWN OF <b>NEWFIELDS</b> NEW HAMPSHIRE	MAP NO. <b>101</b>
		REVISED THROUGH APRIL 1, 2007	

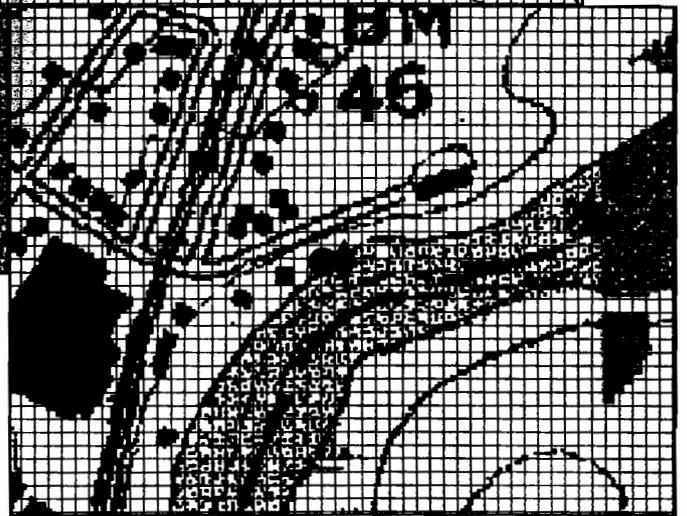


NEWFIELDS MAP 102





1:12,000



1:6,000

Legend



FILE LOCUS

IMPAIRED WATER-1 MILE BUFFER



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

MAR 18 2013

**To:** William Meserve  
**From:** Melissa Coppola, NHB-Environmental Information Specialist  
**Date:** March 13, 2013  
**Subject:** NHB13-0597

This memo is a follow-up to NHB13-0597 which had indicated multiple exemplary natural community systems/communities in close proximity of the proposed project. The Natural Heritage Bureau (NHB) requested further details about the project to determine the potential for impacts.

Based on the information provided (site plans and site photos), the fixed dock area does cross exemplary salt marsh area. Potential ways to reduce impacts while replacing the dock include the following:

- Construction to occur from barge to reduce impact to salt marsh
- Pier width no more than 4ft wide, to reduce impact to underlying salt marsh and at least 4ft above the salt marsh
- Spacing of deck boards  $\frac{3}{4}$  in. apart to increase light levels to portion of marsh occurring under proposed pier.

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

**Memo**



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** William Meserve  
PO Box 1050  
Newfields, NH 03856

**From:** Melissa Coppola, NH Natural Heritage Bureau

**Date:** 2/20/2013 (valid for one year from this date)

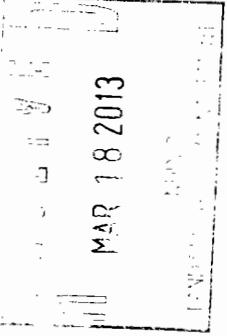
**Re:** Review by NH Natural Heritage Bureau

NHB File ID: NHB13-0597

Town: Newfields

Location: Tax Maps: Map 102 Lot 47

Description: the project involves the replacement of a 4' X 19' fixed dock area with new a dock of the same size; a new float 8' X 15' will replace an old 8' X 16' float, the gangway/ramp will stay the same



As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results:  
**Comments: Please send site plans and site photos to NHB for further review. Send requested information to [mcoppola@dred.state.nh.us](mailto:mcoppola@dred.state.nh.us).**

Natural Community	State <sup>1</sup>	Federal	Notes
high brackish riverbank marsh	--	--	Threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
High salt marsh	--	--	
low brackish riverbank marsh	--	--	
Low salt marsh	--	--	
Salt marsh system	--	--	
Subtidal system	--	--	

**Plant species**

perennial saltmarsh American-aster  
(*Symphytotrichum tenuifolium*)

State <sup>1</sup>	Federal	Notes
E	--	Threats to this estuarine species are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

prolific yellow-flowered knotweed (*Polygonum ramosissimum* ssp. *prolificum*)\*

State <sup>1</sup>	Federal	Notes
E	--	Threats to estuarine plants are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

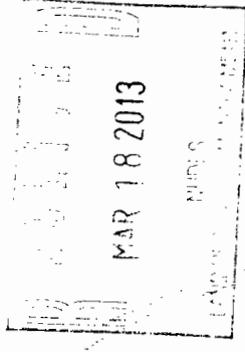
<sup>1</sup>Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

**Memo**



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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.



Department of Resources and Economic Development  
Division of Forests and Lands  
(603) 271-2214 fax: 271-6488

DRED/NHB  
PO Box 1856  
Concord NH 03302-1856

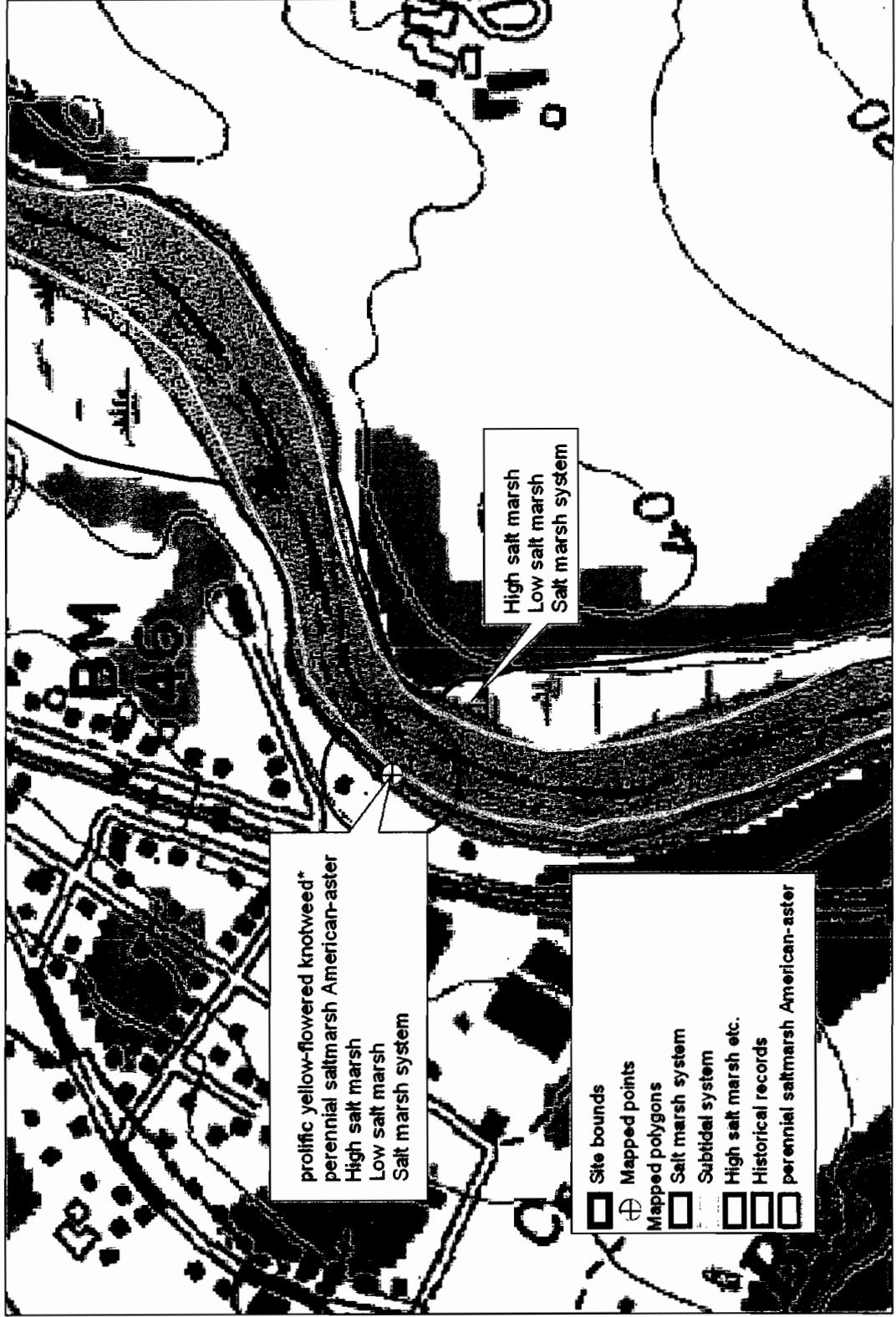
NHB13-0597



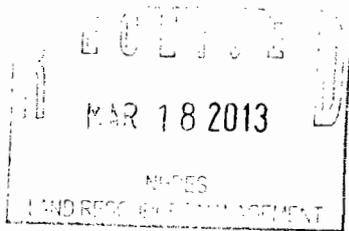
NH NATURAL HERITAGE BUREAU

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.



MAR 18 2013



**ABUTTERS LIST**

Map 101 Lot 34  
Newfields Water and Sewer District  
PO Box 301  
Newfields, NH 03856

Map 102 Lot 40 & 41  
John & Alice O'Brien  
[REDACTED]  
Newfields, NH 03856

Map 101 Lot 20 & 26  
Louisa McClure  
[REDACTED]  
[REDACTED]  
Newfields, NH 03856

Map 102 Lot 42  
Joseph O'Brien  
25 Railroad Ave  
[REDACTED]  
Newfields, NH 03856

Map 101 Lot 27  
David Cail  
[REDACTED]  
Newfields, NH 03856

Map 102 Lot 46 & 48  
Terry Cook and Stephen Yevich  
[REDACTED]  
Dallas, TX 15323

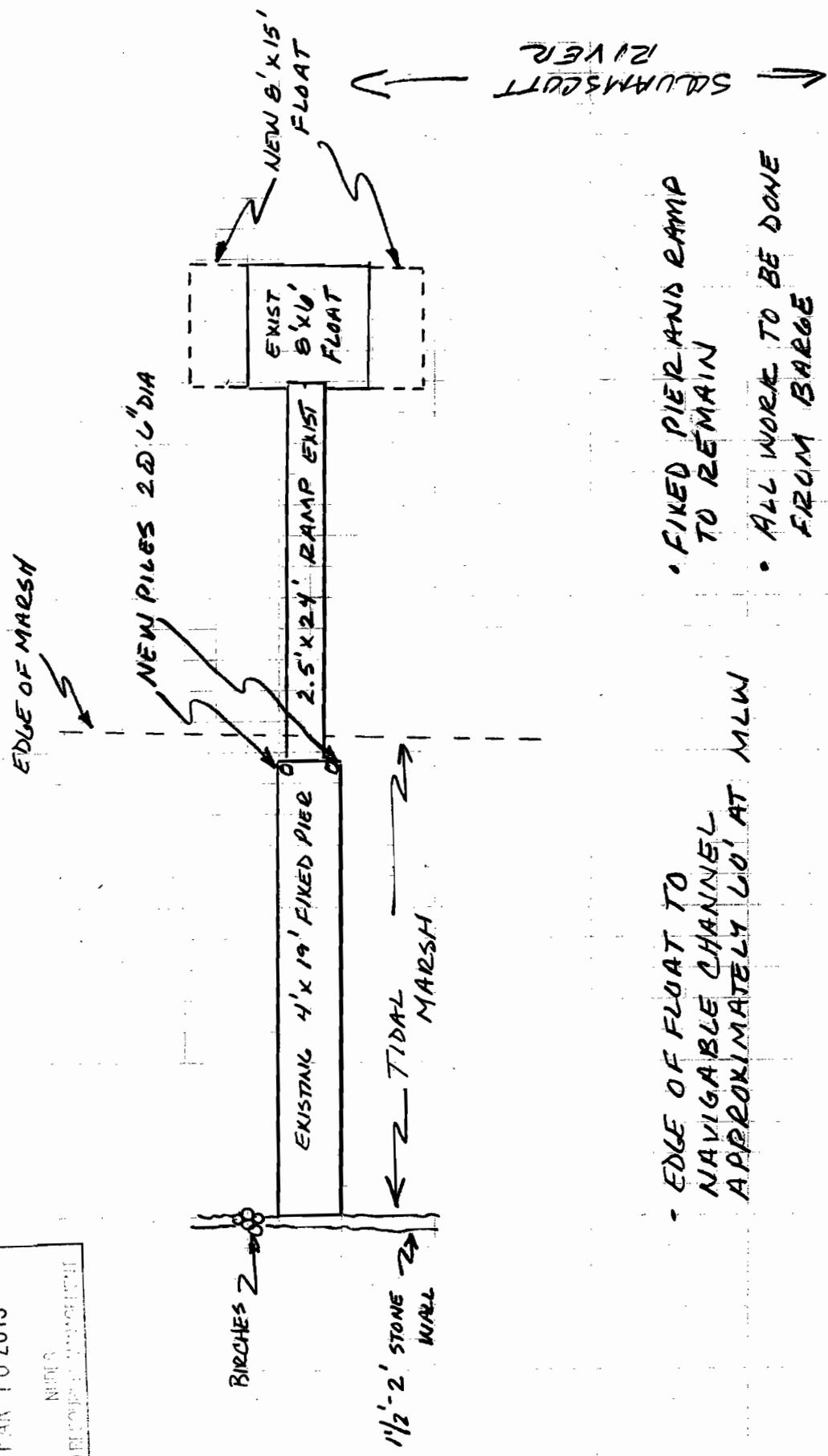
Map 101 Lot 28  
Carl Hoyt  
[REDACTED]  
Newfields, NH 03856

Map 102 Lot 39  
Stephen Shoemaker  
[REDACTED]  
Newfields, NH 03856

MESEERVE/ELLIOTT  
12 RIVER RD  
NEWFIELDS, NH

10'

RECEIVED  
MAR 18 2013  
NH  
NOTES  
LAND RECORDS SECTION

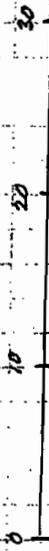


- EDGE OF FLOAT TO NAVIGABLE CHANNEL APPROXIMATELY 60' AT MLW

- FIXED PIER AND RAMP TO REMAIN
- ALL WORK TO BE DONE FROM BARGE
- CONSTRUCTION SCHEDULED FOR SPRING 2013
- RAMP'S FLOAT REMOVED SEASON ALLY
- NO DREDGING OR FILLING

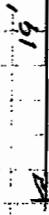
PLAN DONE BY OWNER

DOCK PROFILE



MESERVE/ELLIOTT  
12 RIVER RD  
NEWFIELDS, NH

FIXED PIER  
TO REMAIN



DAMPED REMAIN

FIXED PIER WIDTH 4' x 4' -  
FIXED PIER TO BE RAISED TO A 1' : 1' RATIO OF SET  
PIER WIDTH TO DISTANCE ABOVE WETLAND

GROUND SURFACE

ROCK WALL

HOTZ  
MHW

2 PILES TO BE REPLACED

MLW



8' x 6' FLOAT TO BE  
REPLACED WITH NEW  
8' x 15' FLOAT

REVISED JUNE 12, 2013 TO ADDRESS ADJUSTMENT OF FIXED PIER  
PROFILE DONE BY OWNER

