



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 11, 2013

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

REQUESTED ACTION

Approve Karl R. Leinsing's request to perform the following work on the Bellamy River, in Dover. File # 2013-00474. This project will not have significant impact on or adversely affect the values of the Bellamy River.

Replace an under-sized and substandard tidal docking structure with new construction consisting of a 4 ft. wide x 50 ft. long permanent pier attached to a 3 ft. wide x 30 ft. long ramp connecting to an 8 ft. wide x 20 ft. long float connecting to a 8 ft. long x 20 ft. wide float connecting to a 11.5 ft. long x 23 ft. wide boat lift float connecting to a 10 ft. long ft. x 15.6 ft. wide jet ski float in an "L" configuration (overall structure length 115.5 ft.) providing 3 slips on 153 ft. of frontage on the Bellamy River.

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

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors and Karl Leinsing dated June 24, 2013, as received by the Department on June 25, 2013.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The replacement an under-sized and substandard tidal docking structure with new construction consisting of a 4 ft. wide x 50 ft. long permanent pier attached to a 3 ft. wide x 30 ft. long ramp connecting to an 8 ft. wide x 20 ft. long float connecting to a 8 ft. long x 20 ft. wide float connecting to a 10 ft. long ft. x 15.6 ft. wide jet ski float in an "L" configuration (overall structure length 115.5 ft.) providing 3 slips on 153 ft. of frontage on the Bellamy River shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

10. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
11. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

EXPLANATION

The DES Wetlands Bureau approved this project on August 8, 2013. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has demonstrated the need to modify an existing tidal docking structure.
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. The decking of the dock will have a minimum of a 1:1 ratio of deck height to width as appropriate, and will have 3/4-inch spacing between the decking planks. Further, the applicant will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the wetland resource.
4. The applicant has demonstrated by plan and example that each factor listed in 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 sensitive species within the vicinity of the project, but NHB does not expect impacts to the species from the project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated January 24, 2013.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. DES staff field inspections on June 3, 2013 found that the site is accurately represented in the application.
7. The Dover Conservation Commission recommends approval of 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

#2013-00474	#4181	#420'00	(JL)
	COMPLETE FEB 15 2013		

1. **REVIEW TIME:** If you do not know the review time for your project, 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: 77 Spur Rd.

TOWN/CITY: Dover

TAX MAP: L

BLOCK:

LOT: 15D

UNIT:

US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME:
Bellamy River

LOCATION COORDINATES (If known):

☐ Latitude/Longitude ☐ UTM ☐ State Plane

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

NAME: Karl R. Leinsing

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Dover

STATE: NH

ZIP CODE: 03842

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

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

4. **AGENT INFORMATION:**

NAME:

COMPANY:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

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

* Complete this page last.

5. PROPERTY OWNER / AUTHORIZED APPLICANT / AUTHORIZED AGENT SIGNATURE: A letter of authorization from the property owner/applicant is required if the property owner/applicant does not sign below. Note the property owner permission requirement in no.3 above.

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 DES and 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 which I am responsible for obtaining.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.


Property Owner/ Applicant / Authorized Agent

Karl R. Leinsing
Print name legibly

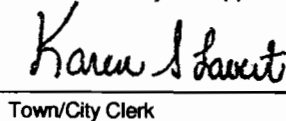
2/13/13
Date

APPLICATION SUBMITTAL DIRECTIONS:

1. The Conservation Commission signature is **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, I) 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. 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.


Town/City Clerk

Karen S. Lavette
Print name legibly

2/14/13
Date

Dover
Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

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

1. For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (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, I).
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, I; 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 FOR EXPEDITED REVIEW ONLY:

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application 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: N/A

Wetlands Bureau approvals, denials: Permit 2005-02388 for existing float/ramp. 98-00086 for abutters floats & ramp.

Shoreland/ Alteration of Terrain/ Subsurface: None

Other: Rivers Management & Protection Program - Bellamy River is not listed. NHB DataCheck attached.

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.**

Project will extend the length and area of current permitted float (permit attached) to gain access to deeper water. The end of floats or deepest point of floats will be located on edge of channel setback line similar to abutters permitted (attached) float system. The current float is on river bottom at low tide and new proposed floats will allow access to 4+ feet of water at all tides. See attached plot plan showing channel, setback line, and water depth. The current permitted float is a single 12' x 20' or 240 sq. ft. pressure treated float/dock. This current permitted float will be replaced with a series of 6' x 10' plastic Connect-A-Dock floats (11 total or 660 sq. ft.) in an "L" configuration as shown by attached drawings. This application also proposes to add a Jet Ski float and a boat float that will be tied to the proposed new dock (see blue and red areas on attached drawing). These plastic floats will be free of chemicals found in pressure treated lumber to eliminate the leaching of chemicals in the river. Bottom of floats are shaped to provide minimal surface area for the few floats that may contact river bottom for around 30 minutes at low tide. The current float is held in place by two weights/chains and the proposed project will add 6 additional weights/anchors and chains located outside of the federal channel setback line. The floats will be seasonal and removed during non-boating season. This project is not permanent and it is less of an impact than adding a pier with pilings as proposed by others.

10. APPLICATION REQUIREMENTS: This application will be returned to you if items outlined in A – J.1 are not provided. If applicable items outlined in J.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. Copy links to your web browser.

☒ A. 1. Is the project within a ¼ mile of a designated river? ☐ Y ☒ N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>

2. If yes: Indicate river: _____

3. As required by RSA 482-A:3, I(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: ____ Day: ____ Year: ____

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

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

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

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

☒ E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))
Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

☒ F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))

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

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

10. APPLICATION REQUIREMENTS CONTINUED:

- ☒ I. Attach the 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 below.

MINOR & MAJOR APPLICATION FEE:

Permanent impacts (non-docking): _____ sq. ft. X \$0.20 = _____

Temporary impacts (non-docking): _____ sq. ft. X \$ 0.20 = _____

Temporary (seasonal) docking structure: 660 - 240 = 420 sq. ft. X \$1.00 = **\$420**

Permanent docking structure: _____ sq. ft. X \$2.00 = _____

Projects proposing shoreline structures add \$200 = _____

Total = **\$420**The Application Fee is the above calculated Total or \$200, whichever is greater = **\$420**

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

2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))

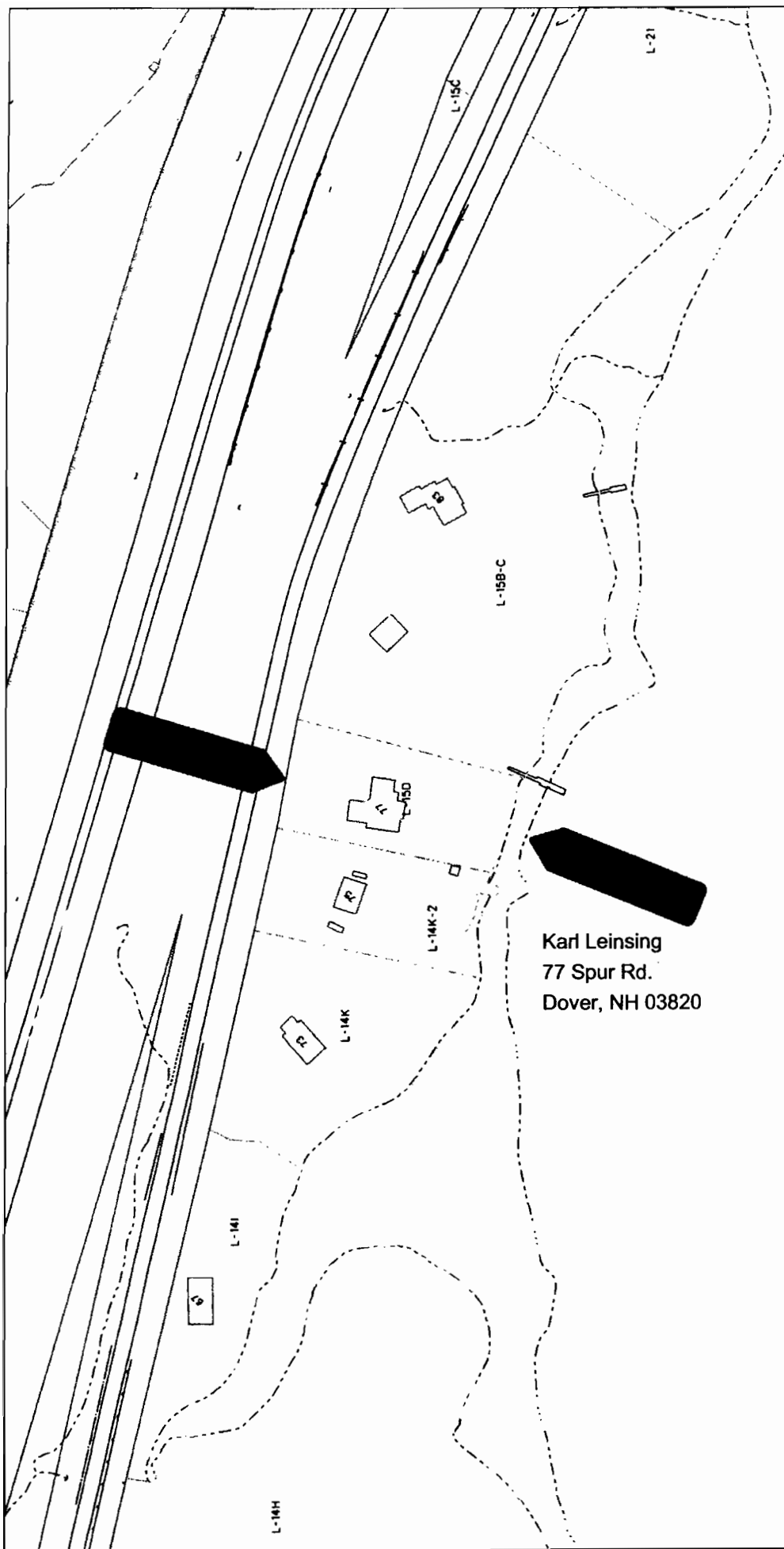
- Abutter Notification Exceptions see Env-Wt 501.01(c).
- If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.

- ☒ K. Need, Avoidance & Questions:

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

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

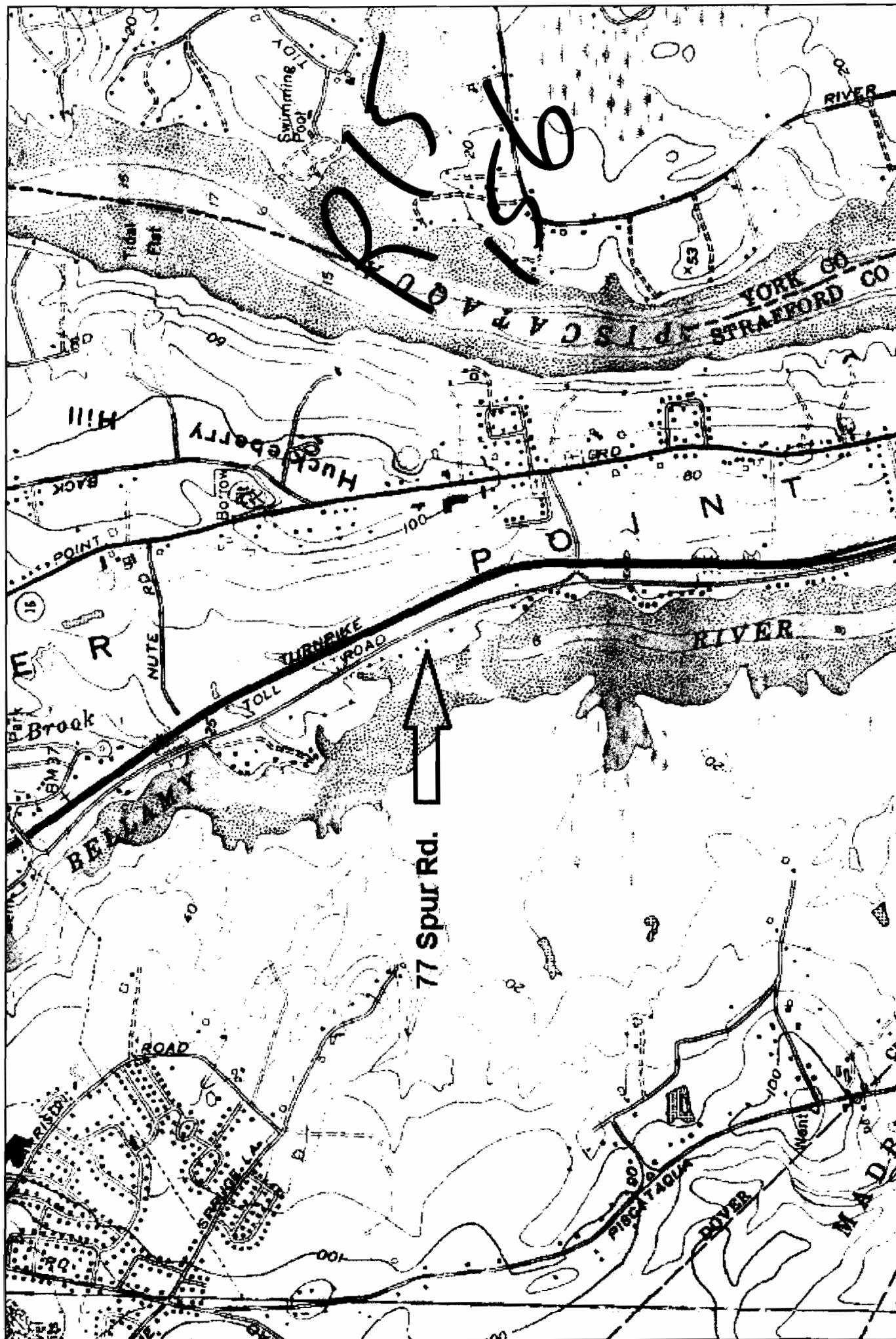
☐ Y ☒ N **If yes:** Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)
Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc



Abutter #1:
John Bloom
83 Spur Rd.
Dover, NH 03820

Karl Leinsing
77 Spur Rd.
Dover, NH 03820

Abutter #2:
Myles Bratter
75 Spur Rd.
Dover, NH 03820



Map provided by MyTopo.com



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Karl Leinsing
77 Spur Rd.
Dover, NH 03842

From: NH Natural Heritage Bureau

Date: 1/18/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 1/15/2013

NHB File ID: NHB13-0259

Applicant: Karl Leinsing

Location: Dover
Tax Maps: L / 15D

Project
Description: Project will extend the length and area of floats to gain access to deeper water to be located on the edge and outside of the channel setback line similar to location of floats on adjacent lot. Current permitted float surface area is 240 sq. ft which will increase to 733 sq ft. The floats will be orientated in an "L" configuration as shown by map. All the floats will be near 100% plastic to replace the existing pressure treated wooden float to reduce the amount of chemicals that leach into the water.

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 1/15/2013, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB13-0259**



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
ENVELOPE ADDRESS FOLD AT POSTAGE LINE

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Bloom

Dover, NH 03820

2. Article Number

(Transfer from service label)

7011 0470 0000 9223 9005

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

J. Bloom ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Myles Bratter

Dover, NH 03820

2. Article Number

(Transfer from service label)

7011 0470 0000 9223 9012

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

M. Bratter ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

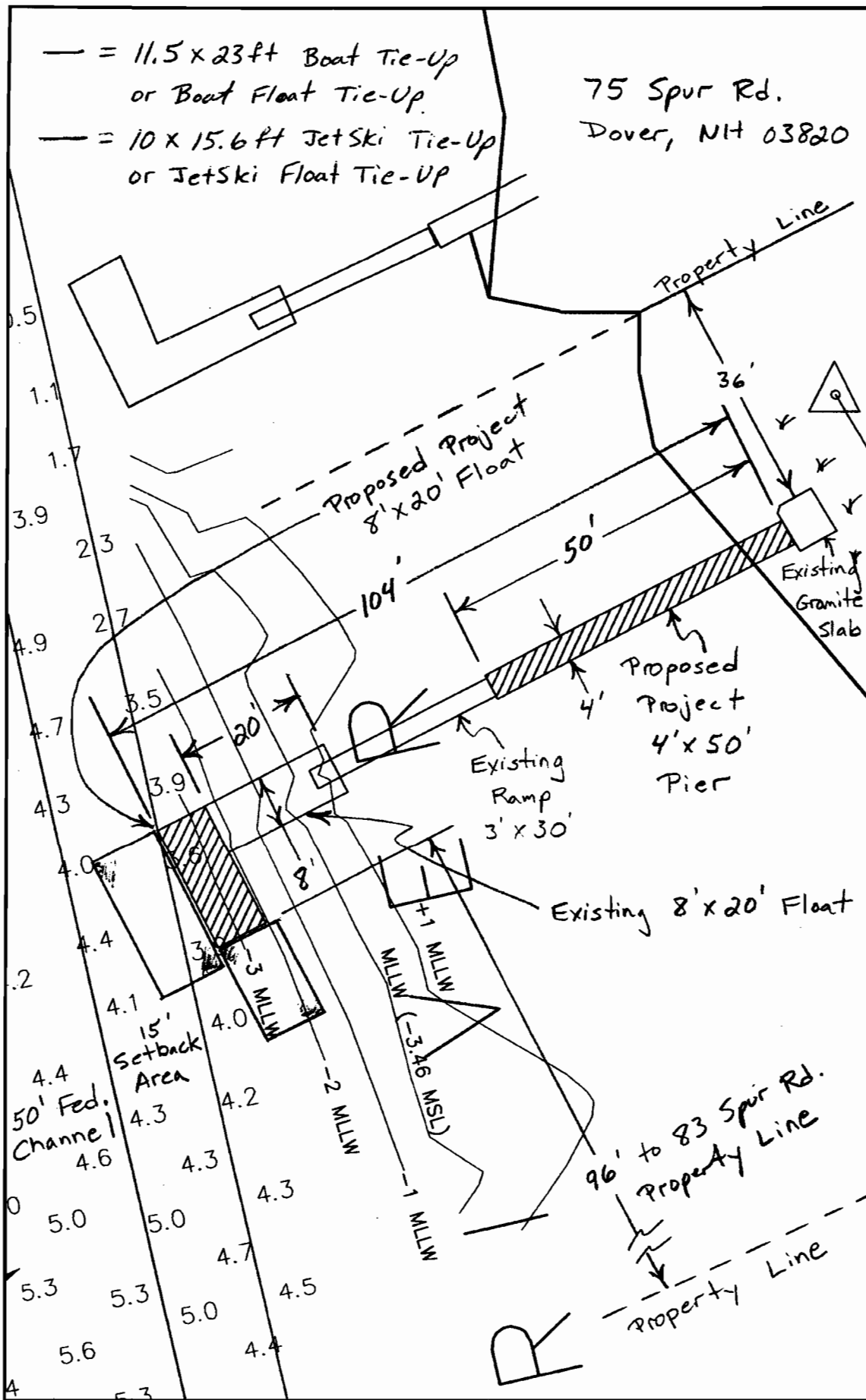
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Date: 11-15-12		Drawn By: ZCT		Checked By: KRL		Approved: KRL		Date: 6/24/13		Job Class:	
LEINSEING OPTION #3						Address: 77 SPUR ROAD City: DOVER, NH					
						Map & Lot #: L/15D					
RIVERSIDE & PICKERING MARINE CONTRACTORS						P.O. Box 368, Elliot, ME 03903					
						Office: (207) 451-9229 Fax: (207) 703-0354					
REVISIONS		Description		Approve		Date		File #		Sheet of	

Topo Data Supplied By:

John Chagnon, PE, ULS
Ambit Engineering
200 Griffin Rd., Unit 3
Portsmouth, NH 03801
(603) 430-9282
jrc@ambitengineering.com

4 Feet

