



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



**Thomas S. Burack, Commissioner**

December 08, 2014

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

**REQUESTED ACTION**

Approve Melvin Prostkoff's request to perform the following work on the Lamprey River, in Newmarket. File # 2014-01441. This project will not have significant impact on or adversely affect the values of the Lamprey River.

Construct a tidal docking structure consisting of a 4 ft. x 20 ft. access ramp connecting to a 4 ft. x 20 ft. permanent pier connecting to a 3 ft. x 50 ft. ramp connecting to 6 ft. x 48 ft. and 8 ft. x 30 ft. floats in a T-configuration, overall total dock length 144 5 ft., providing three slips on 401.5 ft. of frontage on the Lamprey River. Remove existing crib and restore mudflat/tidal wetland area.

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

1. All work shall be in accordance with plans (Option "B") by Riverside and Pickering Marine Contractors dated November 6, 2014, as received by the Department on November 6, 2014.
2. Applicant shall remove the existing crib remains in the former dock location and restore the mudflat and tidal wetland area to original condition.
3. The dock shall be constructed with thru-flow style light transmitting decking on structures that will be located over the marsh vegetation (access ramp, fixed pier, and ramp).
4. The seasonal structures (ramp and floats) shall be removed for the non-boating season to an upland location.
5. 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.
6. 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.
7. 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.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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



9. Construction of this tidal docking structure consisting of a 4 ft. x 20 ft. access ramp connecting to a 4 ft. x 20 ft. permanent pier connecting to a 3 ft. x 50 ft. ramp connecting to 6 ft. x 48 ft. and 8 ft. x 30 ft. floats in a T-configuration, shall be the only dock structure on this water frontage.
10. Work shall be done during low tide.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
13. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
14. 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 November 07, 2014. DES supported its decision with the following findings:

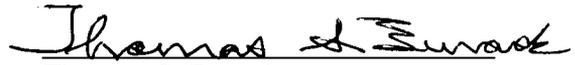
1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. There 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 Env-Wt 302.03. The applicant is removing the existing cribs from the previous dock location and restoring the mudflat and tidal wetland area. 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 Env-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 July 8, 2014.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on August 20, 2014 found that the site is accurately represented in the application.



8. The Newmarket Conservation Commission supported approval of the application, but were concerned about the adverse impact on wildlife habitats from the construction of the dock. In response, the applicant has reduced the square foot impact of the dock by 25% from the original submittal and is providing a thru-flow style light transmitting decking on structures located over the marsh vegetation (access ramp, fixed pier, and ramp).
9. The Lamprey Rivers Advisory Committee (LRAC) provided comments on the project to DES in a letter dated July 25, 2014.
10. This project has received an extensive inter-agency coordinated review between the state and federal levels.
11. 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  
<http://des.nh.gov/organization/divisions/water/wetlands>



# PERMIT APPLICATION

	<p><b>COMPLETE</b></p> <p>JUN 06 2014</p>	<p>Administrative Use Only</p>	<p><b>DESIGNATED RIVER</b> REVIEW UNDER RSA 1441</p> <p>Check No: <b>183646</b></p>
			<p>Amount: <b>\$1,324.00</b></p>
			<p>Initials: <b>Emk</b></p>

**1. REVIEW TIME:**  
Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact)       Expedited Review (Minimum Impact)

**2. PROJECT LOCATION:**  
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **17 Moody Point Drive**      TOWN/CITY: **Newmarket**

TAX MAP: **R2**      BLOCK:      LOT: **42**      UNIT:

USGS TOPO MAP WATERBODY NAME: **Lamprey River/ Great Bay**       NA      STREAM WATERSHED SIZE:       NA

LOCATION COORDINATES (If known): **N 207,730.3 E 1,184,248.1**  
 Latitude/Longitude     UTM     State Plane

**3. PROJECT DESCRIPTION:**  
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

**Construct 6' X 20' fixed pier with access ramp, 4' X 50' aluminum gangway landing on a 8' X48' landing float with a 10' X 30' Main float located by moorings along an average 401.5' of average frontage.**

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

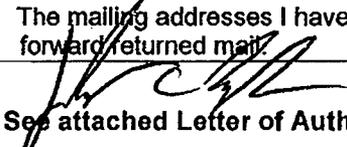
**5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**  
See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID:    NHB 13 - 3625

b.  Designated River the project is in ¼ miles of: Lamprey River ; and  
date a copy of the application was sent to Local River Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

NA



<b>6. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: <b>Melvin Prostkoff</b>			
TRUST / COMPANY NAME:		MAILING ADDRESS: <b>17 Moody Point Drive</b>	
TOWN/CITY: <b>Newmarket</b>		STATE: <b>NH</b>	ZIP CODE: <b>03857</b>
EMAIL or FAX: <b>*see agent info</b>		PHONE: <b>* se agent info</b>	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically			
<b>7. PROPERTY OWNER INFORMATION (If different than applicant)</b>			
LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			
<b>8. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>Zachary Taylor</b>		COMPANY NAME: <b>Riverside &amp; Pickering Marine</b>	
MAILING ADDRESS: <b>195 West Road</b>			
TOWN/CITY: <b>Portsmouth</b>		STATE: <b>NH</b>	ZIP CODE: <b>03801</b>
EMAIL or FAX: <b>zach@riversideandpickering.com</b>		PHONE: <b>(603) 427-2824</b>	
ELECTRONIC COMMUNICATION: By initialing here <b>ZT</b> , I hereby authorize DES to communicate all matters relative to this application electronically			
<b>9. PROPERTY OWNER SIGNATURE:</b>			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> <li>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.</li> <li>2. I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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.</li> <li>7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.</li> <li>8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>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.</li> <li>11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.</li> </ol>			
 <b>See attached Letter of Authorization</b> Property Owner Signature		<b>Zachary Taylor -Dir of Operations Riverside and Pickering Marine-Agent</b> Print name legibly	<b>5 / 9 / 2014</b> 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
---------------------------------	--------------------	------

#### 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	Terri J. Littlefield Print name legibly	Newmarket Town/City	5 June 2014 Date
---------------------------	--	------------------------	---------------------

#### 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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	1,104 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	/	/

**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 = \$ \_\_\_\_\_

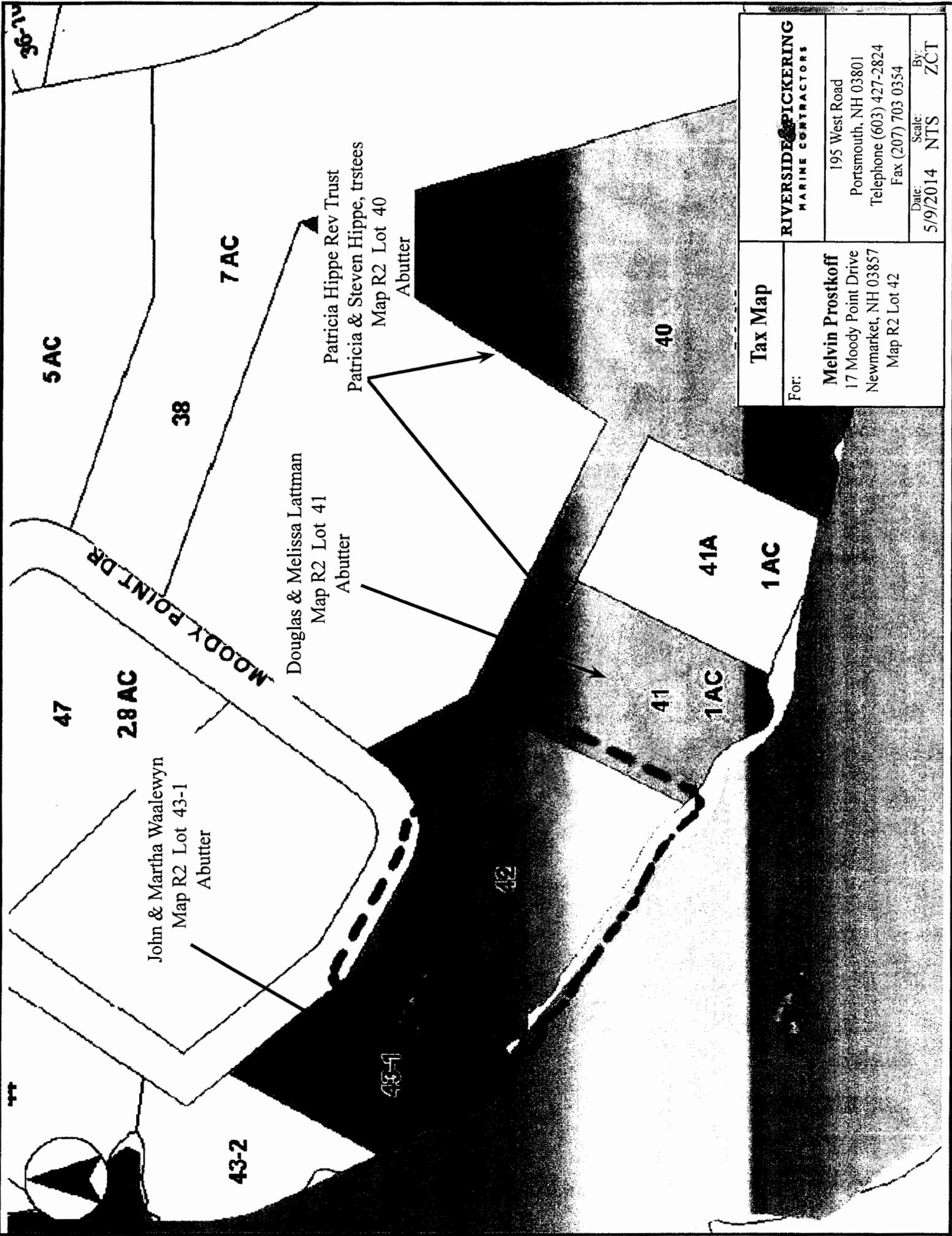
Temporary (seasonal) docking structure: **884** sq. ft. X \$1.00 = **\$ 884**

Permanent docking structure: **120** sq. ft. X \$2.00 = **\$ 240**

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

Total = **\$ 1,324.00**

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



<b>Tax Map</b>	<b>RIVERSIDE PICKERING</b> MARINE CONTRACTORS
	195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (207) 703 0354
For: <b>Melvin Prostkoff</b> 17 Moody Point Drive Newmarket, NH 03857 Map R2 Lot 42	Date: 5/9/2014 Scale: NTS By: ZCT

(BARRINGTON)

070° 56' 25.54" W  
 043° 05' 27.04" N

(DOVER WEST)

070° 53' 43.83" W  
 043° 05' 27.04" N



*J14*  
*169*

(EPPING)

(PORTSMOUTH)

043° 02' 39.47" N  
 070° 56' 25.54" W

043° 02' 39.47" N

(KINGSTON)

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

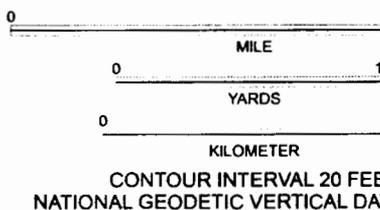
North American 1983 Datum (NAD83)  
 Polyconic Projection

To place on the predicted North American  
 1927 move the projection lines 10M N and  
 40M E

Declination



(EXETER)  
 SCALE 1:24000



**Site Map**

For:  
**Melvin Prostkoff**  
 17 Moody Point Drive  
 Newmarket, NH 03857  
 Map R2 Lot 42

**RIVERSIDE PICKERING**  
 MARINE CONTRACTORS

195 West Road  
 Portsmouth, NH 03801  
 Telephone (603) 427-2824  
 Fax (207) 703 0354

Date: 5/9/2014 Scale: NTS By: ZCT

Copyright (C) 2009 MyTopo



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:** 12/9/2013 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 12/4/2013

**NHB File ID:** NHB13-3625

**Applicant:** Zachary Taylor

**Location:** Newmarket  
Tax Maps: R2-42

**Project**

**Description:** Provide pier, gangway and float

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 12/4/2013, and cannot be used for any other project.



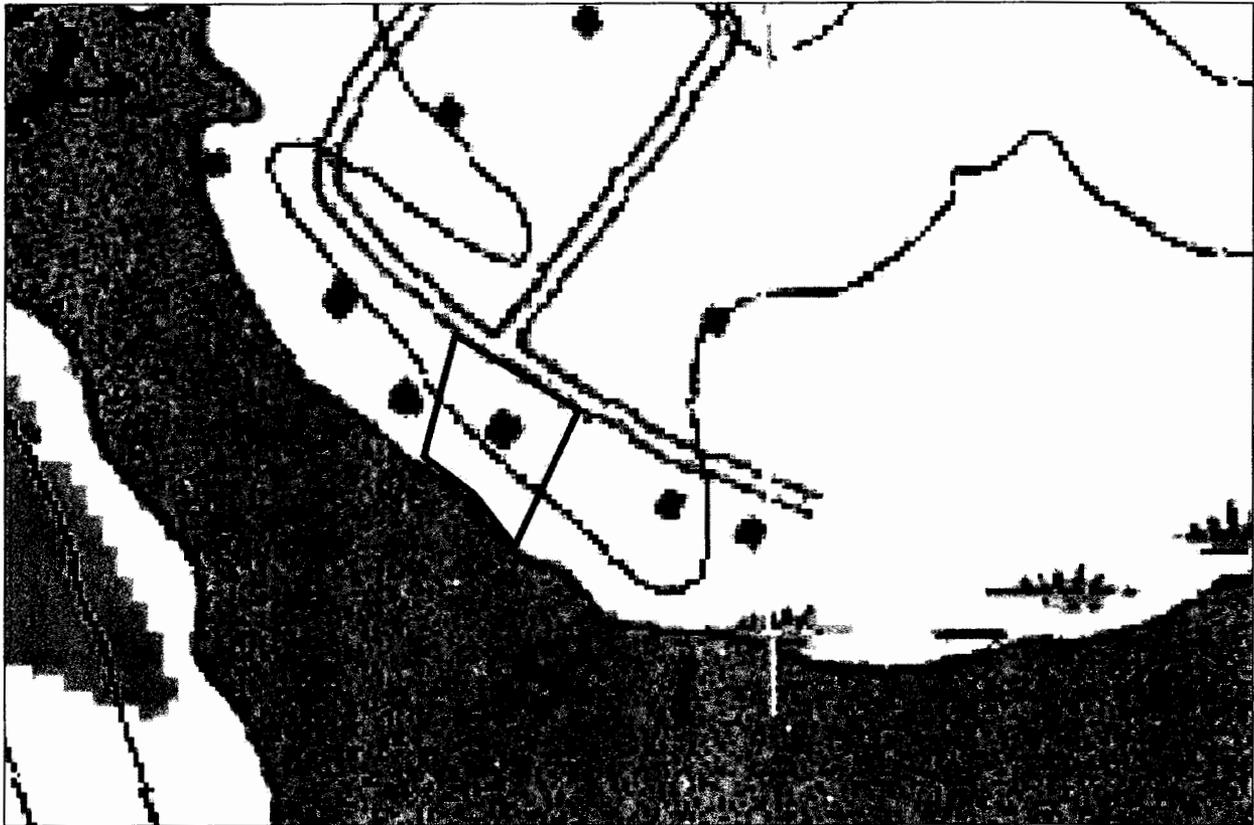
NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB13-3625

NHB13-3625



NH NATURAL HERITAGE BUREAU



1:2580

Valid for one year from this date: 09 Dec 2013

# 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  
Project Planner, Riverside & Pickering Marine Contractors

**Name of property owner (s):** Melvin Prostkoff

**Location of proposed project:** 17 Moody Point Drive, Newmarket, NH Map R2, Lot 42

**Brief description of work:** Construct a 6' X 20' fixed pier with an associated access, gangway and float.

---

#### ABUTTERS LIST

#### CERTIFIED MAIL #

Tax Map & Lot Number

Tax Map R2, Lot 40  
Patricia Hippe Rev Trust  
Patrcia & Steven Hippe  
[REDACTED]  
Newmarket, NH 03857

7010 1060 0001 6250 1419

Tax Map R2, Lot 41  
Douglas & Melissa Lattman  
[REDACTED]  
Newmarket, NH 03857

7010 1060 0001 6250 1426

Tax Map R2, Lot 43-1  
John & Martha Waalewyn  
[REDACTED]  
New Market, NH 03857

7010 1060 0001 6250 1433

Docks \* Piers \* Pile Driving \* Seawalls \* Residential \* Commercial \* Marine Towing  
Office: 603-427-2824 Fax: 207-703-0354 195 West Road, Portsmouth, NH 03801

[www.RiversideandPickering.com](http://www.RiversideandPickering.com)

A division of Riverside Marine Construction Inc.