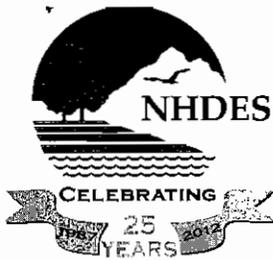


40
Burack

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
 New Hampshire's Environment*



December 28, 2012

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

REQUESTED ACTION

Approve Marcia MacCormack's request to perform the following work on South Mill Pond, in Portsmouth. File # 2012-02245. This project will not have significant impact on or adversely affect the values of South Mill Pond.

Repair an existing tidal docking structure consisting of an 8 ft. x 12 ft. permanent pier connecting to a 2 ft. x 16 ft. ramp connecting to a new 8 ft. x 16 ft. float, with an overall structure length of 36 ft., providing one slip on 50 ft. of frontage on South Mill Pond.

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

1. All work shall be in accordance with plans by Marcia MacCormack, as received by the Department on August 20, 2012.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 8 ft. x 12 ft. permanent pier connecting to a 2 ft. x 16 ft. ramp connecting to a new 8 ft. x 16 ft. float, with an overall structure length 36 ft., providing one slip on 50 ft. of frontage on South Mill Pond and shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. The float shall be constructed such as to rest on float stops to suspend the flotation drums off the substrate at low tides.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
 (603) 271-3503 • TDD Access: Relay NH 1-800-735-2964



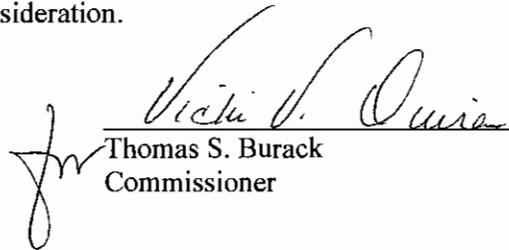
EXPLANATION

The DES Wetlands Bureau approved this project on November 26, 2012. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The owner has an existing grandfathered dock and is increasing the size of the existing float for float stability.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. There is an existing tidal dock at this location and the applicant has requested the existing float size of 4 ft. x 8 ft increased to 8 ft. x 16 ft.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of a sensitive species within the vicinity of the project. NHB does not expect impacts to the sensitive species as a result of the project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated November 15, 2012.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. DES staff field inspections on November 19, 2012 found that the site is accurately represented in the application.
7. The Portsmouth Conservation Commission recommends approval of the project.
8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

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

We respectfully submit this request for your consideration.


Thomas S. Burack
Commissioner



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

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

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



WETLANDS PERMIT APPLICATION

# 2012-02245	Check No: 769	Amount: \$ 200.00	Initials: (JR)
	Administrative Use Only	Administrative Use Only	Administrative Use Only

1. **REVIEW TIME:** If you do not know your project's review time, refer to Attachment A to determine if your project's review time is Standard or Expedited.

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

2. **PROJECT LOCATION:** A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 53 Salter St. TOWN/CITY: Portsmouth

TAX MAP: 102-31 BLOCK: LOT: UNIT:

LOCATION COORDINATES (If known): N/A Latitude/Longitude UTM State Plane

3. PROPERTY OWNER or APPLICANT INFORMATION (check all that apply). If the applicant is not the property owner, please attach property owner information and the necessary permission from the property owner granting the applicant permission to act on their behalf.

NAME: Marcia MacCormack

MAIL or FAX: PHONE: [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Portsmouth STATE: NH ZIP CODE: 03801

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

AGENT INFORMATION:

NAME: COMPANY:

MAIL or FAX: PHONE:

MAILING ADDRESS:

TOWN/CITY: STATE: ZIP CODE:

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

* Complete this page last.

5. PROPERTY OWNER / APPLICANT / AUTHORIZED AGENT: A letter of authorization from the applicant is required, if the

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link:<http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
9. I am aware that the work I am proposing may require additional state, local or federal permits.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

Marcia C. Mac Cormack

Marcia C. Mac Cormack

8/17/12

Signature of Applicant or Authorized Agent

Print name legibly

Date

APPLICANT/ AGENT APPLICATION SUBMITTAL DIRECTIONS:

1. If sought for Expedited Review, obtain the Conservation Commissions signature (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,1) to the town/city clerk for the **REQUIRED** town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

6. TOWN/CITY CLERK SIGNATURE: This section is to be completed by the Town/City Clerk

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

Louis J. Barnaby

Print name legibly

8-17-12

Date

Pontmouth

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS

Per RSA 482-A:3,1(d):

1. If sought by the APPLICANT, after the Conservation Commissions signature has been obtained (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,1).
4. Immediately sign the original application and four copies in the signature space provided in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, 1; and
7. **IMMEDIATELY** send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by **CERTIFIED MAIL** to the NHDES Wetlands Bureau at the address indicated on the front of this application.

7. CONSERVATION COMMISSION SIGNATURE: * Only required for Expedited Review Applications

Expedited Review Applications ONLY require that the Conservation Commission signature is obtained prior to submitting the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission is not required to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and shall be reviewed in the standard review time.

The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

Authorized Commission Signature

Print name legibly

Date

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

Wetlands Bureau (enforcement, emergency authorizations): _____

Wetlands Bureau (approvals, denials): _____

Shoreland/ Alteration of Terrain/ Subsurface: _____

Other: _____

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

Existing float needs to be replaced
Float currently in place is 4' x 8'. I would like to increase the size to 8' x 16' in order to provide appropriate stability.
I am making this request strictly to achieve float stability not to increase dock space.

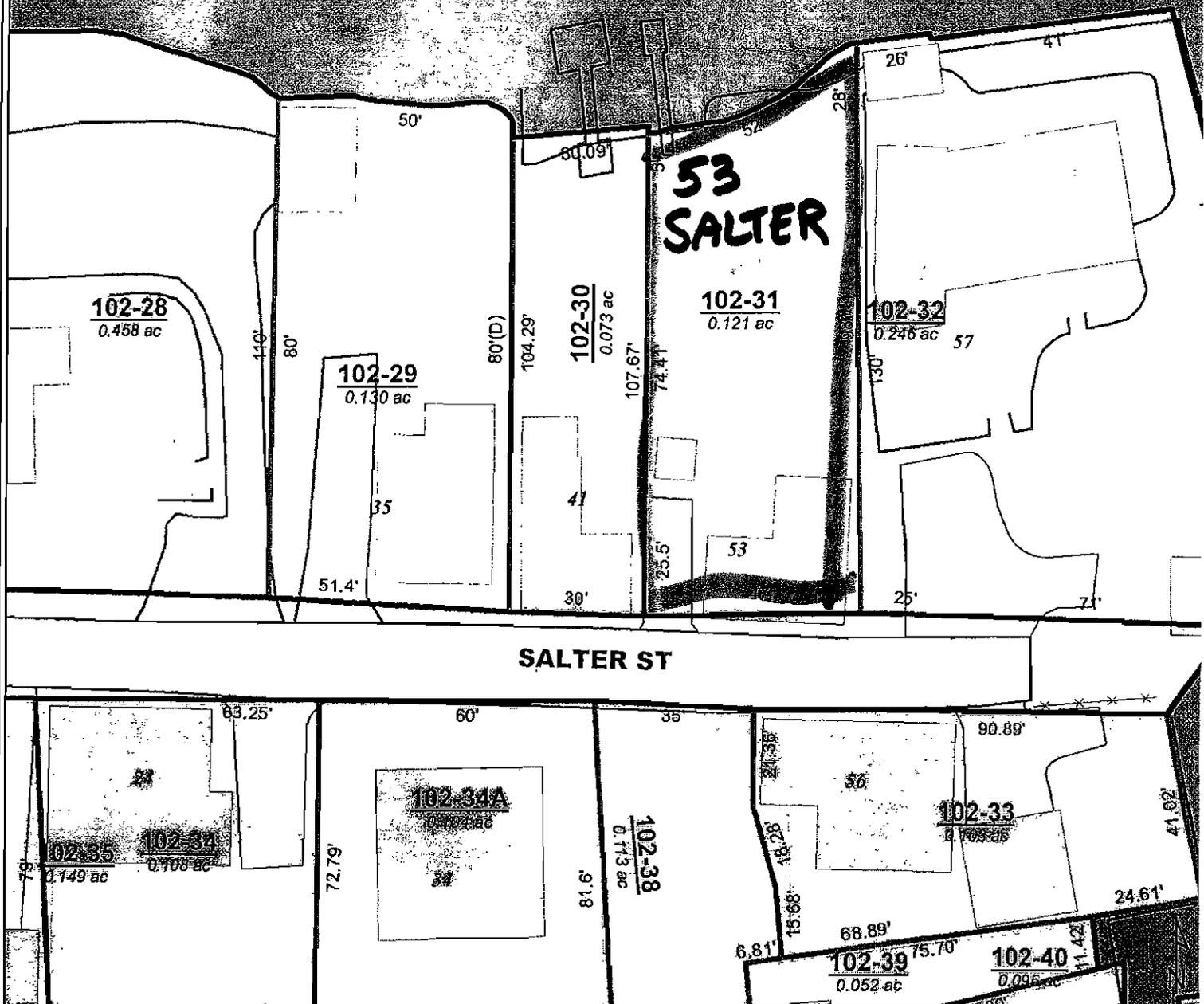
U. S. Geological Survey Topographic Map Waterbody name: South Mill Pond

10. **APPLICATION REQUIREMENTS:** This application will be returned to you if items outlined in A - I.1 are not provided. If applicable items outlined in I.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. If you do not know your impact category, refer to Attachment A to determine your project is minimum or minor/major impact. Copy links to your web browser.

- A. Is the project within a 1/4 mile of a designated river? <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
 Y N. If yes: 1. Indicate river: _____
2. As required by RSA 482-A:3,(d)(2), I have notified the Local River Advisory Committee (<http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>) by sending a copy of the complete application and supporting materials via certified mail on: Month: ___ Day: ___ Year: ___
- B. Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))
- C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))
- D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.
- E. Attach a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))
Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>
- F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))
- G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.
- H. Attach application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3, I & Env-Wt 505.01(c))
- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 OR
 - Minor or Major Impact (Standard Review): Complete the minor & major application fee table on the next page of this form.

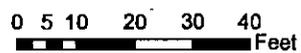
816
171

AUG 20



Property Sketch

This map shows only the approximate locations of property lines, wetlands, and other features.
This is not a survey. To determine actual property line and wetland locations, contact a surveyor.







NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Marcia MacCormack

Portsmouth, NH 03801

From: NH Natural Heritage Bureau

Date: 7/30/2012 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 7/27/2012

NHB File ID: NHB12-199

Applicant: Marcia MacCormack

Location: Portsmouth

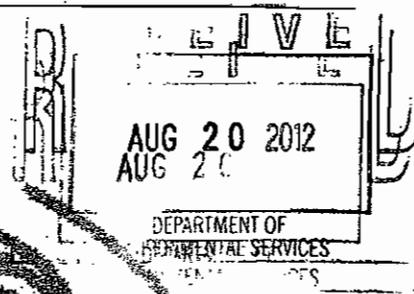
Tax Maps: 102-81

Project

Description: Replace a 4x8 ft. float on an existing dock with a more stable 8x16 ft. float that will run parallel to the shore.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/27/2012, and cannot be used for any other project.



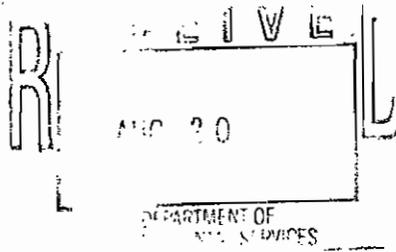


NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB12-1993



August 6, 2012



I have been informed by my neighbor Marcia MacCormack [redacted] of the proposed replacement of the existing 8 x 4 ft. float with one 8 x 16 ft. float.

I understand that the float will be in the same location and the proposed increase in size will be away from my property and to the east of the existing float.

I have reviewed the drawing she provided and I have no objection to the request.

Elizabeth A. Levey-Pruyn

Elizabeth A. Levey-Pruyn

[redacted] Portsmouth, NH 03801

State of New Hampshire

County of: Rockingham

Subscribed and sworn before me this 6th day of August A.D. 2012

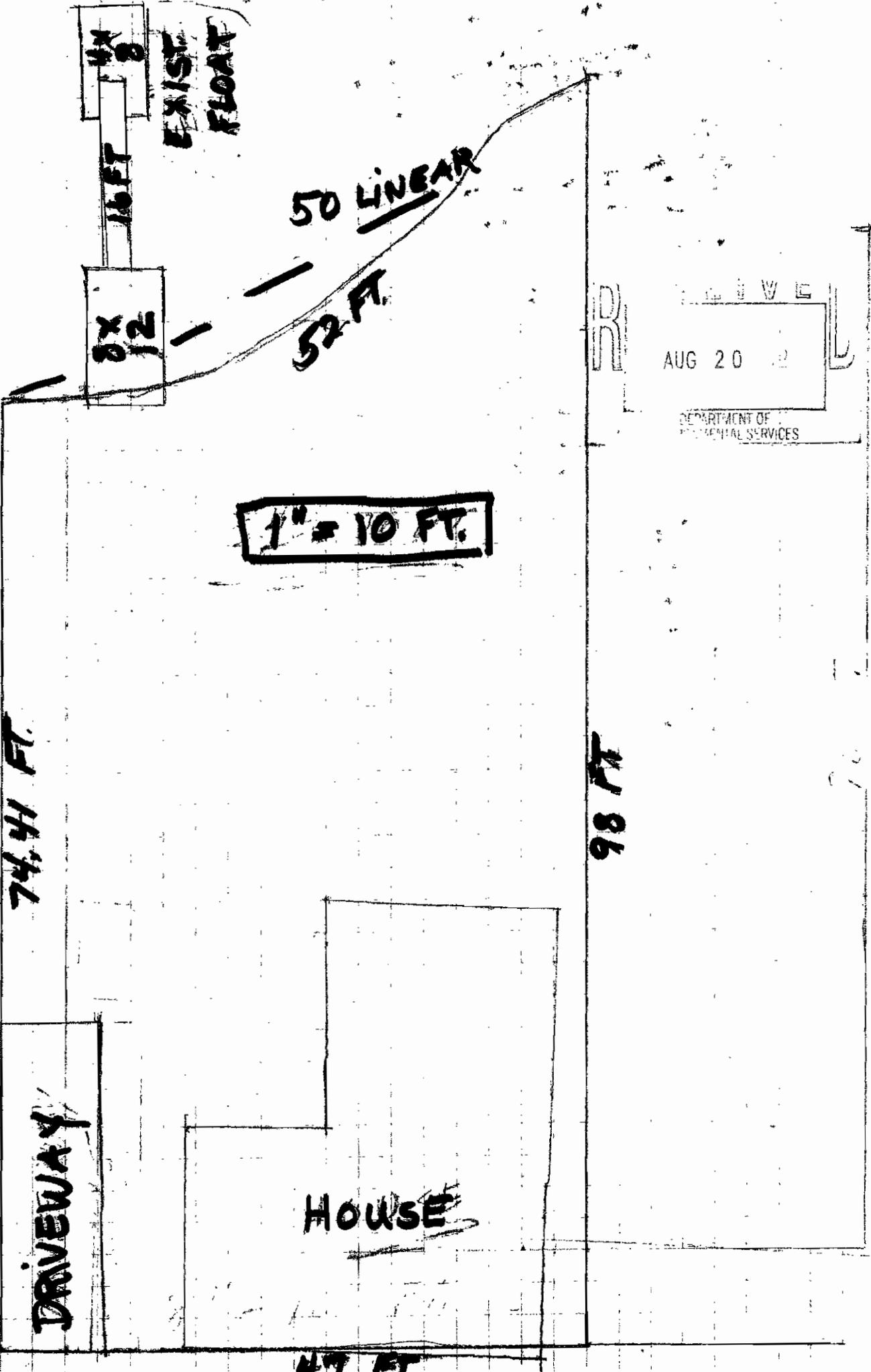
(NOTARY SEAL)

Debra F. Duplessis

NOTARY PUBLIC/JUSTICE OF THE PEACE

My commission expires: 10-6-15

DEBRA F. DUPLESSIS, Notary Public
My Commission Expires October 6, 2015



4x8

16 FT

EXIST
FLOOR

50 LINEAR

52 FT

8x12

RECEIVED
AUG 20 1982
DEPARTMENT OF ENVIRONMENTAL SERVICES

1" = 10 FT.

74.41 FT.

98 FT

DRIVEWAY

HOUSE

47 FT

DR

AUG 20

DEPARTMENT OF
SOCIAL SERVICES

74.41 FT.

PROPERTY LINE

DRIVE WAY

HOUSE

8' X 2' DOCK

16 FT.

8' X 16' FT

FLOAT STOPS

PROPOSED FLOAT

1" = 10 FT.

EXISTING
STONE
WALL

APPROX-HOTL
APPROX-MHW

PICKERING-CREEK

APPROX-MLLW

ELEVATION VIEW OF SHORELINE ALONG CREEK

AUG 20

DEPARTMENT OF
HYDRAULIC SERVICES

12 FT
EXISTING DOCK

APPROX-HOT
APPROX-MHW

EXISTING 6 FT RAMP

8 FT

FLOAT
STOPS

(APPROX-MLLW)

NO SALT MARSH VEGETATION

LOOKING WEST

PICKERING-CREEK

