

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC  
ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

August 29, 2022

Hand Delivered  
[des.appeals@des.nh.gov](mailto:des.appeals@des.nh.gov)

Attn: Appeals Clerk  
c/o DES Legal Unit  
29 Hazen Drive  
Concord NH 03302



RE: Appeal of Port City Air Leasing, Inc.

Dear Appeals Clerk:

Enclosed please find original and fourteen copies of the Appellant's Proposed Appeal Structuring Order.

Sincerely,

Jacob Marvelley

Enclosures

cc See Certificate of Service

DANIEL C. HOEFLE  
R. TIMOTHY PHOENIX  
LAWRENCE B. GORMLEY  
STEPHEN H. ROBERTS

R. PETER TAYLOR  
KEVIN M. BAUM  
GREGORY D. ROBBINS  
MONICA F. KIESER

JACOB J.B. MARVELLEY  
DUNCAN A. EDGAR  
STEPHANIE J. JOHNSON

OF COUNSEL:  
SAMUEL R. REID  
JOHN AHLGREN

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WETLANDS COUNCIL

APPEAL OF PORT CITY AIR LEASING, INC.  
DOCKET NO. 22-10 WtC

APPELLANT'S PROPOSED APPEAL STRUCTURING ORDER

Port City Air Leasing, Inc., through counsel, submits the within proposed Appeal Structuring Order. Port City Air proposed these structuring terms via e-mail to counsel for Department of Environmental Services, the permit applicant Pease Aviation Partners, LLC d/b/a Million Air Portsmouth, and the landowner Pease Development Authority. As of this filing, there is no agreement on this proposal.

Port City Air proposes the following, in response to the Notice of Pre-Hearing Conference:

- Proposed deadlines for discovery requests and motions:
  - All parties to serve discovery requests on or before October 24, 2022
  - Responses to discovery requests due on or before November 14, 2022
  - Motions to compel on or before December 5, 2022
- Proposed deadlines for dispositive motions: none, as the summary dismissal deadline has passed. See Env-WtC 204.01.
- Alterations to procedures for appeal hearing: none at present, but the parties should confer as logistical issues may become clearer closer to the hearing date.

In addition to written discovery requests, Port City Air wishes to commission a wetlands delineation of the proposed project location. That will require obtaining a “right of entry” from

the landowner Pease Development Authority. The timing of obtaining that “right of entry,” scheduling the delineation, and producing the surveyed results is not clear as of this filing.

Respectfully submitted,

HOEFLE, PHOENIX, GORMLEY &  
ROBERTS, PLLC

Dated: August 29, 2022

---

Jacob Marvelley, NH Bar #20654  
Daniel Hoefle, NH Bar #1170  
127 Parrott Avenue  
Portsmouth, NH 03801  
(603) 436-0666

### Certificate of Service<sup>1</sup>

I certify that, in compliance with Env-WtC 203.01(d), the original and fifteen copies of the foregoing was on this date delivered via courier to:

Attn: Appeals Clerk  
C/O DES Legal Unit  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
jaime.e.martinez@des.nh.gov

And a copy mailed first class, postage pre-paid to:

The applicant:  
Pease Aviation Partners LLC  
C/O Daniel Luker, Esquire  
Preti Flaherty  
PO Box 1318  
Concord, NH 03302-1318  
dluker@preti.com

The local conservation commission:  
The Portsmouth Conservation Commission  
C/O Peter Britz  
City of Portsmouth  
1 Junkins Ave, 3<sup>rd</sup> Floor  
Portsmouth, NH 03801  
plbritz@cityofportsmouth.com

The landowner:  
Pease Development Authority  
Attn: Anthony Blenkinsop,  
General Counsel  
55 International Drive  
Portsmouth, NH 03801  
a.blenkinsop@peasedev.org

Department of Environmental  
Services  
C/O K. Allen Brooks, Esquire  
N.H. Dept. of Justice  
33 Capitol Street  
Concord, NH 03301-6397  
Kelvin.a.brooks@doj.nh.gov

Dated: August 29, 2022

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Jacob Marvelley, NH Bar #20654  
Daniel Hoefle, NH Bar #1170

---

<sup>1</sup> Any person with an e-mail listed also received a copy via e-mail.





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

**Robert R. Scott, Commissioner**



August 31, 2022



PORTSMOUTH REGIONAL HOSPITAL  
333 BORTHWICK AVE  
PORTSMOUTH NH 03801

**Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)**  
**NHDES File Number: 2022-01782**  
**Subject Property: Borthwick Ave, Portsmouth, Tax Map #234, Lot #7-4A**

Dear Applicant:

On August 31, 2022, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, the NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

1. In order to fully address Avoidance and Minimization pursuant to Env-Wt 313.03(a) and Env-Wt 524.02(b), please address the following less impacting alternatives:
  - a. Please address why a parking garage, which would reduce the overall building footprint necessary to provide the same amount of parking spaces, was not considered on the site.
  - b. Based on review of the plans, there appears to be adequate upland area available at the southeast portion of the lot within the proposed 100-foot wetland buffer and to the southeast of the proposed parking area near the intersection of the Boston & Maine Railroad and Eileen Dondero Foley Avenue that could be utilized to provide additional parking while still maintaining a wetland buffer area around the wetland at the southeast of the property as opposed to impacting approximately 9,210 square feet of wetland to provide the approximately 26 parking spaces and sidewalk. Please revise the configuration of the proposed parking areas to better utilize these available upland areas and relocate the proposed sidewalk to reduce the wetland impacts required for this project.
  - c. Reduce the amount of proposed fill in wetlands required for the parking lot/proposed access road by using steeper side slopes and/or retaining walls to minimize impact to the wetland.

Please either provide documentation to support that the proposed fill to provide parking and access is the least impacting alternative or revise the proposed plans to include the alternatives identified above in accordance with the avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03. Additionally, please outline the masterplan for parking at the hospital.

2. The plans do not appear to match the wetland descriptions provided in the wetland technical memorandum dated October 14, 2021, and prepared by Jeremy Degler, CWS #301. For example, the technical memorandum states there were 5 wetlands located on the property but only four wetlands are identifiable on the existing conditions plan and they are not clearly identifiable as the wetlands discussed in the report. Please revise the plan sheets depicting wetland boundaries to include the location and number of the individual wetland boundary flags or other markings, as located by survey or by GPS as required in accordance with Env-Wt 311.05(b)(1) so that the wetland locations and boundaries can be clearly identified as the wetlands described in the technical memorandum.

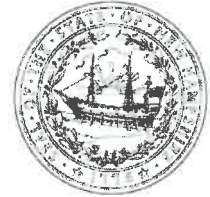
[www.des.nh.gov](http://www.des.nh.gov)

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



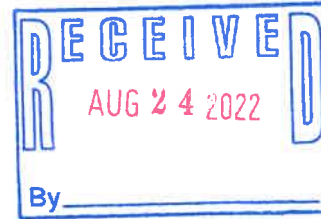
The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



August 24, 2022

Mr. Matthew Larkin  
Portsmouth Regional Hospital  
333 Borthwick Ave  
Portsmouth, NH 03801  
(sent via email to: [matthew.larkin@hcahealthcare.com](mailto:matthew.larkin@hcahealthcare.com))



**Permit: AoT-2211**

Re: Proposed Satellite Parking Lot  
Tax Map 234, Lot 7-4A – Portsmouth

Dear Mr. Larkin:

Based upon the plans and application, approved on August 24, 2022, we are hereby issuing RSA 485-A:17 Alteration of Terrain Permit AoT-2211. The permit is subject to the following conditions:

**PROJECT SPECIFIC CONDITIONS:**

1. **No disturbance shall occur until a Wetlands Permit is obtained from the Department.** Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.
2. The plans titled "Proposed Satellite Parking Lot" by Tighe and Bond, last revision date August 22, 2022, are a part of this approval. The project must be constructed as shown on the approved plans.
3. **This permit expires on August 24, 2027.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The amendment request form is available here.
4. The Permittee shall comply with all recommendations by the New Hampshire Fish and Game Department related to state or federally listed threatened or endangered species that are incorporated into the project plans.
5. The permittee shall employ the services of an Environmental Monitor (EM) for the purposes of providing independent professional environmental inspections of the project. The permittee shall receive prior approval of the EM by the Department. The EM shall inspect the project at a minimum frequency of once per week and following rainfall events of 0.5-inch or greater in a 24-hour period. The inspections shall be for the purposes of determining compliance with the permit. The Monitor shall submit a written report, stamped by a qualified engineer or a Certified Professional in Erosion and Sediment Control to the Department within 24 hours of the inspections. The reports shall describe, at a minimum, whether the project is being constructed in accordance with the approved sequence, shall identify any deviation from the conditions of this permit and the approved plans, and identify any other noted deficiencies. Reports should be submitted to [bethann.mccarthy@des.nh.gov](mailto:bethann.mccarthy@des.nh.gov).
6. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary. In addition to the written notice, within 7 days of completion of the underground infiltration system, the underground detention

system and jellyfish units, a qualified engineer must submit a written report on their observation of installation of the systems. The report(s) shall describe, at a minimum, whether the systems were constructed in accordance with the approved plans, and shall identify any deviation from the approved plans, and identify any other noted deficiencies. Reports should be submitted to [bethann.mccarthy@des.nh.gov](mailto:bethann.mccarthy@des.nh.gov).

7. The permittee or their successors or assigns shall employ a New Hampshire Certified Green SnowPro Salt Applicator for winter snow and ice management activities.

#### GENERAL CONDITIONS:

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically or by paper. Both formats are available [here](#).
4. All stormwater practices shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual. All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request.
5. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>
6. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary.
7. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence regarding state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

Sincerely,



Bethann McCarthy, P.E.  
Alteration of Terrain Bureau

ec: Portsmouth Planning Board ([gilbo@cityofportsmouth.com](mailto:gilbo@cityofportsmouth.com) and [planning@cityofportsmouth.com](mailto:planning@cityofportsmouth.com))  
Patrick Crimmins, PE, Tighe & Bond  
Kristin Duclos, NHDES, Wetlands



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists



NEW  
HAMPSHIRE  
200

**PORTSMOUTH CONSERVATION COMMISSION NOTIFICATION FOR  
WETLANDS PERMIT APPLICATION AMENDMENT REQUEST**

**VIA CERTIFIED MAIL**

August 23, 2022

City of Portsmouth  
Conservation Commission  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: Portsmouth Conservation Commission Notification for  
Wetlands Permit Application Amendment Request  
70 Pleasant Point Drive, Portsmouth, NH – Tax Map 207, Lot 15  
Project #47307.01**

To Whom It May Concern:

This letter is to inform you that a Wetland Permit Application Amendment Request will be filed with the NH Department of Environmental Services to amend NHDES Wetlands Permit Application 2022-01875. Under NHDES Wetlands Bureau Administrative Rule Env-Wt 314.07, we are required to notify you of this permit application amendment request.

The property owner has elected to seek approval to install a new Residential Tidal Docking Structure under a new and separate NHDES Wetlands Permit Application, and therefore, the impacts originally associated with the proposed Residential Tidal Docking Structure have been removed from the Wetlands Permit Application and the Proposed Conditions Plan.

As demonstrated within the amended plans included with this letter, the footprint of the proposed impact area has decreased by 982-square feet. The proposed impacts have already been presented to the City Portsmouth Conservation Commission.

Should you have any questions regarding this wetland permit application amendment request, you're welcome to contact me anytime.

TFMoran, Inc.  
48 Constitution Drive, Bedford, NH 03110  
T(603) 472-4488      www.tfmoran.com



TFMoran, Inc. Seacoast Division  
170 Commerce Way–Suite 102, Portsmouth, NH 03801  
T(603) 431-2222

Sincerely,  
TFMoran, Inc.



Jay Aube, CWS  
Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

TFMoran, Inc.  
48 Constitution Drive, Bedford, NH 03110  
T(603) 472-4488      www.tfmoran.com

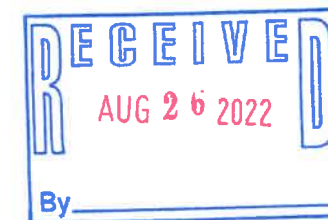
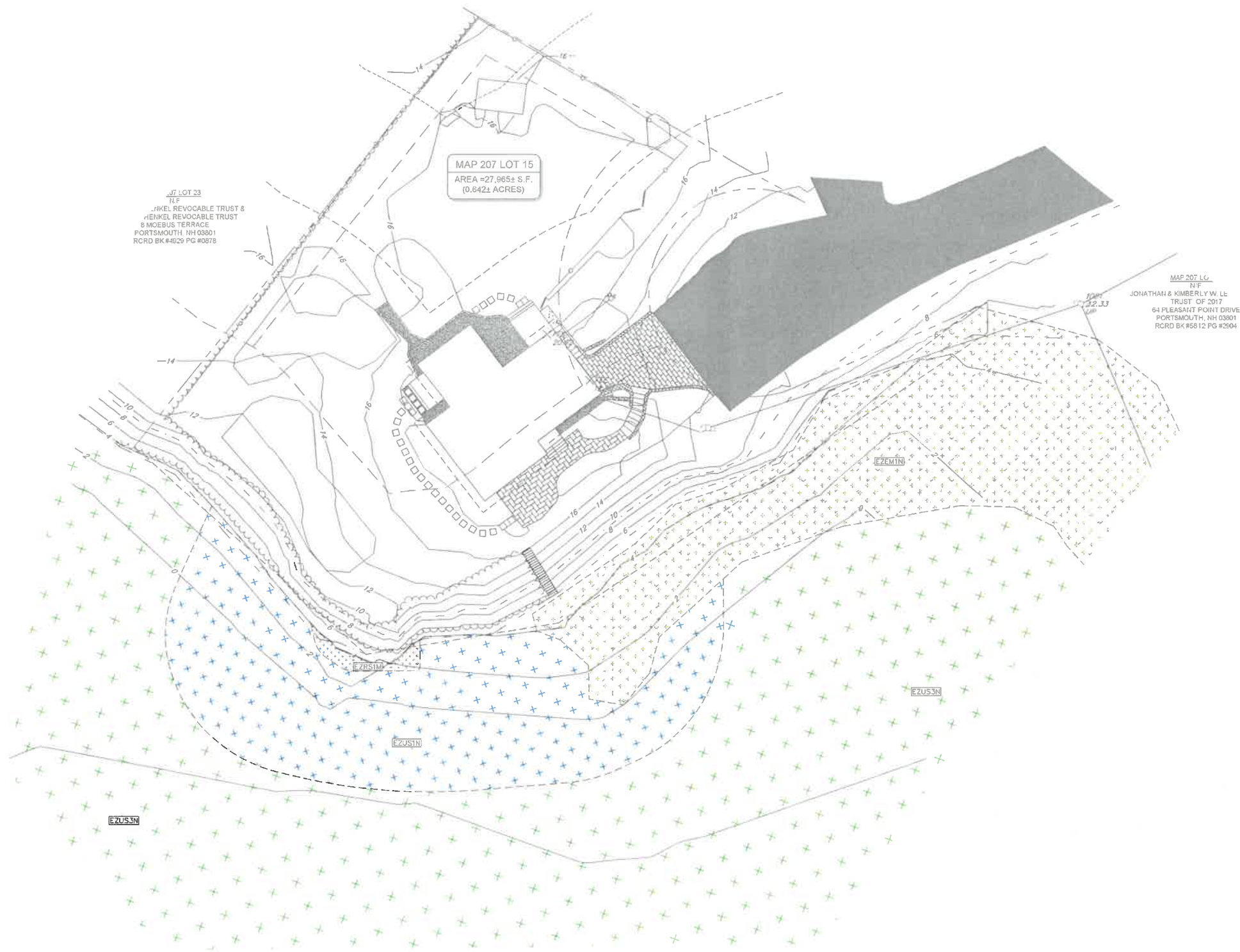


TFMoran, Inc. Seacoast Division  
170 Commerce Way-Suite 102, Portsmouth, NH 03801  
T(603) 431-2222





WETLAND CLASSIFICATION	
EZEM1N	ESTUARINE INTERTIDAL EMERGENT PERSISTENT REGULARLY FLOODED
EZUS1N	ESTUARINE INTERTIDAL UNCONSOLIDATED SHORE COBBLE GRAVEL REGULARLY FLOODED
EZUS3N	ESTUARINE INTERTIDAL UNCONSOLIDATED SHORE MUD REGULARLY FLOODED
EZRS2M	ESTUARINE INTERTIDAL ROCKY SHORE BEDROCK IRREGULARLY EXPOSED



## SITE DEVELOPMENT PLANS

TAX MAP 207 LOT 15  
**WETLANDS CLASSIFICATION MAP**  
**70 PLEASANT POINT DRIVE**  
**PORTSMOUTH, NEW HAMPSHIRE**  
OWNED BY  
**KATARA, LLC**

1"=40' (11"x17")  
SCALE: 1"=20' (22"x34")

JUNE 27, 2022

HORIZONTAL SCALE 1"=20'

REV	DATE	DESCRIPTION	CHK	APP

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Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

FILE	47307.01	DR	JKC	FB	---	EX-01
CK	JCC	CADFILE	47307-01_WETLAND CLASS			



Aug 23, 2022 - 10:08am  
F:\GIS Projects\47307 - Pleasant Point Drive\Drawings\NHDES\47307-01\_NHDES Wetland.dwg

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This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.



**LEGEND:**

S.F.	SQUARE FEET
---	HIGHEST OBSERVABLE TIDE LINE
---	PROPERTY LINE
---	EXISTING CONTOUR
---	POST & RAIL FENCE
---	CHAINLINK FENCE
---	TREE LINE
	DECIDUOUS TREE
	EVERGREEN TREE
	UTILITY POLE
	PERVIOUS DRIVEWAY
	PERVIOUS PATIO
	LANDSCAPED AREA
	PROPOSED CONTOUR

**IMPACT AREA**

	PROPOSED PERMANENT IMPACTS JURISDICTIONAL UNDER NH WETLANDS LAW	11,011 S.F.
	PROPOSED TEMPORARY IMPACTS JURISDICTIONAL UNDER NH WETLANDS LAW	3,750 S.F.

**TIDAL ELEVATIONS**

MHHW	4.18
MHW	3.76
MTL	-0.32
MLW	-4.39
MLLW	-4.71

TIDAL ELEVATIONS ARE BASED ON NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATION 8419870, SEAVEY ISLAND, MAINE AND AS USED WITHIN THE CITY OF PORTSMOUTH VULNERABILITY ASSESSMENT PREPARED BY THE ROCKINGHAM PLANNING COMMISSION, SEPTEMBER, 2015 AND INCLUDED WITH THE NHDES WETLANDS PERMIT APPLICATION. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

**PRE-CONSTRUCTION IMPERVIOUS AREA**

EXISTING DWELLING	1,971 S.F.
DRIVEWAY	512 S.F.
SLATE PATIO	442 S.F.
DECKS	202 S.F.
RETAINING WALLS	113 S.F.
STEPS	211 S.F.
SHED	166 S.F.
CONCRETE PAD	25 S.F.
DOCK	N/A
<b>TOTAL</b>	<b>3,642 S.F.</b>

IMPERVIOUS COVERAGE = 13.02% (3,642 S.F. / 27,965 S.F. \* 100%)

**POST-CONSTRUCTION IMPERVIOUS AREA**

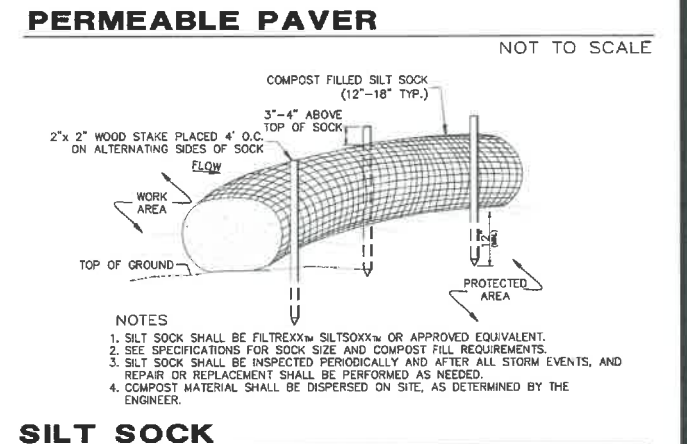
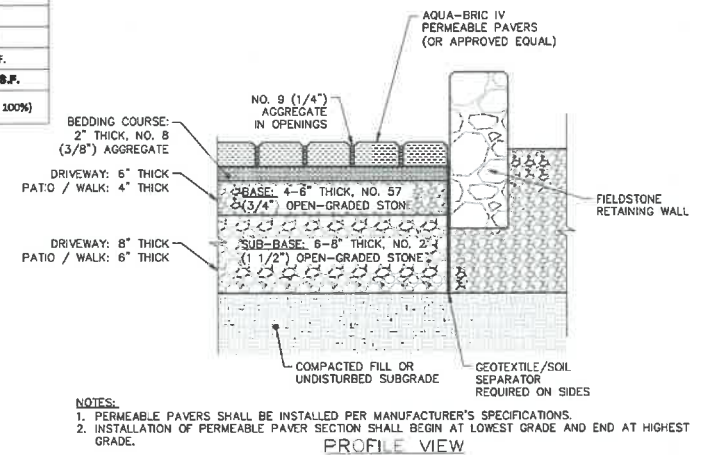
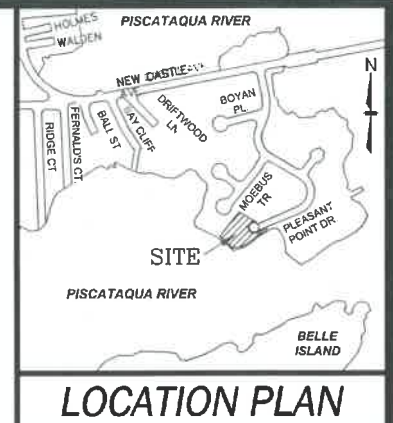
PROPOSED DWELLING	2,605 S.F.
DRIVEWAY (PERVIOUS PAVERS)	N/A
PERVIOUS PATIO	N/A
DECKS	N/A
RETAINING WALLS	684 S.F.
STEPS	257 S.F.
SHED	N/A
CONCRETE PAD	N/A
DOCK	96 S.F.
<b>TOTAL</b>	<b>3,642 S.F.</b>

IMPERVIOUS COVERAGE = 13.02% (3,642 S.F. / 27,965 S.F. \* 100%)

**ACCESSORY STRUCTURE SIZE LIMITATION**

SHORELINE FRONTAGE	417 FT
SIZE LIMITATION = 7.5 FT x 284 FT	2,130 S.F.

STRUCTURE	NOTES	SIZE
PATIOS		674 S.F.
RETAINING WALLS		172 S.F.
STEPS		212 S.F.
DOCK		96 S.F.
<b>TOTAL</b>		<b>1,154 S.F.</b>



**SITE DEVELOPMENT PLANS**

TAX MAP 207 LOT 15  
**WETLAND IMPACT PLAN**  
**70 PLEASANT POINT DRIVE**  
**PORTSMOUTH, NEW HAMPSHIRE**  
OWNED BY  
**KATARA, LLC**

**1"=40' (11"x17")**  
**SCALE: 1"=20' (22"x34")** **JUNE 27, 2022**

**TFM** Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
www.tfmoran.com

47307.01 JKC FB -  
JJC CAD/FIT 47307-01\_NHDES WETLAND EX-02

HORIZONTAL SCALE 1"=20'

REV	DATE	DESCRIPTION	AMENDMENT	JKC	JJC	DR	CK
1	8/19/2022	REVISIONS TO REFLECT APPLICATION AMENDMENT		JKC	JJC		





LEGEND:

- S.F. SQUARE FEET
- MAP 47 LOT 11
- ASSESSOR'S MAP NUMBER / LOT NUMBER
- HIGHEST OBSERVABLE TIDE LINE
- PROPERTY LINE
- EXISTING CONTOUR
- POST & RAIL FENCE
- EXISTING DWELLING
- TREE LINE
- DECIDUOUS TREE
- EVERGREEN TREE
- PERVIOUS DRIVEWAY
- PERVIOUS PATIO
- LANDSCAPED AREA
- SALT MARSH

IMPACT AREA

- PROPOSED PERMANENT IMPACTS
- JURISDICTIONAL UNDER NH SHORELAND LAW 1,206 S.F.
- PROPOSED TEMPORARY IMPACTS
- JURISDICTIONAL UNDER NH SHORELAND LAW 3,633 S.F.

PRE-CONSTRUCTION IMPERVIOUS AREA	
EXISTING DWELLING	1,973 S.F.
DRIVEWAY	512 S.F.
SLATE PATIO	442 S.F.
DECKS	202 S.F.
RETAINING WALLS	113 S.F.
STEPS	211 S.F.
SHED	166 S.F.
CONCRETE PAD	25 S.F.
DOCK	0 S.F.
<b>TOTAL</b>	<b>3,642 S.F.</b>
IMPERVIOUS COVERAGE = 13.02% (3,642 S.F. / 27,965 S.F. * 100%)	

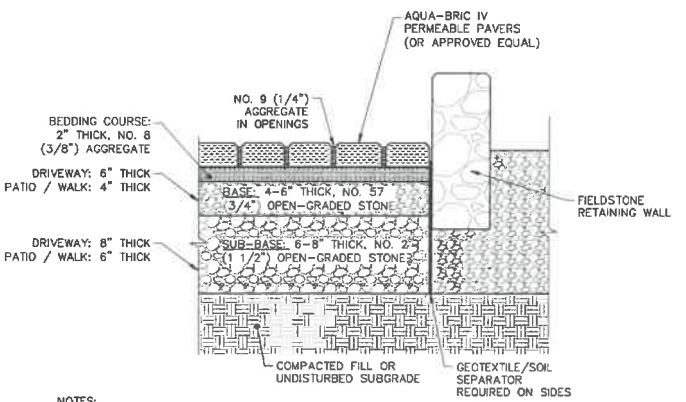
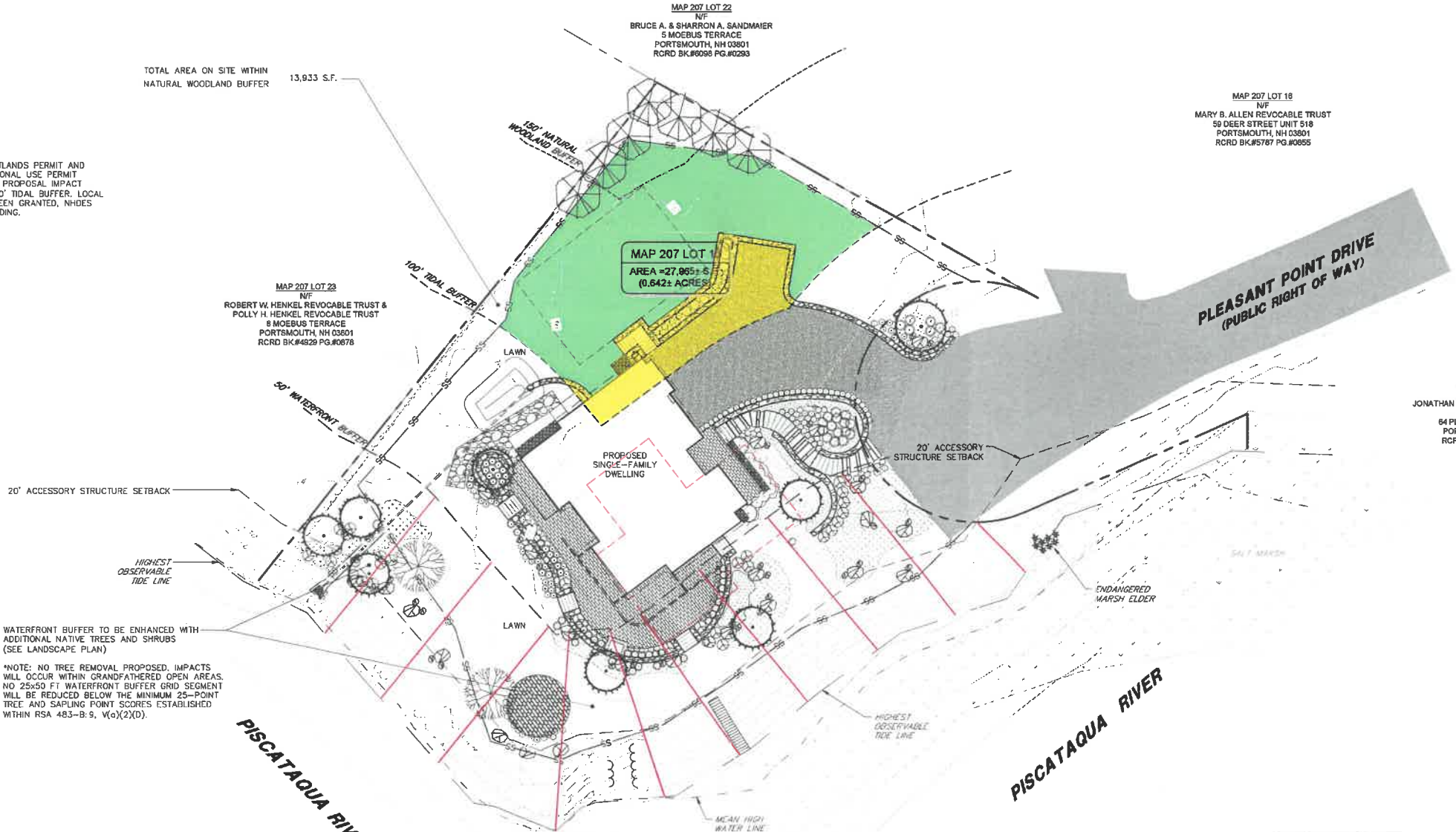
POST-CONSTRUCTION IMPERVIOUS AREA	
PROPOSED DWELLING	2,605 S.F.
DRIVEWAY (PERVIOUS PAVERS)	0 S.F.
PERVIOUS PATIO	0 S.F.
DECKS	0 S.F.
RETAINING WALLS	684 S.F.
STEPS	257 S.F.
SHED	0 S.F.
CONCRETE PAD	0 S.F.
DOCK	96 S.F.
<b>TOTAL</b>	<b>3,642 S.F.</b>
IMPERVIOUS COVERAGE = 13.02% (3,642 S.F. / 27,965 S.F. * 100%)	

ACCESSORY STRUCTURE SIZE LIMITATION	
SHORELINE FRONTAGE	284 FT
SIZE LIMITATION = 7.5 FT x 284 FT	2,130 S.F.
STRUCTURE	SIZE
PATIOS	674 S.F.
RETAINING WALLS	172 S.F.
STEPS	212 S.F.
DOCK	96 S.F.
<b>TOTAL</b>	<b>1,184 S.F.</b>



NOTES

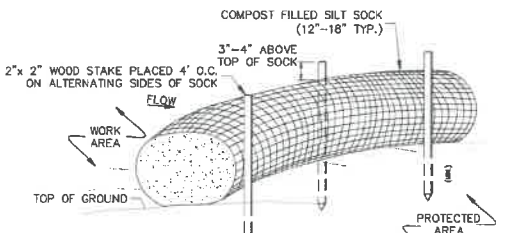
1. AN NHDES WETLANDS PERMIT AND LOCAL CONDITIONAL USE PERMIT REQUIRED FOR PROPOSAL IMPACT WITHIN THE 100' TIDAL BUFFER. LOCAL PERMIT HAS BEEN GRANTED, NHDES PERMIT IS PENDING.



- NOTES:
1. PERMEABLE PAVERS SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
2. INSTALLATION OF PERMEABLE PAVER SECTION SHALL BEGIN AT LOWEST GRADE AND END AT HIGHEST GRADE.

PERMEABLE PAVER

NOT TO SCALE



- NOTES:
1. SILT SOCK SHALL BE FILTREXX<sup>SM</sup> SILT SOCK<sup>SM</sup> OR APPROVED EQUIVALENT.
2. SEE SPECIFICATIONS FOR SOCK SIZE AND COMPOST FILL REQUIREMENTS.
3. SILT SOCK SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS, AND REPAIR OR REPLACEMENT SHALL BE PERFORMED AS NEEDED.
4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

SILT SOCK

NOT TO SCALE

SITE DEVELOPMENT PLANS

TAX MAP 207 LOT 15

SHORELAND IMPACT PLAN

70 PLEASANT POINT DRIVE

PORTSMOUTH, NEW HAMPSHIRE

OWNED BY

KATARA, LLC

1"=40' (11"x17")

SCALE, 1"=20' (22"x34")

JUNE 27, 2022

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HORIZONTAL SCALE 1"=20'

REV	DATE	DESCRIPTION	BY	CHK
1	8/3/2022	ADD ACCESSORY STRUCTURE SETBACK	JCC	JCC

47307.01	DR	JCC	FB	-	EX-03
CK	JCC	CADFILE	47307-01_NHDES SHORELAND		



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**REGULAR MEETING  
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

*Members of the public also have the option to join the meeting over  
Zoom (See below for more details)\**

**3:30 P.M.**

**September 14, 2022**

**AGENDA**

**I. APPROVAL OF MINUTES**

1. August 10, 2022

**II. WETLAND CONDITIONAL USE PERMITS (NEW BUSINESS)**

1. 124 Kensington Road  
Neal L. Ouellett & Darlene L. Furbush- Ouellett Revocable Trust, Owners  
Map 152, Lot 20

**III. STATE WETLAND BUREAU APPLICATIONS (OLD BUSINESS)**

1. Major Impact  
41 Pickering Avenue  
Esthers Marina, LLC, Owner  
Map 102, Lot 25

**IV. OTHER BUSINESS**

- A. Sustainable land Care Outreach and Ordinance Update and Discussion
- B. Conservation Lands Update and Funding Discussion
- C. New Hampshire Coastal Watershed Conservation Plan Workshop Dates

**V. ADJOURNMENT**

*\*Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_iUZMArWqRaSmS2Ebc7BCaw](https://us06web.zoom.us/webinar/register/WN_iUZMArWqRaSmS2Ebc7BCaw)

**MINUTES  
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**3:30 P.M.**

**August 10, 2022**

**MEMBERS PRESENT:** Chair Barbara McMillan; Vice-Chair Samantha Collins (via Zoom); Members Allison Tanner, Abigail Gindele, Lynn Vaccaro, and Thaddeus Jankowski

**MEMBERS ABSENT:** Jessica Blasko

**ALSO PRESENT:** Peter Britz, Environmental Planner/Sustainability Coordinator

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**I. APPROVAL OF MINUTES**

1. July 13, 2022

Mr. Jankowski abstained from the vote. It was moved, seconded, and passed unanimously (5-0) to **approve** the July 13 minutes.

It was moved, seconded, and passed unanimously (6-0) to take State Wetland Bureau Applications (Old Business) Item 2, Standard, Dredge, and Fill for 99 Peirce Island Road (Pool House) out of order. (Please see Page 5).

**II. WETLAND CONDITIONAL USE PERMITS (NEW BUSINESS)**

1. 1465 Woodbury Avenue  
Bromley Portsmouth, LLC, Owner  
Map 216, Lot 3

Tom Godfrey of Bromley Portsmouth, LLC and project engineer Nick Dewhurst were present to speak to the application. Mr. Godfrey said the building had been abandoned for a number of years and was next to a power line easement and a drain and sewer easement and within 100 feet of the wetland finger. He said they wanted to demolish the building and remove the pavement that surrounds it and replace the entire area with loam and seed. He said there was 90 percent of impervious surface between a small portion of the building and the paved parking at the side, which they would remove and replace with loam and seed to make it 100 percent pervious. He said the foundation will be removed and the basement filled in, and a small wood rail fence would be added. He explained that the building was no longer structurally sound and that they would file for a demolition permit. From a stormwater perspective, he said the entire shopping area drained from the front toward the rear of the site and the parcel had a small riprap area that

discharged the drainage into the wetland finger. He said it would stay the same and any runoff would continue to go in that direction.

Ms. Gindele asked how long Mr. Godfrey had owned the building. Mr. Godfrey said he had owned it since the late 1980s. He said the property had reached its useful life structurally and nothing complied with code. Ms. Gindele asked if anyone had looked into repairing and refurbishing the building or moving it since it was an 1853 building. Mr. Godfrey said the front portion is a brick structure and the rear is an add-on. He said the inside was redone by the prior restaurant and was the piece that wasn't structurally sound. He said there were also infiltration issues with water in the basement and so on. Ms. Gindele asked if the applicant had considered planting trees or putting in a lawn. Mr. Godfrey said there was maintained lawn in the area that acted like a swale to collect the runoff from the site, and it was decided that it would make more sense to remove the pavement and building and replace them with maintained lawn. Ms. Gindele asked if tearing the building down was a precursor to some future project. Mr. Godfrey said nothing was planned in the immediate future but that the property could be further developed. Ms. Gindele verified that there would be no impact to the wetlands across from the driveway.

Vice-Chair Collins asked if part of the reason for changing it to maintained lawn was to keep it easily developable in the future and if that was why the applicant was opposed to the trees. Mr. Godfrey said no, they had maintained lawn in a number of areas in the shopping center and proposed to continue that situation and expand into those areas. He said they were not using fertilizers but could so. Ms. Tanner asked how the commission could be sure that it wouldn't become a snow storage area. Mr. Godfrey said the snow did pile up in the upper parking lot but there was a row of trees and stone between the parking lot and his parcel, and they could place additional barriers to block any additional snow storage from mitigating to that area. Mr. Jankowski said that many property owners and projects were close to or encroached on wetlands and agreed to follow the NOFA (Northeast Organic Farmers Association) standards. He said the commission asked that the applicant follow those preferred methods because it was an opportunity to create an alternative to a lawn, like wildflowers or white clover.

Mr. Jankowski moved to **approve** the Wetland Conditional Use Permit with the following **stipulations**: 1) that the applicant follow NOFA standards and maintenance standards for the property and 2) that the applicant ensure that no snow can be stored on the site by taking measures like signage, stones, or other barriers. Ms. Tanner seconded the motion.

The motion **passed** by unanimous vote, 6-0.

### **III. STATE WETLAND BUREAU APPLICATIONS (OLD BUSINESS)**

1. Minor Impact  
333 Borthwick Avenue (Site address: 444 Borthwick Avenue)  
(Portsmouth Regional Hospital)  
HCA Realty, Inc., Owner  
Map 234, Lot 7-4A

Alex Sellar of Tighe and Bond representing Portsmouth Regional Hospital was present to speak to the application, with Neil Hansen and Portsmouth Hospital CEO Matthew Larkin. Mr. Sellar said they proposed to use the parking lot across the street from the hospital as a satellite lot for employees to park. He said they were submitting a Minor Impact permit to the Wetland Bureau as part of the project because it would impact two out of five wetlands on the site. He said the proposed layout was the least impactful but still accommodated the feasible parking area that the hospital requires. He said there would be impacts on the northwest portion of the property with over 9,000 square feet of scrub-shrub wetland impact. He said the smaller portion was another scrub-shrub wetland and that both wetlands were reviewed by their wetland scientists, who concluded that they would provide no real function of value in a previously disturbed area. He said it would limit impacts to higher functioning wetlands.

Ms. Gindele noted that Portsmouth Hospital was previously before the commission about a radiology department addition, and she assumed that the satellite parking was in the works at the same time. She said Liberty Mutual had a lot of empty parking because their employees worked from home, and there were additional parking spaces further down. She asked if the applicant considered leasing out Liberty Mutual's spaces. Mr. Larkin said they asked Liberty Mutual a few times to lease their spots but hadn't been able to get access to their main lot. Ms. Tanner said that filling in wetland, doing away with a wetland entirely, infringing on the other wetland area, and cutting down a forest to put in pavement were not in the commission's regulations.

Vice-Chair Collins asked Mr. Britz why the application wasn't also a Conditional Use Permit one as well. Mr. Britz said there was a big wetland in the middle that the applicant was staying away from, and they were putting in buffer plantings and staying out of the 100-ft buffer completely on that wetland. Ms. Tanner said the wetland was close to being 10,000 square feet, which is a jurisdictional wetland. Mr. Britz said there could be a request to the Site Review Committee to have a peer review of that wetland. Mr. Sellar said they had several of their wetland scientists review the project and that it had also been reviewed by their quality control process. Ms. Tanner said the applicant was cutting down trees that were sequestering carbon and asked how they proposed to compensate for that. Mr. Sellar said they were going through the site review process and following all the regulations.

Ms. Vaccaro asked what other alternatives for parking were considered. Mr. Sellar said they went through several drafts of more impactful layouts and decided that the presented option was the most feasible layout. He noted that there were higher function valued wetlands adjacent to the hospital site, so expanding in those locations wasn't as feasible. Ms. Vaccaro suggested a parking garage. Mr. Hansen said there were too many overhanging wires and that the site also had an Eversource 100-ft wide easement and wouldn't allow trees in that area. Chair McMillan asked if the transmission lines went over the area. Mr. Hansen pointed out the Eversource substation proposed parking and showed that the lines ran diagonally. He said that almost the entire parking lot was impacted by Eversource easements that prohibited them from going up.

Ms. Tanner asked how the applicant arrived at 501 parking spaces. Mr. Sellar said it was due to the layout. Ms. Gindele noted that during the previous radiology department discussion, Vice-Chair Collins brought up the issue about whether the hospital had thought of moving certain functions to other locations where there was existing infrastructure and parking was not an issue.



She said it seemed like the applicant kept wanting to expand. She also noted that there were several empty buildings in Portsmouth that had parking.

Ms. Tanner **moved** that the commission write a letter to the State Wetland Bureau recommending that the project not be approved. Ms. Gindele seconded.

Ms. Gindele asked if Liberty Mutual's pond was part of the wetland system. Mr. Britz said it was man-made but still considered wetland. Vice-Chair Collins said she agreed that the project shouldn't move forward with the State because it would have a huge impact on the wetland, noting that just because the wetland was a low-quality one wasn't a reason to fill it in. She also thought that the plan to have 501 parking spaces, which was the maximum they could fit in there, wasn't okay. She said it wasn't enough to justify that amount of impact, and removing all the trees was substantial. She said the applicant already built in an area that was very constrained and she thought they needed to think of other opportunities and places and more creative ways to get the parking they needed and to expand other departments as needed in the future. She said the area was already maxed out enough without further doing damage to the environment that was left. Chair McMillan said the commission needed to make a recommendation to the State and tell them what it was based on. She said a study being done by the applicant was helpful information but hadn't been presented to them, and she didn't feel that the applicant had done a thorough job on considering other parking alternatives. She said the hospital was an important resource for the City but the application was put together in a convoluted way to make it seem like the applicant didn't need a CUP. She said the commission had to tell the State how they felt about it. She also recommended that the wetland review be delineated by someone else. Ms. Vaccaro said the long-term planning perspective would also help.

Ms. Tanner reviewed the reasons why the project was not approved:

- 1) Site review by another wetland scientist was needed;
- 2) the reason for the arbitrary 501 parking spaces was needed;
- 3) the applicant not considering the least impactful thing to do in getting more parking, like looking at other lots that were not heavily utilized; and
- 4) the applicant should show the commission their studies because they would be helpful in determining whether other areas would be more suitable.

The motion was **approved** by unanimous vote, 6-0.

2. Standard, Dredge, and Fill  
99 Peirce Island Road (Pool House)  
City of Portsmouth, Owner  
Map 208, Lot 1

Mr. Britz said the item was postponed the previous month because the application wasn't complete and a lot of items had come up. He said it was a public interest project for a reduction of the pervious surface pool. He noted that there would be a discussion about the letter per policy standard at the end of the meeting.

Joseph Almeida, City Facilities Manager, said they had addressed many of the issues requested of them. He introduced project engineer Wade Lippert. Mr. Lippert said there were outstanding

items that still needed to be addressed but no major changes. He said they proposed to remove the existing pump house building and a small area of concrete pavement around it to the northwest corner of the pool area and then restore it with grass. He said about 1200 square feet of area would be disturbed and restored by improving the conditions in that area within the tidal buffer zone. He said the new pump house would be built just south of the current location and constructed entirely outside of the tidal buffer zone. He said they were waiting for more clarification from DES on what would be required for the mitigation within the tidal buffer zone. Based on further review with the mitigation coordinator, he said the areas where they were improving the condition by removing the building, pavement, and impervious area and restoring the grass would not require mitigation for those areas, which left the remaining areas that would be disturbed. As part of the renovations, he said the existing drainage system on the west side of the pool needed to be removed and a similar system would be built in kind. He said the existing drainage system's outfall wasn't functioning and they would have to build a new outfall along the north side of the pool along the rocky shore. He said it would be above the mean high water of the river and the total disturbance was about 100 square feet for that outfall and the associated riprap. He said it would require mitigation, but that the potential options would be to restore similar type land cover elsewhere in the City.

He said another item related to the NHB review was a year old, so they got a new NHB review and there were no changes. He said the NHB wanted to see photos along the shoreline where the outfall will be constructed and had a question about the drainage system. He said they wanted to confirm that any chlorinated water from the pool during normal operations would not go to the drainage system; he noted that it actually went to the municipal sewer system and the wastewater treatment center on Peirce Island. He said they would have to remove seven trees and would coordinate it with the City Arborist, who had recommended that red maples replace the removed trees, so there would be seven new trees, with five next to the pool.

Ms. Gindele asked how much the project would cost. Mr. Almeida said it would cost between 3-5 million dollars. Mr. Lippert noted that the gutter system, piping, pool deck, and so on would also be removed in addition to the pump house. Ms. Vaccaro asked where the water draining out of the outfall was coming from and if there were any alternatives considered. Mr. Lippert said it was to collect the runoff coming from the pump house. He explained that the roof on that building sloped toward the back and water would be collected in a gutter and go into the drainage system. He said the surge tank was a new concrete tank flush with ground level that would collect just the stormwater runoff from that area. He said it would drain off into the grass and be collected by catch basins and then go out to the river. He said they were constrained in that location due to high ground water, so they couldn't do an infiltration system but that it would basically replicate the existing conditions. He said a trail ran along the north side, so there was no opportunity to have a swale to let it naturally disperse and flow into the river, which would have been a preferred alternative. He said they needed to get that water out of that trail and out to the river and had come up with the best method to minimize the impact as much as possible. Ms. Vaccaro asked if the area where the trees were being planted could be a catch area. Mr. Lippert said the pool was very low and the high tide average level was Elevation 4, while the pool deck was about Elevation 7. He said once they looked at any underground retention or treatment systems, they vertically didn't have enough elevation without piping that would be submerged. He said if they did construct an outfall beneath the mean high water, it would get

into the Army Corps jurisdiction and would be a more complicated review process. He said generally the water didn't seep off into the lawn area, so there would be some infiltration of that water into the ground but it wasn't anything they could quantify. Chair McMillan asked if there was eel grass out there and if the outlet was between the two patches of eel grass. Elizabeth Oliver of Normandeau Associates spoke and said the green delineated area was a delineated low salt marsh off the northwest corner of the pool, and the eel grass was further offshore. She said the outlet was nowhere near it, so there would be no potential impact of fresh water reaching the eel grass in a concentrated flow.

Vice-Chair Collins asked if fertilizer was being used on the lawn areas. Mr. Lippert said all the grass areas were maintained by DPW and followed the City protocol. He said it was only organic fertilizer. Mr. Jankowski asked what steps would be taken to keep the saltwater from infiltrating onto the pool from underneath. Mr. Lippert explained that the pool was built in 1937 as a stone and mortar pool shell and water was piped into the river, then ten years later it was infilled to make it shallower. In later renovations it became a PVC-lined system, and due to the high ground water from the river, there was evidence of the liner bubbling when the pool was empty. He said they were installing underdrains that would tie into the structure, and when the pool was emptied for maintenance, the groundwater would be pumped out of the vault. Chair McMillan asked about the grassy area where the pervious area would be taken up. Mr. Lippert said the pump house had been moved outside of the 100-ft tidal buffer zone and the grass would be between the pool deck and the fence and would create additional area within the fence for the users.

Mr. Jankowski moved to **approve** the Standard, Dredge, and Fill permit for 99 Peirce Island Road (Pool House). Ms. Gindele seconded.

The motion **passed** by unanimous vote, 6-0.

(**Note:** the commission then addressed Wetland Conditional Use Permits (New Business), 1465 Woodbury Avenue).

#### **IV. LETTER TO CITY COUNCIL**

Mr. Britz said if the commission wanted to send the letter regarding the Peirce Island pool issue to the City Council, they should approve it as a committee in a meeting. Ms. Tanner said there was no incorporation of any kind of alternative energy on the site, and there was plenty of opportunity to do that. She said the commission wanted to increase the City's Council's awareness to the fact that they had opportunities to be doing things to help mitigate climate change. It was further discussed. Ms. Tanner said there should be some kind of renewable energy going into the site. Ms. Vacarro said there were two separate issues in the letter: 1) not liking the location of the pool due to the sea level rise; and 2) an investment in a piece of public infrastructure should be done as sustainably as possible. She said moving the pool felt like a more tenuous recommendation and the committee hadn't done the research. Ms. Tanner said that was something the City would do. She said she drafted a letter and wanted to add changes to it that would include rebuilding the pool in the same location without looking for strategies to make the pool more sustainable and more resilient does not seem to be in line with the efforts of



our future climate action plan.’ She said she also wanted to replace the salt water pool reference with ‘or consideration of alternative treatment methods.’

The submitted letter to the City Council is as follows:

Dear Council Members:

Through the submission of a wetland’s dredge and fill application, the Conservation Commission recently became aware of plans to completely renovate the Peirce Island swimming pool, pump house and systems to bring the facility up to current health and safety requirements. These rehabilitation efforts include replacement of the pool’s vinyl liner, gutter, underground surge tank, concrete pool deck, and stormwater drainage system.

Peirce Island itself includes salt marsh, tidal pools, meadows, rocky cliffs providing vistas of the surrounding areas and *Iva frutescens* (Marsh elder), a threatened species in NH. Approximately one third of the total project impacts will occur within the Tidal Buffer Zone, including permanent impact to the rocky shore.

Beyond the deterioration expected in this heavily utilized resource, the pump house needs to be moved because it is within the Tidal Buffer Zone, within the 100 foot flood zone and below projected sea level rise. The pool itself is within the flood zone and has previously been inundated with water from the Piscataqua River. The chlorinated contents of the pool are an obvious danger for the natural systems of the Island and the river. Meanwhile, the proposed upgrades do not include renewable resources, such as solar/solar thermal energy systems, or consideration of alternative treatment methods.

We would appreciate reconsideration by the Council of this information before proceeding with the plan to rehabilitate the entire pool and associated systems. By having the foresight to consider the potential for flooding, further destruction of natural resources can be avoided. Including renewable energy resources in this plan would be a positive step in consideration of the future climate action plan. A superior long-term investment might be to move the pool to a more convenient, less resource-sensitive area within the City.

The Peirce Island pool is a heavily utilized and appreciated resource in the City of Portsmouth. Rebuilding the pool in the same location without looking for strategies to make the pool more sustainable and more resilient does not seem to be in line with the efforts of our future climate action plan, and will ultimately have detrimental effects on the patrons of the pool, residents of Portsmouth, and Peirce Island, which in itself is a great natural resource for the community.

Sincerely,

Barbara McMillan, Chair  
On behalf of the Conservation Commission

Mr. Jankowski moved to submit the letter as drafted as a recommendation to the City Council from the Conservation Commission, seconded by Ms. Tanner. The motion **passed** by unanimous vote, 5-0. (Vice-Chair Collins did not vote because she left the meeting).

## **V. ORGANIC LAND CARE COMMITTEE UPDATE**

Mr. Jankowski said he had a great meeting with NOFA and that they wanted to help if the commission put out a bid for services for organic land management program for homeowners and commercial property owners. He said NOFA offered to host a course in Portsmouth but nothing was finalized yet. He said the NH representative Nicky Cole could commit her education program and marketing communications coordinators to help. He said he would discuss it further with DPW Director Peter Rice and that IT Director Alan Brady would help with the website. Chair McMillan asked what was needed from the commission. Mr. Jankowski said NOFA would do a lot of the work. Mr. Britz said there was an organic land care meeting scheduled for August 31. He said things could be put on the City website advertising a public meeting, but creating a website that said why one should follow NOFA standards would require accreditation or an ordinance change. He said they were looking into putting out a flyer comparing NOFA standards and State standards.

## **VI. OTHER BUSINESS**

There was no other business.

## **VII. ADJOURNMENT**

The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Joann Breault  
Acting Conservation Commission Recording Secretary



# Memo

TO: Conservation Commission Members  
FROM: Kate Homet, Associate Environmental Planner  
Peter Britz, Environmental Planner  
DATE: September 9, 2022  
SUBJ: September 14, 2022 Conservation Commission Meeting

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**Site Address**  
**124 Kensington Road**  
**Neal L. Ouellett & Darlene L. Furbush- Ouellett Revocable Trust, Owners**  
**Map 152, Lot 20 (LU-22-138)**

Description:

Members of the Conservation Commission previously convened on July 25, 2022 for a site walk on this property. This lot is located partially within a 200,000 s.f. wetland and wetland buffer, with 11,178 s.f. of buffer located within the lot and 4,244 s.f. of wetland within the lot. Applicant is proposing to demolish the existing unattached 460 s.f. garage on this property and will replace with a larger 1,275 s.f. attached garage with a living space above. The existing 1,026 s.f. impermeable driveway will be replaced with a proposed 1,130 s.f. driveway made of permeable pavers. The application indicates that there will be no direct wetland impacts with the proposed garage being built further from the wetlands than the existing garage structure. The applicant is proposing additional native wildlife plantings to enhance the buffer and improvements to existing stormwater management on site.

*1. The land is reasonably suited to the use activity or alteration.*

Applicant is proposing to construct new garage further from the wetland boundary than the existing structure. Applicant is also proposing to remove existing impervious driveway in and around the 100' buffer and will replace with a pervious material.

*2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.*

Applicant is unable to move garage location outside of buffer area as it would be within the front yard setback. They are proposing to move garage further away from wetland and still keep it outside of this setback. They intend to remove part of the existing impervious coverage of the buffer and replace with pervious coverage and native buffer plantings.

*3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

Applicant is proposing no impact to the wetland and intends to improve the wetland buffer within the property and the stormwater that drains into the wetland on-site. The buffer plantings include multiple shrubs and herbaceous plants to be planted within the buffer between the proposed new structure and the wetland and existing retaining wall. The stormwater improvements include a stone drip edge along the perimeter of the proposed building and the permeable driveway and walkway which will both treat and infiltrate stormwater into the ground. These proposed improvements should help treat runoff as it reaches the buffer and wetland.

*4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

Currently no natural vegetative state on the site plan is proposed to be altered or disturbed. Part of the buffer will receive additional plantings.

*5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

This proposal shows an addition of buffer plantings and the applicant is proposing to treat runoff entering into the wetland where there was no treatment previously which should result in reducing the impacts of pollutants into the wetland.

*6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The applicant is proposing to restore over 760 s.f. of previously disturbed buffer area with an assortment of buffer plantings.

**Recommendation:** Staff recommends approval of the project with the following stipulation:

1. As per Section 10.1017.21 the applicant shall provide the location and description of trees to be removed.

**LU-22-138**

## Land Use Application

**Status:** Active**Date Created:** Jun 29, 2022**Applicant**

Eric Weinrieb  
eric@altus-eng.com  
133 Court Street  
Portsmouth, NH 03801  
603-433-2335

**Primary Location**

124 KENSINGTON RD  
Portsmouth, NH 03801

**Owner:**

OUELLETT NEAL L REVO TRUST & FURBUSH -OUELLETT DARLENE L  
REVO TRUST  
124 KENSINGTON RD PORTSMOUTH, NH 03801

**Applicant Information****Please indicate your relationship to this project**

B. Property Owner's Representative

**Alternative Project Address****Alternative Project Address**

--

**Project Type**

**Addition or Renovation:** any project (commercial or residential) that includes an ADDITION to an existing structure or a NEW structure on a property that already has structure(s) on it



**New Construction:** any project (commercial or residential) that involves adding a NEW structure on a parcel that is currently VACANT. If there are any existing structures on the property (even if you are planning to remove them), you should select Addition and Renovation above



**Minor Renovation:** for projects in the Historic District only that involve a minor exterior renovation or alteration that does not include a building addition or construction of a new structure



**Home Occupation:** residential home occupation established in an existing residential dwelling unit and regulated by the Zoning Ordinance. Home Occupations are not allowed in the following Zoning Districts: Waterfront Business, Office Research, Industrial, or Waterfront Industrial



**New Use/Change in Use:** for a change of land use or an expansion to an existing use (e.g. addition of dwelling units) that includes no exterior work or site modifications



**Temporary Structure / Use:** only for temporary uses (e.g. tents, exhibits, events)



**Demolition Only:** only applicable for demolition projects that do not involve any other construction, renovation, or site work



**Subdivision or Lot Line Revision:** for projects which involved a subdivision of land or an adjustment to an existing lot line



**Other Site Alteration requiring Site Plan Review Approval and/or Wetland Conditional Use Permit Approval**



**Sign:** Only applies to signs requiring approval from a land use board (e.g. Historic Commission, Zoning Board of Adjustment)



# OUELLETT RESIDENCE SITE IMPROVEMENTS

124 Kensington Road  
Portsmouth, New Hampshire

*Owner/Applicant:*

NEAL L. OUELLETT &  
DARLENE L. FURBUSH OUELLETT  
2006 REVOCABLE TRUST

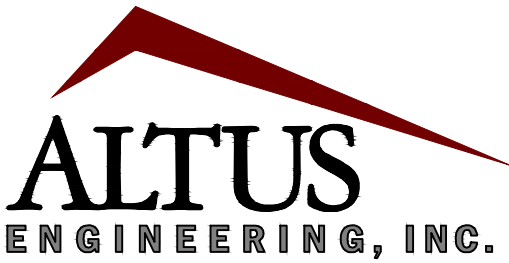
124 Kensington Road  
Portsmouth, NH 03801  
(603) 436-1565

*Architect:*



Duncan Morton, Senior Architect  
603 570 4023  
22 Ladd Street, Portsmouth, NH 03801

*Civil Engineer:*



133 Court Street Portsmouth, NH 03801  
(603) 433-2335 www.altus-eng.com

*Surveyor:*

James Verra

& Associates Inc.

LAND SURVEYORS

101 SHATTUCK WAY, SUITE 8  
Newington, New Hampshire  
03801-7876

Tel 603-436-3557

*Wetland Scientist:*

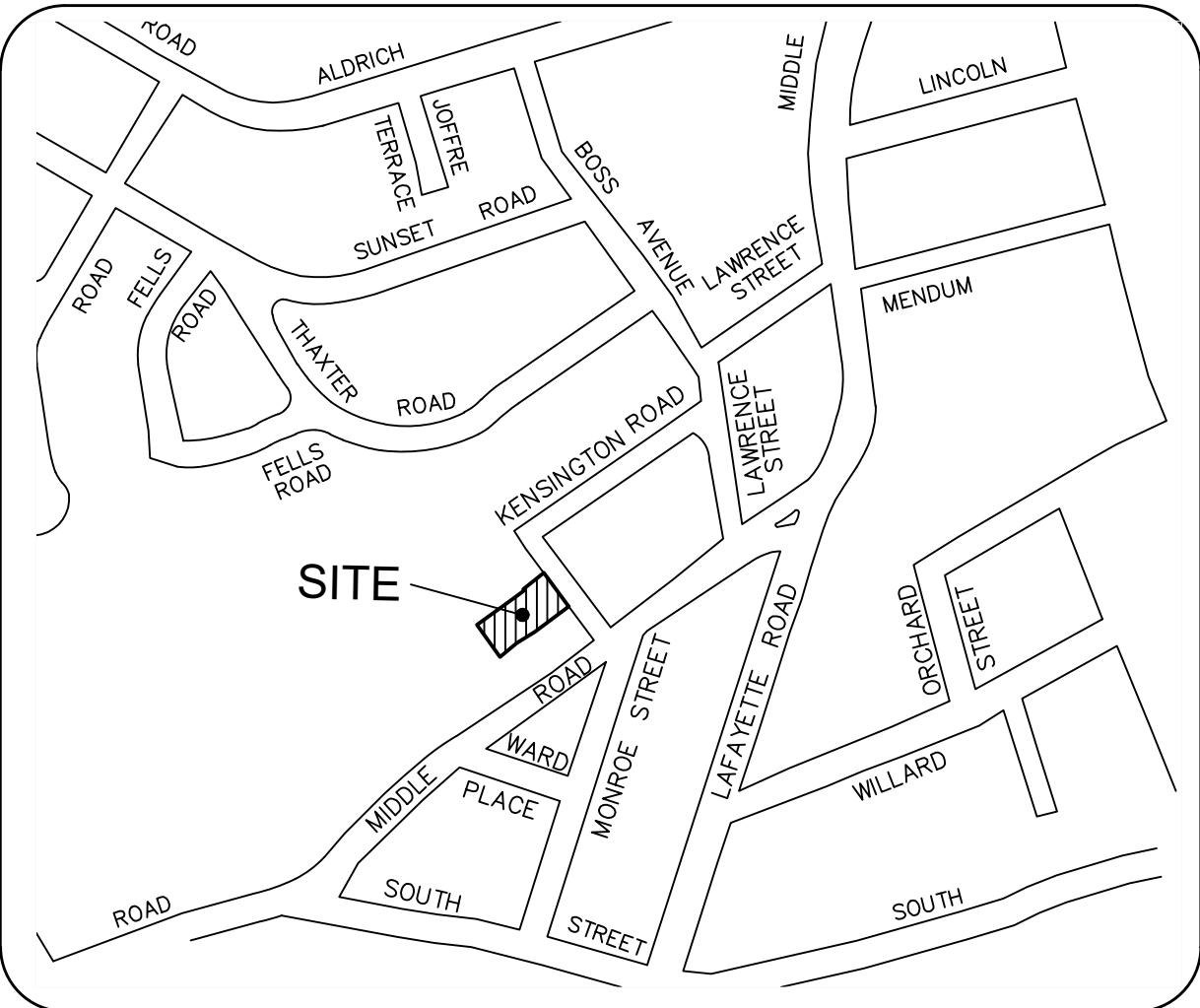
MICHAEL CUOMO, CWS

6 York Pond Road  
York, ME 03909  
(207) 363-4532

Assessor's Parcel 152, Lot 20  
ISSUED FOR CONSERVATION COMMISSION

Plan Issue Date:

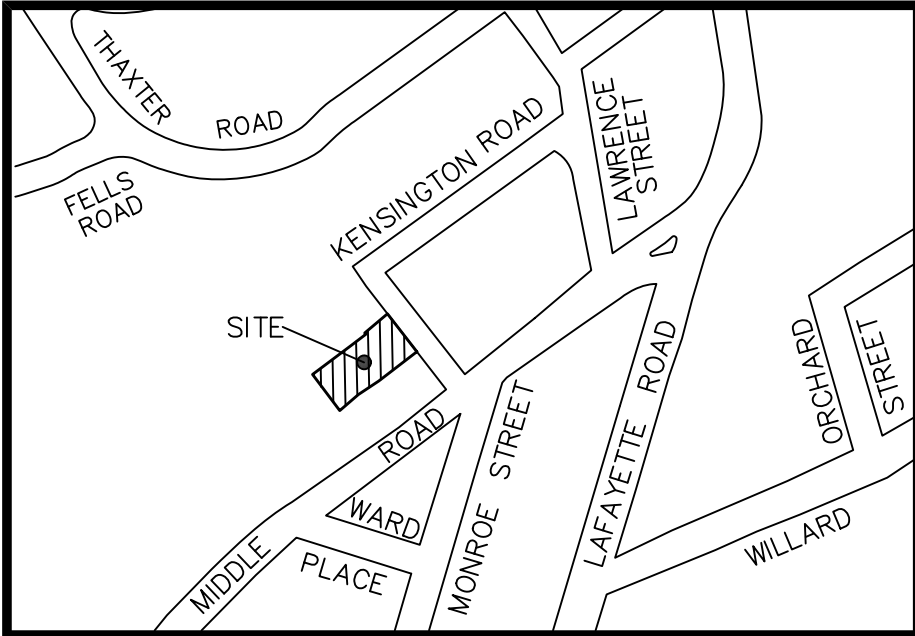
AUGUST 30, 2022



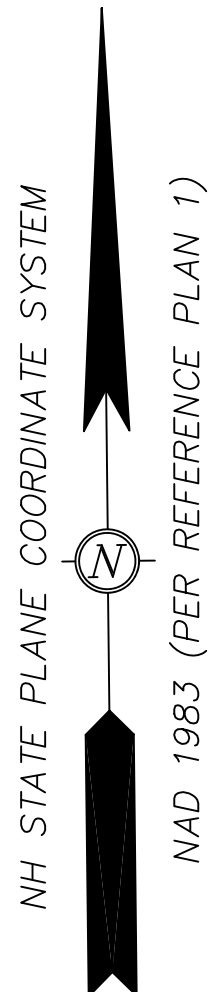
*Sheet Index  
Title*

	<i>Sheet No.:</i>	<i>Rev.</i>	<i>Date</i>
Existing Conditions Plan (by JVA)	0	0	04/25/22
Demolition Plan	C-1	1	08/30/22
Site Plan	C-2	1	08/30/22
Grading and Drainage Plan	C-3	1	08/30/22
Sitework Construction Details	D-1	1	08/30/22
Floor Plans (by Miguel DeStefano Architects)	—	0	06/29/22
Elevations (by Miguel DeStefano Architects)	—	0	06/29/22
Wetlands Buffer Conditional Use Permit Plan	1 of 1	1	08/30/22





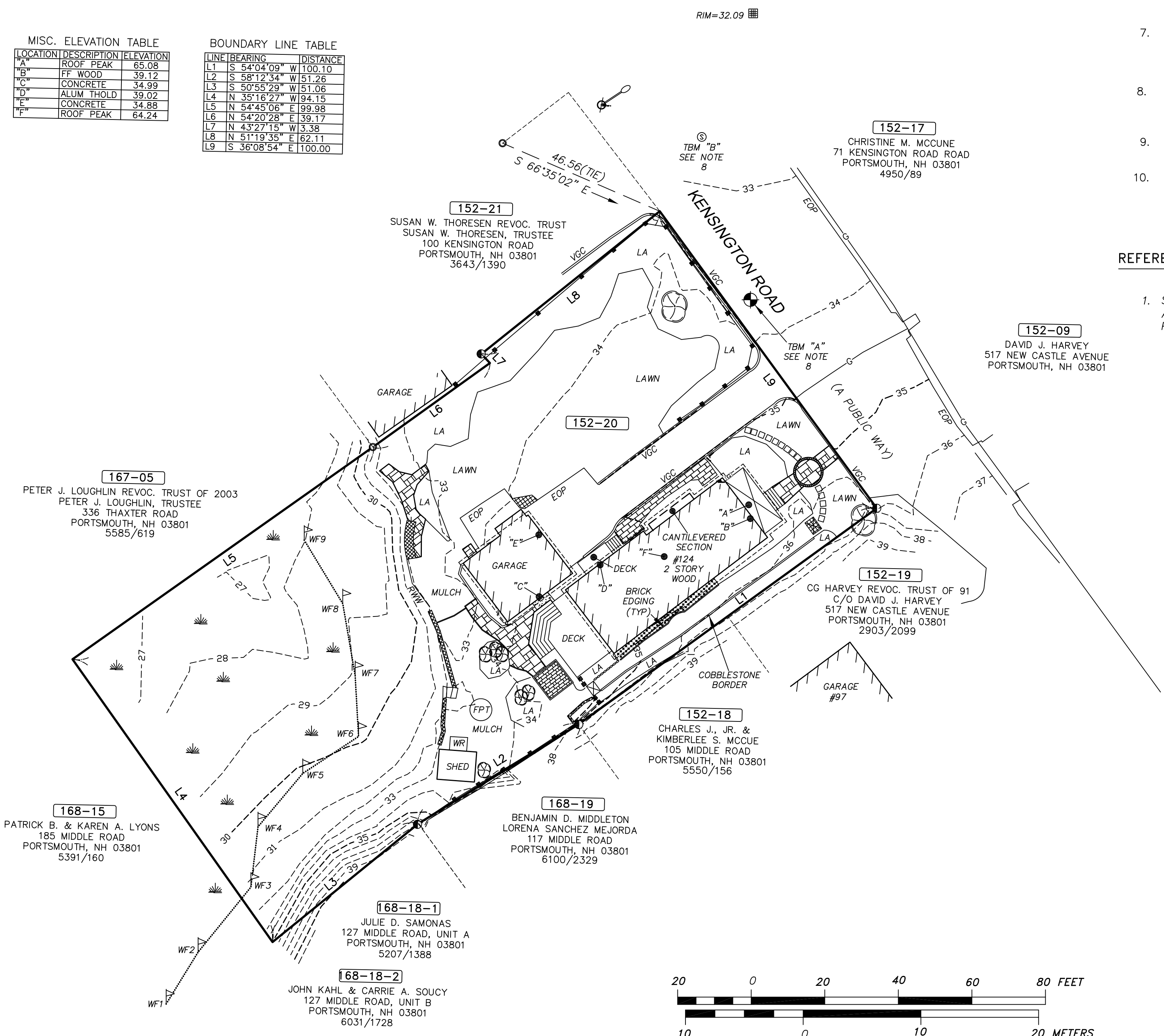
LOCUS  
(N.T.S.)



MISC. ELEVATION TABLE		
LOCATION	DESCRIPTION	ELEVATION
A	ROOF PEAK	65.08
B	FF WOOD	39.12
C	CONCRETE	34.99
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- LEGEND:**
- ..... IRON PIPE FOUND
  - ..... IRON ROD FOUND(UNLESS NOTED)
  - △ ..... SURVEY NAIL (AS NOTED)
  - ..... CHAIN LINK FENCE
  - ..... WOOD FENCE
  - ..... CEMENT CONCRETE PAD
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  - ..... CRUSHED STONE
  - ..... STONE RETAINING WALL
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  - ⊙ ..... SEWER MANHOLE
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  - ▼ ..... WATER GATE VALVE
  - VGC.....VERTICAL FACED GRANITE CURB
  - RWW.....WOOD RETAINING WALL
  - LA ..... LANDSCAPED AREA
  - PSNH.....PUBLIC SERVICE CO. OF NH
  - EVS.....EVERSOURCE
  - ▽ ..... WETLAND FLAG
  - FPT.....FIREPIT
  - WR ..... WOOD RAMP

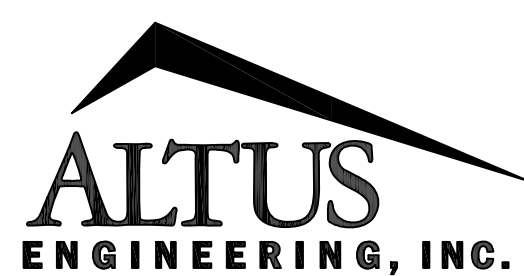
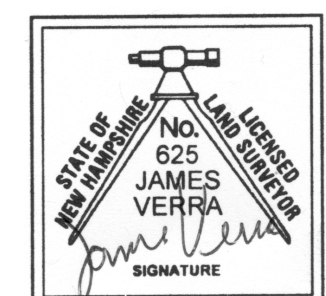


NOTES:

- OWNER OF RECORD.....NEAL L. OUELLETT 2006 REVOCABLE TRUST  
DARLENE L. FURBUSH OUELLETT 2006 REVOCABLE TRUST  
ADDRESS.....124 KENSINGTON ROAD, PORTSMOUTH NH 03801  
DEED REFERENCE.....5393/2581  
TAX SHEET / LOT.....152-20  
PARCEL AREA.....19,044 S.F. 0.44 ACRES
- ZONED:.....SINGLE RESIDENCE B FRONT YARD SETBACK.....30'  
MINIMUM LOT AREA..15,000 S.F. SIDE YARD SETBACK.....10'  
FRONTAGE.....100' REAR YARD SETBACK.....30'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011)(EPOCH: 2010.0000), US SURVEY FOOT.  
VERTICAL DATUM: NAVD 1988. PRIMARY BENCHMARK: NHDOT 379-0500
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC..
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- DESCRIPTIONS OF THE SITE BENCHMARKS:  
TBM"A": SURVEY NAIL ELEVATION=33.75  
TBM"B": SEWER MANHOLE RIM ELEVATION=32.67
- THE LOCATION OF WATER, SEWER AND DRAIN LINES OUTSIDE THE BUILDINGS HAVE NOT BEEN DETERMINED.
- WETLANDS AS SHOWN WERE DELINEATED BY MICHAEL CUOMO, NH WETLANDS SCIENTIST #004 ON JULY 16, 2021

REFERENCE PLANS:

- SUBDIVISION AND LOT LINE ADJUSTMENT PLAN, SANDERSON FIELDS, ASSESSOR'S PARCELS 170-024 167-005, SPINNEY ROAD & MIDDLE ROAD, PORTSMOUTH, REVISED TO 9-20-2012. RECORDED AS RCRD PLAN #D-37457.



133 COURT STREET PORTSMOUTH, NH 03801  
(603) 433-2335 www.ALTUS-ENG.com

JAMES VERRA  
& ASSOCIATES, INC.  
LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8  
NEWINGTON, N.H. 03801- 7876  
603-436-3557

JOB NO: 23953

ISSUED FOR:  
**ENGINEERING DESIGN**

ISSUE DATE:  
**4-25-2022**

REVISIONS  
NO. DESCRIPTION BY DATE

DRAWN BY: \_\_\_\_\_ GTD  
APPROVED BY: \_\_\_\_\_ JV  
DRAWING FILE: \_\_\_\_\_ 23953.DWG

SCALE:  
**22" x 34" - 1" = 20'**  
**11" x 17" - 1" = 40'**

APPLICANT:  
NEAL L. OUELLETT 2006 REVOC. TRUST  
DARLENE L. FURBUSH OUELLETT  
2006 REVOCABLE. TRUST  
124 KENSINGTON ROAD  
PORTSMOUTH, NH 03801  
OWNER:  
NEAL L. OUELLETT 2006 REVOC. TRUST  
DARLENE L. FURBUSH OUELLETT  
2006 REVOCABLE. TRUST  
124 KENSINGTON ROAD  
PORTSMOUTH, NH 03801

PROJECT:  
**OUELLETT  
RESIDENCE  
TAX MAP 152,  
LOT 20  
124 KENSINGTON ROAD  
PORTSMOUTH, NH**

TITLE:  
**EXISTING  
CONDITIONS PLAN  
124 KENSINGTON ROAD  
PORTSMOUTH, NH**

SHEET NUMBER:  
**EX-1**



DEMOLITION NOTES

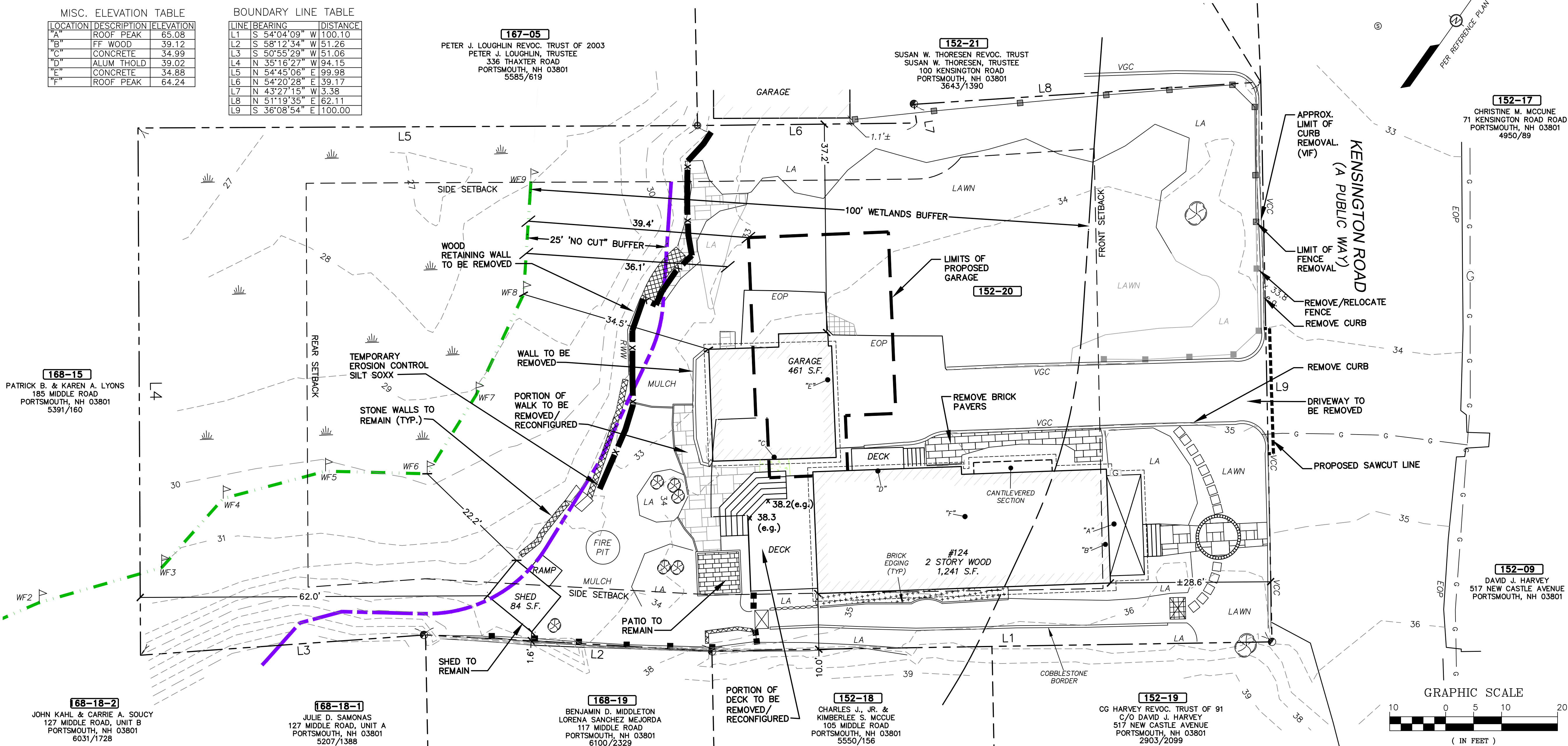
1. THE CONTRACTOR SHALL BRING ANY AND ALL DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS TO THE ATTENTION OF THE OWNER AND ENGINEER IMMEDIATELY FOR RESOLUTION.
2. ALL BUILDINGS, CURBING, CONCRETE, PAVEMENT AND SUBBASE MATERIALS SHALL BE REMOVED FROM PROPOSED LANDSCAPE AREAS TO A MINIMUM DEPTH OF 12" BELOW FINISH GRADE AND REPLACED WITH LOAM MATERIALS SUITABLE FOR LANDSCAPE PURPOSES AND MEETING THE PROJECT SPECIFICATIONS.
3. IN AREAS WHERE CONSTRUCTION IS TO BE ADJACENT TO ABUTTING PROPERTIES, THE CONTRACTOR SHALL INSTALL ORANGE CONSTRUCTION FENCING AND/OR CHAIN LINK FENCING ALONG THE PROPERTY LINE IN ALL AREAS WHERE SILT FENCING OR OTHER PERIMETER SEDIMENT CONTROL MEASURE IS NOT OTHERWISE REQUIRED.
4. CITY DEMOLITION PERMIT REQUIRED PRIOR TO ANY DEMOLITION ACTIVITIES. CONTRACTOR IS NOTIFIED THAT THIS PERMIT PROCESS MAY REQUIRE A 30-DAY LEAD TIME.
5. CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES & VEGETATION SCHEDULED TO REMAIN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TIMELY NOTIFICATION OF ALL PARTIES, CORPORATIONS, COMPANIES, INDIVIDUALS AND STATE AND LOCAL AUTHORITIES OWNING AND/OR HAVING JURISDICTION OVER ANY UTILITIES RUNNING TO, THROUGH OR ACROSS AREAS TO BE DISTURBED BY DEMOLITION AND/OR CONSTRUCTION ACTIVITIES WHETHER OR NOT SAID UTILITIES ARE SUBJECT TO DEMOLITION, RELOCATION, MODIFICATION AND/OR CONSTRUCTION.
7. WHERE SPECIFIED TO REMAIN, MANHOLE RIMS, CATCH BASIN GRATES, VALVE COVERS, HANDHOLES, ETC. SHALL BE ADJUSTED TO FINISH GRADE UNLESS OTHERWISE SPECIFIED.
8. SEE EROSION CONTROL PLANS FOR EROSION AND SEDIMENT CONTROL MEASURES THAT SHALL BE IN PLACE PRIOR TO DEMOLITION ACTIVITIES.
9. ALL MATERIALS SCHEDULED FOR DEMOLITION OR REMOVAL ON PRIVATE PROPERTY SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED.
10. ALL MATERIAL SCHEDULED TO BE REMOVED SHALL BE LEGALLY DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS/CODES.
11. NO BURNING SHALL BE PERMITTED PER LOCAL REGULATIONS.
12. HAZARDOUS MATERIALS ENCOUNTERED DURING DEMOLITION AND CONSTRUCTION ACTIVITIES SHALL BE ABATED IN STRICT ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS.
13. SHOULD GROUNDWATER BE ENCOUNTERED DURING EXCAVATION, APPROPRIATE BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED TO ENSURE SEDIMENT LADEN WATER IS NOT DISCHARGED INTO THE CITY DRAINAGE SYSTEM. A DISCHARGE PERMIT SHALL BE OBTAINED PRIOR TO DISCHARGING GROUNDWATER.
14. THIS PLAN IS INTENDED TO PROVIDE MINIMUM GUIDELINES FOR THE DEMOLITION OF EXISTING SITE FEATURES. UNLESS OTHERWISE NOTED TO REMAIN, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL BUILDING, PAVEMENT, CONCRETE, CURBING, SIGNS, POLES, UTILITIES, FENCES, VEGETATION AND OTHER EXISTING FEATURES AS NECESSARY TO FULLY CONSTRUCT THE PROJECT.

MISC. ELEVATION TABLE

LOCATION	DESCRIPTION	ELEVATION
"A"	ROOF PEAK	65.08
"B"	FF WOOD	39.12
"C"	CONCRETE	34.99
"D"	ALUM THOLD	39.02
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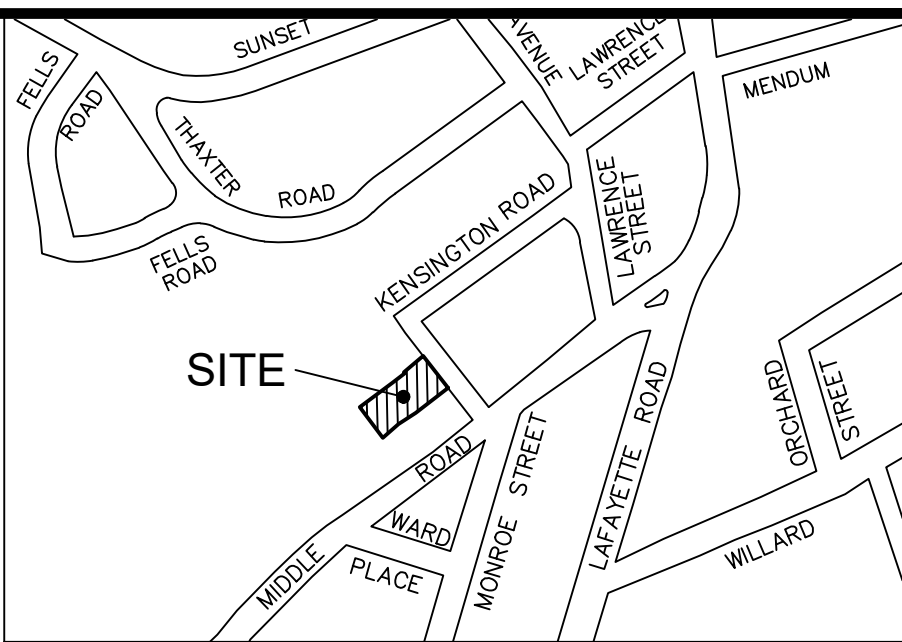
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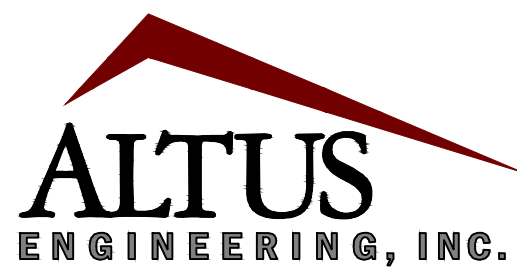


LEGEND:

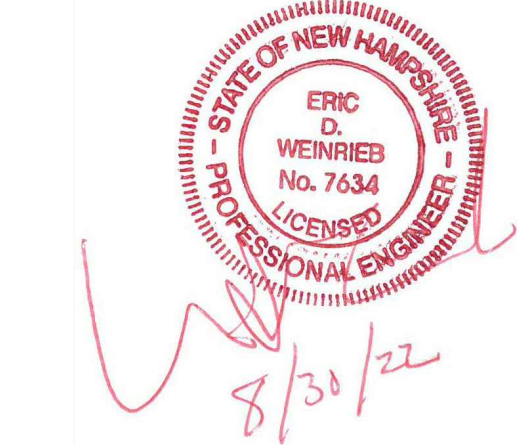
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● ..... CHAIN LINK FENCE  
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EOP ..... EDGE OF PAVEMENT  
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VGC.....VERTICAL FACED GRANITE CURB  
RWW.....WOOD RETAINING WALL  
LA .....LANDSCAPED AREA  
P .....WETLAND FLAG



LOCUS  
(N.T.S.)



133 Court Street  
(603) 433-2335  
Portsmouth, NH 03801  
www.altus-eng.com



NOT FOR CONSTRUCTION

ISSUED FOR:  
CONSERVATION COMMISSION

ISSUE DATE:  
AUGUST 30, 2022

REVISIONS	NO.	DESCRIPTION	BY	DATE
0	DISCUSSION		EDW	06/29/22
1	FORMAL CON. COMM. SUBMISSION		EDW	08/30/22

DRAWN BY: \_\_\_\_\_ RLH  
APPROVED BY: \_\_\_\_\_ EDW  
DRAWING FILE: 5225.DWG

SCALE:  
(22"x34") 1" = 10'  
(11"x17") 1" = 20'

OWNER/APPLICANT:  
NEAL L. OUELLETT &  
DARLENE L. FURBUSH OUELLETT  
2006 REVOC. TRUST

124 KENSINGTON ROAD  
PORTSMOUTH, NH 03801

PROJECT:  
OUELLETT  
RESIDENCE

TAX MAP 152, LOT 20  
124 KENSINGTON ROAD  
PORTSMOUTH, NH

TITLE:

DEMOLITION PLAN

SHEET NUMBER:

C - 1



NOTES

1. DESIGN INTENT – THIS PLAN IS INTENDED TO DEPICT SITE PLANS TO OBTAIN CITY APPROVALS.
2. THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, 124 KENSINGTON ROAD, PORTSMOUTH, N.H., ASSESSOR'S PARCELS 152-20" BY JAMES VERRA AND ASSOCIATES, INC., DATED 04/25/2022.
3. ZONES: SRB (SINGLE RESIDENTIAL B)
4. PROJECT PARCEL: TAX MAP 152 LOT 20 19,044 S.F. (±0.44 AC.)
5. DIMENSIONAL REQUIREMENTS:
- |                         | SRB                             | PROVIDED    |
|-------------------------|---------------------------------|-------------|
| MIN. LOT AREA:          | 15,000 S.F. (0.34 AC.)          | 19,044 S.F. |
| MIN. STREET FRONTAGE:   | 100'                            | ±100'       |
| MIN. LOT DEPTH:         | 100'                            | ±202'       |
| FRONT SETBACK:          | 30' (±28.6' EXISTING)           | ±28.6'      |
| SIDE SETBACK:           | 10' (±1.6' EXISTING)            | ±1.6'       |
| REAR SETBACK:           | 30' (±62.0' EXISTING)           | ±62.0'      |
| MAX. BUILDING HEIGHT:   | 35' (SLOPED ROOF)               | <35'        |
|                         | (±29.5' – EXISTING TWO STORIES) |             |
| MAX. BUILDING COVERAGE: | 20% (±11.3% EXISTING)           | ±15.2%      |
| MIN. OPEN SPACE:        | 40% (±78.1% EXISTING)           | ±73.5%      |
| WETLAND BUFFER:         | 100' (±22.2' EXISTING)          | ±22.2'      |
| WETLAND NO-CUT:         | 25'                             | 25'         |

6. OPEN SPACE CALCULATION
- |  | EXISTING             | PROPOSED             |
|--|----------------------|----------------------|
| TOTAL LOT AREA:  | 19,044± S.F.         |                      |
| HOUSE/GARAGE/SHED/DECKS  | 2,157± S.F.          | 2,901± S.F.          |
| DRIVEWAY   | 1,140± S.F.          | 1,105± S.F.          |
| HARDSCAPING/WALLS  | 866± S.F.            | 895± S.F.            |
| TOTAL COVERAGE   | 4,163± S.F.          | 4,901± S.F.          |
| OPEN SPACE   | 14,881± S.F. (78.1%) | 13,993± S.F. (73.5%) |
| TOTAL LOT IMPERVIOUS (PAVEMENT, BLDGS., DECKS, WALLS) – (EXCLUDING PERMEABLE SURFACES) | 4,163± S.F.          | 3,796± S.F.          |
8. PORTIONS OF THE SITE ARE IN FLOOD HAZARD ZONE X PER FLOOD INSURANCE RATE MAP (FIRM), ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP #33015C0278F JANUARY 29, 2021.
9. WETLANDS WERE DELINEATED BY MICHAEL CUOMO, NH CERTIFIED WETLANDS SCIENTIST #004 ON JULY 16, 2021.
10. AREA OF DISTURBANCE UNDER 43,560 S.F., EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT NOT REQUIRED.
11. AREA OF DISTURBANCE UNDER 100,000 S.F., NHDES ALTERATION OF TERRAIN PERMIT NOT REQUIRED.
12. ZONING SECTION 10.1016 – CONDITIONAL USE PERMIT REQUIRED FOR WORK IN THE CITY WETLAND BUFFER.
13. ALL UTILITIES FOR THE PROPOSED ADDITION WILL BE SERVICED FROM THE EXISTING BUILDING.

- LEGEND:
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  - △ ..... SURVEY NAIL (AS NOTED)
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  - LA ..... LANDSCAPED AREA
  - △ ..... WETLAND FLAG

LOT AREA IN WETLAND: ±4,244 S.F. (±22.3%)

LOT AREA IN WETLAND & WETLAND BUFFER: ±15,424 S.F. (±81.0% OF PARCEL)

EXISTING LOT IMPERVIOUS IN WETLAND BUFFER: ±3,123 S.F. (±16.4%)

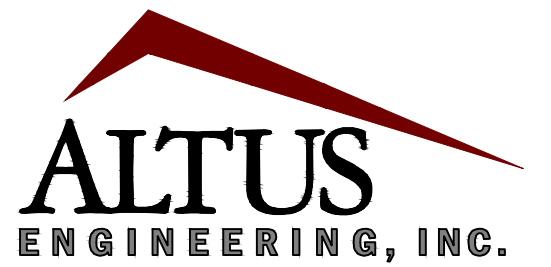
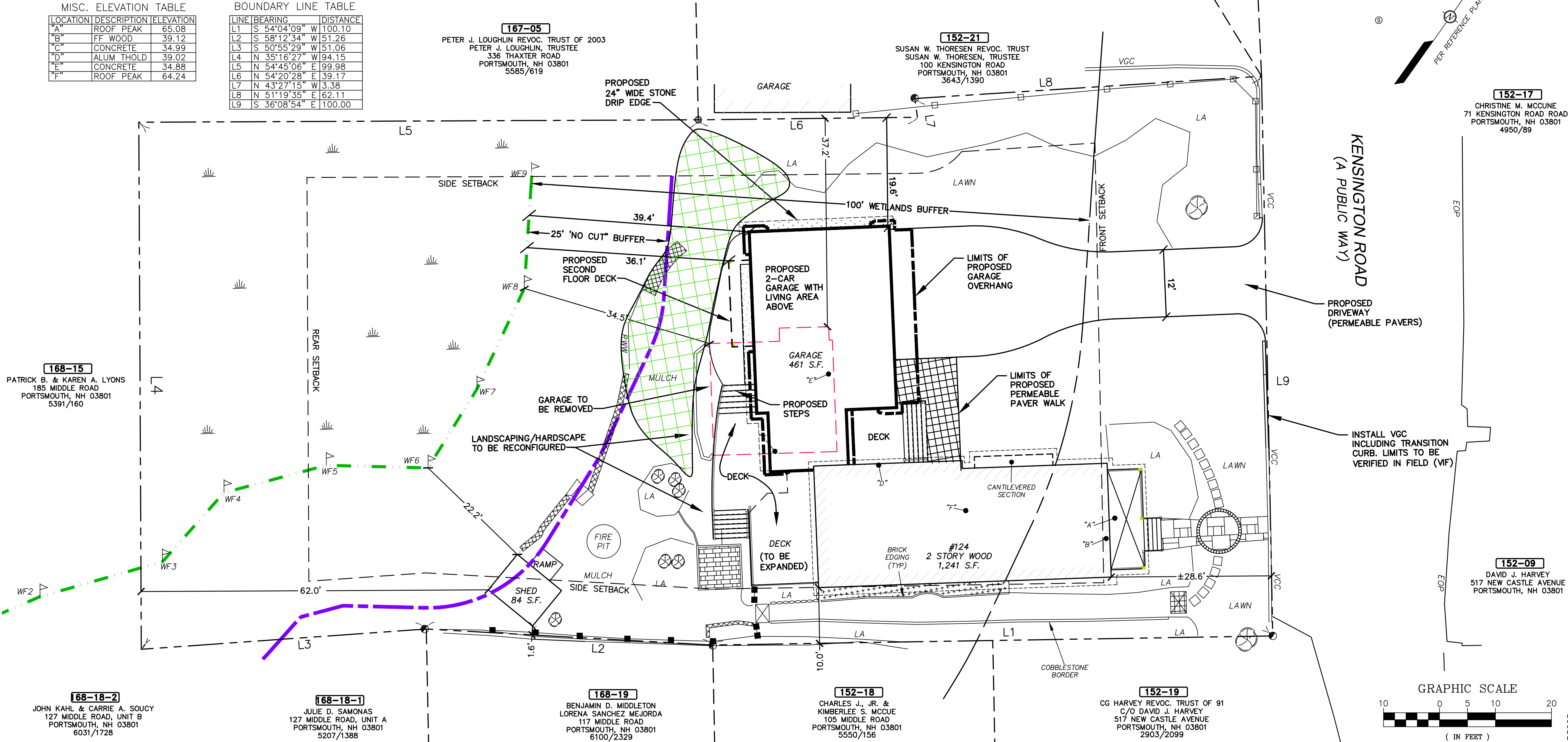
PROPOSED LOT IMPERVIOUS IN WETLAND BUFFER: ±3,182 S.F. (±16.7%)

MISC. ELEVATION TABLE

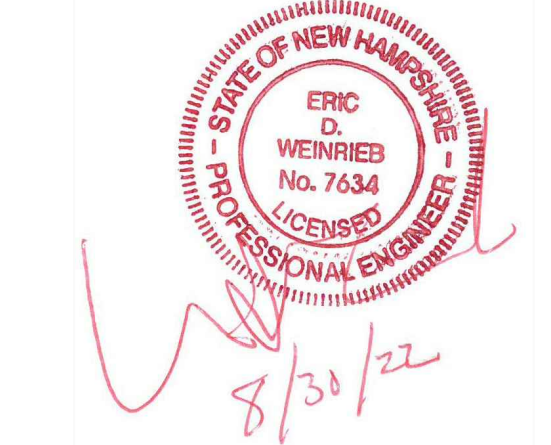
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NOT FOR CONSTRUCTION

ISSUED FOR:  
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ISSUE DATE:  
AUGUST 30, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	DISCUSSION	EDW	06/29/22
1	FORMAL CON. COMM. SUBMISSION	EDW	08/30/22

DRAWN BY: \_\_\_\_\_ RLH

APPROVED BY: \_\_\_\_\_ EDW

DRAWING FILE: \_\_\_\_\_ 5225.DWG

SCALE:

(22"x34") 1" = 10'

(11"x17") 1" = 20'

OWNER/APPLICANT:

NEAL L. OUELLETT & DARLENE L. FURBUSH OUELLETT 2006 REVOC. TRUST

124 KENSINGTON ROAD  
PORTSMOUTH, NH 03801

PROJECT:

OUELLETT RESIDENCE

TAX MAP 152, LOT 20

124 KENSINGTON ROAD  
PORTSMOUTH, NH

TITLE:

SITE PLAN

SHEET NUMBER:

C - 2



STORMWATER MANANGEMENT NOTES

1. DO NOT BEGIN CONSTRUCTION UNTIL ALL STATE AND LOCAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.
2. CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION.
3. ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
4. ALL BENCHMARKS AND TOPOGRAPHY SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO INITIATING CONSTRUCTION.
5. UNLESS OTHERWISE AGREED IN WRITING, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING TEMPORARY BENCHMARKS (TBM) AND PERFORMING ALL CONSTRUCTION SURVEY LAYOUT.
6. PRIOR TO CONSTRUCTION, FIELD VERIFY JUNCTIONS, LOCATIONS AND ELEVATIONS/INVERTS OF ALL EXISTING STORMWATER AND UTILITY LINES. PRESERVE AND PROTECT LINES TO BE RETAINED.
7. TEMPORARY INLET PROTECTION MEASURES SHALL BE INSTALLED IN ALL EXISTING AND PROPOSED CATCH BASINS WITHIN 100' OF THE PROJECT SITE WHEN SITE WORK WITHIN CONTRIBUTING AREAS IS ACTIVE OR SAID AREAS HAVE NOT BEEN STABILIZED.

8. PROTECTION OF SUBGRADE: THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN STABLE, DEWATERED SUBGRADES FOR FOUNDATIONS, PAVEMENT AREAS, UTILITY TRENCHES, AND OTHER AREAS DURING CONSTRUCTION. SUBGRADE DISTURBANCE MAY BE INFLUENCED BY EXCAVATION METHODS, MOISTURE, PRECIPITATION, GROUNDWATER CONTROL, AND CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO PREVENT SUBGRADE DISTURBANCE. SUCH PRECAUTIONS MAY INCLUDE DIVERTING STORMWATER RUNOFF AWAY FROM CONSTRUCTION AREAS, REDUCING TRAFFIC IN SENSITIVE AREAS, AND MAINTAINING AN EFFECTIVE DEWATERING PROGRAM. SOILS EXHIBITING HEAVING OR INSTABILITY SHALL BE OVER EXCAVATED TO MORE COMPETENT BEARING SOIL AND REPLACED WITH FREE DRAINING STRUCTURAL FILL. IF THE EARTHWORK IS PERFORMED DURING FREEZING WEATHER, EXPOSED SUBGRADES ARE SUSCEPTIBLE TO FROST. NO FILL OR UTILITIES SHALL BE PLACED ON FROZEN GROUND. THIS WILL LIKELY REQUIRE REMOVAL OF A FROZEN SOIL CRUST AT THE COMMENCEMENT OF EACH DAY'S OPERATIONS. THE FINAL SUBGRADE ELEVATION WOULD ALSO REQUIRE AN APPROPRIATE DEGREE OF INSULATION AGAINST FREEZING.
9. IF SUITABLE, EXCAVATED MATERIALS SHALL BE PLACED AS FILL WITHIN UPLAND AREAS ONLY AND SHALL NOT BE PLACED WITHIN WETLANDS. PLACEMENT OF BORROW MATERIALS SHALL BE PERFORMED IN A MANNER THAT PREVENTS LONG TERM DIFFERENTIAL SETTLEMENT. EXCESSIVELY WET MATERIALS SHALL BE STOCKPILED AND ALLOWED TO DRAIN BEFORE PLACEMENT. FROZEN MATERIAL SHALL NOT BE USED FOR CONSTRUCTION.
10. IN ORDER TO PROVIDE VISUAL CLARITY ON THE PLANS, DRAINAGE AND OTHER UTILITY STRUCTURES MAY NOT BE DRAWN TO SCALE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER SIZING AND LOCATION OF ALL STRUCTURES AND IS DIRECTED TO RESOLVE ANY POTENTIAL DISCREPANCY WITH THE ENGINEER PRIOR TO CONSTRUCTION.

11. NO EARTHWORK, STUMPING OR GRUBBING SHALL COMMENCE UNTIL ALL APPROPRIATE SEDIMENT AND EROSION CONTROL MEASURES HAVE BEEN INSTALLED. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE PROPERLY MAINTAINED IN GOOD WORKING ORDER FOR THE DURATION OF CONSTRUCTION AND THE SITE IS STABILIZED.
12. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE DESIGN STANDARDS AND SPECIFICATIONS SET FORTH IN THE NHDES NH STORMWATER MANUALS, VOL. 1-3, DATED DECEMBER 2008 AS AMENDED.
13. CONTRACTOR SHALL CONTROL DUST BY SPRAYING WATER, SWEEPING PAVED SURFACES, PROVIDING TEMPORARY VEGETATION, AND/OR MULCHING EXPOSED AREAS AND STOCKPILES.
14. THE CONTRACTOR SHALL TAKE WHATEVER MEANS NECESSARY TO PREVENT EROSION, PREVENT SEDIMENT FROM LEAVING THE SITE AND/OR ENTERING WETLANDS AND ENSURE PERMANENT SOIL STABILIZATION.
15. ALL EROSION CONTROL BLANKETS AND FASTENERS SHALL BE BIODEGRADABLE.
16. ALL SWALES SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
17. ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED SHALL RECEIVE SIX (6") INCHES OF COMPACTED LOAM, LIMESTONE, ORGANIC FERTILIZER, SEED, AND MULCH USING APPROPRIATE SOIL STABILIZATION TECHNIQUES.
18. UPON COMPLETION OF CONSTRUCTION, ALL DRAINAGE INFRASTRUCTURE SHALL BE CLEANED OF ALL DEBRIS AND SEDIMENT AND ALL TEMPORARY EROSION AND SEDIMENT CONTROLS REMOVED AND ANY AREAS DISTURBED BY THE REMOVAL SMOOTHED AND REVEGETATED.
19. SLOW RELEASE FERTILIZER SHALL BE USED IN THE 100-FOOT BUFFER.

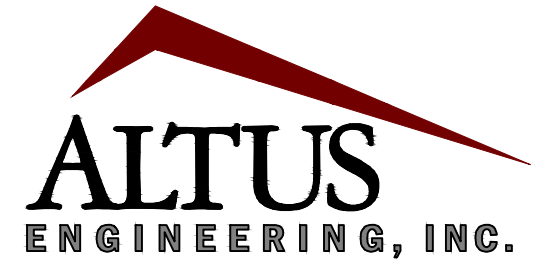
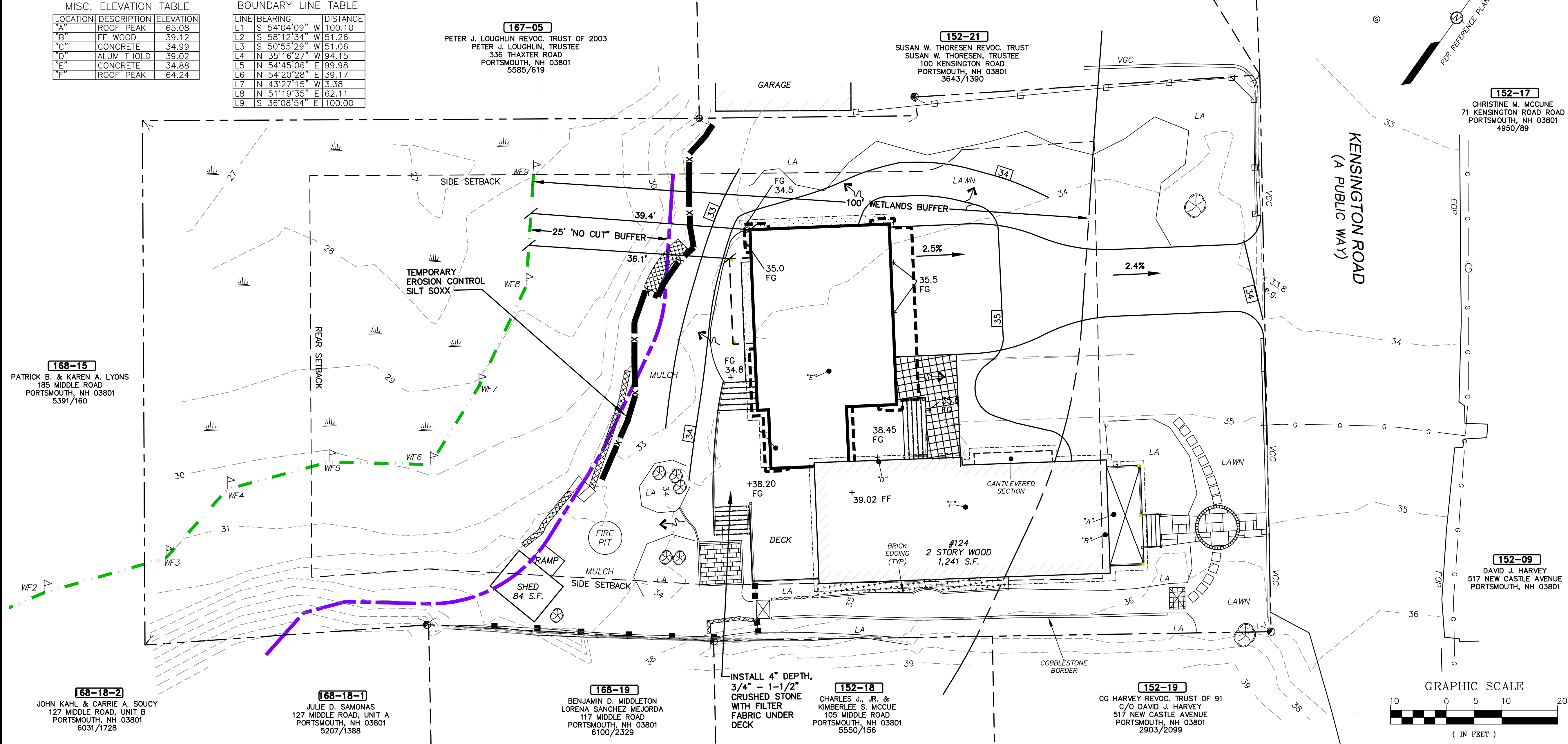
- LEGEND:
- ..... IRON PIPE FOUND
  - ..... IRON ROD FOUND (UNLESS NOTED)
  - △ ..... SURVEY NAIL (AS NOTED)
  - ..... CHAIN LINK FENCE
  - ..... WOOD FENCE
  - ▢ ..... CEMENT CONCRETE PAD
  - ▤ ..... BRICK PAVERS
  - ▥ ..... CRUSHED STONE
  - ▦ ..... STONE RETAINING WALL
  - ▧ ..... SLATE PAVERS
  - ..... UTILITY POLE
  - ⋈ ..... UTILITY POLE W/TRANSFORMER
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  - ▣ ..... CATCH BASIN
  - ⊙ ..... SEWER MANHOLE
  - W— ..... WATER LINE
  - S— ..... SEWER LINE
  - G— ..... GAS LINE
  - ⋈ ..... WATER GATE VALVE
  - VGC ..... VERTICAL FACED GRANITE CURB
  - RWW ..... WOOD RETAINING WALL
  - LA ..... LANDSCAPED AREA
  - ⌒ ..... WETLAND FLAG
  - ←S ..... DRAINAGE FLOW ARROW

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"D"	ALUM THOLD	39.02
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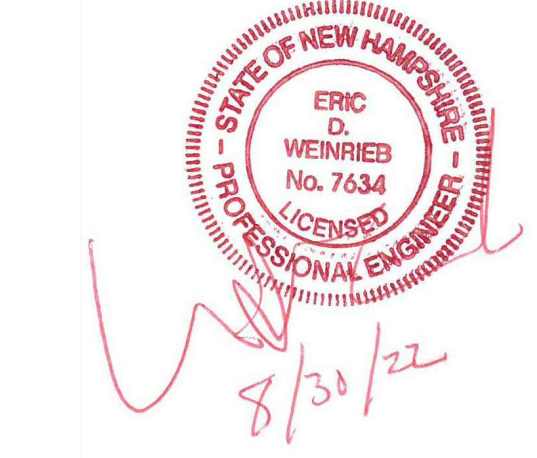
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L9	S 36°08'54" E	100.00



133 Court Street  
(603) 433-2335

Portsmouth, NH 03801  
www.altus-eng.com



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ISSUE DATE:  
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REVISIONS

NO.	DESCRIPTION	BY	DATE
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1	FORMAL CON. COMM. SUBMISSION	EDW	08/30/22

DRAWN BY: \_\_\_\_\_ RLH

APPROVED BY: \_\_\_\_\_ EDW

DRAWING FILE: \_\_\_\_\_ 5225.DWG

SCALE:  
(22"x34") 1" = 10'  
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OWNER/APPLICANT:  
NEAL L. OUELLETT &  
DARLENE L. FURBUSH OUELLETT  
2006 REVOC. TRUST

124 KENSINGTON ROAD  
PORTSMOUTH, NH 03801

PROJECT:  
OUELLETT  
RESIDENCE

TAX MAP 152, LOT 20  
124 KENSINGTON ROAD  
PORTSMOUTH, NH

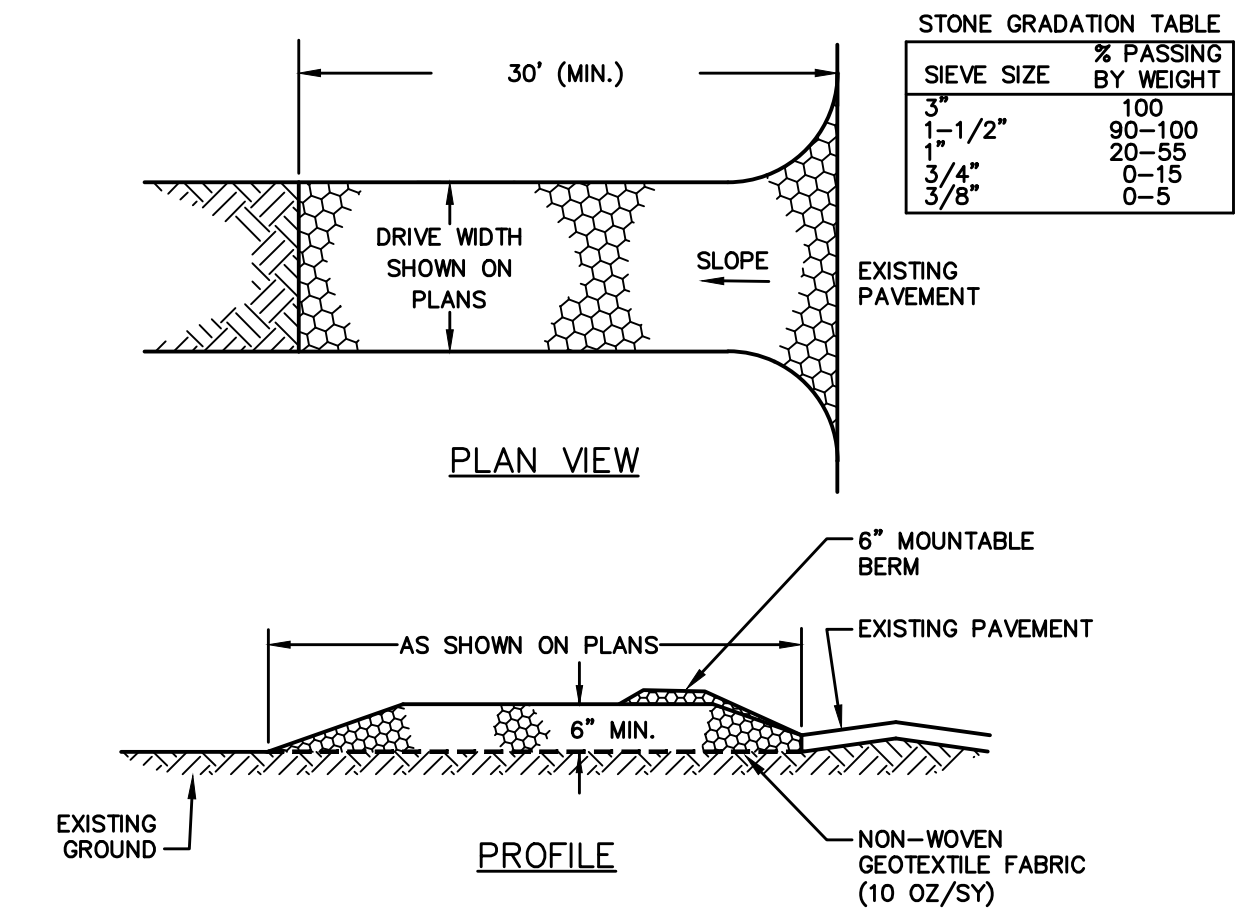
TITLE:

GRADING &  
DRAINAGE PLAN

SHEET NUMBER:

C - 3

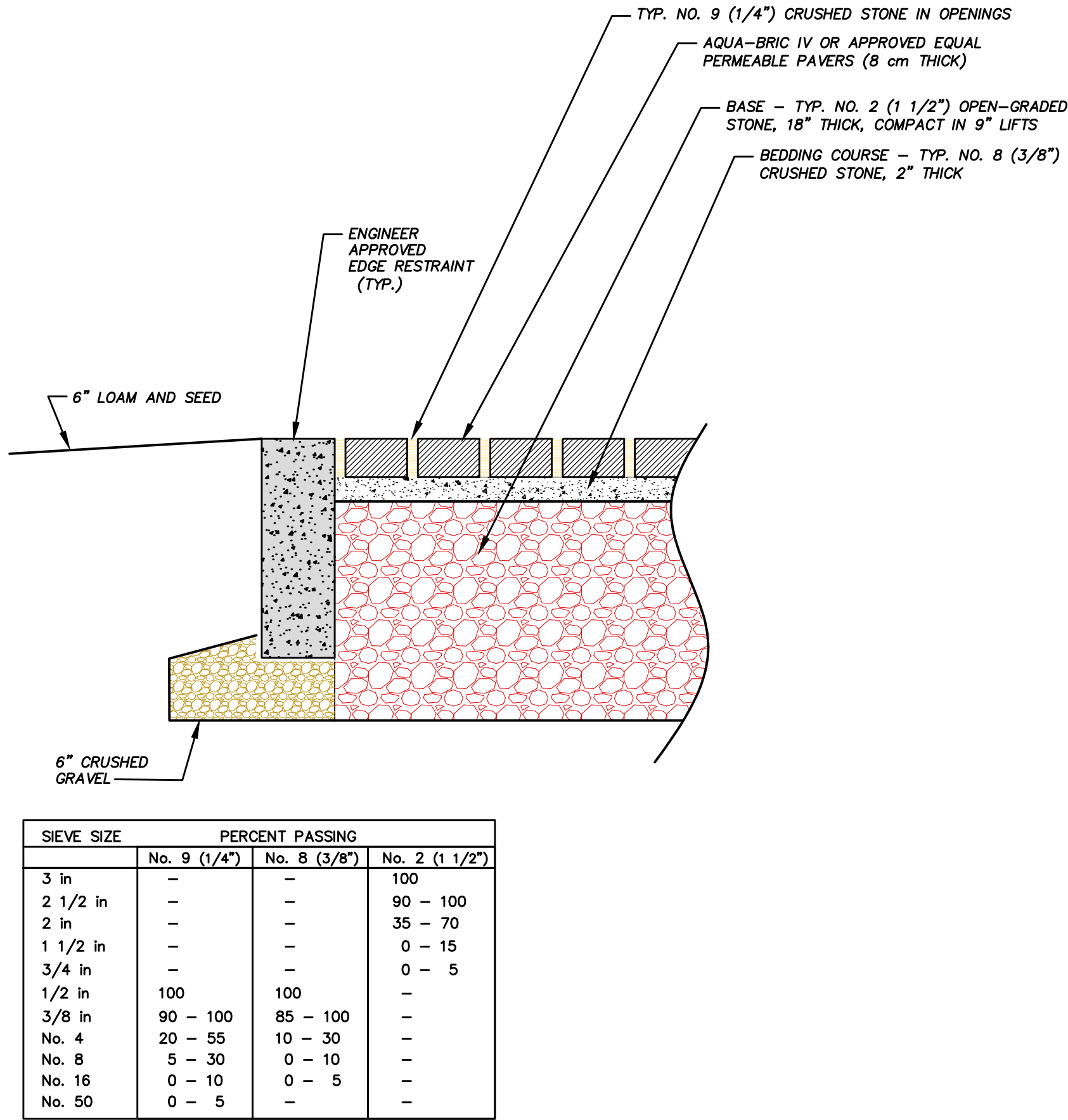




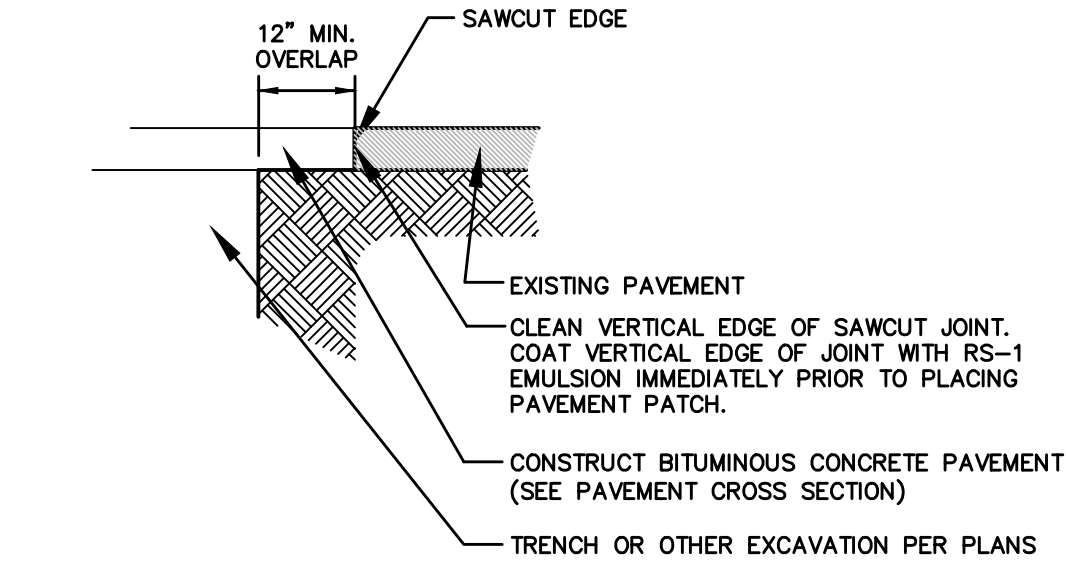
CONSTRUCTION SPECIFICATIONS

1. **STONE SIZE** – NHDOT STANDARD STONE SIZE #4 – SECTION 703 OF NHDOT STANDARD.
2. **LENGTH** – DETAILED ON PLANS (50 FOOT MINIMUM).
3. **THICKNESS** – SIX (6) INCHES (MINIMUM).
4. **WIDTH** – FULL DRIVE WIDTH UNLESS OTHERWISE SPECIFIED.
5. **FILTER FABRIC** – MIRAFI 600X OR EQUAL APPROVED BY ENGINEER.
6. **SURFACE WATER CONTROL** – ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARD THE CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A BERM WITH 5:1 SLOPES THAT CAN BE CROSSED BY VEHICLES MAY BE SUBSTITUTED FOR THE PIPE.
7. **MAINTENANCE** – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS WILL REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. **WHEELS** SHALL BE CLEANED TO REMOVE MUD PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. STABILIZED CONSTRUCTION EXITS SHALL BE INSTALLED AT ALL ENTRANCES TO PUBLIC RIGHTS-OF-WAY, AT LOCATIONS SHOWN ON THE PLANS, AND/OR WHERE AS DIRECTED BY THE ENGINEER.

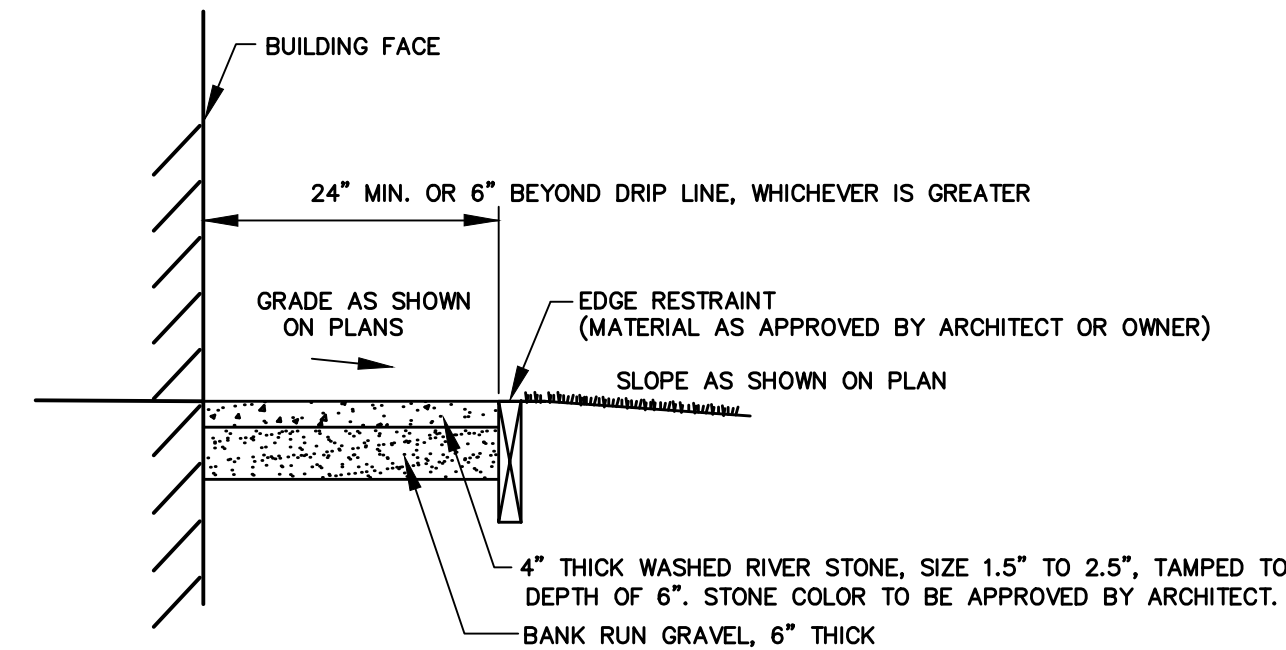
STABILIZED CONSTRUCTION EXIT NOT TO SCALE



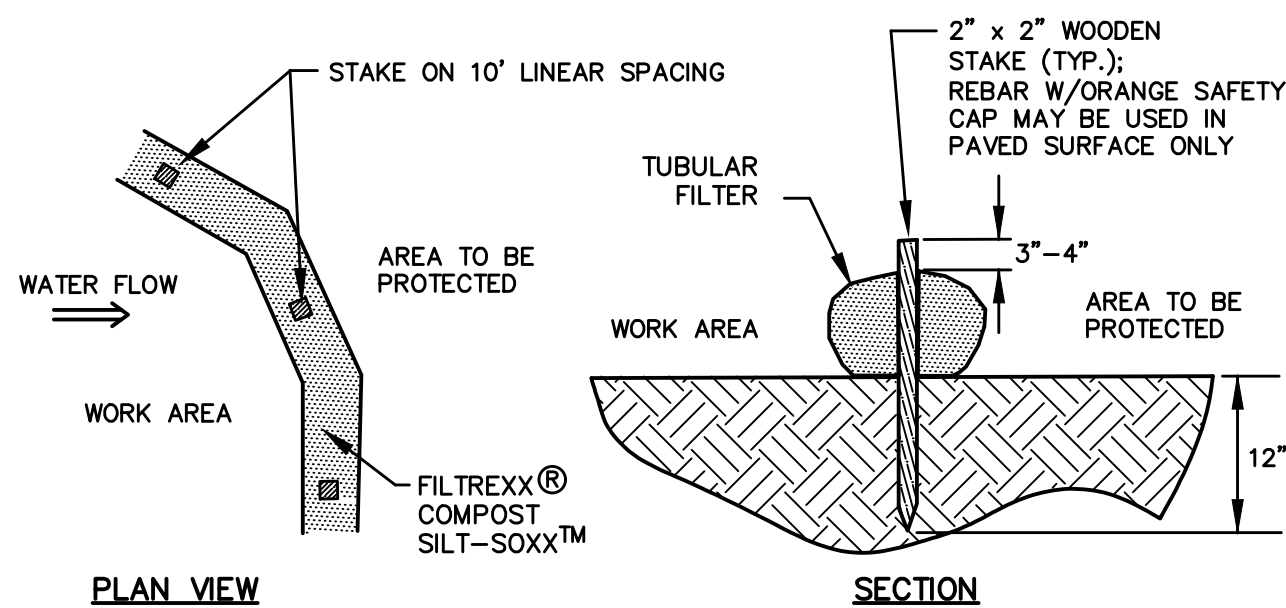
PERMEABLE PAVERS DETAIL NOT TO SCALE



TYPICAL PAVEMENT SAWCUT NOT TO SCALE

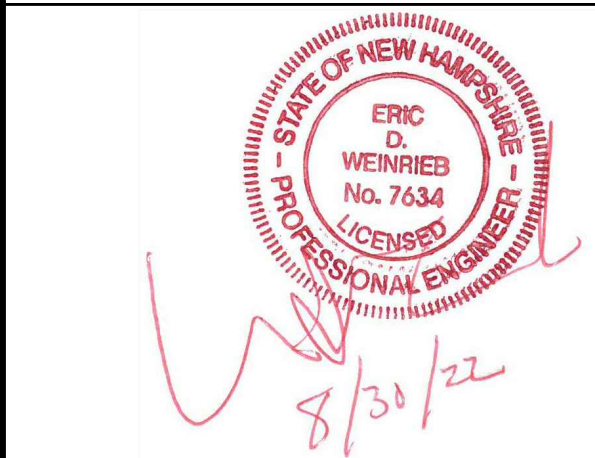


DRIP EDGE DETAIL NOT TO SCALE



- NOTES:**
1. SILTSOXX OR APPROVED EQUAL SHALL BE USED FOR TUBULAR SEDIMENT BARRIERS.
  2. ALL MATERIAL TO MEET MANUFACTURER'S SPECIFICATIONS.
  3. COMPOST/SOIL/ROCK/SEED FILL MATERIAL SHALL BE ADJUSTED AS NECESSARY TO MEET THE REQUIREMENTS OF THE SPECIFIC APPLICATION.
  4. ALL SEDIMENT TRAPPED BY BARRIER SHALL BE DISPOSED OF PROPERLY.

TUBULAR SEDIMENT BARRIER DETAIL NOT TO SCALE



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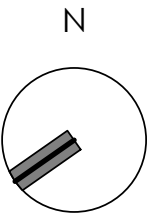
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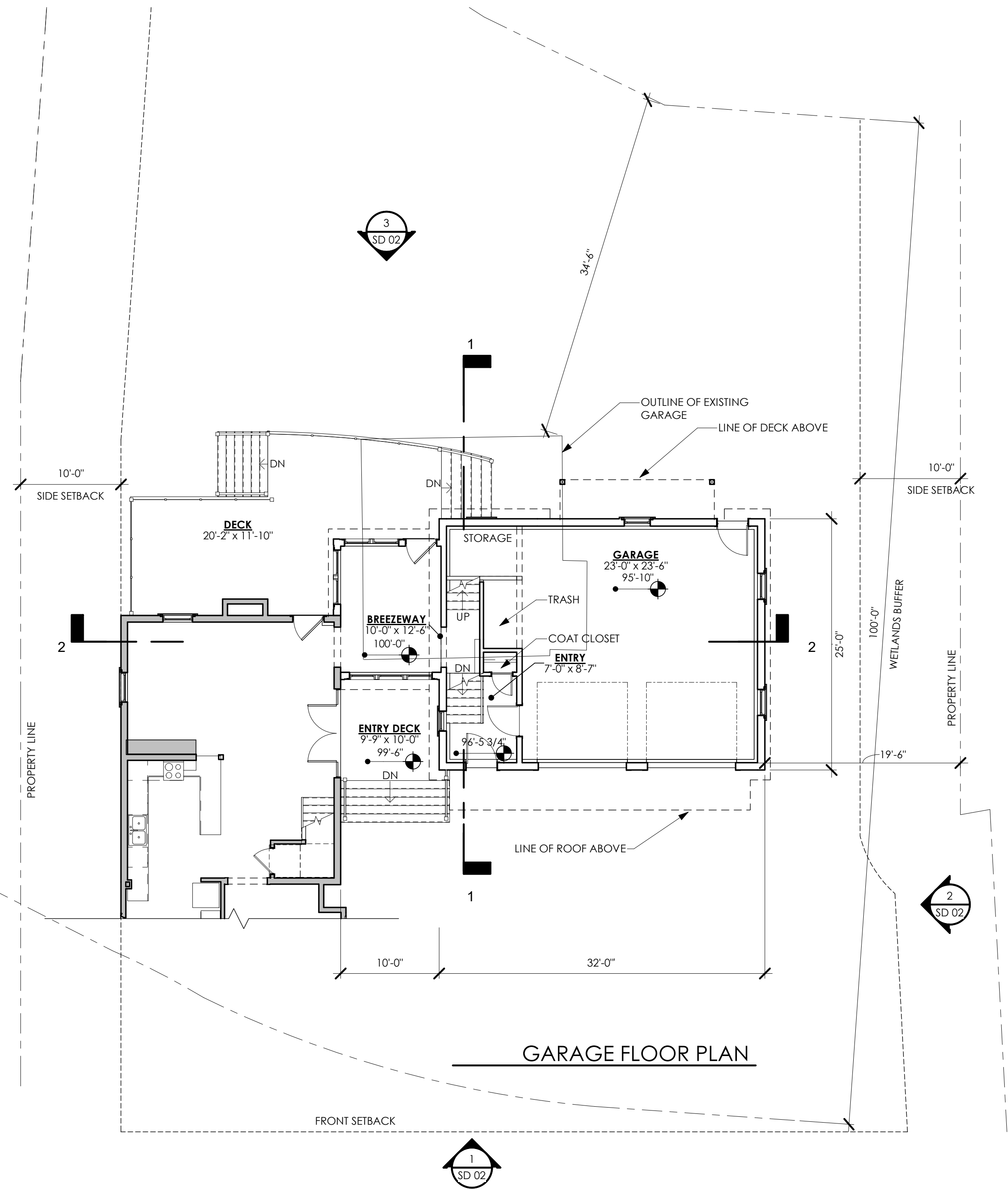
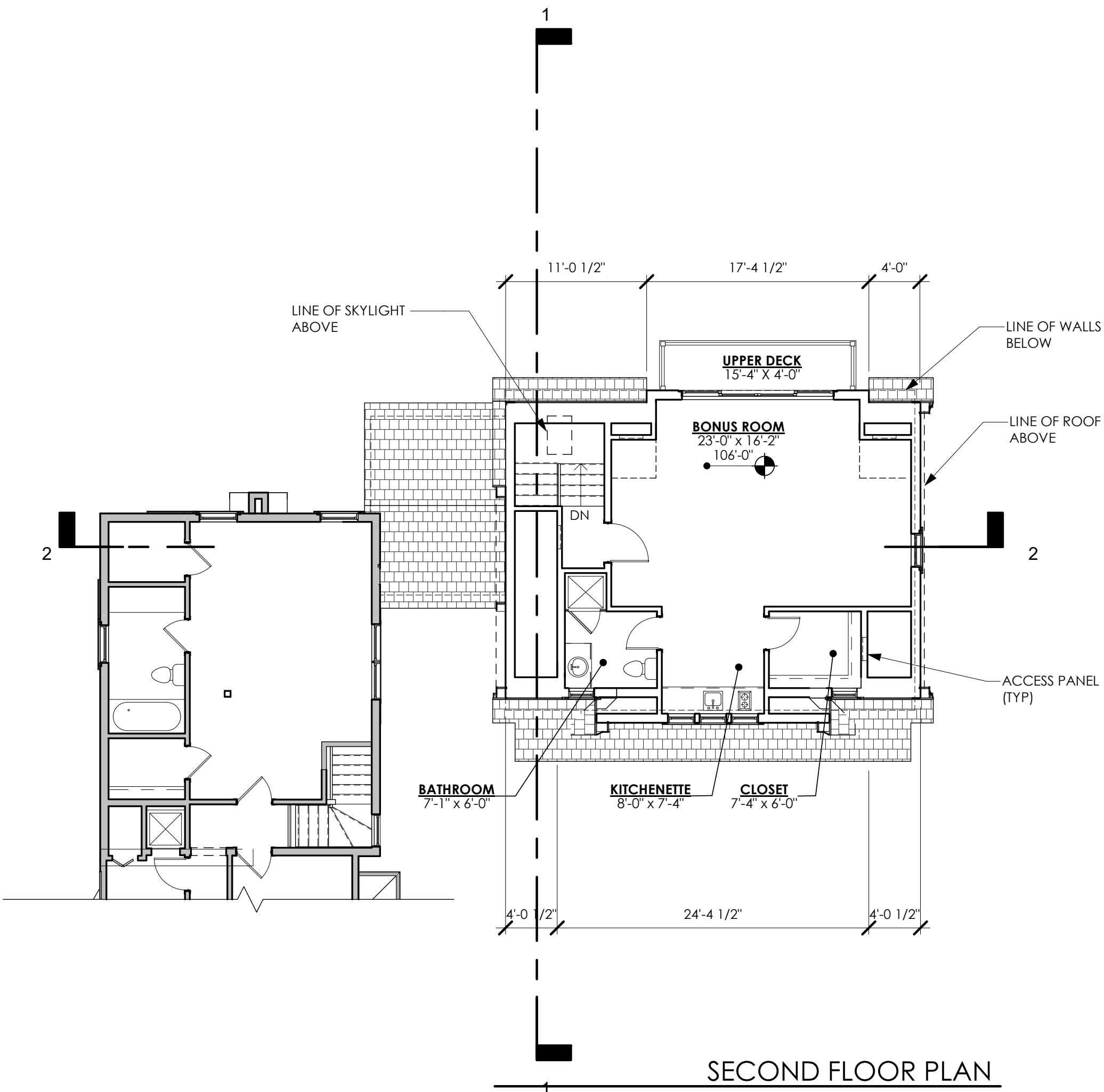
PROJECT:  
  
OUELLETT  
RESIDENCE  
  
TAX MAP 152, LOT 20  
124 KENSINGTON ROAD  
PORTSMOUTH, NH

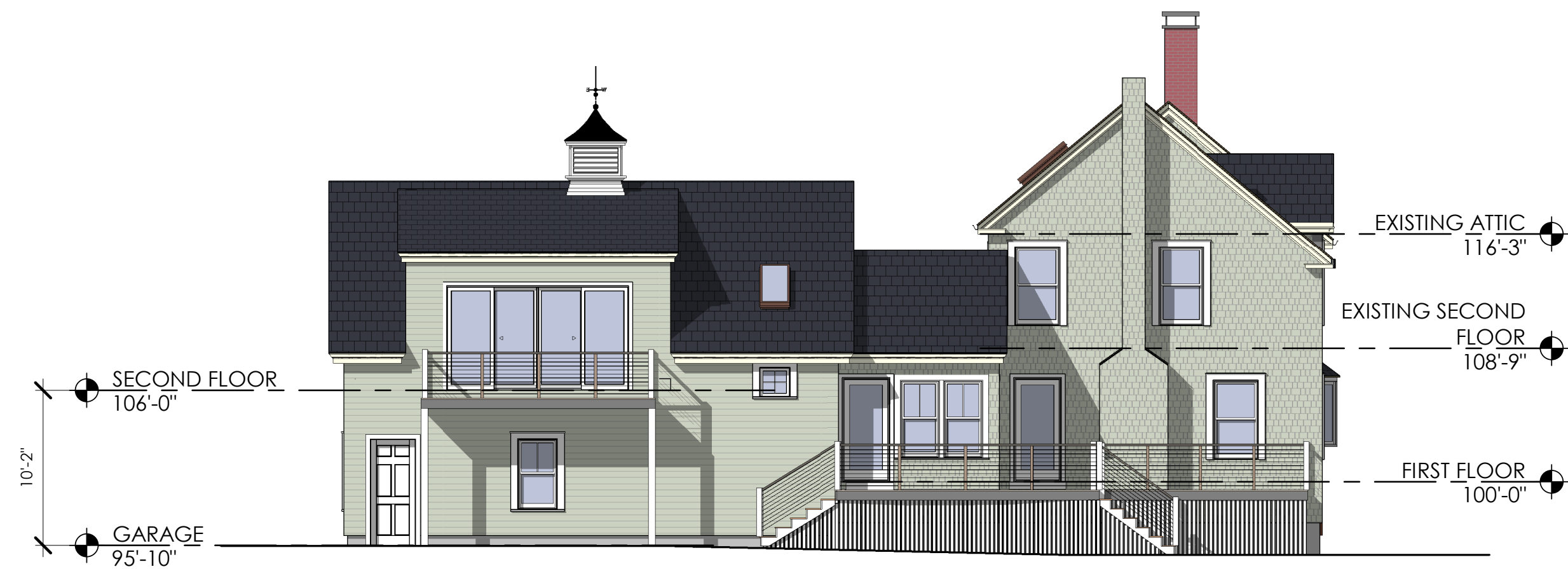
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SITWORK  
CONSTRUCTION  
DETAILS

SHEET NUMBER:  
  
D-1

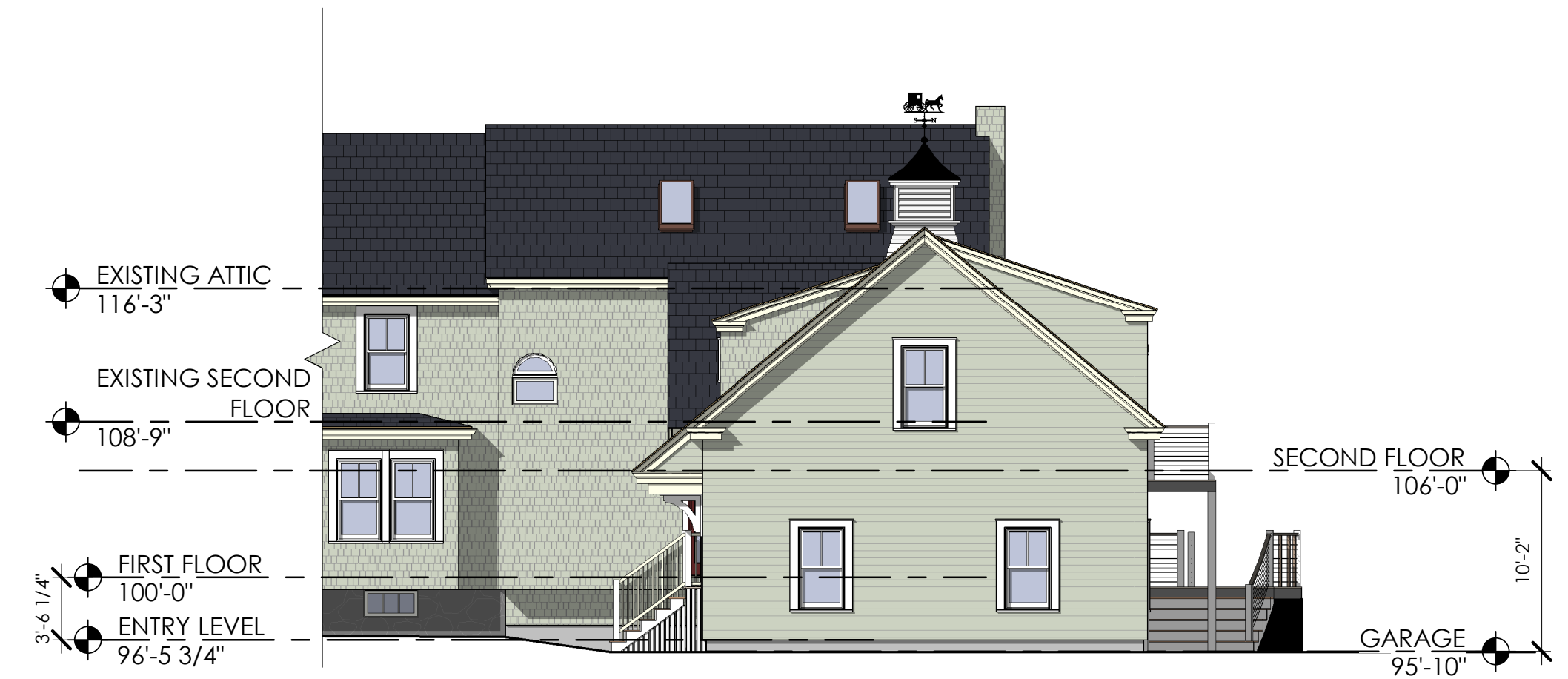


AREA BREAKDOWN	
FIRST FLOOR	221 SF
SECOND FLOOR	589 SF
TOTAL HEATED	810 SF
GARAGE	616SF

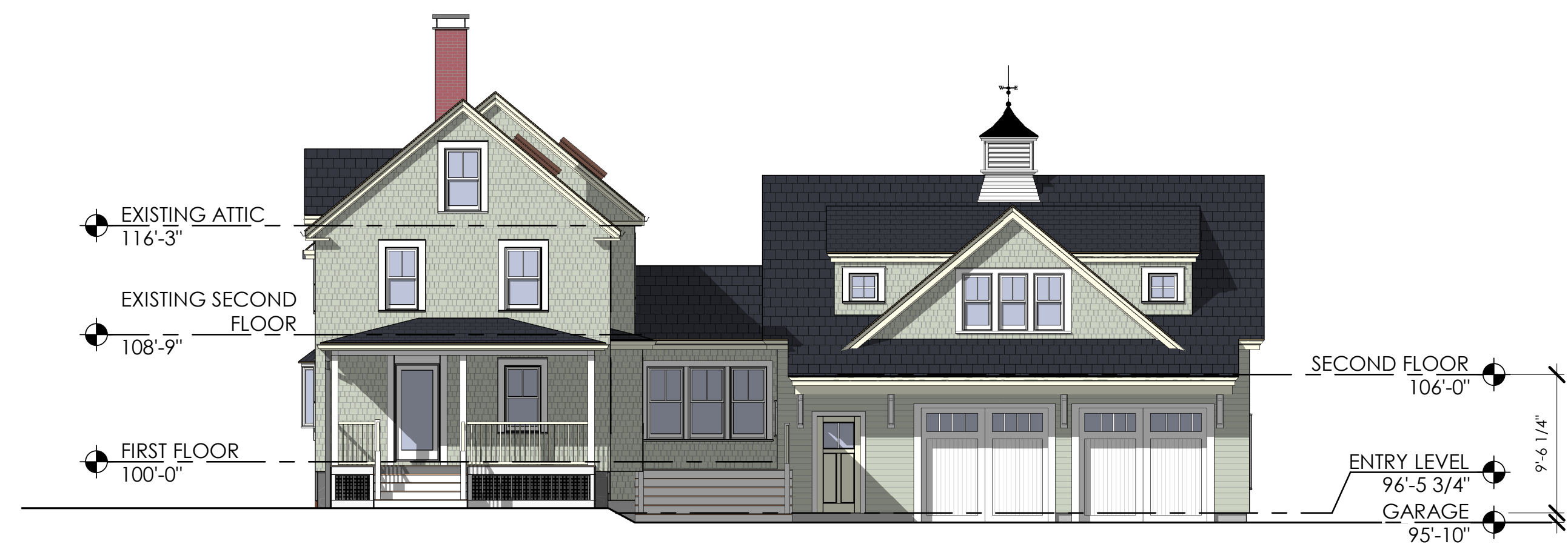




PROPOSED NORTH ELEVATION 3  
1/8" = 1'-0"



PROPOSED EAST ELEVATION 2  
1/8" = 1'-0"



PROPOSED SOUTH ELEVATION 1  
1/8" = 1'-0"



NOTES

1. DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT SITE PLANS TO OBTAIN CITY APPROVALS.
2. THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, 124 KENSINGTON ROAD, PORTSMOUTH, N.H., ASSESSOR'S PARCELS 152-20" BY JAMES VERRA AND ASSOCIATES, INC., DATED 04/25/2022.
3. ZONES: SRB (SINGLE RESIDENTIAL B)
4. PROJECT PARCEL: TAX MAP 152 LOT 20 19,044 S.F. (±0.44 AC.)
5. DIMENSIONAL REQUIREMENTS:
- |                         | SRB                             | PROVIDED    |
|-------------------------|---------------------------------|-------------|
| MIN. LOT AREA:          | 15,000 S.F. (0.34 AC.)          | 19,044 S.F. |
| MIN. STREET FRONTAGE:   | 100'                            | ±100'       |
| MIN. LOT DEPTH:         | 100'                            | ±202'       |
| FRONT SETBACK:          | 30' (±28.6' EXISTING)           | ±28.6'      |
| SIDE SETBACK:           | 10' (±1.6' EXISTING)            | ±1.6'       |
| REAR SETBACK:           | 30' (±62.0' EXISTING)           | ±62.0'      |
| MAX. BUILDING HEIGHT:   | 35' (SLOPED ROOF)               | <35'        |
|                         | (±29.5' - EXISTING TWO STORIES) |             |
| MAX. BUILDING COVERAGE: | 20% (±11.3% EXISTING)           | ±15.2%      |
| MIN. OPEN SPACE:        | 40% (±78.1% EXISTING)           | ±73.5%      |
| WETLAND BUFFER:         | 100' (±22.2' EXISTING)          | ±22.2'      |
| WETLAND NO-CUT:         | 25'                             | 25'         |

LOT AREA IN WETLAND: ±4,244 S.F. (±22.3%)

LOT AREA IN WETLAND & WETLAND BUFFER: ±15,424 S.F. (±81.0% OF PARCEL)

EXISTING LOT IMPERVIOUS IN WETLAND BUFFER: ±3,123 S.F. (±16.4%)

PROPOSED LOT IMPERVIOUS IN WETLAND BUFFER: ±3,182 S.F. (±16.7%)

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L7	N 43°27'15" W	3.38
L8	N 51°19'35" E	62.11
L9	S 36°08'54" E	100.00

6. OPEN SPACE CALCULATION

TOTAL LOT AREA:

19,044± S.F.

EXISTING PROPOSED

HOUSE/GARAGE/SHED/DECKS

2,157± S.F.

2,901± S.F.

DRIVEWAY

1,140± S.F.

1,105± S.F.

HARDSCAPING IMPERVIOUS/WALLS

866± S.F.

895± S.F.

TOTAL COVERAGE

4,163± S.F.

4,901± S.F.

OPEN SPACE

14,881± S.F. (78.1%)

13,993± S.F. (73.5%)

TOTAL LOT IMPERVIOUS (PAVEMENT, BLDGS., DECKS, WALLS) - EXCLUDING PERMEABLE PAVERS

4,163± S.F.

3,796± S.F.

8. PORTIONS OF THE SITE ARE IN FLOOD HAZARD ZONE X PER FLOOD INSURANCE RATE MAP (FIRM), ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP #33015C0278F JANUARY 29, 2021.
9. WETLANDS WERE DELINEATED BY MICHAEL CUOMO, NH CERTIFIED WETLANDS SCIENTIST #004 ON JULY 16, 2021.
10. THE TOTAL AREA OF THE INLAND WETLAND IS APPROXIMATELY 6.9 ACRES PER MAPGEO DATA.
11. ZONING SECTION 10.1016 - CONDITIONAL USE PERMIT REQUIRED FOR WORK IN THE CITY WETLAND BUFFER.

WETLANDS BUFFER IMPACT TABLE

DIRECT WETLANDS IMPACTS	=	0 SF
WETLANDS BUFFER IMPACTS	=	4,320 SF
EXISTING IMPERVIOUS AREA IN WETLANDS BUFFER	=	3,123 SF
PROPOSED IMPERVIOUS AREA IN WETLANDS BUFFER	=	3,182 SF

SHRUBS FOR BUFFER PLANTING  
CLETHRA ALNIFOLIA  
VACCINIUM ANGUSTIFOLIUM  
COMPTONIA PEREGRINA  
TRANSPLANTED RUBUS IDAEUS

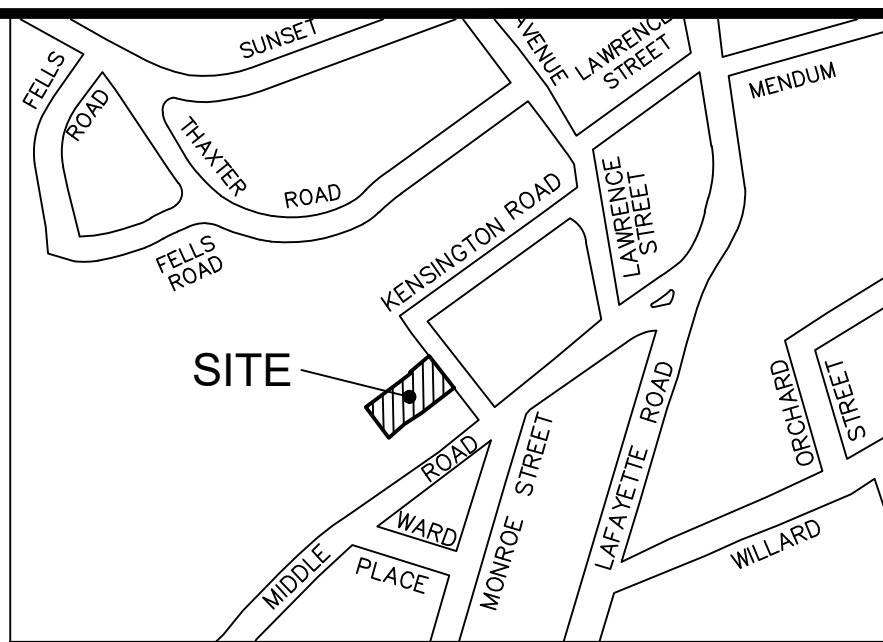
HERBACEOUS PLANTS  
IRIS VERSICOLOR  
POLYSTICHUM ACROSTICHODES  
TIARELLA CORDIFOLIA  
DENNSTAEDTIA PUNCTILOBULA  
ASTER NOVAE ANGLIAE

PLANT SPACING  
PLANT SHRUBS 5' ON CENTER OR 4 PER 100 S.F.

PLANT NERBACEOUS PLANTS 3' ON CENTER OR 11 PER 100 S.F.

LEGEND:

- ..... IRON PIPE FOUND  
● ..... IRON ROD FOUND (UNLESS NOTED)  
△ ..... SURVEY NAIL (AS NOTED)  
— ..... CHAIN LINK FENCE  
— ..... WOOD FENCE  
..... CEMENT CONCRETE PAD  
..... BRICK PAVERS  
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..... WETLAND FLAG



LOCUS  
(N.T.S.)

APPROVED BY THE PORTSMOUTH PLANNING BOARD

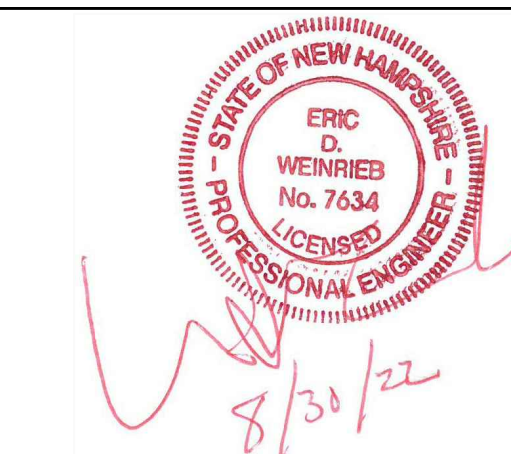
CHAIRMAN

DATE

**ALTUS**  
ENGINEERING, INC.

133 Court Street  
(603) 433-2335

Portsmouth, NH 03801  
www.altus-eng.com



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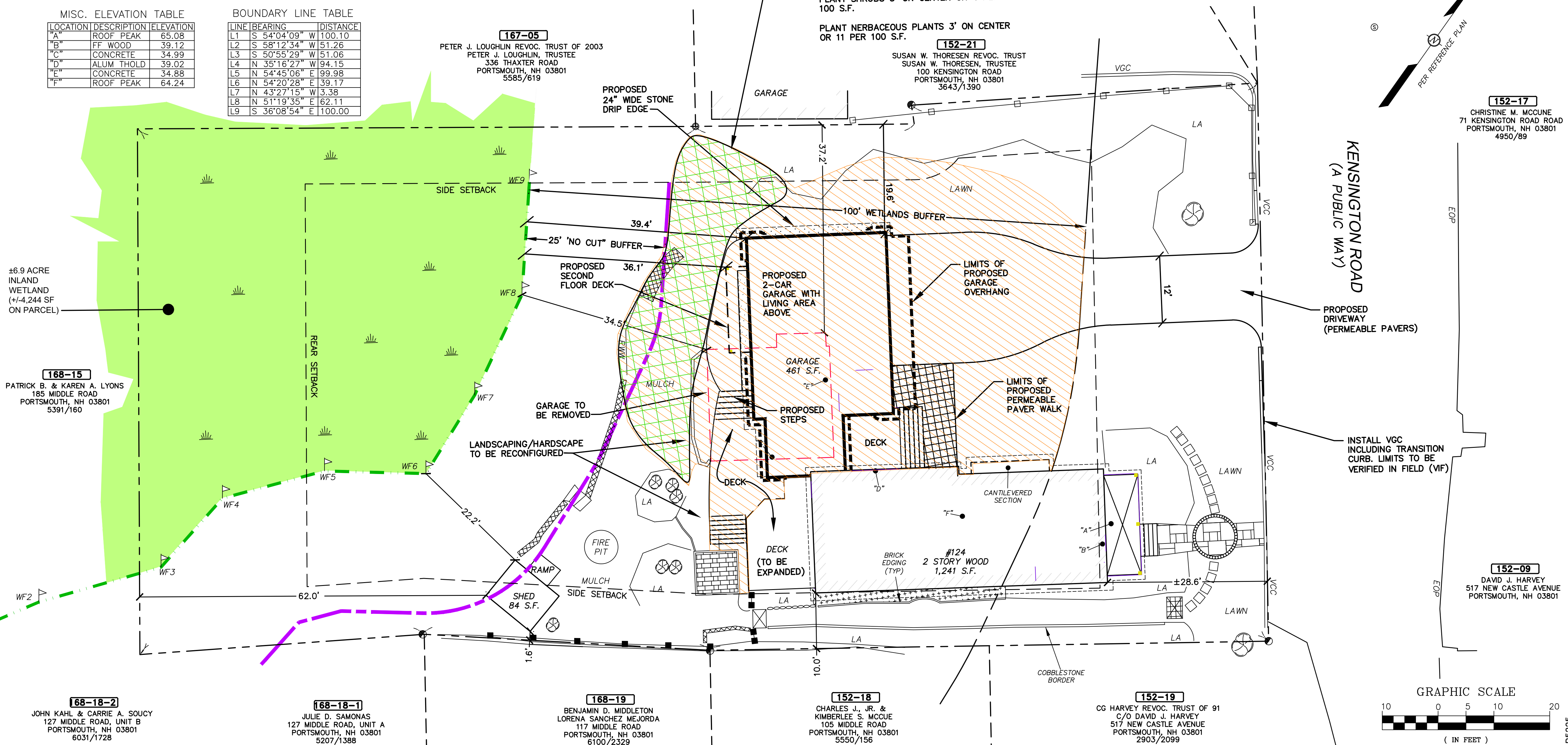
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OUELLETT  
RESIDENCE

TAX MAP 152, LOT 20  
124 KENSINGTON ROAD  
PORTSMOUTH, NH

TITLE:  
WETLANDS BUFFER  
CONDITIONAL USE  
PLAN

SHEET NUMBER:

1 OF 1







**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

25 July 2022

Wetland Inspector  
New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

**Re: NHDES Major Impact Wetland Permit Application  
Tax Map 102, Lot 25  
41 Pickering Avenue  
Portsmouth, New Hampshire**

Dear Wetland Inspector:

This letter transmits a New Hampshire Department of Environmental Services (NHDES) Major Impact Wetland Permit Application request to propose the addition of a "float wing" to an existing commercial tidal docking structure consisting of a 3' x 40' gangway and a 10' x 70' float totaling 820 sq. ft. of permanent impact to tidal wetlands.

Attached to this application you will find a "NH DES Dock Permit Plan-C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and permanent impact areas.

Per Env-Wt 306.05, Certified Wetland Scientist Steve Riker from Ambit Engineering, Inc. classified all jurisdictional areas and identified the predominant functions off all relevant resources. The Highest Observable Tide Line marks the reference line for the 100' TBZ, as well the beginning of Tidal Wetland on the attached plan set. Attached to this application is a Wetland Functions and Values Assessment and Coastal Vulnerability Assessment summarizing these functions; as this project is subject to the requirements of Env-Wt 603.04 and Env-Wt 603.05.

The proposed float wing will be accessed using a gangway, eliminating the need to construct a new fixed pier supported by piles, reducing direct impacts to the tidal wetland resource, representing the least impacting alternative. The project will have no impact on the functions and values of the adjacent tidal wetland. The docking structure has been designed to allow the adjacent tidal resource to maintain its current functions and values. The docking structure will not contribute to additional storm water or pollution. It is anticipated that there will be no affect on any fish and wildlife species that currently use the site for food, cover, and/or habitat. The tidal docking structure will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement.

The docking structure has been designed to provide boating access utilizing the natural grade of the dock location. There is no grading of the shoreline required to construct the dock. There will be no construction activity that will disturb the area adjacent to the use. All work will be performed from a crane barge at low tide. The barge floats into position and the float stop piles are driven by the crane equipped with a vibratory

hammer. This method eliminates any contact of construction equipment with the protected resource. Portions of the gangway and float (three float sections) are pre-fabricated off site and transported to the site via crane barge.

The construction sequence for the proposed structure are as follows:

- Mobilization of a crane barge, push boat, work skiff, materials and prefabricated components such as the gangway and floats to the site via the Piscataqua River.
- Mobilization of equipment trucks to the site.
- The barge will be positioned alongside the proposed location of the float and waterward of any emergent vegetation to minimize impacts.
- All work will be performed at low tide to minimize sedimentation.
- Float stop piles will be driven by a vibratory hammer eliminating any excavation for installation of the piles. Piles are driven to refusal.
- Once float stop installation is complete, the gangway and float are brought into position and installed.

The project represents the alternative with the least adverse impacts to areas and environments while allowing reasonable use of the property.

Per Env-Wt 603.02(b), attached to this application you will find a plan set which depicts the existing lot, jurisdictional areas, all natural resources in the area, abutting parcels, existing structures, and proposed structures. Also included in this application are maps created in accordance with Env-Wt 603.03 and Env-Wt 603.05.

In order to complete the application package for this project, the DES Wetlands Bureau rules in Chapter Env-Wt 306.05 (a)(2) has been evaluated and addressed below.

(2) a. Contains any documented occurrences of protected species or habitat for such species, using the NHB DataCheck tool;

**Attached to this application are the results of the NHB review and it was determined that Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) has the potential to occur within the project area. Ambit Engineering will coordinate with NHF & G regarding the protected species and comments will be forwarded to NH DES upon receipt.**

(2) b. Is a bog;

**Utilizing the NH DES WPPT, the subject property is not a bog, nor does it contain any portion of a bog.**

(2) c. Is a floodplain wetland contiguous to a tier 3 or higher watercourse;

**Utilizing the NH DES WPPT, the subject property does contain a floodplain wetland contiguous to a tier 3 or higher watercourse.**



(2) d. Does the property contain a designated prime wetlands or a duly established 100-foot buffer; or  
**The property does not contain a prime wetland or duly established 100 foot buffer.**

(2) e. Does the property contain a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone;  
**The property does not contain a sand dune. The property does contain a tidal wetland and tidal waters.**

The DES Wetlands Bureau rules in Chapter Env-Wt 306.05 (a)(4) and (a)(7) has been evaluated and addressed below.

(4) a. Is the subject property within LAC jurisdiction;  
**The property does not fall within an area of LAC jurisdiction.**

(4) b. Does the subject property fall within or contain any areas that are subject to time of year restrictions under Env-Wt 307;  
**The property does not fall within or contain any areas that are subject to time of year restrictions.**

(7) Does the project have potential to impact impaired waters, class A waters, or outstanding resource waters;  
**I do not believe the nature of the proposed project has the potential to impact an impaired water.**

The DES Wetlands Bureau rules in Chapter Env-Wt 603.02 (e) & (f) have been evaluated and addressed below.

(e)(1) The project meets the standard conditions in Env-Wt 307;  
**The project meets the standard conditions in Env-Wt 307 as the proposed docking structure meets the standards of Env-Wq 1000, RSA 483-B and Env-Wq 1400. Sediment and erosion controls will also be used and maintained during the proposed construction ensuring protection of water quality on the site. Since the construction will be conducted during low tide conditions, it is not anticipated that there will be any impacts to fish or shellfish. Under Env-Wt 306.05 (a)(2)a. a NHB review has been performed to ensure there are no impacts to protected species or habitats of such species. The protection of Prime Wetlands or Duly-Established 100 foot buffers does not apply as none exist on or adjacent to the subject lot.**

(e)(2) The project meets the approval criteria in Env-Wt 313.01;  
**The project meets the approval criteria in Env-Wt 313.01 as the project requires a functional assessment (attached), meets the avoidance and minimization requirements specified in Env-Wt 313.03, does require compensatory mitigation (see below), meets applicable conditions specified in Env-Wt 307 (above), meets project specific criteria listed in Env-Wt 600 (above), and the project is located entirely within the boundary of the applicants property.**

(f)(1) The project design narrative as described in Env-Wt 603.06;  
**The project design narrative is provided above.**

(f)(2) Design plans that meet the requirements of Env-Wt 603.07;  
**The design plans meet the above standard.**

(f)(3) The water depth supporting information required by Env-Wt 603.08;  
**The design plans provide water depth information.**

(f)(4) A statement regarding impact on navigation and passage required by Env-Wt 603.09.

**The Permit Plan Set will be provided to the Pease Development Authority, Division of Ports and Harbors, for formal review and comment by the Harbormaster. That documentation will be provided to NH DES upon receipt.**

In accordance with New Hampshire Administrative Rule Env-Wt 606.02(a) and 606.06(e), the marine contractor which will be constructing the proposed dock modification utilizes a vibratory hammer to install piles. The vibratory hammer uses vibration to install the pile in the marine sediment, instead of a standard hammer which uses a physical force to drive the pile, and subsequently a much greater noise impact. Using the vibratory hammer is the least impacting alternative to drive piles for dock construction.

The proposed pile locations for the dock which are located above the Mean Low Water (MLW) line will be installed at low tide. Installation during "the dry" greatly reduces the amount of noise that is transmitted into the water column, as no water will be present at the pile location.

The DES Wetlands Bureau rules in Chapter **Env-Wt 606.10 Commercial Tidal Docks: Marinas** has been evaluated and addressed below.

- (a) To avoid damage to the environment due to the leakage or spills of fuels, lubricants, waste products, or other pollutants, marinas shall be designed, constructed, and operated in compliance with all applicable provisions of:

- (1) RSA 146-A and Env-Or 300 relative to aboveground petroleum storage facilities;

**The project proposes a "float wing" expansion to an existing commercial tidal docking structure. There is no proposal to provide aboveground petroleum storage, nor does any above ground petroleum storage exist under current conditions.**

- (2) RSA 146-C and Env-Or 400 relative to underground storage facilities;

**The project proposes a "float wing" expansion to an existing commercial tidal docking structure. There is no proposal to provide underground storage, nor does any underground storage exist under current conditions.**

- (3) RSA 147-A and subtitle Env-Hw relative to hazardous waste management;

**The project proposes a "float wing" expansion to an existing commercial tidal docking structure. The existing use does not generate and the proposed use will not transport or recycle any hazardous waste materials. The existing and proposed use of the property does not have a facility that performs mechanical repairs on vessels, abrasive blasting, painting and hull sanding that would generate a hazardous waste material.**

- (4) RSA 483-B and Env-Wq 1400 relative to shoreland protection;

**The project proposes a "float wing" expansion to an existing commercial tidal docking structure. I believe the proposal meets RSA 483-B and Env-Wq 1400 as the proposed float wing does not require any removal of vegetation in the 50' Waterfront Buffer and the 150' Natural Woodland Buffer, does not add any impervious surfaces to the property and does not add an accessory structure or any modified surfaces to the property.**

- (5) RSA 485-A and Env-Wq 1700 relative to surface water quality;

**The project proposes a “float wing” expansion to an existing commercial tidal docking structure. The existing and proposed use of the property does not generate any pollutants, does not include a wastewater treatment discharge, does not create a mechanism that would decrease dissolved oxygen levels in surface waters, does not create any need for benthic deposits, does not create a mechanism for oil and grease pollution (no existing or proposed mechanical repair facilities on site), does not create a mechanism for turbidity in surface waters, does not create a mechanism that would increase water temperature, does not have a source of nutrients on the property that would discharge in to surface waters, does not have a source of radioactive materials, does not have a mechanism to affect the pH of surface waters, does not have a mechanism to be detrimental to biological and aquatic communities and will not have an impact on human health.**

- (6) RSA 485-A, RSA 485-C, and Env-Wq 401 relative to groundwater best management practices;

**The project proposes a “float wing” expansion to an existing commercial tidal docking structure. The existing and proposed use of the property does not include the storage or transfer of any regulated substances, does not propose any facilities that would contain a floor drain, a work sink or a holding tank.**

Attached to this application is a waiver request to Env-Wt 606.10 (c) (1) through (5) and Env-Wt 606.10 (d) (1) through (5).

Env-Wt 606.10 (e) has been evaluated and addressed below.

- (1) One or more structures on frontage, which shall meet the 20-foot property setbacks;

**The existing tidal docking structure and the proposed “float wing” meets the 20 foot property setbacks from property line extended.**

- (2) Resource limitations identified by the results of the CFA report;

**There are no resource limitations that needed to be considered in the design location of the proposed “float wing”. Maps of eelgrass, shellfish habitat, highest ranked wildlife habitat and the NHB Data Check Results Letter (NHB:22-0920) are attached to this application. Coordination with NHF & G regarding the protected species and comments will be forwarded to NH DES upon receipt. The float system will be equipped with float stops which will serve to keep the float a minimum of 24’ off the substrate at low tide as required per Env-Wt 606.07 (h).**

- (3) Water depths as documented in the CFA report and compliance with length and square footage requirements;

**The proposed float wing does not extend to a distance that would provide water under the float at all tides. As a result, the float system will be equipped with float stops which will serve to keep the float a minimum of 24’ off the substrate at low tide as required per Env-Wt 606.07 (h). The float stops will serve to prevent mechanical and/or hydraulic damage to the substrate and therefore will maintain the current functions & values of the wetland resource (see attached CFA).**

- (4) Compensatory mitigation for square footage of structural coverage below HOTL that exceeds 2,000 SF;

**The project would require compensatory mitigation which is addressed per Env-Wt 605.04(a), as compensatory mitigation is required and the type of compensatory mitigation must be determined as specified in Env-Wt 801.03(a) or (b) which is addressed below.**

- (5) Dock length limitations based on water depth information;

**The proposed float wing does not extend to a distance that would provide water under the float at all tides, nor is the overall length greater than 200 feet.**

- (6) Dock width and square footage limitations as described for residential tidal docks;

**The project proposes a “float wing” expansion to an existing commercial tidal docking structure. The expansion does not include the construction of a new fixed wood pier yet utilizes the existing pier to attach a new gangway providing foot access to the new float. As described above, the structural coverage of all docking components below the HOTL therefore compensatory mitigation will be required and is addressed below.**

Env-Wt 606.10 (f) has been evaluated and addressed below.

Finger floats shall be used instead of permanent structures where practicable.

**The project proposes a “float wing” expansion to an existing commercial tidal docking structure which consists of a 3’ x 40’ gangway attached to the existing fixed wood pier leading to a 10’ x 70’ finger float.**

In accordance with Env-Wt 605.04(a), as compensatory mitigation is required, the type of compensatory mitigation must be determined as specified in Env-Wt 801.03(a) or (b).

The resulting deck surface area of existing and proposed structures is 2,759 sq. ft. broken down as follows:

Existing Docking Structure: 1,939 sq. ft.

Proposed Float Wing: 820 sq. ft.

Total Proposed Docking Surface Area: 2,759 sq. ft.

Per Env-Wt 801.03 (a), on-site mitigation is not practicable as the entire lot is developed and no area exists that could provide mitigation. Per Env-Wt 801.03 (b), where on-site mitigation is not practicable, the local Conservation Commission may have a list of mitigation projects appropriate relative to fulfilling the applicants mitigation responsibility. An email requesting a list and/or a local mitigation project that would be appropriate was sent to Peter Britz, City of Portsmouth Environmental Planner/Sustainability Coordinator on July 21, 2022. Attached to this document is the email correspondence for your use.

Under Env-Wt 801.03 (b)(1), preservation of an aquatic resource buffer is not practicable as the entire lot is developed and opportunity to preserve a buffer does not exist. Under Env-Wt 801.03 (b)(2), restoration, enhancement or creation of wetlands on the property is not practicable as the entire lot is developed, contains structures and/or items directly appurtenant to the existing (and proposed) use and no vegetated buffer exists that could be enhanced along the shoreline of the property. Under Env-Wt 801.03 (b)(3), providing for an in-lieu fee payment is the only appropriate mitigation to off set proposed impacts and the owner/applicant would provide this payment upon receipt of the required amount from NH DES.

In accordance with Env-Wt 605.03 Impacts Requiring Mitigation, the required Compensatory Mitigation/Pre-application Mitigation Meeting was conducted on May 16, 2022 and was attended by Lori Sommer and Kristin Duclos, both staff members of NH DES.

Lastly, the proposed structure will use CCA (Chromated Copper Arsenate) treated lumber. The proposed piles will be CCA treated 12" diameter southern yellow pine. Attached to this application is a Safety Data Sheet for CCA treated wood. Per the data sheet, toxicity is limited to inhalation of wood dust originating from CCA treated lumber. Additionally, per the Safety Data Sheet, 12. Ecological Information (page 12) "The product is not classified as environmentally hazardous. However, this does exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment." The product is also insoluble in water. The marine contractor that will be constructing the proposed docking structure receives the timber piles and lumber pre-treated. The marine contractor does not treat the lumber, and therefore there is no risk of spilling the treatment chemical in or near resource areas.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS  
NH Certified Wetland Scientist/Permitting Specialist  
Ambit Engineering, Inc.

17 March, 2021

**To Whom It May Concern:**

**RE: State of New Hampshire Department of Environmental Services  
Application for proposed docking structure repair within the previously  
developed 100' Tidal Buffer Zone and jurisdictional wetlands for Esther's  
Marina, LLC at 41 Pickering Ave Portsmouth, NH 03801**


This letter is to inform the State of New Hampshire DES and the City of Portsmouth  
in accordance with State Law that the following entities:

Riverside Marine Construction, Inc.  
Ambit Engineering, Inc

are authorized to represent us as our agents in the approval process.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,



Esther's Marina, LLC  
Esther Kennedy, Manager  
41 Pickering Ave  
Portsmouth, NH 03801



**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:** Esther's Marina, LLC

**TOWN NAME:** Portsmouth

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the [Waiver Request Form](#).

**SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))**

Please use the [Wetland Permit Planning Tool \(WPPT\)](#), the Natural Heritage Bureau (NHB) [DataCheck Tool](#), the [Aquatic Restoration Mapper](#), or other sources to assist in identifying key features such as: [priority resource areas \(PRAs\)](#), [protected species or habitats](#), coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Protected species or habitat? <ul style="list-style-type: none"> <li>If yes, species or habitat name(s): Atlantic sturgeon (<i>Acipenser oxirinchus</i>), shortnose sturgeon (<i>Acipenser brevirostrum</i>)</li> <li>NHB Project ID #: 22-0920</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Bog?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Floodplain wetland contiguous to a tier 3 or higher watercourse?</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Designated prime wetland or duly-established 100-foot buffer?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Name of Local River Management Advisory Committee (LAC):</li> </ul>	

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

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<ul style="list-style-type: none"> <li>A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text"/> N/A</li> </ul>	
For dredging projects, is the subject property contaminated? <ul style="list-style-type: none"> <li>If yes, list contaminant: <input type="text"/></li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see <a href="#">WPPT</a> or Stream Stats): <input type="text"/> N/A	
<b>SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))</b> Provide a <b>brief</b> 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"; please use the space provided below.  The project proposes the addition of a "float wing" to an existing commerical docking structure consisting of a 3' x 40' gangway and a 10' x 70' float totaling 820 sq. ft. of permanent impact to tidal wetland.	
<b>SECTION 3 - PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: <input type="text"/> 41 Pickering Avenue	
TOWN/CITY: <input type="text"/> Portsmouth	
TAX MAP/BLOCK/LOT/UNIT: <input type="text"/> Map 102, Lot 25	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <input type="text"/> Piscataqua River <input type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): <input type="text"/> X: 1,229,389.879° North	

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

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Y: 210,254.2706° West

**SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))**

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Esther's Marina

MAILING ADDRESS: 41 Pickering Avenue

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: esthersmarina@gmail.com

FAX:

PHONE: 603-828-3209

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

**SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))**☐ N/A

LAST NAME, FIRST NAME, M.I.: Riker, Steven, D.

COMPANY NAME: Ambit Engineering, Inc.

MAILING ADDRESS: 200 Griffin Road, Unit 3

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 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))**

If the owner is a trust or a company, then complete with the trust or company information.

☐ 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 7 - 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 for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Please see attached narrative.

**SECTION 8 - AVOIDANCE AND MINIMIZATION**

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).\* Any project with unavoidable jurisdictional impacts must then be minimized as described in the [Wetlands Best Management Practice Techniques For Avoidance and Minimization](#) and the [Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet](#). For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).\*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the [Avoidance and Minimization Checklist](#), the [Avoidance and Minimization Narrative](#), or your own avoidance and minimization narrative.

*\*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.*

**SECTION 9 - 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 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)**

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: ☒ I confirm submittal.

(☐ N/A – Compensatory mitigation is not required)

**SECTION 11 - 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 a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

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			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland						
	Scrub-shrub Wetland						
	Emergent Wetland						
	Wet Meadow						
	Vernal Pool						
	Designated Prime Wetland						
	Duly-established 100-foot Prime Wetland Buffer						
Surface Water	Intermittent / Ephemeral Stream						
	Perennial Stream or River						
	Lake / Pond						
	Docking - Lake / Pond						
	Docking - River						
Banks	Bank - Intermittent Stream						
	Bank - Perennial Stream / River						
	Bank / Shoreline - Lake / Pond						
Tidal	Tidal Waters						
	Tidal Marsh						
	Sand Dune						
	Undeveloped Tidal Buffer Zone (TBZ)						
	Previously-developed TBZ						
	Docking - Tidal Water	820					
<b>TOTAL</b>		820					

**SECTION 12 - 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):		SF	×	\$0.40 =	\$	
Seasonal docking structure:		SF	×	\$2.00 =	\$	
Permanent docking structure:	820	SF	×	\$4.00 =	\$	3,280
Projects proposing shoreline structures (including docks) add \$400 =					\$	400
Total =					\$	3680

**The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =** \$

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**SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)**

Indicate the project classification.

☐ Minimum Impact Project☐ Minor Project☒ Major Project**SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)**

Initial each box below to certify:

Initials:

SR

To the best of the signer's knowledge and belief, all required notifications have been provided.

Initials:

SR

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:

SR

The signer understands that:

- The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:
  1. Deny the application.
  2. Revoke any approval that is granted based on the information.
  3. 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.
- The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.
- 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 forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.

Initials:

SR

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 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)**

SIGNATURE (OWNER):

PRINT NAME LEGIBLY:

DATE:

SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):

PRINT NAME LEGIBLY:

DATE:

SIGNATURE (AGENT, IF APPLICABLE):

Steven Riker

PRINT NAME LEGIBLY:

Steven D. Riker

DATE:

7/25/2022

**SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))**

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:

PRINT NAME LEGIBLY:

TOWN/CITY:

DATE:

**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.
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 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. Make check or money order payable to "Treasurer – State of NH".



## COASTAL RESOURCE WORKSHEET

### Water Division/Land Resources Management Wetlands Bureau

[Check the Status of your Application](#)



**RSA/Rule:** RSA 482-A/ Env-Wt 600

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Esther's Marina, LLC

**Applicability:** This worksheet may be used to present the information required for projects in coastal areas in addition to the information required for Lower-Scrutiny Approvals, Expedited Permits, and Standard Permits under Env-Wt 603.01.

Please refer to Env-Wt 605.03 for impacts requiring compensatory mitigation.

#### **SECTION 1 - REQUIRED INFORMATION (Env-Wt 603.02; Env-Wt 603.06; Env-Wt 603.09)**

The following information is required for projects in coastal areas.

Describe the purpose of the proposed project, including the overall goal of the project, the core project purpose including a concise description of the facilities and work that could impact jurisdictional areas, and the intended project outcome. Specifically identify all natural resource assets in the area proposed to be impacted and include maps created through a data screening in accordance with Env-Wt 603.03 (refer to Section 2) and Env-Wt 603.04 (refer to Section 3) as attachments.

**The project proposes to expand an existing commercial tidal docking structure consisting of the addition of a 3' x 40' gangway and a 10' x 70' float attached to the existing fixed wood pier totaling 820 sq. ft. of permanent impact to tidal wetlands. The proposed tidal dock expansion will allow Esther's Marina LLC to expand the existing commercial business of renting kayaks to the general public to enjoy the adjacent Piscataqua River. Since the tidal dock expansion will serve to provide a water dependent function, practicable alternatives along the 210+/-feet of shoreline are reduced due to abutting properties with similar structures, maintaining a 20 foot setback to property lines extended and maintaining navigational access to adjacent and nearby properties. The proposed structure has been placed to provide the intended function and provide safe navigation to and from the proposed float location.**

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For standard permit projects, provide:

- ☒ A Coastal Functional Assessment (CFA) report (refer to Section 3); and
- ☒ A vulnerability assessment (refer to Section 4).

Explain all recommended methods and other considerations to protect the natural resource assets during and as a result of project construction in accordance with Env-Wt 603.04, Env-Wt 311.07, and Env-Wt 313.

**A Coastal Functional Assessment and a Coastal Vulnerability Assessment is attached to this application per Env-Wt 603.04. An Avoidance & Minimization Form is attached to this application, and also described in the attached narrative letter per Env-Wt 311.07 and Env-Wt 313.**

Provide a narrative showing how the project meets the standard conditions in Env-Wt 307 and the approval criteria in Env-Wt 313.01.

**The project plan set, specifically the Details-Sheet D1 includes all notes demonstrating compliance with Env-Wt 307 and Env-Wt 313.01.**



Provide a project design narrative that includes the following:

- ☒ A discussion of how the proposed project:
  - Uses best management practices and standard conditions in Env-Wt 307;
  - Meets all avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
  - Meets approval criteria in Env-Wt 313.01;
  - Meets evaluation criteria in Env-Wt 313.01(c);
  - Meets CFA requirements in Env-Wt 603.04; and
  - Considers sea-level rise and potential flooding evaluated pursuant to Env-Wt 603.05;
- ☒ A construction sequence, erosion/siltation control methods to be used, and a dewatering plan; and
- ☒ A discussion of how the completed project will be maintained and managed.

**The completed project will result in an attached gangway and associated float. Other than removal and re-installation for repair or maintenance, there is no maintenance or management of the tidal docking structure over its expected life span, which is 50-100 years.**

- ☒ Provide design plans that meet the requirements of Env-Wt 603.07 (refer to Section 5);
- ☒ Provide water depth supporting information required by Env-Wt 603.08 (refer to Section 6); and
- ☒ For any major project that proposes to construct a structure in tidal waters/wetlands or to extend an existing structure seaward, provide a statement from the Pease Development Authority Division of Ports and Harbors ("DP&H") chief harbormaster, or designee, for the subject location relative to the proposed structure's impact on navigation. If the proposed structure might impede existing public passage along the subject shoreline on foot or by non-motorized watercraft, the applicant shall explain how the impediments have been minimized to the greatest extent practicable.

**Review and comment by the Pease Development Authority will be provided to NH DES upon receipt.**

**SECTION 2 - DATA SCREENING (Env-Wt 603.03, in addition to Env-Wt 306.05)**

Please use the Wetland Permit Planning Tool, or any other database or source, to indicate the presence of:

- ☒ Existing salt marsh and salt marsh migration pathways;
- ☒ Eelgrass beds;
- ☒ Documented shellfish sites;
- ☒ Projected sea-level rise; and
- ☒ 100-year floodplain.

Conduct data screening as described to identify documented essential fish habitat, and tides and currents that may be impacted by the proposed project, by using the following links:

- ☒ [National Oceanic and Atmospheric Administration \(NOAA\) Tides & Currents](#); and
- ☒ [NOAA Essential Fish Habitat Mapper](#).
- ☒ Verify or correct the information collected from the data screenings by conducting an on-site assessment of the subject property in accordance with Env-Wt 406 and Env-Wt 603.04.

**SECTION 3 - COASTAL FUNCTIONAL ASSESSMENT/ AVOIDANCE AND MINIMIZATION (Env-Wt 603.04; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 605.03)**

Projects in coastal areas shall:

- ☒ Not impair the navigation, recreation, or commerce of the general public; and
- ☒ Minimize alterations in prevailing currents.

An applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that the following have been avoided or minimized as required by Env-Wt 313.04:

- ☒ Adverse impacts to beach or tidal flat sediment replenishment;
- ☒ Adverse impacts to the movement of sediments along a shore;
- ☒ Adverse impacts on a tidal wetland's ability to dissipate wave energy and storm surge; and
- ☒ Adverse impacts of project runoff on salinity levels in tidal environments.

For standard permit applications submitted for minor or major projects:

- ☒ Attach a CFA based on the data screening information and on-site evaluation required by Env-Wt 603.03. The CFA for tidal wetlands or tidal waters shall be:
  - ☒ Performed by a qualified coastal professional; and
  - ☒ Completed using one of the following methods:
    - a. The US Army Corps of Engineers (USACE) Highway Methodology Workbook, dated 1993, together with the USACE New England District *Highway Methodology Workbook Supplement*, dated 1999; or
    - b. An alternative scientifically-supported method with cited reference and the reasons for the alternative method substantiated.

For any project that would impact tidal wetlands or tidal waters or associated sand dunes, the applicant shall:

[irm@des.nh.gov](mailto:irm@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)

- ☐ Use the results of the CFA to select the location of the proposed project having the least impact to tidal wetlands, tidal waters or associated sand dunes;
- ☐ Design the proposed project to have the least impact to tidal wetlands, tidal waters or associated sand dunes;
- ☐ Where impact to wetland and other coastal resource functions is unavoidable, limit the project impacts to the least valuable functions, avoiding and minimizing impact to the highest and most valuable functions; and
- ☐ Include on-site minimization measures and construction management practices to protect coastal resource areas.

Projects in coastal areas shall use results of this CFA to:

- ☐ Minimize adverse impacts to finfish, shellfish, crustacea, and wildlife;
- ☐ Minimize disturbances to groundwater and surface water flow;
- ☐ Avoid impacts that could adversely affect fish habitat, wildlife habitat, or both; and
- ☐ Avoid impacts that might cause erosion to shoreline properties.

#### SECTION 4 - VULNERABILITY ASSESSMENT (Env-Wt 603.05)

Refer to the New Hampshire Coastal Flood Risk Summary Part 1: Science and New Hampshire Coastal Flood Risk Summary Part II: Guidance for Using Scientific Projections or other best available science to:

- a. Determine the time period over which the project is designed to serve;

A Coastal Vulnerability Assessment is attached to this application.

- b. Identify the project's relative risk tolerance to flooding and potential damage or loss likely to result from flooding to buildings, infrastructure, salt marshes, sand dunes and other valuable coastal resource areas;

See attached CVA

- c. Reference the projected sea-level rise (SLR) scenario that most closely matches the end of the project design life and the project's tolerance to risk or loss;

See attached CVA

- d. Identify areas of the proposed project site subject to flooding from SLR;

See attached CVA

- e. Identify areas currently located within the 100-year floodplain and subject to coastal flood risk;

See attached CVA

- f. Describe how the project design will consider and address the selected SLR scenario within the project design life, including in the design plans;

See attached CVA

- g. Where there are conflicts between the project's purpose and the vulnerability assessment results, schedule a pre-application meeting with the department to evaluate design alternatives, engineering approaches, and use of the best available science.

☐ Pre-application meeting date held: **N/A**

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

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**SECTION 5 - DESIGN PLANS (Env-Wt 603.07, in addition to Env-Wt 311)**

Submit design plans for the project in both plan and elevation views that clearly depict and identify all required elements:

- ☒ The plan view shall depict the following:
- ☒ The engineering scale used, which shall be no larger than one inch equals 50 feet;
  - ☒ The location of tidal datum lines depicted as a line with the associated elevation noted, based on North American Vertical Datum of 1988 (NAVD 88), derived from [https://tidesandcurrents.noaa.gov/datum\\_options.html](https://tidesandcurrents.noaa.gov/datum_options.html), as described in Section 6.
  - ☒ An imaginary extension of property boundary lines into the waterbody and a 20-foot setback from those property line extensions;
  - ☒ The location of all special aquatic sites at or within 100 feet of the subject property;
  - ☒ Existing bank contours;
  - ☒ The name and license number, if applicable, of each individual responsible for the plan, including:
    - a. The agent for tidal docking structures who determined elevations represented on plans; and
    - b. The qualified coastal professional who completed the CFA report and located the identified resources on the plan; and
  - ☒ The location and dimensions of all existing and proposed structures and landscape features on the property;
  - ☒ Tidal datum(s) with associated elevations noted, based on NAVD 88; and
  - ☒ Location of all special aquatic sites within 100-feet of the property.
- ☒ The elevation view shall depict the following:
- ☒ The nature and slope of the shoreline;
  - ☒ The location and dimensions of all proposed structures, including permanent piers, pilings, float stop structures, ramps, floats, and dolphins; and
  - ☒ Water depths depicted as a line with associated elevation at highest observable tide, mean high tide, and mean low tide, and the date and tide height when the depths were measured. Refer to Section 6 for more instructions regarding water depth supporting information.
- ☒ See specific design and plan requirements for certain types of coastal projects:
- Overwater structures (Env-Wt 606);
  - Tidal shoreline stabilization (Env-Wt 609);
  - Dredging activities (Env-Wt 607);
  - Protected tidal zone (Env-Wt 610);
  - Tidal beach maintenance (Env-Wt 608);
  - Sand Dunes (Env-Wt 611).

**SECTION 6 - WATER DEPTH SUPPORTING INFORMATION REQUIRED (Env-Wt 603.08)**

Using current predicted NOAA tidal datum for the location, and tying field measurements to NAVD 88, field observations of at least 3 tide events, including at least one minus tide event, shall be located to document the range of the tide in the proposed location showing the following levels:

- ☒ Mean lower low water;
- ☒ Mean low water;
- ☒ Mean high water;
- ☒ Mean tide level;
- ☒ Mean higher high water;
- ☒ Highest observable tide line; and
- ☒ Predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05.

The following data shall be presented in the application project narrative to support how water depths were determined:

- ☒ The date, time of day, and weather conditions when water depths were recorded; and
- ☒ The name and license number of the licensed land surveyor who conducted the field measurements.
- ☐ For tidal stream crossing projects, provide water depth information to show how the tier 4 stream crossing is designed to meet Env-Wt 904.07(c) and (d), and for repair, rehabilitation or replacement of tier 4 stream crossings, demonstrate how the requirements of Env-Wt 904.09 are met.

**SECTION 7 - GENERAL CRITERIA FOR TIDAL BEACHES, TIDAL SHORELINE, AND SAND DUNES (Env-Wt 604.01)**

Any person proposing a project in or on a tidal beach, tidal shoreline, or sand dune, or any combination thereof, shall evaluate the proposed project based on:

- ☒ The standard conditions in Env-Wt 307;
- ☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☒ The approval criteria in Env-Wt 313.01;
- ☒ The evaluation criteria in Env-Wt 313.05;
- ☒ The project specific criteria in Env-Wt 600;
- ☒ The CFA required by Env-Wt 603.04; and
- ☒ The vulnerability assessment required by Env-Wt 603.05.

New permanent impacts to sand dunes that provide coastal storm surge protection for protected species or habitat shall not be allowed except:

- ☐ To protect public safety; and
- ☐ Only if constructed by a state agency, coastal resiliency project, or for a federal homeland security project.



Projects in or on a tidal beach, tidal shoreline, or sand dune shall support integrated shoreline management that:

- ☒ Optimizes the natural function of the shoreline, including protection or restoration of habitat, water quality, and self-sustaining stability to flooding and storm surge; and
- ☒ Protects upland infrastructure from coastal hazards with a preference for living shorelines over hardened shoreline practices.

#### **SECTION 8 - GENERAL CRITERIA FOR TIDAL BUFFER ZONES (Env-Wt 604.02)**

The 100-foot statutory limit on the extent of the tidal buffer zone shall be measured horizontally. Any person proposing a project in or on an undeveloped tidal buffer zone shall evaluate the proposed project based on:

- ☒ The standard conditions in Env-Wt 307;
- ☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☒ The approval criteria in Env-Wt 313.01;
- ☒ The evaluation criteria in Env-Wt 313.05;
- ☒ The project specific criteria in Env-Wt 600;
- ☒ The CFA required by Env-Wt 603.04; and
- ☒ The vulnerability assessment required by Env-Wt 603.05.

Projects in or on a tidal buffer zone shall preserve the self-sustaining ability of the buffer area to:

- ☒ Provide habitat values;
- ☒ Protect tidal environments from potential sources of pollution;
- ☒ Provide stability of the coastal shoreline; and
- ☒ Maintain existing buffers intact where the lot has disturbed area defined under RSA 483-B:4, IV.

#### **SECTION 9 - GENERAL CRITERIA FOR TIDAL WATERS/WETLANDS (Env-Wt 604.03)**

Except as allowed under Env-Wt 606, permanent new impacts to tidal wetlands shall be allowed only to protect public safety or homeland security. Evaluation of impacts to tidal wetlands and tidal waters shall be based on:

- ☒ The standard conditions in Env-Wt 307;
- ☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☒ The approval criteria in Env-Wt 313.01;
- ☒ The evaluation criteria in Env-Wt 313.05;
- ☒ The project specific criteria in Env-Wt 600;
- ☒ The CFA required by Env-Wt 603.04; and
- ☒ The vulnerability assessment required by Env-Wt 603.05.

Projects in tidal surface waters or tidal wetlands shall:

- ☒ Optimize the natural function of the tidal wetland, including protection or restoration of habitat, water quality, and self-sustaining stability to storm surge;
- ☒ Be designed with a preference for living shorelines over hardened stabilization practices; and
- ☒ Be limited to public infrastructure or restoration projects that are in the interest of the general public, including a road, a bridge, energy infrastructure, or a project that addresses predicted sea-level rise and coastal flood risk.

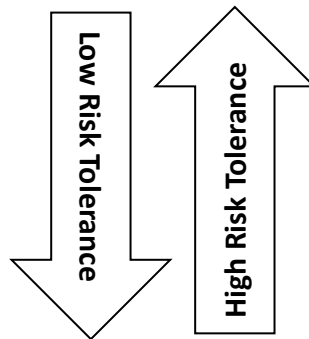
## SECTION 10 – GUIDANCE

Your application must follow the New Hampshire Coastal Risk and Hazards Commission’s Guiding Principles or other best available science. Below are some of these guidance principles:

- Incorporate science-based coastal flood risk projections into planning;
- Apply risk tolerance\* to assessment, planning, design and construction;
- Protect natural resources and public access;
- Create a bold vision, start immediately, and respond incrementally and opportunistically as projected coastal flood risks increase over time; and
- Consider the full suite of actions including effectiveness and consequences of actions.

\*Risk tolerance is a project’s willingness to accept a higher or lower probability of flooding impacts. The diagram below gives examples of project with lower and higher risk tolerance:

Critical Infrastructures, historic sites, essential ecosystems, and high value assets typically have lower risk tolerance, and thus should be planned, designed, and constructed using higher coastal flood risk projections.



Sheds, pathways, and small docks typically have higher risk tolerance and thus may be planned, designed, and constructed using less protective coastal flood risk projections.



# STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION ATTACHMENT A: MINOR AND MAJOR PROJECTS



Water Division/Land Resources Management  
Wetlands Bureau

[Check the Status of your Application](#)

**RSA/ Rule:** RSA 482-A/ Env-Wt 311.10; Env-Wt 313.01(a)(1); Env-Wt 313.03

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Esther's Marina, LLC

Attachment A can be used to satisfy some of the additional requirements for minor and major projects regarding avoidance and minimization, as well as functional assessment.

## PART I: AVOIDANCE AND MINIMIZATION

In accordance with Env-Wt 313.03(a), the Department shall not approve any alteration of any jurisdictional area unless the applicant demonstrates that the potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized, as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization.

### SECTION I.I - ALTERNATIVES (Env-Wt 313.03(b)(1))

Describe how there is no practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.

THE PROJECT PROPOSES TO EXPAND AN EXISTING TIDAL DOCKING STRUCTURE BY INSTALLING CONSISTING OF A 3' X 40' GANGWAY AND A 10' X 70' FLOAT WHICH WILL BE ATTACHED TO THE EXISTING FIXED WOOD PIER ON THE SUBJECT PROPERTY. IMPACTS FOR THE PROJECT TOTAL 820 SQ. FT. OF PERMANENT IMPACT TO TIDAL WETLANDS. SINCE THE PROPOSED TIDAL DOCK WILL SERVE TO PROVIDE A WATER DEPENDENT FUNCTION, PRACTICABLE ALTERNATIVES ALONG THE 210+/-FEET OF SHORELINE ARE LIMITED DUE TO SIMILAR STRUCTURES ON ABUTTING PROPERTIES, MAINTAINING A 20 FOOT SETBACK TO PROPERTY LINES EXTENDED AND MAINTAINING NAVIGATIONAL ACCESS TO ADJACENT AND NEARBY PROPERTIES.

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

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**SECTION I.II - MARSHES (Env-Wt 313.03(b)(2))**

Describe how the project avoids and minimizes impacts to tidal marshes and non-tidal marshes where documented to provide sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value.

The proposed location represents the least impacting alternative as there are no impacts to salt marshes to construct the proposed dock.

**SECTION I.III – HYDROLOGIC CONNECTION (Env-Wt 313.03(b)(3))**

Describe how the project maintains hydrologic connections between adjacent wetland or stream systems.

The proposed expansion components are installed over the tidal wetland further reducing permanent (or direct) impacts to the tidal wetland resource. The components will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement.

**SECTION I.IV - JURISDICTIONAL IMPACTS (Env-Wt 313.03(b)(4))**

Describe how the project avoids and minimizes impacts to wetlands and other areas of jurisdiction under RSA 482-A, especially those in which there are exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of concern, or any combination thereof.

The project does not propose any impacts to exemplary natural communities or vernal pools. Per the NHB Review, shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*) have been identified as sensitive species on or near the project site. Coordination with NHB and NHF & G in regards to the above protected species is expected and comments from those departments will be forwarded to NH DES upon receipt.

**SECTION I.V - PUBLIC COMMERCE, NAVIGATION, OR RECREATION (Env-Wt 313.03(b)(5))**

Describe how the project avoids and minimizes impacts that eliminate, depreciate or obstruct public commerce, navigation, or recreation.

The proposed project has been designed to not impede recreation, public commerce, and navigation. The docking structure does not extend into any federal or local navigation channel.

**SECTION I.VI - FLOODPLAIN WETLANDS (Env-Wt 313.03(b)(6))**

Describe how the project avoids and minimizes impacts to floodplain wetlands that provide flood storage.

The project does not propose any impacts to floodplain wetlands as the gangway is located above the water and the float will not result in any significant decrease in flood storage potential.

**SECTION I.VII - RIVERINE FORESTED WETLAND SYSTEMS AND SCRUB-SHRUB –MARSH COMPLEXES (Env-Wt 313.03(b)(7))**

Describe how the project avoids and minimizes impacts to natural riverine forested wetland systems and scrub-shrub – marsh complexes of high ecological integrity.

The project does not propose impacts to riverine forested wetland systems and scrub shrub marsh complexes.



**SECTION I.VIII - DRINKING WATER SUPPLY AND GROUNDWATER AQUIFER LEVELS (Env-Wt 313.03(b)(8))**

Describe how the project avoids and minimizes impacts to wetlands that would be detrimental to adjacent drinking water supply and groundwater aquifer levels.

The wetland resources associated with the project site are not hydrologically connected to a groundwater aquifer or drinking water supply.

**SECTION I.IX - STREAM CHANNELS (Env-Wt 313.03(b)(9))**

Describe how the project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

The project does not propose any impacts to stream channels.

**PART II: FUNCTIONAL ASSESSMENT****REQUIREMENTS**

Ensure that project meets requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).

**FUNCTIONAL ASSESSMENT METHOD USED:**

Wetland functions and values were assessed using the Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach. U.S. Army Corps of Engineers. 1999. The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach. U.S. Army Corps of Engineers. New England Division. 32pp. NAEPP-360-1-30a.

NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: STEVEN D. RIKER, CWS

DATE OF ASSESSMENT: JULY 21, 2022

Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT: ☒

For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable: ☒

Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.



**AVOIDANCE AND MINIMIZATION  
WRITTEN NARRATIVE**  
Water Division/Land Resources Management  
Wetlands Bureau  
[Check the Status of your Application](#)



**RSA/ Rule:** RSA 482-A/ Env-Wt 311.04(j); Env-Wt 311.07; Env-Wt 313.01(a)(1),b; Env-Wt 313.01(c)

**APPLICANT LAST NAME, FIRST NAME, M.I.:** Esther's Marina, LLC

An applicant for a standard permit shall submit with the permit application a written narrative that explains how all impacts to functions and values of all jurisdictional areas have been avoided and minimized to the maximum extent practicable. This attachment can be used to guide this narrative (attach additional pages if needed). Alternatively, the applicant may attach a completed Avoidance and Minimization Checklist (NHDES-W-06-050) to the permit application.

**SECTION 1 - WATER ACCESS STRUCTURES (Env-Wt 311.07(b)(1))**

Is the primary purpose of the proposed project to construct a water access structure?

Yes. The project proposes to expand a tidal docking structure for boating access.

**SECTION 2 - BUILDABLE LOT (Env-Wt 311.07(b)(1))**

Does the proposed project require access through wetlands to reach a buildable lot or portion thereof?

No. This is not applicable.

**SECTION 3 - AVAILABLE PROPERTY (Env-Wt 311.07(b)(2))**

For any project that proposes permanent impacts of more than one acre or that proposes permanent impacts to a PRA, or both, are any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, that could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs?

Since the proposal includes the expansion of an existing tidal docking structure, providing a water dependent function, this is not applicable.

**SECTION 4 - ALTERNATIVES (Env-Wt 311.07(b)(3))**

Could alternative designs or techniques, such as different layouts, different construction sequencing, or alternative technologies be used to avoid impacts to jurisdictional areas or their functions and values on the subject property or on other property that is reasonably available to the applicant as described in the *Wetlands Best Management Practice Techniques for Avoidance and Minimization*?

The project proposes to expand an existing commercial tidal docking structure consisting of the addition of a 3' x 40' gangway and a 10' x 70' float attached to the existing fixed wood pier totaling 820 sq. ft. of permanent impact to tidal wetlands. The proposed tidal dock expansion will allow Esther's Marina LLC to expand the existing commercial business of renting kayaks to the general public to enjoy the adjacent Piscataqua River. Since the tidal dock expansion will serve to provide a water dependent function, practicable alternatives along the 210+/-feet of shoreline are reduced due to abutting properties with similar structures, maintaining a 20 foot setback to property lines extended and maintaining navigational access to adjacent and nearby properties. The proposed structure has been placed to provide the intended function and provide safe navigation to and from the proposed float location

**SECTION 5 - CONFORMANCE WITH Env-Wt 311.10(c) (Env-Wt 311.07(b)(4))**

How does the project conform to Env-Wt 311.10(c)? Please note that for a minimum impact project, the applicant may replace this explanation with a certification signed by a certified wetland scientist that the project is located and designed to minimize impacts to wetlands functions and values.

The proposed docking structure has been designed to reduce permanent impacts to the tidal wetland resource. The structure has been designed to allow the adjacent tidal resource to maintain its current functions and values. The tidal docking structure will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement. As a result, The project will have no impact on the functions and values of the adjacent tidal wetland. A Wetland Functions and Values Assessment is attached to this application.



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

25 July 2022

Wetland Inspector  
New Hampshire Department of Environmental Services  
Wetlands Bureau  
29 Hazen Drive / P.O. Box 95  
Concord, New Hampshire 03302

**Re: Waiver Request  
Tax Map 102, Lot 25  
41 Pickering Avenue  
Portsmouth, New Hampshire**

Dear Wetland Inspector:

This letter formally requests a waiver to rule **Env-Wt 606.10 Commercial Tidal Docks : Marinas** (c) (1) through (5) and Env-Wt 606.10 (d) (1) through (5) for the above referenced DES Wetland Application in regard to the property identified as 41 Pickering Avenue, Portsmouth, NH. The property is also identified on City of Portsmouth Tax Map 102 as Lot 25.

Property owner information is listed below:

Esther's Marina, LLC  
41 Pickering Avenue  
Portsmouth, NH 03801

Esther's Marina LLC is seeking a waiver to rule **Env-Wt 606.10 Commercial Tidal Docks : Marinas** (c) (1) through (5) and Env-Wt 606.10 (d) (1) through (5) specifically for the proposed expansion of the existing commercial tidal docking structure including the installation of a "float wing" consisting of a 3' x 40' gangway and a 10' x 70' float which will be attached to the existing fixed wood pier on the subject property.

Denial of this waiver request would not allow Esther's marina LLC the opportunity to maximize the use of their property within the local zoning laws and under the current DES rules. The proposed float wing meets the 20 foot setback requirement as defined under Env-Wt 307.13(a) and RSA 482-A:3, XIII(a). Approval of this waiver request would simply allow Esther's Marina LLC to expand the existing commercial business. The proposal does not include a change of land use on the property and therefore no adverse effect to the environment or natural resources of the state.

Granting this waiver request will not result in an adverse effect to the environment or the natural resources of the state, public health, or public safety; or have an impact on abutting properties that is more significant than that which would result from complying with the rule. The granting of this waiver request will allow Esther's Marina LLC to expand the existing commercial use on their property in which they have a right to do so, within the local zoning laws and DES rules.

Granting this waiver request is consistent with the intent and purpose of **Env-Wt 606.10 Commercial Tidal Docks : Marinas** (c) (1) through (5) and Env-Wt 606.10 (d) (1) through (5) as the requirements under Env-Wt 606.10 either do not apply to the proposed expansion, or the proposal simply does not drive the need to meet certain requirements under Env-Wt 606.10. Lastly, strict compliance with the rule would provide no benefit to the public, provide a hardship to the applicant as the applicant would not be able to re-develop their property, and also maintain or increase the value of the property. Items under Env-Wt 606.10 for which waivers are being sought are outlined below with a rationale specific to the proposed expansion.

**Env-Wt 606.10 (c) (1) through (5) is addressed below:**

The existing commercial docking structure currently provides dock space for a kayak rental operation and rental of slip spaces for boat owners on the property. The Existing Conditions Plan-Sheet C1 and NH DES Permit Plan-Sheet C2 clearly depict existing and proposed conditions as part of the application request. There is no proposed expansion of any structures located landward of the Highest Observable Tide Line, no change in impervious surface coverage on the lot and no proposed change in operations or use that would require a “master plan of operations”.

As mentioned above, the existing operation includes a kayak rental business. A small office space is located on the lot where customers from the general public can rent kayaks which are stored on site, launch them utilizing the existing commercial tidal docking structure and enjoy the surrounding tidal resources of the Piscataqua River via a kayak. The facility partially meets the NH DES definition of marina as it provides watercraft related services such as launching, storing and securing watercraft, but **does not provide** fueling, servicing or repair of watercraft.

Requiring an operational plan to expand an existing kayak business would provide no benefit to the public for reasons explained above and burden the owner applicant as typical “Marina” operations such as fueling, storing, repairing and washing of watercraft owned by members of the public and is not a current or proposed use of the property.

Requiring a spill response action plan would provide no benefit to the public and burden the owner applicant as the facility currently does not provide fueling and/or mechanical repair services, nor does it contain any underground or aboveground storage tanks that contain liquids that could spill.

Requiring a stormwater treatment plan would provide no benefit to the public and burden the owner applicant as the application does not propose any additional impervious surfaces on the subject lot which would result in an increase of volume or flow of stormwater.

Given the amount of shoreline frontage associated with the lot, abutting properties with similar uses, the 20 foot setback requirement as defined under Env-Wt 307.13(a) and RSA 482-A:3, XIII,(a) and the need to maintain navigational access to adjacent and nearby properties, I do not believe that the facility, specifically the docking use, could be expanded in the future.

**Env-Wt 606.10 (d) (1) through (5) is addressed below:**

Requiring a designated wash area, storm water run off and treatment design, a management plan for pump-out facilities, a management plan for abrasive blasting, painting and hull sanding and defining disposal methods for oil and other waste products would provide no benefit to the public, burden the owner applicant as the application simply does not propose any of the above listed functions & services and does not propose any additional impervious surfaces that would increase flow or volume of stormwater.



I believe this waiver request meets all requirements outlined in Env-Wt 204.01, Env-Wt 204.02, Env-Wt 204.03, and Env-Wt 204.04. As a result, I request that a waiver to rule Env-Wt 307.13 be granted for DES Wetland File # 2022-00820.

Sincerely,

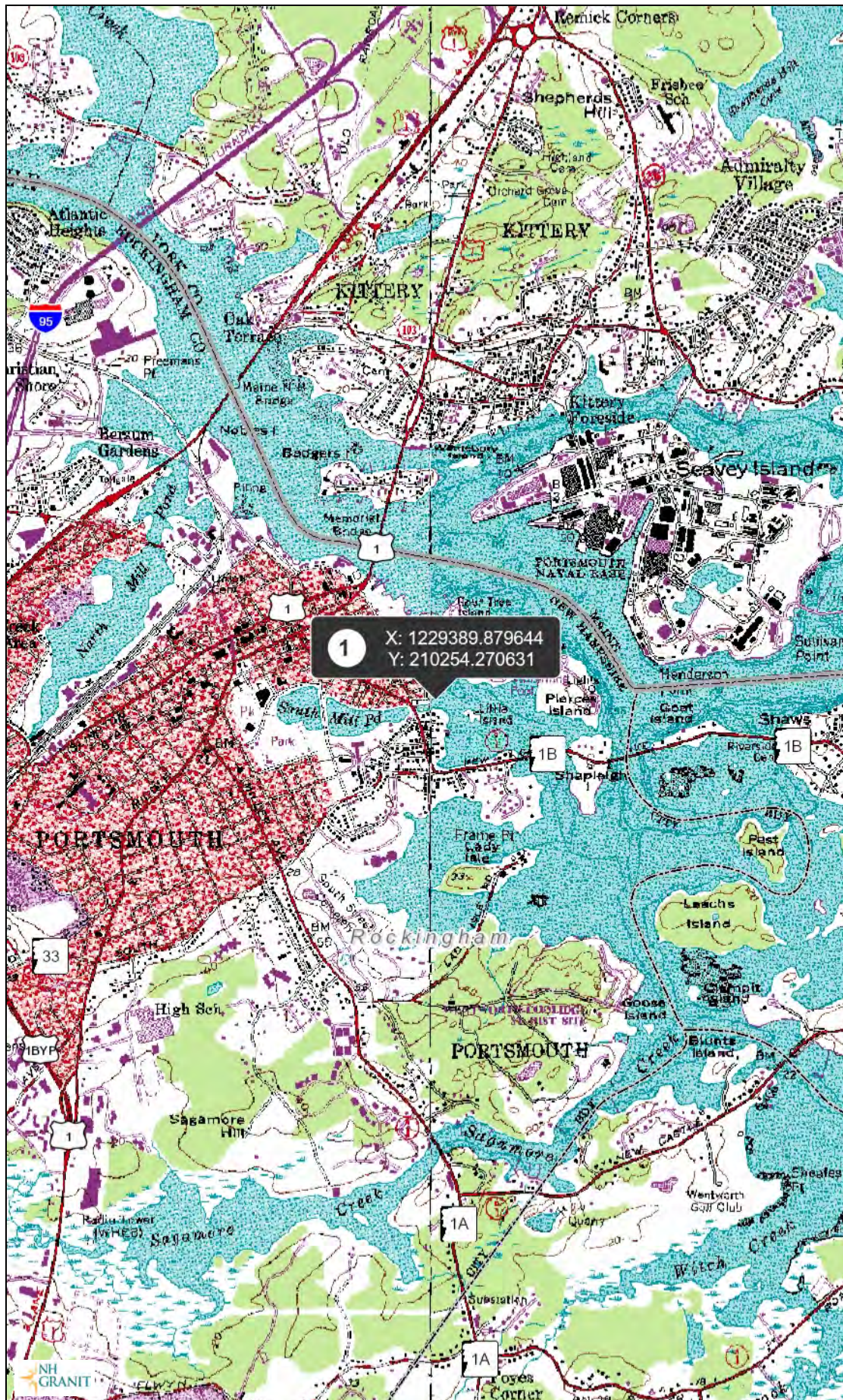
A handwritten signature in black ink, appearing to be 'SR' or 'S.R.', written in a cursive style.

Steven D. Riker, CWS

NH Certified Wetland Scientist/Wildlife Biologist/Permitting Specialist



# Map by NH GRANIT



## Legend

- State
- County
- City/Town

Map Scale

1: 25,977

© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)

Map Generated: 3/17/2021



## Notes





**Property Information**

**Property ID** 0102-0025-0000  
**Location** 41 PICKERING AVE  
**Owner** ESTHERS MARINA LLC



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019  
Data updated 7/17/2019

Esther's Marina  
41 Pickering Avenue  
Portsmouth, NH

Job # 3050.50

**Applicant/Owner(s)**

[illegible]

<b>Engineer</b>	<b>Ambit Engineering Civil Engineers &amp; Land Surveyors</b>		<b>200 Griffin Road, Unit #3</b>	<b>Portsmouth</b>	<b>NH</b>	<b>03801</b>
-----------------	---	--	----------------------------------	-------------------	-----------	--------------

[illegible]



**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

25 July 2022

GRN Realty Trust  
Glenn & Robin Normandeau, Trustees  
15 Pickering Avenue  
Portsmouth, NH 03801

**RE: New Hampshire Wetland Application for the expansion of a tidal docking structure for Esther's Marina, LLC, 41 Pickering Avenue, Portsmouth, NH.**

Dear Property Owner,

Under NH RSA 482-A, this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact jurisdictional wetlands for the expansion of a tidal docking structure**, on behalf of your abutter, **Esther's Marina LLC**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Esther's Marina LLC** proposes a project that requires construction in tidal wetlands, a jurisdictional wetland area.

Plans are on file at this office, and once the application is filed, plans that show the proposed project and wetland and other jurisdictional impacts will be available for viewing during normal business hours at the office of the **Portsmouth** clerk, **Portsmouth city offices**, or once received by DES, at the offices of the DES Wetlands Bureau, (8 a.m. to 4 p.m.) (603) 271-2147. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker  
NH Certified Wetland Scientist – Permitting Specialist

**CERTIFIED MAIL/Return Receipt Requested**

7022 0410 0002 6015 7715

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	
GRN REWY TRUST	
Street and Apt. No., or PO Box No.	
15 PICKERING AVE	
City, State, ZIP+4®	
PORTSMOUTH, NH 03801	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

3050.50





Site Photograph #1

May 2021



Site Photograph #2

May 2021





Site Photograph #3

May 2021



Site Photograph #4

May 2021





Site Photograph #5

April 2022



Site Photograph #6

April 2022





Site Photograph #7

April 2022



Site Photograph #8

April 2022





Site Photograph #9

April 2022



Site Photograph #10

April 2022





Site Photograph #11

April 2022



Site Photograph #12

April 2022





Site Photograph #13

April 2022



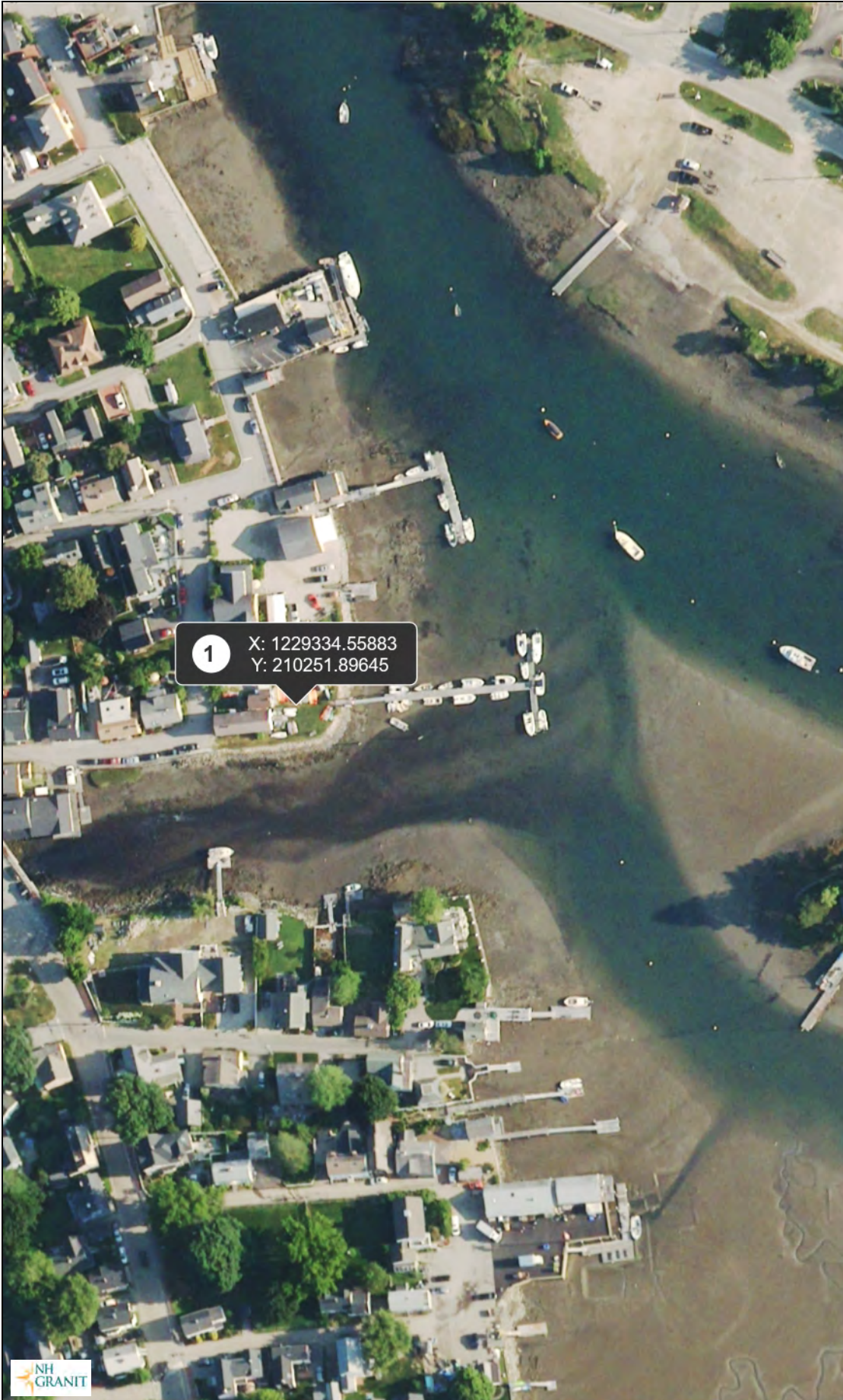
Site Photograph #14

April 2022





# Map by NH GRANIT



## Legend

- 2019
- Coastal 2019 1-foot RGB

## Map Scale

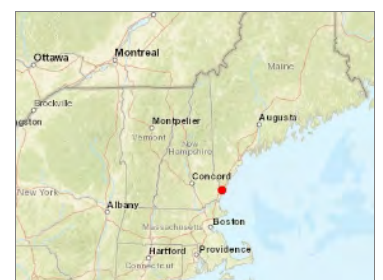
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© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)  
Map Generated: 3/17/2021



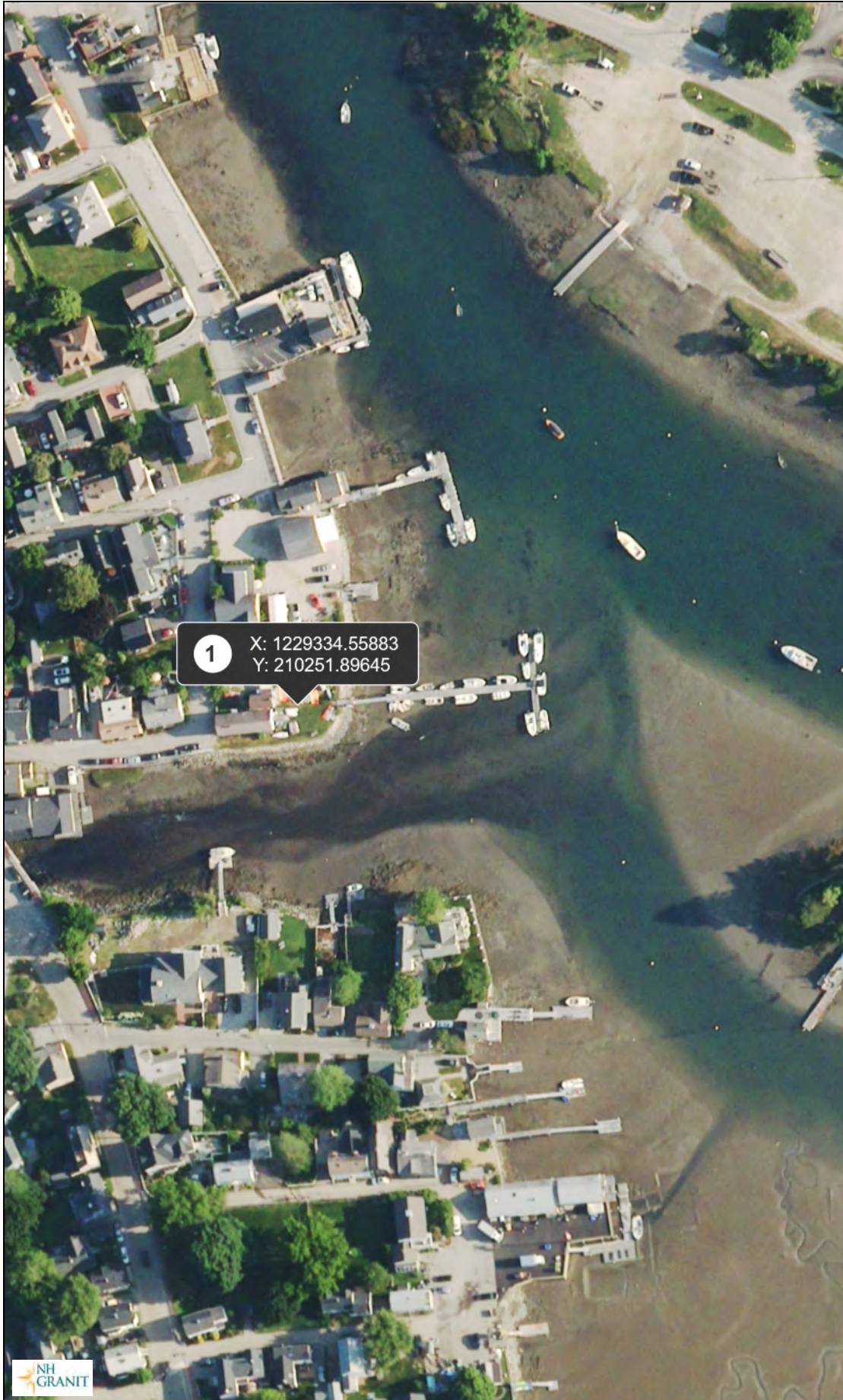
## Notes

2019 Eelgrass





# Map by NH GRANIT



## Legend

### Current Shellfish Beds

- Blue Mussel
- Oyster
- Razor Clam
- Softshell Clam
- Surf Clam

Coastal 2019 1-foot RGB

## Map Scale

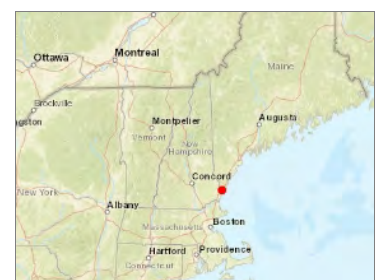
1: 1,624

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Map Generated: 3/17/2021

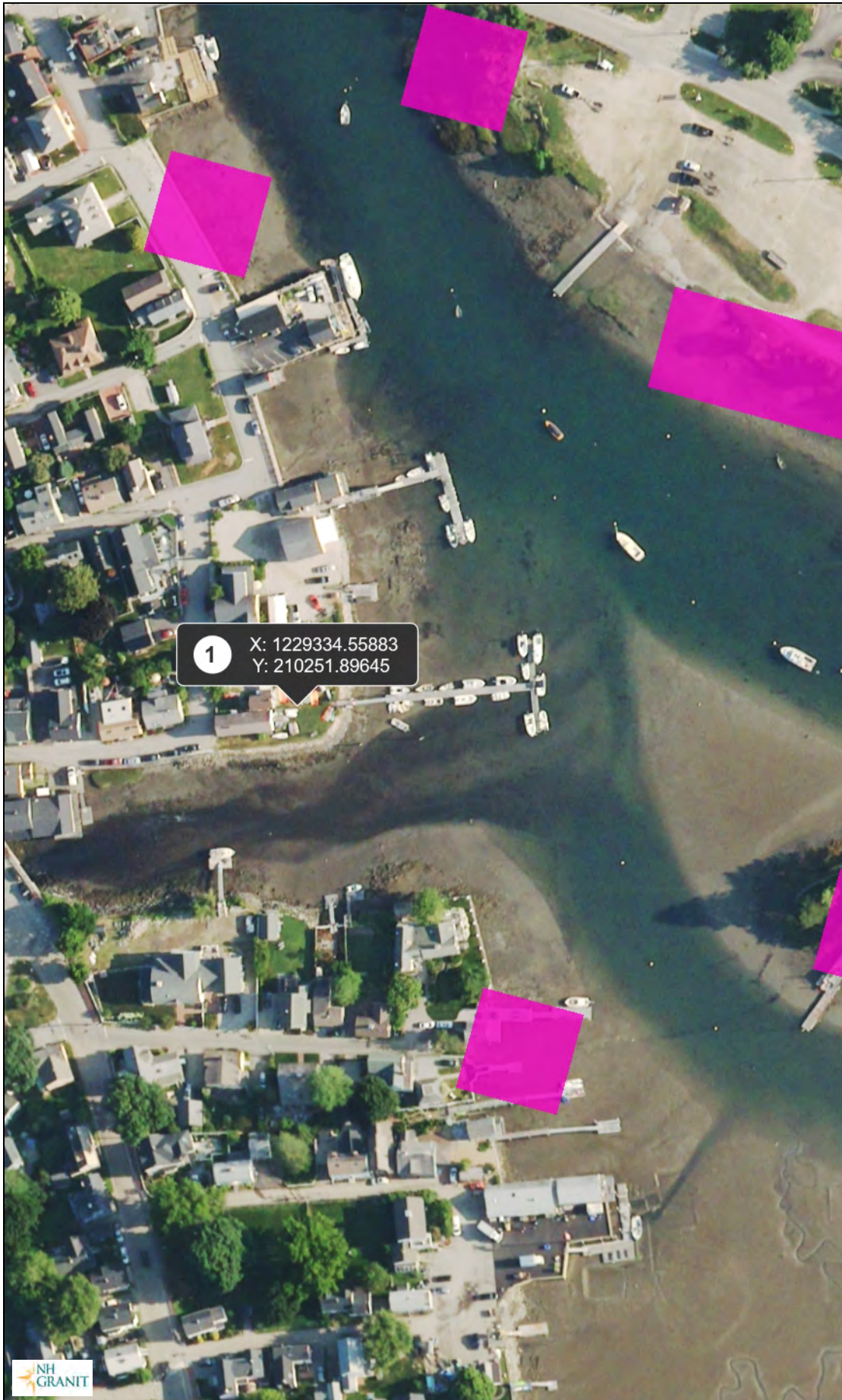


## Notes





# Map by NH GRANIT



## Legend

### Highest Ranked Wildlife Hat

- Not Top Ranked
  - Highest Ranked Habitat in NH
  - Highest Ranked Habitat in Region
  - Supporting Landscape
- Coastal 2019 1-foot RGB

## Map Scale

1: 1,624

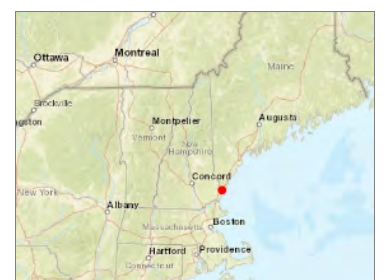
© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)

Map Generated: 3/17/2021



## Notes

2019 Eelgrass



## EFH Mapper Report

### EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)

[Atlantic Highly Migratory Species Management Division](#)

### Query Results

Degrees, Minutes, Seconds: Latitude = 43° 4' 26" N, Longitude = 71° 15' 1" W













Decimal Degrees: Latitude = 43.074, Longitude = -70.750























The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

### \*\*\* WARNING \*\*\*

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

### EFH



Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Atlantic Sea Scallop	ALL	New England	Amendment 14 to the Atlantic Sea Scallop FMP
		Atlantic Wolffish	ALL	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
		Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
		Atlantic Herring	Juvenile Adult Larvae	New England	Amendment 3 to the Atlantic Herring FMP
		Atlantic Cod	Larvae Adult Eggs	New England	Amendment 14 to the Northeast Multispecies FMP

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Pollock	Juvenile Eggs Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Red Hake	Adult Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Smooth Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		White Hake	Adult Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Thorny Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Bluefin Tuna	Adult	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH
		Atlantic Mackerel	Eggs Larvae Juvenile	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
		Atlantic Butterfish	Adult	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11

### Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

### HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Inshore 20m Juvenile Cod	New England

### EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

**Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.**

**\*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**



**Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.**

**\*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

**All spatial data is currently available for the Mid-Atlantic and New England councils,**

**Secretarial EFH,**

Bigeye Sand Tiger Shark,

Bigeye Sixgill Shark,

Caribbean Sharpnose Shark,

Galapagos Shark,

Narrowtooth Shark,

Sevengill Shark,

Sixgill Shark,

Smooth Hammerhead Shark,

Smalltail Shark

BK3791PG2262

SHAINES & MCEACHERN  
PROFESSIONAL ASSOCIATION  
25 MAINEWOOD AVENUE  
P. O. BOX 360  
PORTSMOUTH, N.H. 03802-0360

054539

## WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS**, That James P. Marconi and Ann Marconi, of 41 Pickering Avenue, Portsmouth, New Hampshire, County of Rockingham

**FOR CONSIDERATION PAID**, grant to Esther's Marina, LLC, A New Hampshire Limited Liability Company with a place of business located at 41 Pickering Avenue, Portsmouth, New Hampshire 03801.

**WITH WARRANTY COVENANTS** all our right, title and interest in and to the following described premises:

A certain tract or parcel of land, with the buildings thereon, situate on the Easterly side of Pickering Avenue in Portsmouth, County of Rockingham and State of New Hampshire, and more particularly bounded and described as follows:

Northerly by land now or formerly of the heirs of Robert H. Green; Easterly by the Piscataqua River ninety-one (91) feet, more or less, Southerly by the outlet from the South Mill Pond, so-called, and Westerly by Pickering Avenue, formerly of Mechanics Street, Ninety-eight (98) feet, more or less.

Meaning and intending to convey the same premises conveyed to James P. Marconi and Ann Marconi by two Quitclaim deed(s) of Lorraine E. Marconi, each conveying separate half interests, dated December 15, 1987 and recorded in the Rockingham County Registry of Deeds at Book 2719, Page 1488 and the other being dated January 4, 1988 and recorded in the Rockingham County Registry of Deeds at Book 2722, Page 1429.

We, James P. Marconi and Ann Marconi, hereby release to said Grantee all rights of homestead and other interests in the premises conveyed herein.

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

2002 JUN 27 AM 11:45

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX	
8 THOUSAND 6 HUNDRED AND 25 DOLLARS			
MO.	DAY	YR.	AMOUNT
06	27	02	546134 \$ 8625.00
VOID IF ALTERED			

This conveyance is made subject to all liens, easements, encumbrances and restrictions of record.

IN WITNESS WHEREOF, the undersigned has hereunto set their hands on this 26 day of June, 2002.

[Signature]  
Witness

[Signature]  
Ann Marconi

[Signature]  
Witness

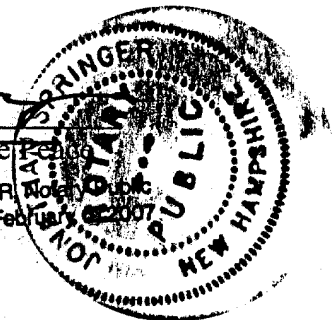
[Signature]  
Ann Marconi for James P. Marconi  
Pursuant to Portsmouth Family Division  
Court Order dated August 21, 2001.  
See Marconi v. Marconi  
Rockingham County Superior Court  
Docket # 2000-M-0037

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM, SS

The foregoing instrument was acknowledged before me by Ann Marconi, Individually and by Ann Marconi, signing on behalf of James P. Marconi Pursuant to the Portsmouth Family Division court order of August 21, 2001 on this 26 day of June, 2002.

[Signature]  
Notary Public/Justice of the Peace

JONATHAN S. SPRINGER, Notary Public  
My Commission Expires February 28, 2007



# Memo

## NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

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

**From:** NHB Review, NH Natural Heritage Bureau

**Date:** 3/23/2022 (valid until 03/23/2023)

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

**Permits:** NHDES - Wetland Standard Dredge & Fill - Major

**NHB ID:** NHB22-0920

**Town:** Portsmouth

**Location:** 41 Pickering Avenue

**Description:** The project proposes the addition of a "float wing" to the existing commercial docking structure consisting of a 3' x 40' gangway and a 10' x 70' float.

**cc:** Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments** NHB: No Comments At This Time

**F&G:** Please describe timing and whether there will be any impacts to the bottom outside of the dry.

As of February 3, 2022, New Hampshire Fish and Game requirements for environmental review consultation have changed. To review the new rules, please go to <https://www.wildlife.state.nh.us/legislative/proposed-rules.html>. All requests for consultation and submittals should be sent via email to [NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov) or can be sent by mail. The NHB Datacheck results letter number needs to be included in the email subject line.

The requirements for consultation (Fis 1004) shall not apply to the following: statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule. Review requests for these projects can be sent directly to [kim.tuttle@wildlife.nh.gov](mailto:kim.tuttle@wildlife.nh.gov).

### Vertebrate species

Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)

State<sup>1</sup>

T

Federal

T

Notes

Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

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

DNCR/NHB  
172 Pembroke Rd.  
Concord, NH 03301

## Memo

## NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

Shortnose Sturgeon (*Acipenser brevirostrum*)                      E                      E                      Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

<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.

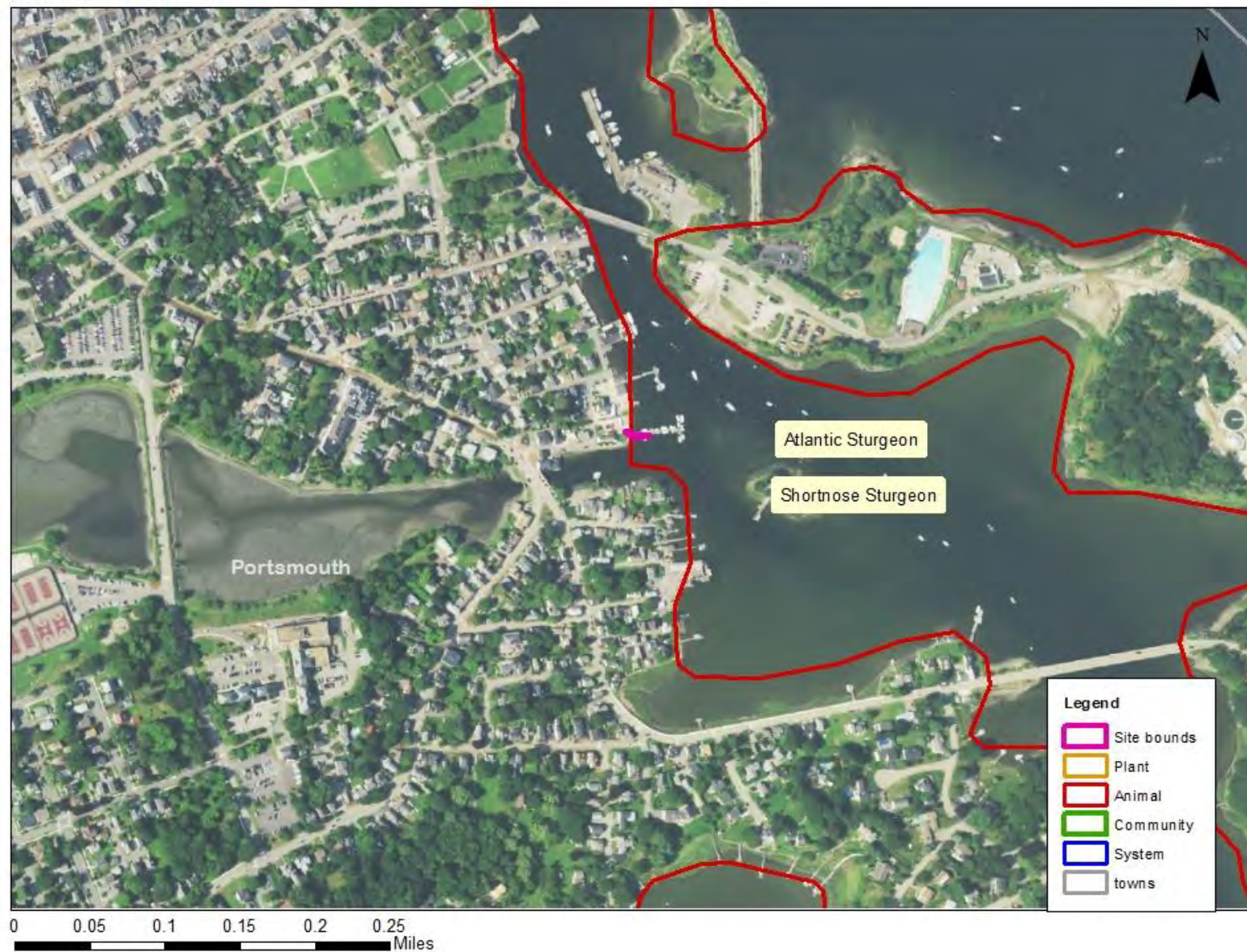
*Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.*

---

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.

# CONFIDENTIAL – NH Dept. of Environmental Services review

NHB22-0920





## New Hampshire Natural Heritage Bureau - Animal Record

Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)**Legal Status**

Federal: Listed Threatened  
State: Listed Threatened

**Conservation Status**

Global: Rare or uncommon  
State: Critically imperiled due to rarity or vulnerability

**Description at this Location**

Conservation Rank: Not ranked  
Comments on Rank: --

Detailed Description: 2016: 1 individual, sex unknown, detected in the lower Piscataqua River. 2015: 1 individual, sex unknown, detected in Portsmouth Harbor. 2012: 1 individual, sex unknown, detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --

Management: --

Comments:

**Location**

Survey Site Name: Piscataqua River

Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

**Dates documented**

First reported: 2012-06-02

Last reported: 2016-05-27

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.

## New Hampshire Natural Heritage Bureau - Animal Record

**Shortnose Sturgeon (*Acipenser brevirostrum*)****Legal Status**

Federal: Listed Endangered  
State: Listed Endangered

**Conservation Status**

Global: Rare or uncommon  
State: Critically imperiled due to rarity or vulnerability

**Description at this Location**

Conservation Rank: Not ranked  
Comments on Rank: --

Detailed Description: 2016: 2 individuals, 1 female and 1 sex unknown, detected in Portsmouth Harbor and the lower Piscataqua River. 2015: 3 females and 2 other individuals, sex unknown detected in Portsmouth Harbor. 2014: 1 female detected moving from Portsmouth Harbor up the Piscataqua River to the mouth of the Cocheco River. 2012: 1 female detected in Little Bay. 2011: 1 female detected in Little Bay. 2010: 1 female detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --

Management: --

Comments:

**Location**

Survey Site Name: Piscataqua River

Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

**Dates documented**

First reported: 2010-11-03

Last reported: 2016-10-20

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.



# SAFETY DATA SHEET

## 1. Identification

Product identifier

CCA Treated Wood

Other means of identification

SDS number

92-KPC

Recommended use

Preservative Treated Wood for various weather protected and exterior uses.

Recommended restrictions

None known.

Manufacturer/Importer/Supplier/Distributor information

Company Name

Koppers Performance Chemicals Inc.

Address

1016 Everee Inn Rd., Griffin, GA 30224

Telephone number

770-233-4200

Contact person

Regulatory Manager, KPC Inc.

Emergency Telephone

CHEMTREC 1-800-424-9300

Number

E-mail

KPCmgrsds@koppers.com

## 2. Hazard(s) identification

Physical hazards

Not classified.

Health hazards

Carcinogenicity (Inhalation)

Category 1A

OSHA defined hazards

Combustible dust

Label elements



Signal word

Danger

Hazard statement

May cause cancer by inhalation. May form combustible dust concentrations in air.

Precautionary statement

Prevention

Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Keep container tightly closed. Wear protective gloves/protective clothing/eye protection/face protection. Prevent dust accumulation to minimize explosion hazard. Observe good industrial hygiene practices.

Response

If exposed or concerned: Get medical advice/attention. Take off contaminated clothing and wash before reuse. In case of fire: Use water fog, foam, carbon dioxide, dry chemical for extinction. Collect spillage.

Storage

Store away from incompatible materials.

Disposal

Dispose of contents/container in accordance with local/regional/national/international regulations.

Hazard(s) not otherwise classified (HNOC)

None known.

## 3. Composition/information on ingredients

Mixtures

Chemical name	CAS number	%
Arsenic Pentoxide	1303-28-2	<3
Copper Oxide	1317-39-1	<1.5
Trivalent Chromium	1308-38-9	<3.5
Wood	N/A	<85

**Composition comments**

All concentrations are in percent by weight unless ingredient is a gas. Gas concentrations are in percent by volume.

Components not listed are either non-hazardous or are below reportable limits.

Depending on the additives applied to the treating solution, this wood may also contain <1 % of mold inhibitors, <1% of a non-hazardous oil emulsion, and <% of a colorant.

**4. First-aid measures****Inhalation**

Move to fresh air. If breathing is difficult, give oxygen. Get medical attention immediately. Some species may cause allergic respiratory reactions with asthma-like symptoms in sensitized individuals.

**Skin contact**

Remove contaminated clothing. Wash skin thoroughly with soap and water for several minutes. Prolonged contact with treated wood and/or treated wood dust, especially when freshly treated at the plant, may cause irritation to the skin. Abrasive handling or rubbing of the treated wood may increase skin irritation. Some wood species, regardless of treatment, may cause dermatitis or allergic skin reactions in sensitized individuals. In case of rashes, wounds or other skin disorders: Seek medical attention and bring along these instructions.

**Eye contact**

Do not rub eye. Immediately flush eye(s) with plenty of water. Remove any contact lenses and open eyelids wide apart. If irritation persists get medical attention.

**Ingestion**

Rinse mouth thoroughly if dust is ingested. Get medical attention if any discomfort continues.

**Most important symptoms/effects, acute and delayed**

Wood dust: May cause nasal dryness, irritation and mucostasis. Coughing, wheezing, sneezing, sinusitis and prolonged colds have also been reported. Depending on wood species may cause respiratory sensitization and/or irritation. Symptoms can include irritation, redness, scratching of the cornea, and tearing. May cause eczema-like skin disorders (dermatitis). Airborne treated or untreated wood dust may cause nose, throat, or lung irritation and other respiratory effects.

**Indication of immediate medical attention and special treatment needed**

If one ounce of treated wood dust per 10 lbs. of body weight are ingested, acute arsenic intoxication is a possibility.

**General information**

Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

**5. Fire-fighting measures****Suitable extinguishing media**

Water fog. Foam. Carbon dioxide (CO<sub>2</sub>). Dry chemical powder. Apply extinguishing media carefully to avoid creating airborne dust.

**Unsuitable extinguishing media**

Do not use water jet as an extinguisher, as this will spread the fire.

**Specific hazards arising from the chemical**

Explosion hazard: Avoid generating dust; fine dust dispersed in air in sufficient concentrations and in the presence of an ignition source is a potential dust explosion hazard. Depending on moisture content, and more importantly, particle diameter and airborne concentration, wood dust in a contained area may explode in the presence of an ignition source. Wood dust may similarly deflagrate (combustion without detonation like an explosion) if ignited in an open or loosely contained area. An airborne concentration of 40 grams (40,000 mg) of dust per cubic meter of air is often used as the LEL for wood dusts. Reference NFPA Standards- 654 and 664 for guidance. Toxic vapors from wood and preservative may be given off in a fire. Ash will contain free arsenic and chromium and may be toxic.

**Special protective equipment and precautions for firefighters**

Self-contained breathing apparatus and full protective clothing must be worn in case of fire.

**Fire fighting equipment/instructions**

In case of fire and/or explosion do not breathe fumes. Move containers from fire area if you can do so without risk.

**Specific methods**

Use standard firefighting procedures and consider the hazards of other involved materials.

**General fire hazards**

May form combustible dust concentrations in air.

## 6. Accidental release measures

### Personal precautions, protective equipment and emergency procedures

Use only non-sparking tools. Keep unnecessary personnel away. Keep people away from and upwind of spill/leak. Dust deposits should not be allowed to accumulate on surfaces, as these may form an explosive mixture if they are released into the atmosphere in sufficient concentration. Wear appropriate protective equipment and clothing during clean-up. Ensure adequate ventilation. Local authorities should be advised if significant spillages cannot be contained. For personal protection, see section 8 of the SDS.

### Methods and materials for containment and cleaning up

Eliminate all ignition sources (no smoking, flares, sparks, or flames in immediate area). Take precautionary measures against static discharge. Use only non-sparking tools. Avoid dispersal of dust in the air (i.e., clearing dust surfaces with compressed air). Stop the flow of material, if this is without risk.

Large Spills: Wet down with water and dike for later disposal. Shovel the material into waste container. Following product recovery, flush area with water.

Small Spills: Sweep up or vacuum up spillage and collect in suitable container for disposal.

Never return spills to original containers for re-use. For waste disposal, see section 13 of the SDS.

### Environmental precautions

Avoid release to the environment. Prevent further leakage or spillage if safe to do so. Avoid discharge into drains, water courses or onto the ground. Inform appropriate managerial or supervisory personnel of all environmental releases.

## 7. Handling and storage

### Precautions for safe handling

Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Minimize dust generation and accumulation. Avoid significant deposits of material, especially on horizontal surfaces, which may become airborne and form combustible dust clouds and may contribute to secondary explosions. Routine housekeeping should be instituted to ensure that dusts do not accumulate on surfaces. Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Explosion-proof general and local exhaust ventilation. Avoid prolonged exposure. Wear appropriate personal protective equipment. Avoid release to the environment. Do not burn preserved wood. Do not use preserved wood as Mulch. Observe good industrial hygiene practices.

### Conditions for safe storage, including any incompatibilities

Keep away from heat, spark, open flames and other sources of ignition. Store away from incompatible materials (see Section 10 of the SDS).

## 8. Exposure controls/personal protection

### Occupational exposure limits

#### U.S. - OSHA

Components	Type	Value	Form
Wood Dust (CAS N/A)	PEL	5 mg/m <sup>3</sup>	Respirable dust.
		15 mg/m <sup>3</sup>	Total fraction.

#### US. OSHA Table Z-1 Limits for Air Contaminants (29 CFR 1910.1000)

Components	Type	Value
Trivalent Chromium (CAS 1308-38-9)	PEL	0.5 mg/m <sup>3</sup>

#### ACGIH

Components	Type	Value	Form
Wood Dust (CAS N/A)	TWA	1 mg/m <sup>3</sup>	Inhalable fraction.

#### US. ACGIH Threshold Limit Values

Components	Type	Value
Arsenic Pentoxide (CAS 1303-28-2)	TWA	0.01 mg/m <sup>3</sup>
Trivalent Chromium (CAS 1308-38-9)	TWA	0.5 mg/m <sup>3</sup>

#### US. NIOSH: Pocket Guide to Chemical Hazards

Components	Type	Value	Form
Arsenic Pentoxide (CAS 1303-28-2)	Ceiling	0.002 mg/m <sup>3</sup>	

## US. NIOSH: Pocket Guide to Chemical Hazards

Components	Type	Value	Form
Copper Oxide (CAS 1317-39-1)	TWA	1 mg/m3	Dust and mist.
Trivalent Chromium (CAS 1308-38-9)	TWA	0.5 mg/m3	
Wood Dust (CAS N/A)	TWA	1 mg/m3	Dust.

### Biological limit values

#### ACGIH Biological Exposure Indices

Components	Value	Determinant	Specimen	Sampling Time
Arsenic Pentoxide (CAS 1303-28-2)	35 µg/l	Inorganic arsenic, plus methylated metabolites, as As	Urine	*

\* - For sampling details, please see the source document.

**Appropriate engineering controls** Explosion-proof general and local exhaust ventilation. Good general ventilation (typically 10 air changes per hour) should be used. Ventilation rates should be matched to conditions. If applicable, use process enclosures, local exhaust ventilation, or other engineering controls to maintain airborne levels below recommended exposure limits. If exposure limits have not been established, maintain airborne levels to an acceptable level.

### Individual protection measures, such as personal protective equipment

**Eye/face protection** Wear dust-resistant safety goggles with side shields where there is danger of eye contact.

#### Skin protection

##### Hand protection

When handling wood, wear leather or fabric gloves.

##### Other

Wear suitable protective clothing. Use of an impervious apron is recommended.

#### Respiratory protection

If engineering controls do not maintain airborne concentrations below recommended exposure limits (where applicable) or to an acceptable level (in countries where exposure limits have not been established), an approved respirator must be worn. Use a NIOSH-approved respirator if there is a potential for exposure to dust exceeding exposure limits (See 29 CFR 1910.134, respiratory protection standard).

#### Thermal hazards

Wear appropriate thermal protective clothing, when necessary.

### General hygiene considerations

If wood dust contacts the skin, workers should wash the affected areas with soap and water. Clothing contaminated with wood dust should be removed, and provisions should be made for the safe removal of the chemical from the clothing. Persons laundering the clothes should be informed of the hazardous properties of wood dust. A worker who handles wood dust should thoroughly wash hands, forearms, and face with soap and water before eating, using tobacco products, using toilet facilities, applying cosmetics, or taking medication. Workers should not eat, drink, use tobacco products, apply cosmetics, or take medication in areas where wood dust is handled, or processed.

## 9. Physical and chemical properties

### Appearance

**Physical state** Solid.

**Form** Solid.

**Color** Yellow/green.

**Odor** Wood odor.

**Odor threshold** Not available.

**pH** Not applicable.

**Melting point/freezing point** Not available.

**Initial boiling point and boiling range** Not available.

**Flash point** Not available.

**Evaporation rate** Not available.

**Flammability (solid, gas)** Combustible solid.



**Upper/lower flammability or explosive limits**

Flammability limit - lower (%)	Not available.
Flammability limit - upper (%)	Not available.
Explosive limit - lower (%)	Not available.
Explosive limit - upper (%)	Not available.
Vapor pressure	Not applicable.
Vapor density	Not applicable.
Relative density	Not available.
Solubility(ies)	
Solubility (water)	Highly insoluble.
Partition coefficient (n-octanol/water)	Not available.
Auto-ignition temperature	Not available.
Decomposition temperature	Not available.
Viscosity	Not applicable.
Other information	
Density	As wood.

**10. Stability and reactivity**

Reactivity	The product is stable and non-reactive under normal conditions of use, storage and transport.
Chemical stability	Material is stable under normal conditions.
Possibility of hazardous reactions	No dangerous reaction known under conditions of normal use.
Conditions to avoid	Keep away from heat, sparks and open flame. Minimize dust generation and accumulation. Contact with incompatible materials.
Incompatible materials	Strong oxidizing agents.
Hazardous decomposition products	Toxic vapors from wood and preservative may be given off in a fire. Ash will contain free arsenic and chromium and may be toxic.

**11. Toxicological information****Information on likely routes of exposure**

Inhalation	Wood dust, treated or untreated, is irritating to the nose, throat and lungs. Prolonged or repeated inhalation of wood dusts may cause respiratory irritation, recurrent bronchitis and prolonged colds. Some species may cause allergic respiratory reactions with asthma-like symptoms in sensitized individuals. Prolonged exposure to wood dusts by inhalation has been reported to be associated with nasal and paranasal cancer.
Skin contact	Handling may cause splinters. Prolonged contact with treated wood and/or treated wood dust, especially when freshly treated at the plant, may cause irritation to the skin. Abrasive handling or rubbing of the treated wood may increase skin irritation. Some wood species, regardless of treatment, may cause dermatitis or allergic skin reactions in sensitized individuals.
Eye contact	Dust may irritate the eyes.
Ingestion	Not likely, due to the form of the product. However, ingestion of dusts generated during working operations may cause nausea and vomiting. If one ounce of treated wood dust per 10 lbs. of body weight are ingested, acute arsenic intoxication is a possibility. Certain species of wood and their dusts may contain natural toxins, which can have adverse effects in humans.
Symptoms related to the physical, chemical and toxicological characteristics	Wood dust: May cause nasal dryness, irritation and mucostasis. Coughing, wheezing, sneezing, sinusitis and prolonged colds have also been reported. Depending on wood species may cause respiratory sensitization and/or irritation. Symptoms can include irritation, redness, scratching of the cornea, and tearing. May cause eczema-like skin disorders (dermatitis). Airborne treated or untreated wood dust may cause nose, throat, or lung irritation and other respiratory effects.

**Information on toxicological effects**

Acute toxicity	Not expected to be acutely toxic.
Skin corrosion/irritation	Dust may irritate skin.
Serious eye damage/eye irritation	Dust may irritate the eyes.

## Respiratory or skin sensitization

### ACGIH Sensitization

Wood (CAS N/A)

### Dermal sensitization

### Respiratory sensitization

### Respiratory sensitization

Exposure to wood dusts can result in hypersensitivity,

### Skin sensitization

Exposure to wood dust can result in the development of contact dermatitis. The primary irritant dermatitis resulting from skin contact with wood dusts consist of erythema, blistering, and sometimes erosion and secondary infections occur.

## Germ cell mutagenicity

No component of this product present at levels greater than or equal to 0.1% is identified as a mutagen by OSHA.

## Carcinogenicity

May cause cancer by inhalation.

This classification is based on an increased incidence of nasal and paranasal cancers in people exposed to wood dusts.

### IARC Monographs. Overall Evaluation of Carcinogenicity

Arsenic Pentoxide (CAS 1303-28-2)

1 Carcinogenic to humans.

Trivalent Chromium (CAS 1308-38-9)

3 Not classifiable as to carcinogenicity to humans.

Wood (CAS N/A)

1 Carcinogenic to humans.

### NTP Report on Carcinogens

Arsenic Pentoxide (CAS 1303-28-2)

Known To Be Human Carcinogen.

Wood Dust (CAS N/A)

Known To Be Human Carcinogen.

### OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)

Arsenic Pentoxide (CAS 1303-28-2)

Cancer

## Reproductive toxicity

This product is not expected to cause reproductive or developmental effects.

## Specific target organ toxicity - single exposure

Not classified.

## Specific target organ toxicity - repeated exposure

Not classified.

## Aspiration hazard

Not likely, due to the form of the product.

## Chronic effects

Chronic exposure to wood dusts can result in pneumonitis, and coughing, wheezing, fever and the other signs and symptoms associated with chronic bronchitis. Individuals with pre-existing disease in or a history of ailments involving the skin, kidney, liver, respiratory tract, eyes, or nervous system are at a greater than normal risk of developing adverse effects from woodworking operations with this product.

## Further information

The effects of industrial exposure to the chrome-copper-arsenic preservative used to treat CCA wood has been evaluated in three independent epidemiology studies. In each case the authors concluded that workers exposed on a daily basis to these preservatives were at no increased risk of death or disease as a result of their exposure.

Recreational exposure to children using CCA treated wood playground equipment has been evaluated. The results of this study indicate that the amount of arsenic transferred from the wood surface to the child is within the normal variation of total arsenic exposure to children and that the maximum risks of skin cancer associated with the exposure approximates the skin cancer risk from the sunlight experienced during play periods. Leaf, stem, and fruit of grape plants grown adjacent to CCA treated wood poles did not take up preservative components from the poles above background levels (limit of detection 0.2 and 0.05 ppm for chrome and arsenic, respectively).

## 12. Ecological information

### Ecotoxicity

The product is not classified as environmentally hazardous. However, this does not exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment.

### Persistence and degradability

No data is available on the degradability of this product.

### Bioaccumulative potential

No data available on bioaccumulation.

### Mobility in soil

The product is insoluble in water.

### Mobility in general

The product is not volatile but may be spread by dust-raising handling.

### Other adverse effects

No other adverse environmental effects (e.g. ozone depletion, photochemical ozone creation potential, endocrine disruption, global warming potential) are expected from this component.

### 13. Disposal considerations

<b>Disposal instructions</b>	Collect and reclaim or dispose in sealed containers at licensed waste disposal site. Do not allow this material to drain into sewers/water supplies. Do not contaminate ponds, waterways or ditches with chemical or used container. <b>DO NOT BURN!</b> Ash may be toxic and a hazardous waste; combustion vapors may be toxic. Dispose of contents/container in accordance with local/regional/national/international regulations.
<b>Local disposal regulations</b>	Dispose in accordance with all applicable regulations.
<b>Hazardous waste code</b>	The waste code should be assigned in discussion between the user, the producer and the waste disposal company.

#### US RCRA Hazardous Waste P List: Reference

Arsenic Pentoxide (CAS 1303-28-2) P011

<b>Waste from residues / unused products</b>	Dispose of in accordance with local regulations. Empty containers or liners may retain some product residues. This material and its container must be disposed of in a safe manner (see: Disposal instructions).
<b>Contaminated packaging</b>	Empty containers should be taken to an approved waste handling site for recycling or disposal. Since emptied containers may retain product residue, follow label warnings even after container is emptied.

### 14. Transport information

#### DOT

Not regulated as dangerous goods.

#### IATA

Not regulated as dangerous goods.

#### IMDG

Not regulated as dangerous goods.

**Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code** Not applicable.

### 15. Regulatory information

**US federal regulations** This product is a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200.  
All components are listed on or exempt from the U.S. EPA TSCA Inventory List.

#### TSCA Section 12(b) Export Notification (40 CFR 707, Subpt. D)

Not regulated.

#### OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)

Arsenic Pentoxide (CAS 1303-28-2) Cancer  
Liver  
Skin  
Respiratory irritation  
Nervous system  
Acute toxicity

#### CERCLA Hazardous Substance List (40 CFR 302.4)

Arsenic Pentoxide (CAS 1303-28-2) LISTED  
Copper Oxide (CAS 1317-39-1) LISTED  
Trivalent Chromium (CAS 1308-38-9) LISTED

#### Superfund Amendments and Reauthorization Act of 1986 (SARA)

**Hazard categories** Immediate Hazard - No  
Delayed Hazard - Yes  
Fire Hazard - Yes  
Pressure Hazard - No  
Reactivity Hazard - No

#### SARA 302 Extremely hazardous substance

Chemical name	CAS number	Reportable quantity (pounds)	Threshold planning quantity (pounds)	Threshold planning quantity, lower value (pounds)	Threshold planning quantity, upper value (pounds)
Arsenic Pentoxide	1303-28-2	1		100	10000

SARA 311/312 Hazardous chemical Yes

**SARA 313 (TRI reporting)**

Chemical name	CAS number	% by wt.
Arsenic Pentoxide	1303-28-2	<3
Copper Oxide	1317-39-1	<1.5
Trivalent Chromium	1308-38-9	<3.5

**Other federal regulations**

**Clean Air Act (CAA) Section 112 Hazardous Air Pollutants (HAPs) List**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)

**Clean Air Act (CAA) Section 112(r) Accidental Release Prevention (40 CFR 68.130)**

Not regulated.

**Safe Drinking Water Act (SDWA)** Not regulated.

**US state regulations**

**US. Massachusetts RTK - Substance List**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)

**US. New Jersey Worker and Community Right-to-Know Act**

Arsenic Pentoxide (CAS 1303-28-2)  
Copper Oxide (CAS 1317-39-1)  
Trivalent Chromium (CAS 1308-38-9)  
Wood Dust (CAS N/A)

**US. Pennsylvania Worker and Community Right-to-Know Law**

Arsenic Pentoxide (CAS 1303-28-2)  
Trivalent Chromium (CAS 1308-38-9)  
Wood Dust (CAS N/A)

**US. Rhode Island RTK**

Arsenic Pentoxide (CAS 1303-28-2)  
Copper Oxide (CAS 1317-39-1)  
Trivalent Chromium (CAS 1308-38-9)

**US. California Proposition 65**

WARNING: This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.

**US - California Proposition 65 - Carcinogens & Reproductive Toxicity (CRT): Listed substance**

Wood Dust (CAS N/A)

**International Inventories**

Country(s) or region	Inventory name	On inventory (yes/no)*
United States & Puerto Rico	Toxic Substances Control Act (TSCA) Inventory	Yes

\*A "Yes" indicates this product complies with the inventory requirements administered by the governing country(s).

A "No" indicates that one or more components of the product are not listed or exempt from listing on the inventory administered by the governing country(s).

**16. Other information, including date of preparation or last revision**

Issue date 05-April-2015  
Revision date 01-June-2015  
Version # 02



## Further information

HMIS® is a registered trade and service mark of the NPCA.  
E - Safety Glasses, Gloves, Dust Respirator

### PERCENTAGE OF HAZARDOUS INGREDIENTS COMPONENT %:

0.25 pcf

Arsenic Pentoxide 0.3%, Copper Oxide 0.15%, Chromium Trioxide 0.4%, Wood Dust\* 84.28%

0.4 pcf

Arsenic Pentoxide 0.4%, Copper Oxide 0.2%, Chromium Trioxide 0.6%, Wood Dust\* 83.98%

0.6 pcf

Arsenic Pentoxide 0.6%, Copper Oxide 0.3%, Chromium Trioxide 0.9%, Wood Dust\* 83.47%

1.0 pcf

Arsenic Pentoxide 1.0%, Copper Oxide 0.6%, Chromium Trioxide 1.4%, Wood Dust\* 82.45%

2.5 pcf

Arsenic Pentoxide 2.6%, Copper Oxide 1.3%, Chromium Trioxide 3.3%, Wood Dust\* 78.88%

\* This represents the maximum amount of wood dust that could be generated if the wood was completely machined.

The above percentages are based on the applicable retention, a wood density of 32 pcf., and a moisture content of 15%, the above values may vary due to the variability of treatment and the natural variability of wood.

## HMIS® ratings

Health: 1\*

Flammability: 1

Physical hazard: 0

Personal protection: E

## NFPA ratings



## Disclaimer

Koppers Performance Chemicals Inc. cannot anticipate all conditions under which this information and its product, or the products of other manufacturers in combination with its product, may be used. It is the user's responsibility to ensure safe conditions for handling, storage and disposal of the product, and to assume liability for loss, injury, damage or expense due to improper use. The information in the sheet was written based on the best knowledge and experience currently available.

# **Coastal Vulnerability Assessment**

**Prepared for:**

**Esther's Marina LLC  
41 Pickering Avenue  
Portsmouth, New Hampshire 03801**

**Prepared By:**

**Ambit Engineering, Inc  
200 Griffin, Unit 3  
Portsmouth, New Hampshire 03801**



**AMBIT ENGINEERING, INC.**  
**Civil Engineers & Land Surveyors**

## **Introduction**

This Coastal Vulnerability Assessment (CVA) is being provided in support of a New Hampshire Department of Environmental Services (NHDES) Wetland Permit Application for the construction of a tidal dock expansion including the addition of a 3' x 40' gangway and a 10' x 70' float at 41 Pickering Avenue, Portsmouth, NH (herein referred to as "project site"). The project site is located on the eastern side of Pickering Avenue, to the east of the terminal end of South Mill Street and to the west of the Piscataqua River. The surrounding land use is residential/commercial with similar docking structures.

## **Methods**

On February 18, 2021, Steven D. Riker, CWS from Ambit Engineering, Inc. conducted a site visit to evaluate coastal characteristics of the project site, as well as the functions and values of the tidal wetland area (see attached Coastal Functions and Values assessment). This CVA was completed utilizing the NH Coastal Flood Risk Science and Technical Advisory Panel (2019). New Hampshire Coastal Flood Risk Summary Part: Guidance for Using Scientific Projections. Report Published by the University of New Hampshire (herein referred to as Guidance Document).

### **Part 1.1 – Project Type**

This project proposes the construction of a tidal dock expansion on a lot adjacent to the Piscataqua River. The purpose for the expansion is to provide Esther's Marina LLC with expanded and improved dockage and water access for an existing kayak rental business. For more details regarding construction of the docking structure and construction sequences; please refer to the NH DES Wetlands Bureau Application Letter to the Wetlands Inspector and attached NHDES Permit Plan – C2 and Detail Sheet D1.

### **Part 1.2 – Project Location**

The project location 41 Pickering Avenue, Portsmouth, NH, Tax Map 102, Lot 25 and consists of 11,650 sq. ft. of upland and 205 +/- of shoreline frontage along the Piscataqua River. Access to the project site will be from Pickering Avenue for the staging of equipment, and the Piscataqua River for the staging of the barge to be used for deck, dock and pile installation.

### **Part 1.3 – Timeline for Desired Useful Life**

The desired useful life for this project is considered to be 2100 (50-100 years) due to the fact that the tidal dock expansion are structures that have a life expectancy of approximately 50-75 years.

### **2.1 – Project Risk Tolerance**

The proposed project is considered to have a high-risk tolerance considering that the structures have a relatively low cost, are relatively easy to modify, propose little to no implications on public function and/or safety; and has relatively low sensitivity to inundation, as the decks and dock floats are designed to withstand fluctuating tidal conditions including storm surge.


### **2.2 – Risk Tolerance of Important Access and Service Areas**

The risk tolerance of surrounding access and service areas is not applicable to this project, as the project occurs on private property, with existing tidal dock and proposed dock expansion are being accessed by foot from the subject property.

### 3.1 – Relative Sea Level Rise Scenario (RSLs)

Based on Table 3 in the Guidance Document (see table below), the RSLs for this project (based on the previously determined high risk tolerance) is considered to be on the lower magnitude, and higher probability. The following table depicts the probable sea level rise from 2000 through 2150.

**Table 3 from the Guidance Document:**

Risk Tolerance	High	Medium	Low	Extremely Low
Example Project	Walking Trail *Docking structure & Stone Revetment	Local Road Culvert	Wastewater Treatment Facility	Hospital
Timeframe	Manage to the following sea level rise (ft*) <i>Compared to the sea level in the year 2000</i>			
	Lower magnitude Higher probability			Higher magnitude Lower probability
2030	0.7	0.9	1.0	1.1
2050	1.3	1.6	2.0	2.3
2100	2.9	3.8	5.3	6.2
2150	4.6	6.4	9.9	11.7

\*Added by Ambit Engineering, Inc. based on the application of the Guidance Document towards our project.

### 3.2 – RSLR Impacts to the Project Evaluation

Please see the attached Figure 1 – Projected SLR's; which depicts the project site and relevant Highest Observable Tide Line (HOTL), MHHW, and the projected SLR's for the year 2100. Relative to surrounding topography and considering the High Risk Tolerance of this project; it is not expected the projected RSLR for this project needs to be a strong consideration. The tidal dock expansion will consist of attachment of the proposed gangway to the existing fixed wood pier, which is located at elevation 11.3. The projected sea level rise in year 2100 is 2.9 feet resulting in future Mean High Water (MHHW) elevation of 11.3 feet. MHHW and projected SLR is depicted in the profile view on Details-Sheet D1 in relation to the proposed dock elevation.

### 3.3 – Other Factors

Other factors were evaluated in conjunction with RSLR including surface water levels, groundwater levels, and current velocities which will increase with sediment erosion and deposition, which will also change. The project's position in the landscape was also considered relative to other infrastructure. The closest surface water to the project site is the adjacent Piscataqua River, projections of RSLR of which have already been depicted and discussed. There are no current restrictions on the project site or associated with the proposed project. Mean High Water (MHHW) associated with the project site is located approximately at elevation 8.43. Considering a 2.9 foot RSLR in the year 2100 resulting in an elevation of 11.3, and the existing fixed wood pier at elevation 11.3, the structure will function as intended throughout the expected useful life of the property they will serve, simply by the means in which they are constructed.

### 4.1 – RSLR and Coastal Storms

Due to the project site location being immediately adjacent to the Piscataqua River, it is anticipated that RSLR and storm surge on the proposed project site will be comparable to adjacent properties with similar docking structures. Considering the high risk tolerance of this project, it is not



anticipated that this project has a significant level of vulnerability to RSLR and coastal storms given the method in which the proposed structures will be constructed.

#### **4.2 – Other Factors**

Other factors such as surface water levels, groundwater levels, wind and current velocities have been considered. Considering the high risk tolerance of this project, it is not anticipated that this project has a significant level of vulnerability to groundwater levels, wind and current velocities given the method in which the proposed structures will be constructed.

#### **5.1 – Projected RSL-Induced Groundwater Rise**

Based on the Sea-Level Rise Mapper, there is projected groundwater rise associated with RSLR on the project site, however given that the project provides structure that will be pile supported over water, we do not believe groundwater rise should be a strong consideration.

#### **5.2 – Projected Groundwater Depth at the Project Location**

Based on knowledge of the site and soil morphology of the site, groundwater depth (Estimated Seasonal High Water Table) is between 25-35” below the soil surface.

#### **6.1 – Best Available Precipitation Estimates**

Please see the attached Extreme Precipitation Tables from the Northeast Regional Climate Center.

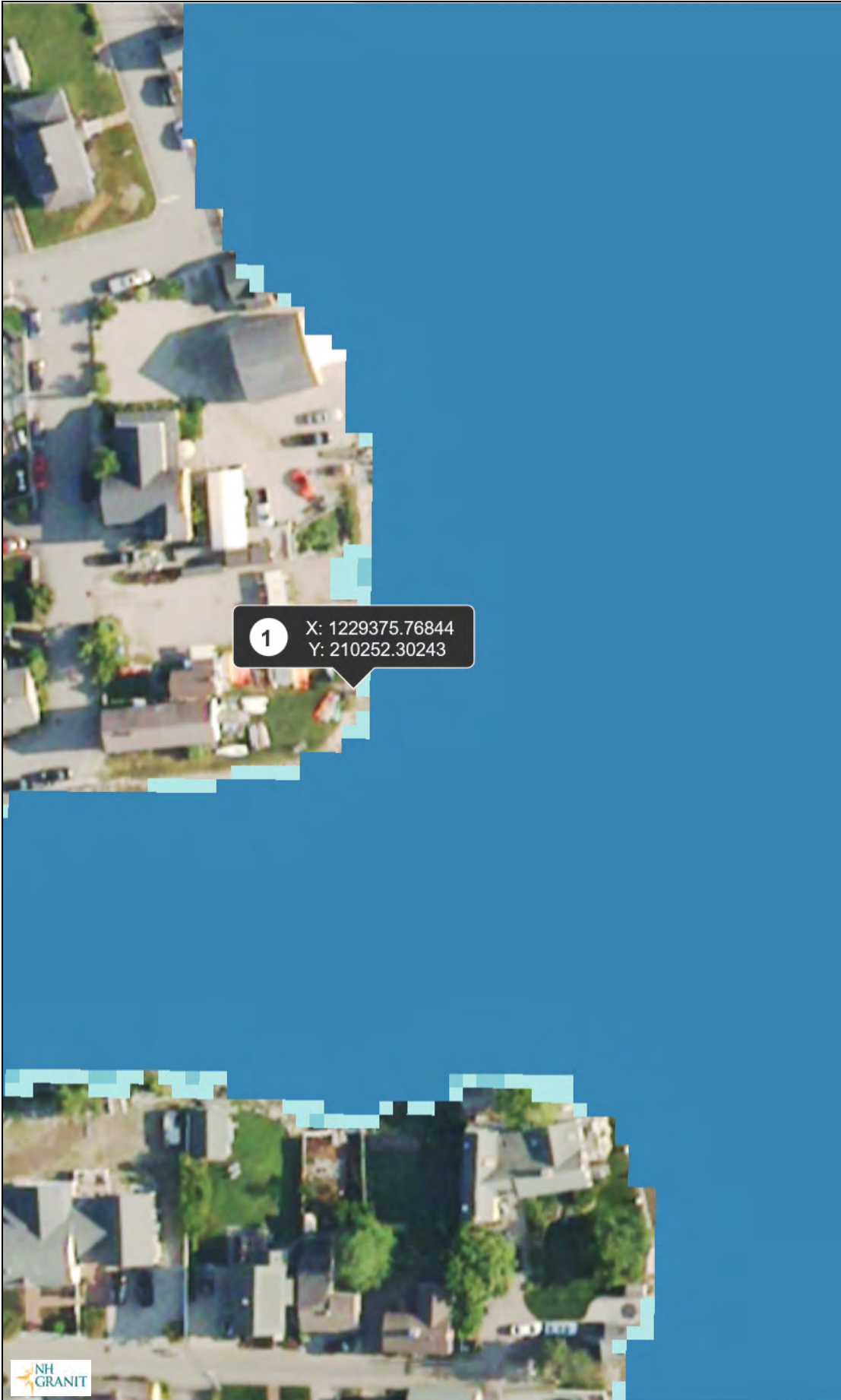
#### **7.1 – Cumulative Coastal Flood Risk to the Project**

Based on the high risk tolerance of this project combined with all other factors including RSLR, coastal storms, RSLR-induced groundwater rise, extreme precipitation and/or freshwater flooding occurring together; this project is not considered to be at high risk from coastal flooding.

#### **7.2 – Possible Actions to Mitigate Coastal Flood Risk**

Given the high risk tolerance of the proposed project, it is not anticipated that it is necessary to mitigate for coastal flood risk beyond what has already been incorporated into the design plan for the docking structure. The projected SLR scenario through 2100 is 2.9’ (See profile view on Sheet D1), and the proposed docking structure has been designed to account for this projection.

# Map by NH GRANIT



## Legend

MHHW + 1-ft SLR

0 - 2

2 - 4

4 - 6

6 - 8

8 - 10

Coastal 2019 1-foot RGB

Map Scale

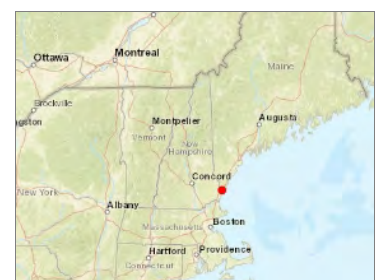
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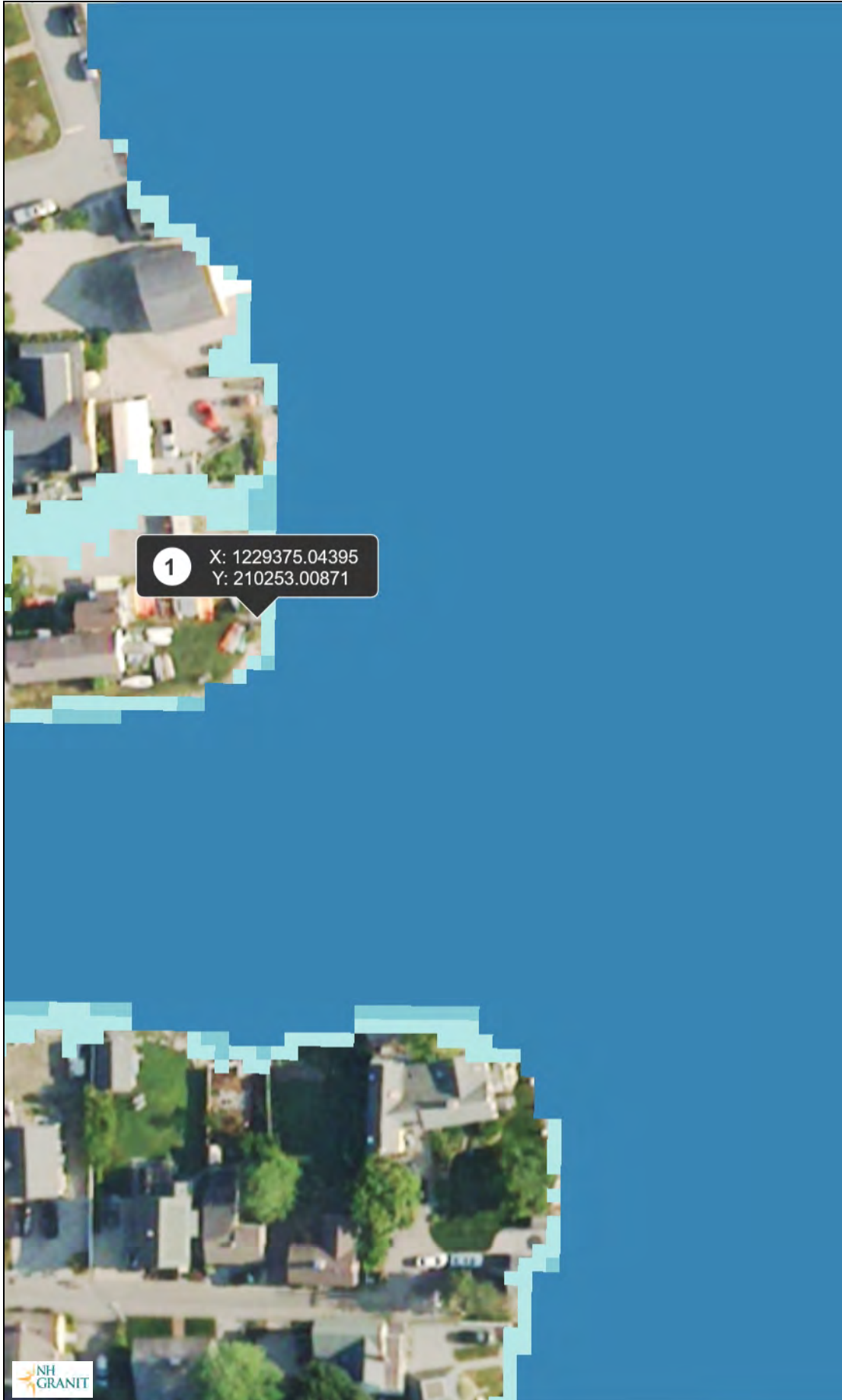
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## Notes



# Map by NH GRANIT



## Legend

MHHW + 2-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

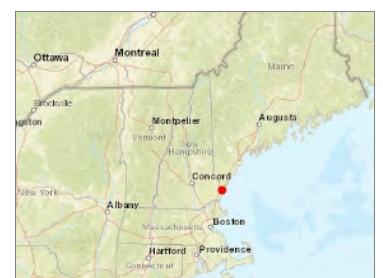
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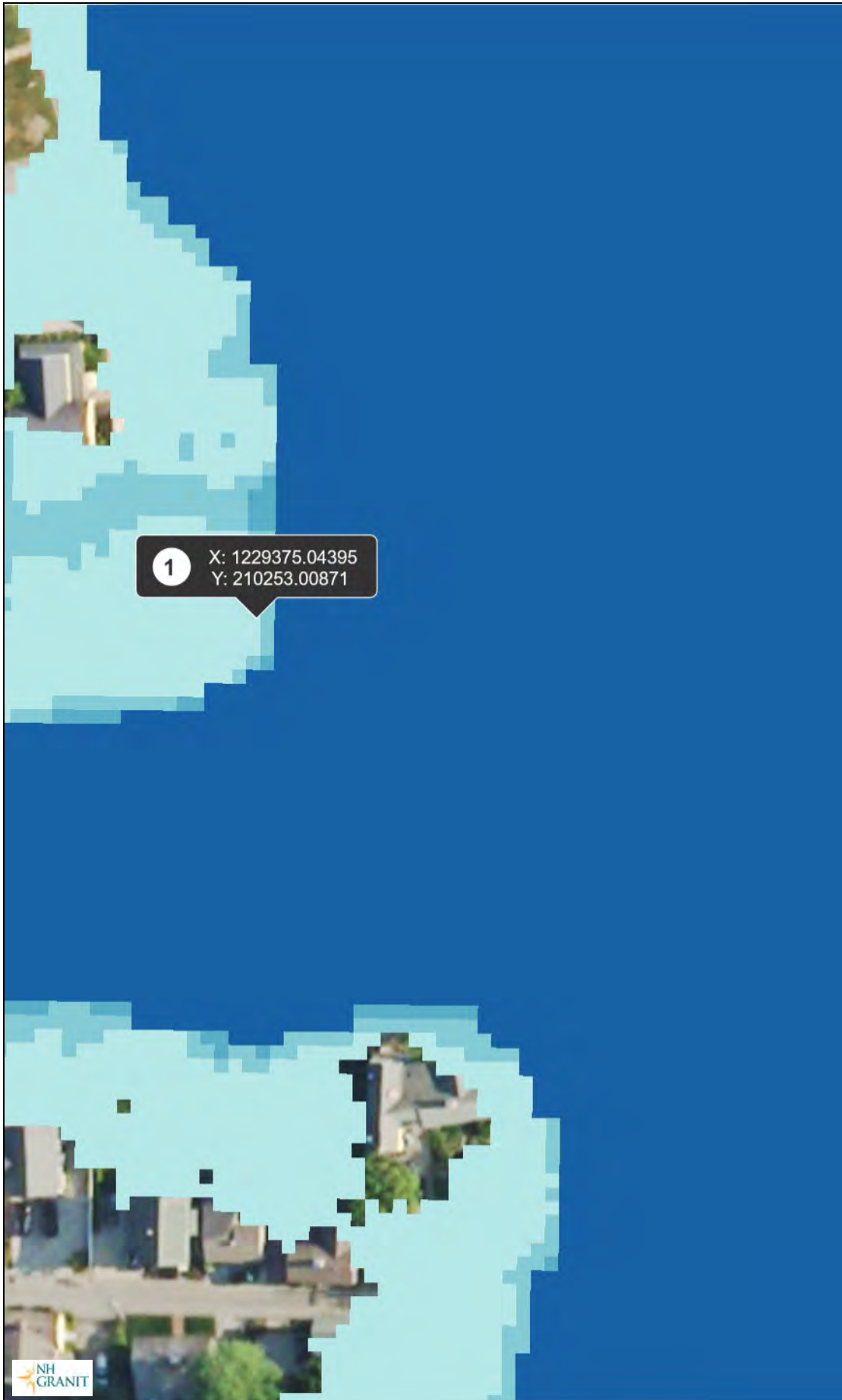
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## Notes



# Map by NH GRANIT



## Legend

MHHW + 4-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

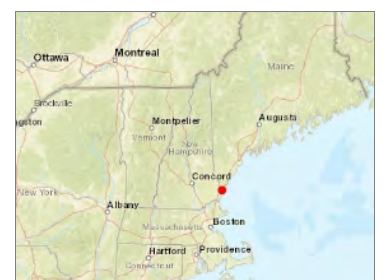
1: 812

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Map Generated: 7/21/2022



## Notes





# Map by NH GRANIT



## Legend

MHHW + 6-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

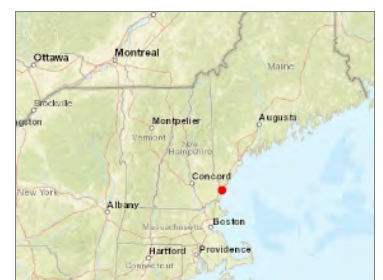
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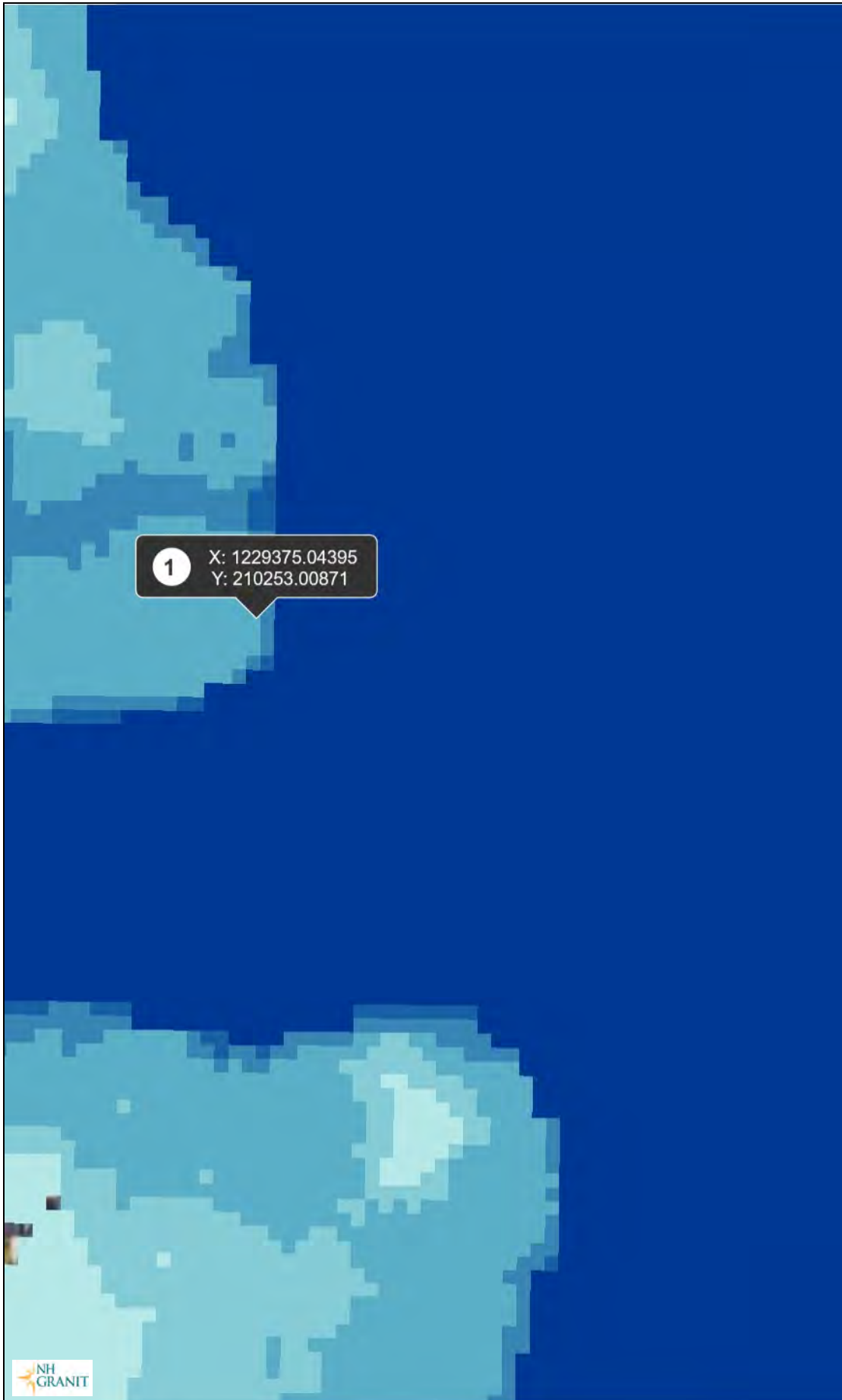
Map Generated: 7/21/2022



## Notes



# Map by NH GRANIT



## Legend

MHHW + 8-ft SLR

- 0 - 2
- 2 - 4
- 4 - 6
- 6 - 8
- 8 - 10
- 10 +

Coastal 2019 1-foot RGB

Map Scale

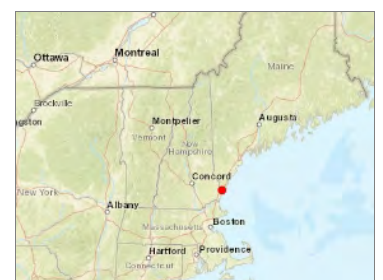
1: 812

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Map Generated: 7/21/2022



## Notes



# Extreme Precipitation Tables

## Northeast Regional Climate Center

Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.

Smoothing	Yes
State	
Location	
Longitude	70.745 degrees West
Latitude	43.071 degrees North
Elevation	0 feet
Date/Time	Tue, 21 Jan 2020 12:37:30 -0500

Precipitation estimates multiplied by 1.15 are listed below:

1-yr: 3.06  
2-yr: 3.69  
10-yr: 5.59  
50-yr: 8.49

### Extreme Precipitation Estimates

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.26	0.40	0.50	0.65	0.81	1.04	1yr	0.70	0.98	1.21	1.56	2.03	2.66	2.92	1yr	2.35	2.81	3.22	3.94	4.55	1yr
2yr	0.32	0.50	0.62	0.81	1.02	1.30	2yr	0.88	1.18	1.52	1.94	2.49	3.21	3.57	2yr	2.84	3.43	3.94	4.68	5.33	2yr
5yr	0.37	0.58	0.73	0.98	1.25	1.61	5yr	1.08	1.47	1.89	2.43	3.14	4.07	4.58	5yr	3.60	4.40	5.04	5.94	6.70	5yr
10yr	0.41	0.65	0.82	1.12	1.45	1.89	10yr	1.25	1.73	2.23	2.90	3.75	4.86	5.53	10yr	4.30	5.32	6.09	7.11	7.98	10yr
25yr	0.48	0.76	0.97	1.34	1.78	2.34	25yr	1.54	2.15	2.78	3.64	4.74	6.17	7.10	25yr	5.46	6.83	7.81	9.02	10.05	25yr
50yr	0.54	0.86	1.10	1.54	2.08	2.77	50yr	1.79	2.53	3.30	4.33	5.67	7.38	8.58	50yr	6.54	8.25	9.43	10.81	11.97	50yr
100yr	0.60	0.97	1.25	1.78	2.43	3.27	100yr	2.09	2.99	3.92	5.17	6.77	8.85	10.37	100yr	7.83	9.98	11.39	12.96	14.26	100yr
200yr	0.68	1.11	1.43	2.05	2.84	3.85	200yr	2.45	3.53	4.63	6.14	8.09	10.60	12.54	200yr	9.38	12.06	13.76	15.54	17.00	200yr
500yr	0.80	1.32	1.72	2.50	3.50	4.79	500yr	3.02	4.40	5.79	7.72	10.23	13.47	16.13	500yr	11.92	15.51	17.68	19.77	21.47	500yr

### Lower Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.23	0.36	0.44	0.59	0.72	0.88	1yr	0.62	0.86	0.93	1.33	1.69	2.25	2.48	1yr	1.99	2.38	2.87	3.20	3.91	1yr
2yr	0.31	0.49	0.60	0.81	1.00	1.19	2yr	0.86	1.16	1.37	1.82	2.33	3.06	3.45	2yr	2.71	3.32	3.82	4.55	5.09	2yr
5yr	0.35	0.54	0.67	0.92	1.17	1.40	5yr	1.01	1.37	1.61	2.11	2.73	3.78	4.18	5yr	3.35	4.02	4.72	5.53	6.23	5yr
10yr	0.39	0.59	0.73	1.03	1.33	1.60	10yr	1.14	1.56	1.80	2.38	3.05	4.36	4.85	10yr	3.86	4.66	5.43	6.40	7.18	10yr
25yr	0.44	0.67	0.83	1.19	1.56	1.90	25yr	1.35	1.86	2.10	2.75	3.52	4.74	5.87	25yr	4.20	5.64	6.62	7.77	8.66	25yr
50yr	0.48	0.73	0.91	1.31	1.76	2.16	50yr	1.52	2.12	2.34	3.06	3.91	5.36	6.76	50yr	4.75	6.50	7.69	9.01	9.99	50yr
100yr	0.53	0.81	1.01	1.46	2.01	2.46	100yr	1.73	2.41	2.62	3.40	4.32	6.03	7.80	100yr	5.34	7.50	8.92	10.47	11.53	100yr
200yr	0.59	0.89	1.13	1.63	2.27	2.81	200yr	1.96	2.75	2.93	3.76	4.76	6.77	8.99	200yr	5.99	8.64	10.34	12.17	13.33	200yr
500yr	0.68	1.02	1.31	1.90	2.70	3.36	500yr	2.33	3.28	3.41	4.28	5.40	7.89	10.84	500yr	6.99	10.43	12.56	14.89	16.15	500yr

### Upper Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.29	0.44	0.54	0.72	0.89	1.09	1yr	0.77	1.06	1.26	1.74	2.20	2.97	3.17	1yr	2.63	3.05	3.58	4.37	5.04	1yr
2yr	0.34	0.52	0.64	0.87	1.07	1.27	2yr	0.92	1.24	1.48	1.96	2.52	3.42	3.71	2yr	3.03	3.57	4.10	4.84	5.62	2yr
5yr	0.40	0.62	0.77	1.05	1.34	1.62	5yr	1.15	1.59	1.89	2.54	3.26	4.34	4.97	5yr	3.84	4.78	5.38	6.39	7.17	5yr
10yr	0.47	0.72	0.89	1.25	1.61	1.98	10yr	1.39	1.94	2.29	3.11	3.97	5.34	6.22	10yr	4.72	5.98	6.84	7.86	8.77	10yr
25yr	0.58	0.88	1.09	1.56	2.05	2.58	25yr	1.77	2.52	2.96	4.08	5.17	7.74	8.37	25yr	6.85	8.05	9.20	10.36	11.43	25yr
50yr	0.67	1.03	1.28	1.84	2.47	3.14	50yr	2.13	3.07	3.61	5.02	6.35	9.69	10.50	50yr	8.57	10.10	11.51	12.76	13.99	50yr
100yr	0.79	1.20	1.50	2.17	2.98	3.83	100yr	2.57	3.74	4.39	6.18	7.81	12.11	13.17	100yr	10.72	12.66	14.41	15.74	17.13	100yr
200yr	0.93	1.40	1.77	2.57	3.58	4.68	200yr	3.09	4.57	5.36	7.61	9.61	15.19	16.53	200yr	13.44	15.89	18.08	19.41	20.97	200yr
500yr	1.16	1.72	2.21	3.21	4.57	6.07	500yr	3.94	5.94	6.96	10.07	12.67	20.50	22.33	500yr	18.14	21.48	24.39	25.60	27.40	500yr

# **Wetland Functions and Values Assessment**

**Prepared for:**

**Esther's Marina, LLC  
41 Pickering Avenue  
Portsmouth, New Hampshire 03801**

**Prepared By:**

**Ambit Engineering, Inc  
200 Griffin, Unit 3  
Portsmouth, New Hampshire 03801**



**Date: July 21, 2021**



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## APPENDICES

Appendix A	Wetland Function-Value Evaluation Form
Appendix B	Photo Log
Appendix C	NH Natural Heritage Bureau Letter

## INTRODUCTION

The applicant is proposing the construction of tidal dock expansion at 41 Pickering Avenue, Portsmouth, New Hampshire. The project site is identified on Portsmouth Tax Map 102 as Lot 25 and is approximately 11,650 sq. ft. in size. As currently designed, the proposed project would require impacts to tidal wetlands associated within the Piscataqua River.

The purpose of this report is to present the existing functions and values of the tidal wetlands and to assess any impacts the proposed project may have on their ability to continue to perform these functions and values. The tidal wetlands being impacted were assessed with consideration to their association with the Piscataqua River and the larger marine ecosystem and was not limited to the tidal wetlands immediately on-site.

## METHODS

### DATA COLLECTION

The tidal wetlands associated with this project area were identified and characterized through field survey and review of existing information. Ambit Engineering, Inc. (Ambit) conducted a site visit in February of 2021 to characterize the tidal wetlands and collect the necessary information to complete a functions and values assessment. In addition, Ambit contacted the New Hampshire Natural Heritage Bureau (NHB) regarding existing information of documented rare species or natural communities within the vicinity of the project site.

### WETLAND FUNCTIONS AND VALUES ASSESSMENT

Ambit assessed the ability of the tidal wetlands to provide certain functions and values and analyzed the potential affects the proposed project may have on their ability to continue to provide those functions and values. Wetland functions and values were assessed using the *Highway Methodology Workbook, Wetland Functions and Values: A Descriptive Approach*.<sup>1</sup> This method bases function and value determinations on the presence or absence of specific criteria for each of the 13 wetland functions and values (see definitions below). These criteria are assessed through direct field observations and a review of existing resource maps and databases. As part of the evaluation, the most important functions and values associated with the on-site wetlands are identified. In addition, the ecological integrity of the wetlands is evaluated based on the existing levels of disturbance and the overall significance of the wetlands within the local watershed.

- ° **Groundwater Interchange (Recharge/Discharge)**

*This function considers the potential for the project area wetlands to serve as groundwater recharge and/or discharge areas. It refers to the fundamental interaction between wetlands and aquifers, regardless of the size or importance of either.*

- ° **Floodwater Alteration (Storage and Desynchronization)**

*This function considers the effectiveness of the wetlands in reducing flood damage by attenuating floodwaters for prolonged periods following precipitation and snow melt events.*

- ° **Fish and Shellfish Habitat**

*This function considers the effectiveness of seasonally or permanently flooded areas within the subject wetlands for their ability to provide fish and shellfish habitat.*

- ° **Sediment/Toxicant Retention**

*This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland to function as a trap for sediments, toxicants, or pathogens, and is generally related to factors such as the type of soils, the density of vegetation, and the position in the landscape.*

- ° **Nutrient Removal/Retention/Transformation**

*This wetland function relates to the effectiveness of the wetland to prevent or reduce the adverse effects of excess nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers, or estuaries.*

---

<sup>1</sup> U.S. Army Corps of Engineers. 1999. *The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach*. U.S. Army Corps of Engineers. New England Division. 32pp. NAEPP-360-1-30a.

- ° **Production Export (Nutrient)**

*This function relates to the effectiveness of the wetland to produce food or usable products for humans or other living organisms.*

- ° **Sediment/Shoreline Stabilization**

*This function considers the effectiveness of a wetland to stabilize stream banks and shorelines against erosion, primarily through the presence of persistent, well-rooted vegetation.*

- ° **Wildlife Habitat**

*This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and/or migrating species must be considered.*

- ° **Recreation (Consumptive and Non-Consumptive)**

*This value considers the suitability of the wetland and associated watercourses to provide recreational opportunities such as hiking, canoeing, boating, fishing, hunting, and other active or passive recreational activities.*

- ° **Educational/Scientific Value**

*This value considers the effectiveness of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.*

- ° **Uniqueness/Heritage**

*This value relates to the effectiveness of the wetland or its associated water bodies to provide certain special values such as archaeological sites, unusual aesthetic quality, historical events, or unique plants, animals, or geologic features.*

- ° **Visual Quality/Aesthetics**

*This value relates to the visual and aesthetic qualities of the wetland.*

- ° **Endangered Species Habitat**

*This value considers the suitability of the wetland to support threatened or endangered species.*

## **FUNCTIONS AND VALUES ASSESSMENT**

Results of the wetland functions and values assessment are presented below. This assessment includes a discussion of potential changes to existing wetland functions and values that may occur as a result of the proposed project:

### **Groundwater Interchange (Recharge/Discharge)**

Because there is no identified sand and gravel aquifer underlying the project area, and the wetlands are not underlain by sands or gravel, it is unlikely that significant groundwater recharge is occurring within the tidal wetlands.

### **Floodwater Alteration (Storage and Desynchronization)**

The tidal wetlands associated with the Piscataqua River receive floodwaters from the surrounding watershed and connected waterways; therefore, is considered a principal function considering the large size of the combined waterways.

### **Fish and Shellfish Habitat**

The tidal wetland does provide fish and shellfish habitat, is associated with the Piscataqua River and the Atlantic Ocean; therefore, is considered a principal function.

### **Sediment/Toxicant Retention**

The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

### **Nutrient Removal/Retention/Transformation**

The tidal wetland and greater marine wetland system associated with the Piscataqua River contains dense vegetation and a significant source of sediments or toxicants; therefore, is considered a principal function.

**Production Export (Nutrient)**

Production export is a wetland function that typically occurs in the form of nutrient or biomass transport via watercourses, foraging by wildlife species, and removal of timber and other natural products. Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fisheries opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function.

**Sediment/Shoreline Stabilization**

Due to the tidal nature and wave action of this wetland; sediment/shoreline stabilization is considered a principal function.

**Wildlife Habitat**

The greater tidal wetland and the Piscataqua River provide a variety of coastal and marine habitats, therefore would be considered a principal function.

**Recreation (Consumptive and Non-Consumptive)**

The greater tidal wetland and the Piscataqua River provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.

**Education/Scientific Value**

The greater tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value.

**Uniqueness/Heritage**

The tidal wetland and the Piscataqua River are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with the Piscataqua River and the surrounding areas making this a principal value.

**Visual Quality/Aesthetics**

The Piscataqua River provides aesthetically pleasing coastal views that are viewable from surrounding uplands as well as from the water, making this a principal function.

**Endangered Species Habitat**

An online inquiry with the NHB resulted in the potential for Atlantic sturgeon (*Acipenser oxyrinchus*), and short nose sturgeon (*Acipenser brevirostrum*) to potentially occur near the project area. Ambit Engineering will provide specific project information to NHF & G and comments/recommendations will be provided to NH DES upon receipt.

**PROPOSED IMPACTS**

This report is accompanying a New Hampshire Department of Environmental Services (NHDES) Major Impact Wetland Permit Application request to propose 820 sq. ft. of permanent impact to tidal wetland for the installation of a tidal dock expansion along 210+/- feet of frontage along the Piscataqua River.

**SUMMARY AND CONCLUSIONS**

The jurisdictional tidal wetland is part of a larger marine system and provides eleven principal functions and values when evaluated as a whole. These functions and values include: floodflow alteration, fish and shellfish habitat, production export, sediment/shoreline stabilization, wildlife habitat, recreation, education/scientific value, uniqueness/heritage, and visual quality aesthetics. While the entire marine system provides these principal functions and values, the proposed impacts associated with the dock modification will not have any effect on its ability to continue to provide them.

The proposed impacts have been minimized to the greatest extent practicable, while allowing reasonable use of the property. The proposed structures will be constructed on piles within the tidal wetland further reducing permanent impacts. The structures will not contribute to additional storm water or pollution. It is



anticipated that there will be no effect on any fish or wildlife species that currently use the site for food, cover, and/or habitat. The structure will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, and it will not impede any migrational fish movement.

The structures have been designed to provide expanded use of the property and the business that is located on site. There is no grading of the shoreline required to construct the expansion. There will be no construction activity that will disturb the area adjacent to the use. All work will be performed from a crane barge at low tide. The barge floats into position and the crane will lower the proposed gangway and floats into position which are then fastened. This method eliminates any contact of construction equipment with the protected resource. Portions of the structures will be pre-fabricated off site and transported to the site via crane barge.













Based on our assessment of the current functions and values and the proposed structures; it is our belief that the proposed project will have no significant impact on the tidal wetlands or greater marine systems ability to continue to provide their functions and values.

## **APPENDIX A**

### **WETLAND FUNCTION - VALUE EVALUATION FORM**

## Wetland Function – Value Evaluation Form

<b>Wetland Description:</b> Wetland A is a tidal wetland associated with the Piscataqua River.		<b>File number:</b> 3050.50	
		<b>Wetland identifier:</b> Wetland A	
		Latitude: X: 1,229,389.87	Longitude: Y: 210,254.
		<b>Preparer(s):</b> Ambit Engineering, Inc.	
		200 Griffin Road	
		<b>Date:</b> February 18, 2021	

Function/Value	Capability Y N		Summary	Principal Yes/No
 Groundwater Recharge/Discharge		X	This wetland does not possess the characteristics needed to provide this function as there are no identified underlying sand or gravel aquifers.	—
 Floodwater Alteration	X		The tidal wetland and the Piscataqua River do receive floodwater from the surrounding watershed and connected waterways; therefore, this would be considered a principal function.	Y
 Fish and Shellfish Habitat	X		The tidal wetland and the Piscataqua River are part of a larger coastal marine system and provide both fish and shellfish habitat. This is considered a Principal Function.	Y
 Sediment/Toxicant Retention	X		The greater tidal wetland contains dense vegetation and a source of sediments and toxicants, therefore a principal function.	Y
 Nutrient Removal	X		The greater tidal wetland contains dense vegetation and a source of nutrients, therefore a principal function.	Y
 Production Export	X		Because the tidal wetland provides fish and wildlife habitat, commercial and recreational fishing opportunities, and nutrients are transferred over several trophic levels in the marine ecosystem, this is considered a principal function.	Y
 Sediment/Shoreline Stabilization	X		Due to the tidal nature and wave action of this wetland; sediment/shoreline stabilization is considered a principal function.	Y
 Wildlife Habitat	X		The greater tidal wetland and the Piscataqua River provides a variety of coastal and marine habitat, therefore would be considered a principal function.	Y
 Recreation	X		The greater tidal wetland provides a variety of consumptive and non-consumptive recreational opportunities including hunting, fishing and bird watching; therefore, would be considered a principal function.	Y
 Education/Scientific Value	X		The tidal wetland and the Piscataqua River are part of a larger marine ecosystem with multiple areas of public access making this a principal value.	Y
 Uniqueness/Heritage	X		The tidal wetland and the Piscataqua River are unique to the seacoast area. Additionally, there are pre and post-colonial historical components associated with the Piscataqua River and the surrounding areas making this a principal value.	Y
 Visual Quality/Aesthetics	X		The Piscataqua River provides aesthetically pleasing coastal views that are viewed from surrounding uplands as well as from the water, making this a principal function.	Y
<b>ES</b> Endangered Species Habitat	X		An online inquiry with the NH Natural Heritage Bureau resulted in an occurrence of a sensitive species near the project area. Ambit Engineering will coordinate with NHB and NHF & G and will forward comment to NH DES upon receipt.	—
Other				

Notes:

\* Attach list of considerations.

## **APPENDIX B**

### **PHOTO LOG**



Site Photograph #1

May 2021



Site Photograph #2

May 2021





Site Photograph #3

May 2021



Site Photograph #4

May 2021





Site Photograph #5

April 2022



Site Photograph #6

April 2022





Site Photograph #7

April 2022



Site Photograph #8

April 2022





Site Photograph #9

April 2022



Site Photograph #10

April 2022





Site Photograph #11

April 2022



Site Photograph #12

April 2022





Site Photograph #13

April 2022



Site Photograph #14

April 2022



## **APPENDIX C**

### **NEW HAMPSHIRE NATURAL HERITAGE BUREAU CORRESPONDENCE**



# Memo

## NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

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

**From:** NHB Review, NH Natural Heritage Bureau

**Date:** 3/23/2022 (valid until 03/23/2023)

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

**Permits:** NHDES - Wetland Standard Dredge & Fill - Major

**NHB ID:** NHB22-0920

**Town:** Portsmouth

**Location:** 41 Pickering Avenue

**Description:** The project proposes the addition of a "float wing" to the existing commercial docking structure consisting of a 3' x 40' gangway and a 10' x 70' float.

**cc:** Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments** NHB: No Comments At This Time

**F&G:** Please describe timing and whether there will be any impacts to the bottom outside of the dry.

As of February 3, 2022, New Hampshire Fish and Game requirements for environmental review consultation have changed. To review the new rules, please go to <https://www.wildlife.state.nh.us/legislative/proposed-rules.html>. All requests for consultation and submittals should be sent via email to [NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov) or can be sent by mail. The NHB Datacheck results letter number needs to be included in the email subject line.

The requirements for consultation (Fis 1004) shall not apply to the following: statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule. Review requests for these projects can be sent directly to [kim.tuttle@wildlife.nh.gov](mailto:kim.tuttle@wildlife.nh.gov).

### Vertebrate species

Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)

State<sup>1</sup>

T

Federal

T

Notes

Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

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

DNCR/NHB  
172 Pembroke Rd.  
Concord, NH 03301

## Memo

## NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

Shortnose Sturgeon (*Acipenser brevirostrum*)      E      E      Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

<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.

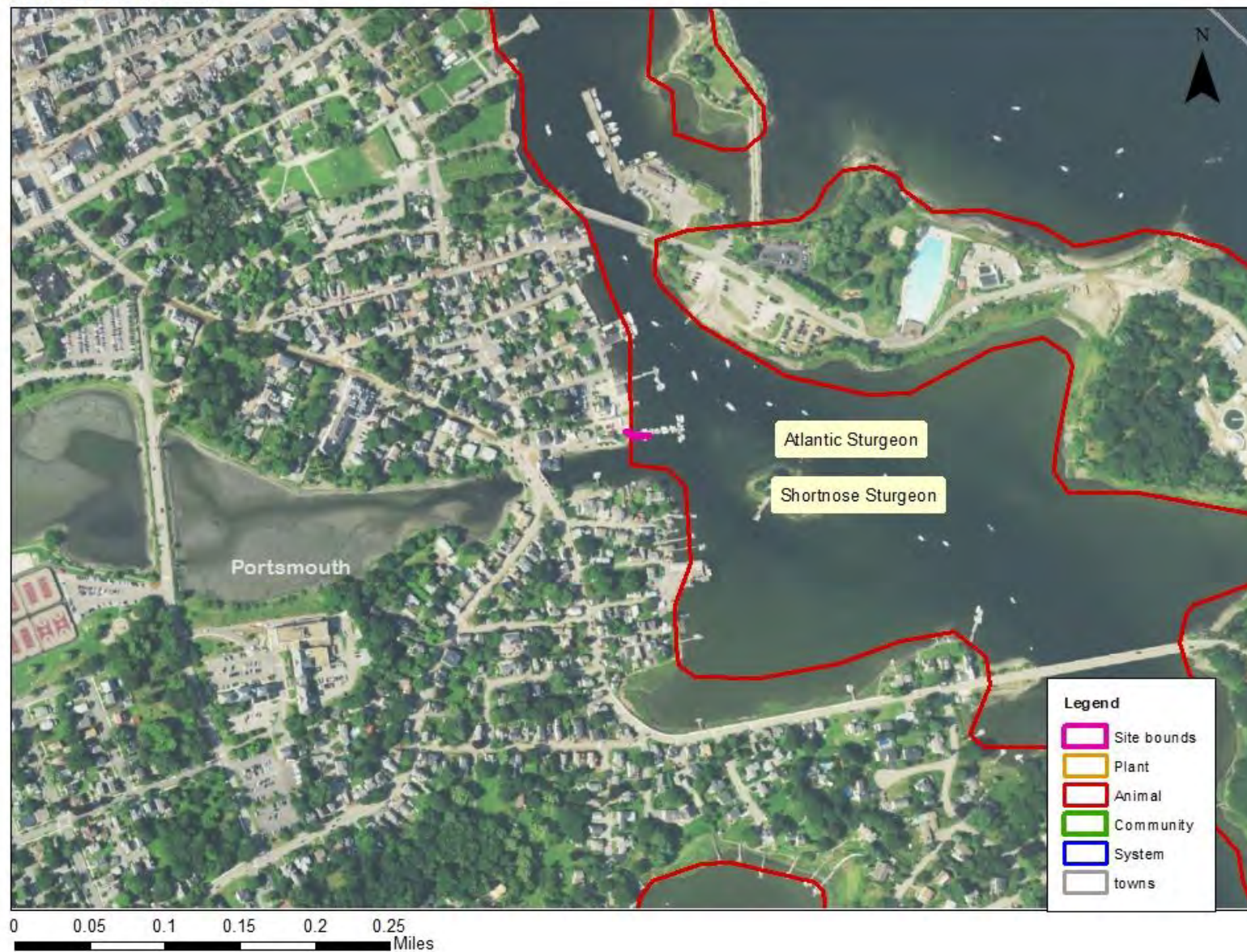
*Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.*

---

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.

# CONFIDENTIAL – NH Dept. of Environmental Services review

NHB22-0920



## New Hampshire Natural Heritage Bureau - Animal Record

Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)**Legal Status**

Federal: Listed Threatened  
State: Listed Threatened

**Conservation Status**

Global: Rare or uncommon  
State: Critically imperiled due to rarity or vulnerability

**Description at this Location**

Conservation Rank: Not ranked  
Comments on Rank: --

Detailed Description: 2016: 1 individual, sex unknown, detected in the lower Piscataqua River. 2015: 1 individual, sex unknown, detected in Portsmouth Harbor. 2012: 1 individual, sex unknown, detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --

Management: --

Comments:

**Location**

Survey Site Name: Piscataqua River

Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

**Dates documented**

First reported: 2012-06-02

Last reported: 2016-05-27

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.



## New Hampshire Natural Heritage Bureau - Animal Record

**Shortnose Sturgeon (*Acipenser brevirostrum*)****Legal Status**

Federal: Listed Endangered  
State: Listed Endangered

**Conservation Status**

Global: Rare or uncommon  
State: Critically imperiled due to rarity or vulnerability

**Description at this Location**

Conservation Rank: Not ranked  
Comments on Rank: --

Detailed Description: 2016: 2 individuals, 1 female and 1 sex unknown, detected in Portsmouth Harbor and the lower Piscataqua River. 2015: 3 females and 2 other individuals, sex unknown detected in Portsmouth Harbor. 2014: 1 female detected moving from Portsmouth Harbor up the Piscataqua River to the mouth of the Cocheco River. 2012: 1 female detected in Little Bay. 2011: 1 female detected in Little Bay. 2010: 1 female detected in Little Bay.

General Area: 2016: Tidal waters in Portsmouth Harbor, Little Bay, and the Piscataqua River.

General Comments: --

Management: --

Comments:

**Location**

Survey Site Name: Piscataqua River

Managed By:

County:

Town(s): Out-Of-State

Size: 7749.3 acres

Elevation:

Precision: Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).

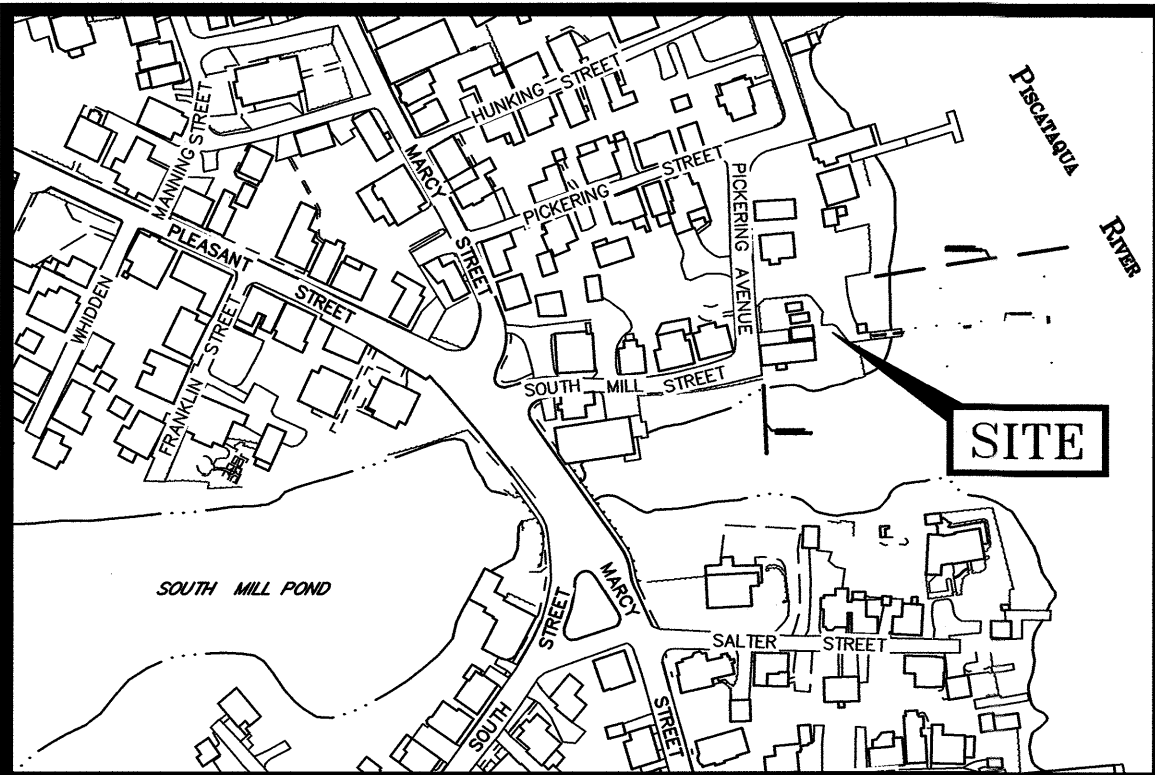
Directions: 2016: Tidal waters of Portsmouth Harbor, Little Bay, and the Piscataqua River.

**Dates documented**

First reported: 2010-11-03

Last reported: 2016-10-20

The U.S. Fish & Wildlife Service has jurisdiction over Federally listed species. Please contact them at 70 Commercial Street, Suite 300, Concord NH 03301 or at (603) 223-2541.



LOCATION MAP

SCALE: 1" = 200'

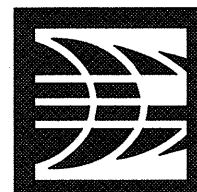
LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11 21	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	IRON PIPE FOUND
■	STONE/CONCRETE BOUND FOUND
●	RAILROAD SPIKE SET
●	IRON ROD SET
●	DRILL HOLE SET
■	GRANITE BOUND SET
—	BOUNDARY
—	BUILDING SETBACK
—	MEAN HIGH WATER LINE
—	MEAN LOW WATER LINE
—	NH DES HIGHEST OBSERVABLE TIDE LINE
—	FRESHWATER WETLAND LINE
—	WETLAND BUFFER LINE
—	OVERHEAD ELECTRIC/WIRES
—	CONTOUR
—	SPOT ELEVATION
—	EDGE OF PAVEMENT (EP)
—	WOODS / TREE LINE
—	UTILITY POLE (w/ GUY)
—	GAS SHUT OFF
—	WATER SHUT OFF/CURB STOP
—	GATE VALVE
—	HYDRANT
—	METER (GAS, WATER, ELECTRIC)
—	EDGE OF WETLAND FLAGGING
—	SWAMP / MARSH
—	ELEVATION
—	EDGE OF PAVEMENT
—	FINISHED FLOOR
—	INVERT
—	TEMPORARY BENCHMARK
—	TYPICAL
—	LANDSCAPED AREA

PLAN REFERENCES:  
1) STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 25 ESTHER'S MARINA, LLC, 41 PICKERING AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, DATED MARCH 2011, PREPARED BY AMBIT ENGINEERING, INC., NOT RECORDED

WETLAND NOTES:

- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 2/18/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
  - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEIWPCC WETLANDS WORK GROUP (2019).
  - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
  - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
  - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

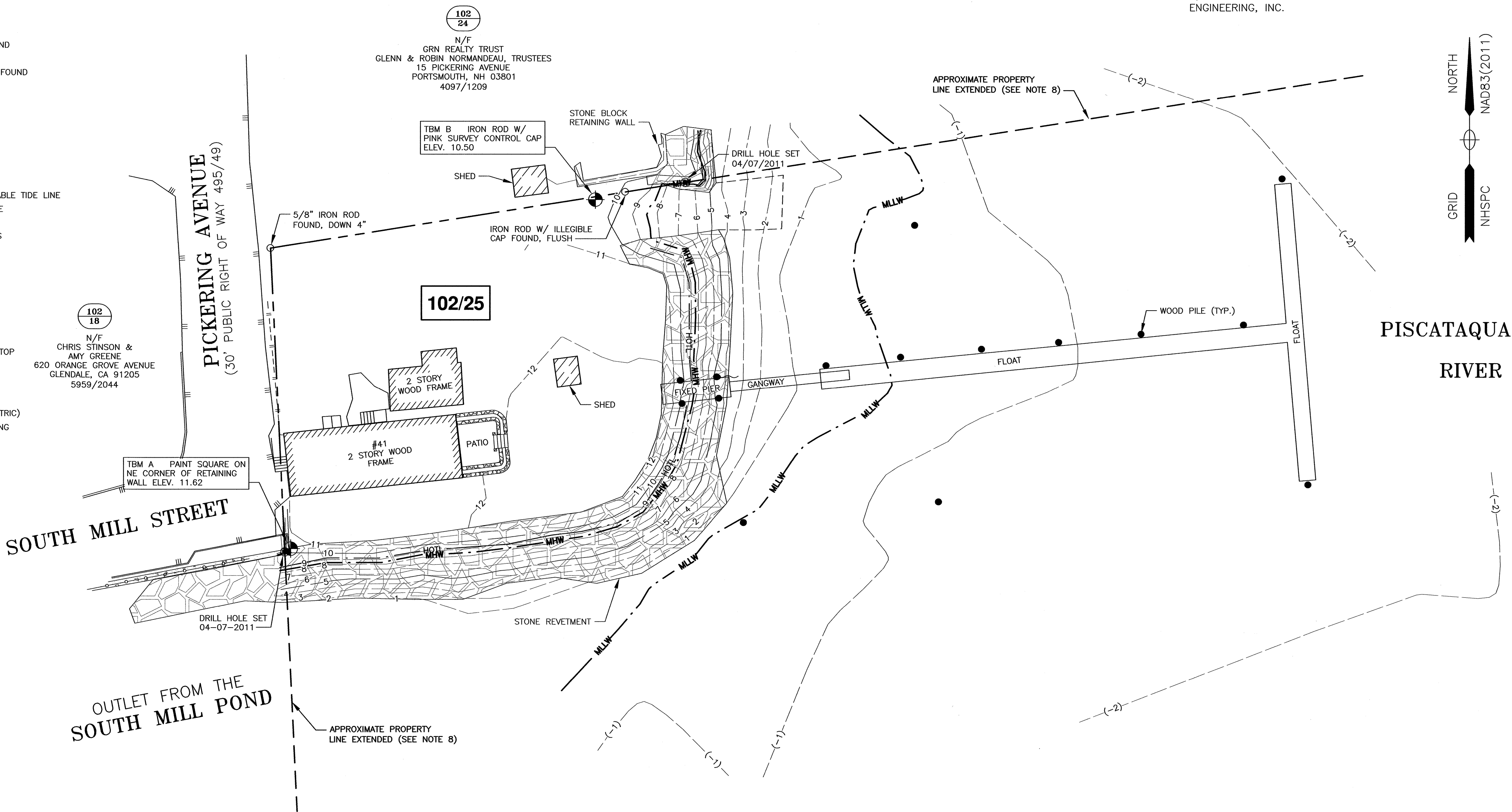


**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 102 AS LOT 25.
- OWNER OF RECORD:  
ESTHER'S MARINA, LLC  
41 PICKERING AVENUE  
PORTSMOUTH, NH 03801  
3791/2262
- PARCEL IS IN A SPECIAL FLOOD HAZARD ZONE AREA (ZONE AE, EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE DATE JANUARY 29, 2021.
- EXISTING LOT AREA (TO MEAN HIGH WATER):  
11,650 S.F. ±  
0.2675 ACRES ±
- PARCEL IS LOCATED IN THE WATERFRONT BUSINESS DISTRICT (WB) AND THE HISTORIC DISTRICT.
- DIMENSIONAL REQUIREMENTS:

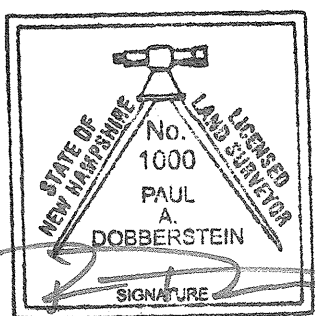
MIN. LOT AREA:	20,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT 30 FEET
	SIDE 30 FEET
	REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
BUILDING COVERAGE:	30%
MINIMUM OPEN SPACE:	20%
- VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. TRANSFORMATION FROM NAVD88 TO MLLW REFERENCED TO NOAA STATION 8419870, SEAVEY ISLAND, PORTSMOUTH HARBOR. MLLW BEING 4.62' LOWER THAN NAVD88.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE REFERENCE PLAN LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF MAP 102 LOT 25 IN PORTSMOUTH.



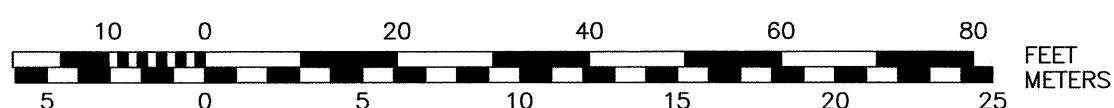
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A DOBBERSTEIN, LLS

DATE

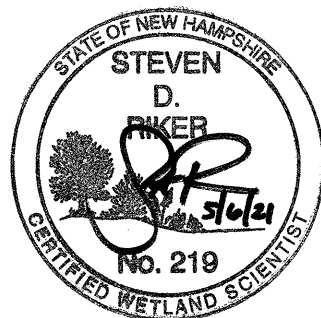


GRAPHIC SCALE



ESTHER'S MARINA  
41 PICKERING AVENUE  
PORTSMOUTH, N.H.

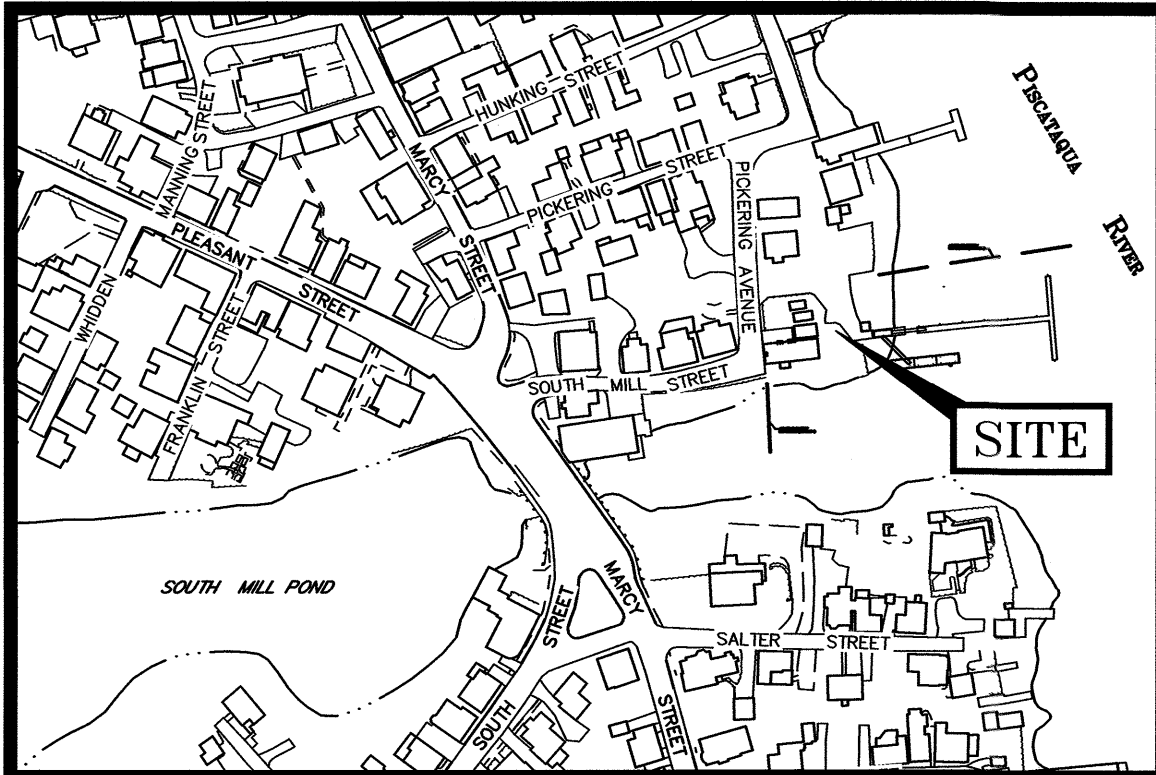
0	ISSUED FOR COMMENT	5/6/21
NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1" = 20' MAY 2021

EXISTING CONDITIONS  
PLAN

C1



LOCATION MAP

SCALE: 1" = 200'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
11/21	MAP 11 / LOT 21
○	RAILROAD SPIKE FOUND
○	IRON ROD/IRON PIPE FOUND
○	IRON PIPE FOUND
○	STONE/CONCRETE BOUND FOUND
○	RAILROAD SPIKE SET
○	IRON ROD SET
○	DRILL HOLE SET
○	GRANITE BOUND SET
○	BOUNDARY
○	BUILDING SETBACK
○	MEAN HIGH WATER LINE
○	MEAN LOW WATER LINE
○	NH DES HIGHEST OBSERVABLE TIDE LINE
○	FRESHWATER WETLAND LINE
○	WETLAND BUFFER LINE
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○	SPOT ELEVATION
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○	WOODS / TREE LINE
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○	GAS SHUT OFF
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○	METER (GAS, WATER, ELECTRIC)
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○	FINISHED FLOOR
○	INVERT
○	TEMPORARY BENCHMARK
○	TYPICAL
○	LANDSCAPED AREA

SOUTH MILL STREET

OUTLET FROM THE SOUTH MILL POND

PICKERING AVENUE  
(30' PUBLIC RIGHT OF WAY 495/49)

TBM A PAINT SQUARE ON NE CORNER OF RETAINING WALL ELEV. 11.62

102/25

102/24

N/F  
GRN REALTY TRUST  
GLENN & ROBIN NORMANDEAU, TRUSTEES  
15 PICKERING AVENUE  
PORTSMOUTH, NH 03801  
4097/1209

TBM B IRON ROD W/ PINK SURVEY CONTROL CAP ELEV. 10.50

5/8" IRON ROD FOUND, DOWN 4"

IRON ROD W/ ILLEGIBLE CAP FOUND, FLUSH

2 STORY WOOD FRAME

2 STORY WOOD FRAME

PATIO

SHED

EXISTING FIXED PIER

PROPOSED 3'X40' GANGWAY

EXISTING GANGWAY

EXISTING FLOAT

PROPOSED FLOAT STOPS

EXISTING WOOD PILE W/ PROPOSED U-BOLT (TYP.)

PROPOSED 10'X70' FLOAT

STONE REVETMENT

DRILL HOLE SET 04-07-2011

APPROXIMATE PROPERTY LINE EXTENDED (SEE NOTE 8)

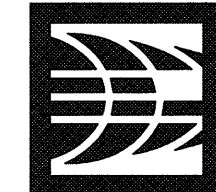
APPROXIMATE PROPERTY LINE EXTENDED (SEE NOTE 8)

SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILINGS WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILINGS. PILING ARE DRIVEN TO REFUSAL.

WETLAND NOTES:

- 1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 2/18/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
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  - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



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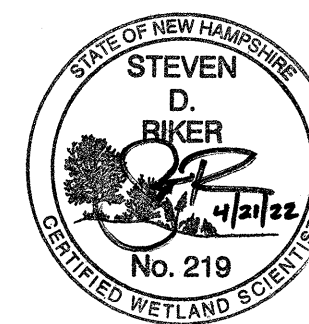
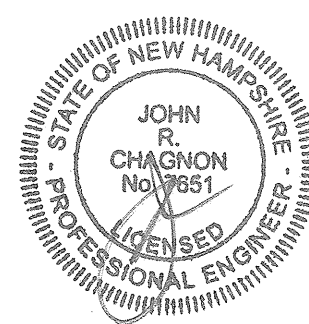
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 102 AS LOT 25.
- 2) OWNER OF RECORD:  
ESTHER'S MARINA, LLC  
41 PICKERING AVENUE  
PORTSMOUTH, NH 03801  
3791/2262
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD ZONE AREA (ZONE AE, EL. 8) AS SHOWN ON FIRM PANEL 33015C0278F. EFFECTIVE DATE JANUARY 29, 2021.
- 4) EXISTING LOT AREA (TO MEAN HIGH WATER):  
11,650 S.F. ±  
0.2675 ACRES ±
- 5) PARCEL IS LOCATED IN THE WATERFRONT BUSINESS DISTRICT (WB) AND THE HISTORIC DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	20,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT 30 FEET
	SIDE 30 FEET
	REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
BUILDING COVERAGE:	30%
MINIMUM OPEN SPACE:	20%
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- 8) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE REFERENCE PLAN LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
- 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DOCK EXPANSION ASSOCIATED WITH THE EXISTING TIDAL DOCKING STRUCTURE ON A PORTION OF MAP 102 LOT 25 IN PORTSMOUTH.

ESTHER'S MARINA  
41 PICKERING AVENUE  
PORTSMOUTH, N.H.

0	ISSUED FOR COMMENT	4/14/22
NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1" = 20'

APRIL 2022

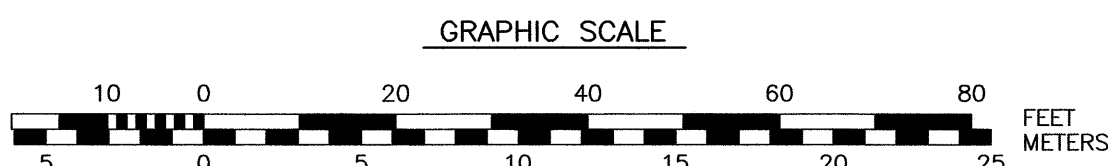
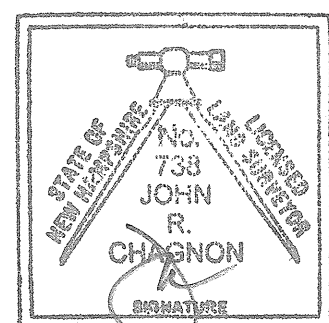
NHDES PERMIT  
PLAN

C2

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738

DATE 4.14.22





## SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILINGS WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILINGS. PILING ARE DRIVEN TO REFUSAL.
- 7) PILINGS ARE CUT AND BEAM CAPS ARE INSTALLED AND THE SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 8) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

## DISCHARGES, AVOIDANCE, MINIMIZATION AND MITIGATION

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORPS AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACE AND AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

- UNLESS SPECIFICALLY AUTHORIZED USACE AND AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

## HEAVY EQUIPMENT IN FRESH WATER WETLANDS

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CORDOROY ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

## TIME OF YEAR WORK WINDOW AND NOISE RESTRICTIONS

- I. PILES INSTALLED IN-THE-DRY DURING LOW WATER OR IN-WATER BETWEEN NOVEMBER 15TH - MARCH 15TH, OR
  - II. MUST BE DRILLED AND PINNED TO LEDGE, OR
  - III. VIBRATORY HAMMERS USED TO INSTALL ANY SIZE AND QUANTITY OF WOOD, CONCRETE OR STEEL PILES, OR
  - IV. IMPACT HAMMERS LIMITED TO ONE HAMMER AND <50 PILES INSTALLED/DAY WITH THE FOLLOWING: WOOD PILES OF ANY SIZE, CONCRETE PILES ≤18-INCHES DIAMETER, STEEL PILES 12-INCHES DIAMETER IF THE HAMMER IS ≤3000 LBS. AND A WOOD CUSHION IS USED BETWEEN THE HAMMER AND STEEL PILE.
- FOR II-IV ABOVE:
- I. IN-WATER NOISE LEVELS SHALL NOT >187dB SEL RE  $L_{pA}$  OR 206dB PEAK RE  $L_{pA}$  AT A DISTANCE 3-10' FROM THE PILE BEING INSTALLED, AND
  - II. IN-WATER NOISE LEVELS >155dB PEAK RE  $L_{pA}$  SHALL NOT EXCEED 12 CONSECUTIVE HOURS ON ANY GIVEN DAY AND A 12 HOUR RECOVERY PERIOD (I.E., IN-WATER NOISE BELOW 155dB PEAK RE  $L_{pA}$ ) MUST BE PROVIDED BETWEEN WORK DAYS.

## WORK SITE RESTORATION

- I. UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MIX SHALL CONTAIN ONLY PLANT SPECIES NATIVE TO NEW ENGLAND.
- II. THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED.
- III. IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA, UNLESS OTHERWISE AUTHORIZED.
- IV. WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS AUTHORIZED.

## SEDIMENTATION AND EROSION CONTROL

ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, STORMWATER DETENTION AND INFILTRATION SYSTEMS, SEDIMENT DETENTION BASINS, OR OTHER DEVICES SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION, OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS, AND OF FILTERING FINE SEDIMENT. THE DISTURBED AREAS SHALL BE STABILIZED AND THESE DEVICES SHALL BE REMOVED UPON COMPLETION OF WORK. THE SEDIMENT COLLECTED BY THESE DEVICES SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION, IN A MANNER THAT WILL PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

## SPAWNING AREAS.

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MACFUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., EFH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMF'S WEBSITE AT: [WWW.NERO.NOAA.GOV/HCD](http://WWW.NERO.NOAA.GOV/HCD).

## STORAGE OF SEASONAL STRUCTURES.

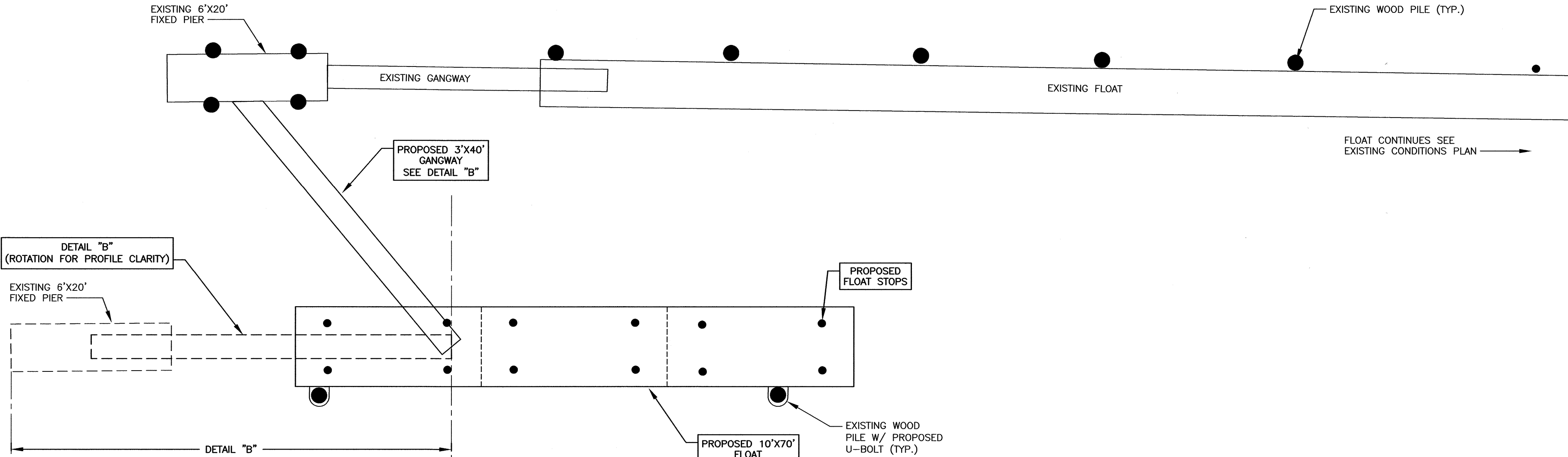
COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF MHW.

## ENVIRONMENTAL FUNCTIONS AND VALUES

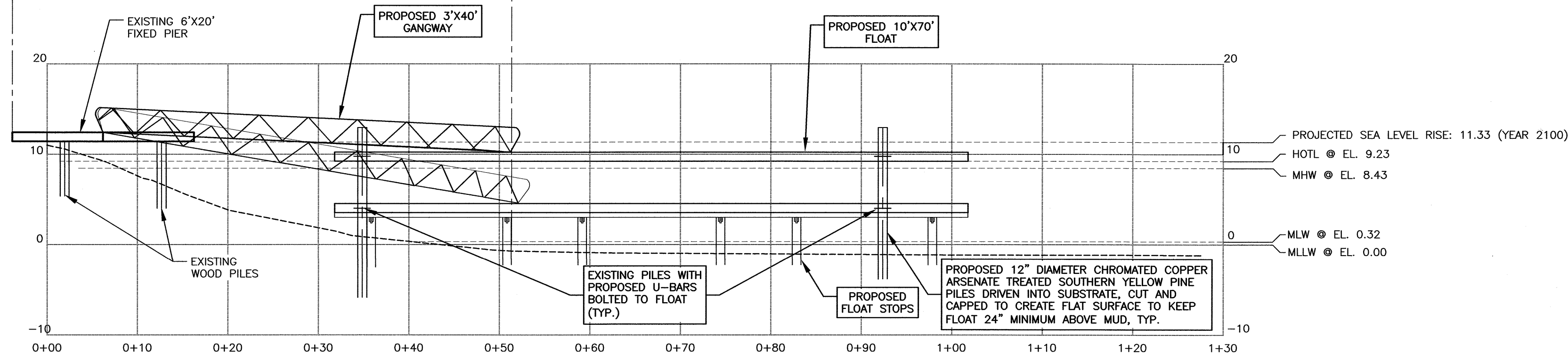
THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT [HTTP://WWW.NAE.USACE.ARMY.MIL/REGULATORY/](http://WWW.NAE.USACE.ARMY.MIL/REGULATORY/) FOR CONTROL METHODS.

## INSPECTIONS

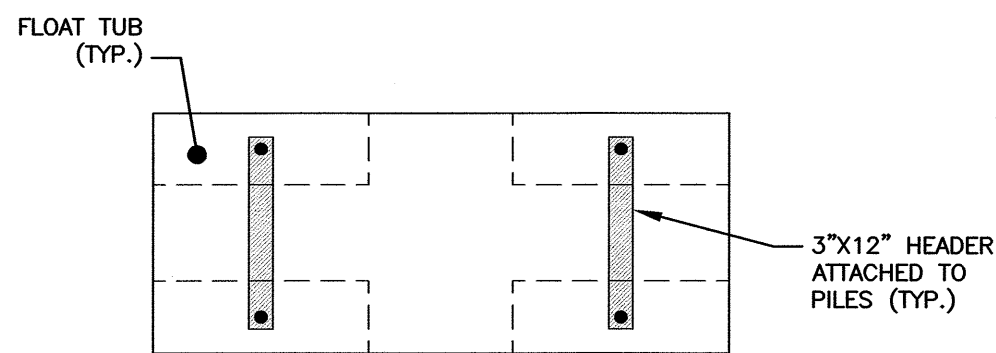
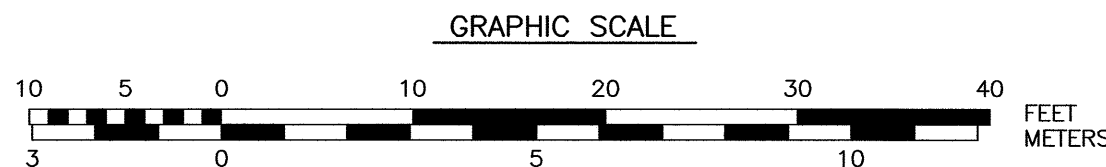
THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK, AND POST-DREDGING SURVEY DRAWINGS FOR ANY DREDGING WORK.



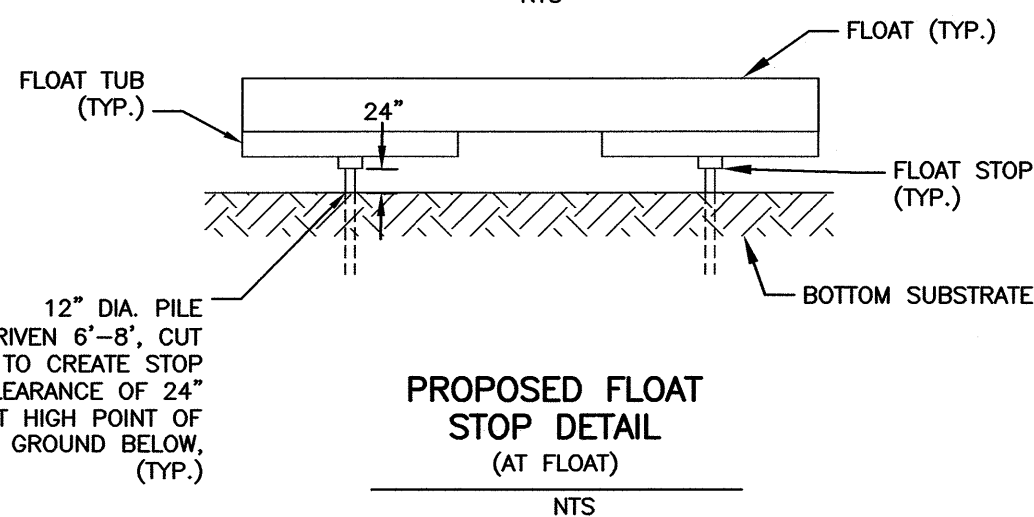
PLAN VIEW  
PROPOSED GANGWAY & FLOAT



DOCK ELEVATION  
PROPOSED GANGWAY & FLOAT



## PROPOSED FLOAT STOPS



## AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
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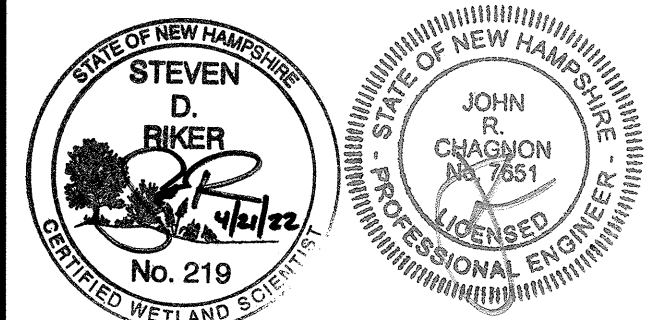
## NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 12 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.
- 5) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. TRANSFORMATION FROM NAVD88 TO MLLW REFERENCED TO NOAA STATION 8419870, SEAVEY ISLAND, PORTSMOUTH HARBOR. MLLW BEING 4.62' LOWER THAT 0 NAVD88.

## ESTHER'S MARINA 41 PICKERING AVENUE PORTSMOUTH, N.H.

0	ISSUED FOR COMMENT	4/14/22
NO.	DESCRIPTION	DATE

## REVISIONS



SCALE: 1" = 10' APRIL 2022

## DETAILS

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