



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



February 7, 2022 **B07'22 PM 3:42 RCVD**

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Little Bay Development, LLC's request to perform work on Little Bay in Dover as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2021-03263. Comments submitted by the Dover Conservation Commission, stating their approval regarding this project as proposed, are included in the enclosed documents. NHDES has received and enclosed correspondence from the municipality and the affected abutters verifying they have no intent to appeal this project. Therefore, NHDES is submitting this project for approval prior to the deadline for filing an appeal, February 24, 2022, for the project to be completed before the sensitive period of fish migration and reproduction, which begins March 15, 2022.

Maintenance dredge 8,000 cubic yards of accumulated sediment from 40,230 square feet of public submerged lands to improve navigation within an existing 44-slip marina, dredge and fill 2,280 square feet of tidal waters to repair an existing deteriorated breakwater within the same footprint, fill 205 square feet of rip rap to stabilize the existing breakwater, replace existing timber piles for existing tidal docking structure, and impact 98 square feet in the upland tidal buffer zone to replace an existing concrete gangway slab.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with plans by Civilworks New England dated October 15, 2021 and revised through January 12, 2022 as received by the NH Department of Environmental Services (NHDES) on January 12, 2022.
2. This permit shall not be effective until the permittee records this permit at the Strafford County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the NHDES with a copy of the permit stamped by the registry with the book and page and date of receipt, in accordance with New Hampshire Administrative Rule Env-Wt 314.02(b) and (c).
3. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Dover Conservation Commissions in writing of the date on which work under this permit is expected to start.
4. In accordance with Env-Wt 307.10(i), dredging shall occur in tidal waters outside fish migration or larval setting stage of fish and shellfish, which is between November 15 and March 15.
5. In accordance with Env-Wt 311.06(g), no piles shall be driven between April 1st to June 15th per the recommendations from NH Fish and Game Department.
6. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.

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

7. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
8. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
9. In accordance with Env-Wt 607.02(n), impacts to tidal waters/wetlands and submerged lands during the mobilization and demobilization of dredging and other related project equipment shall be evaluated and minimized.
10. In accordance with Env-Wt 607.08(b), all practicable methods for minimizing suspended sediment and turbidity shall be employed, including closed buckets when appropriate.
11. In accordance with Env-Wt 607.02(m), no dredged material shall be disposed in areas containing sensitive or unique marine benthic habitats, including spawning sites, feeding sites, and surface deposits of cobble or gravel substrate.
12. In accordance with Env-Wt 307.04(a), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
13. In accordance with Env-Wt 307.04(b), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to not discharge sediment to fish and shellfish spawning or nursery areas or to amphibian and migratory bird breeding areas during spawning or breeding seasons, as applicable, which could necessitate suspending the activities.
14. In accordance with Env-Wt 307.04(c), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas shall be done so as to protect high quality waters as specified in Env-Wq 1708.06.

EXPLANATION

The NHDES approved this project on January 25, 2022. The NHDES supported its decision with the following findings:

1. This is classified as a major project per Rule Env-Wt 607.10(a), for all forms of dredging in tidal waters/wetlands, that exceed the criteria listed in Env-Wt 607.10(b). This marina area has been maintenance dredged previously in 1967, 1975, and 1991.
2. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) and the Natural Heritage Bureau (NHB) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.
3. Per Rule Env-Wt 311.06(h), in a letter to NHDES dated November 9, 2021, the Dover Conservation Commission voted on November 8, 2021 to endorse the NHDES Wetlands Permit application.
4. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 600 have been met.
5. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 600 have been met.
6. The applicant has demonstrated specifically that each factor listed in Env-Wt 313.03(b) has been considered in the design of the proposed major project.

7. Per Rule Env-Wt 607.03(b)(1) through (3), the dredging project meets standard conditions of Env-Wt 307 and avoidance and minimization techniques in Env-Wt 607.02; the project applicant has participated in and followed guidance provided in a pre-application meeting with the department or the New Hampshire dredge management task force; and the project is sponsored by the state so that all applications to the department for dredging of Federal navigation projects (FNP) in tidal waters or tidal wetlands has been submitted by the Pease Development Authority, Division of Ports and Harbors (DP&H) pursuant to RSA 12-G:45, and all other dredging projects in tidal waters/wetlands has DP&H sponsorship or authorization for another entity, such as a municipality or private person, to act as an agent to apply for a permit from the department.
8. Per Rule Env-Wt 603.09(a), the DP&H examined the proposed project and found the proposal will have no negative effect on navigation per letter dated October 4, 2021.
9. Per Rule Env-Wt 607.02(n), impacts to tidal waters/wetlands and submerged lands during the mobilization and demobilization of dredging and other related project equipment has been evaluated and minimized.
10. Per Rule Env-Wt 607.02(b), the dredging of the existing regularly maintained FNP areas that exhibit high natural resource value has meet the avoidance and minimization techniques in Env-Wt 311.07 and Env-Wt 313.
11. Per Rule Env-Wt 607.02(d), the dredging project has been screened to avoid shellfish beds, submerged aquatic vegetation and essential fish habitat.
12. Per Rule Env-Wt 607.03(a)(2), the primary purpose of the dredging is to construct, maintain, or improve a marina, private association, or public facility.
13. Per Rule Env-Wt 607.09(a), the applicant included an explanation of how the dredged material will be transported and off-loaded to minimize dispersion of sediments.
14. Per Rule Env-Wt 104.32, the department has not been contacted by individuals and town or county official(s) in the municipality, government instrumentality, or region where a project is proposed, who have voiced concerns that the project would impact jurisdictional areas having documented flood storage, hydrologic integrity, or habitat from a local, regional, or state perspective and raising issues such as those identified as adverse consequences in RSA 482-A:1.
15. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in Env-Wt 104.32.

Application file documents are being forwarded to the Governor and the 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 request your approval of this item.


Robert R. Scott
Commissioner

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NOTICE OF DECISION

December 15, 2021

Daka Properties, LLC
34 Patterson Lane
Newington, NH 03801

Re: Conditional Use Permit for Daka Properties, LLC. (Owner: Little Bay Development, LLC), Assessor's Map 8, Lot 9, zoned LBW, located at 423 Dover Point Road. (Proposal is to conduct maintenance dredging at a 44-slip marina, replace float guide piles and replace the existing bulkhead as well as construct a concrete pad, repair riprap and restore stone fill behind the bulkhead, creating 659 s.f. of Conservation District impacts and 561 s.f. of wetland buffer impacts.) (P21-79)

Dear Daka Properties, LLC.:

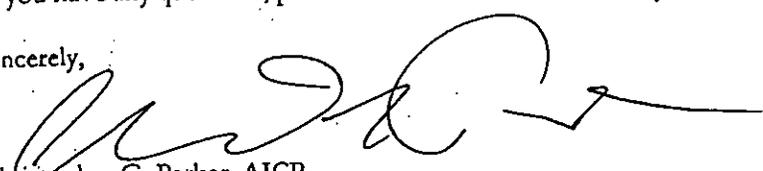
Please be advised that on Tuesday, December 14, 2021 the Dover Planning Board voted to conditionally approve the Conditional Use Permit. The specific conditions are included with this letter.

In addition to the conditions of approval, please provide the following to our office:

- 1. Copies of the NHDES Wetlands Dredge and Fill permit, US Army Corps of Engineering, and NH Division of Historic Resources are provided to the Planning Department.

If you have any questions, please do not hesitate to contact my office.

Sincerely,


Christopher G. Parker, AICP
Assistant City Manager, Planning & Strategic Initiatives

EC: Building Inspection Office
Engineering Office
Assessing Office
Civilworks New England

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

30 November 2021

Mr. David Price
NHDES Wetlands Bureau,
Pease Office
222 International Dr., Suite. 175
Portsmouth, NH 03801

submitted electronically to David Price DAVID.A.PRICE@des.nh.gov

RE: NHDES Dredge and Fill Application (#2021-03263) filed by DAKA Properties LLC for 423 Dover Point Road, Dover, NH.

Dear David:

I am writing in support of the above referenced application as filed with your office. As you are aware, the Dover Conservation Commission voted 6-0 in support of the application at its November meeting. My support of the project is based upon the following:

- The project is a "replacement-in-kind" of an existing 44-slip marina, with no proposed expansion of previously dredged areas, boat slips, or external impacts.
- The project is proposed to respect the so-called "time of year dredge window" to best manage impacts to identified threatened and endangered wildlife species and their habitat areas.
- The dredge material will be drained inside turbidity curtains and moved by barge to off-loading areas for "out of jurisdiction" reuse.

This project is a positive redevelopment of a depressed property and the historic marina on the site had antiquated infrastructure which negatively impacted the environment. This revised plan, as approved by the Planning Board, greatly reduces impacts and improves the vitality and vibrancy of the area.

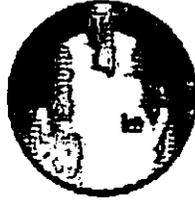
If you have any questions, please don't hesitate to contact me.

Sincerely,



Christopher G. Parker, AICP
Assistant City Manager

EC Ari Pollack, Attorney Gallagher, Callahan & Gartrell, P.C.



City of Dover, New Hampshire
CONSERVATION COMMISSION
288 Central Avenue
Dover, N.H. 03820-4169

November 9, 2021

Mr. David Price
Department of Environmental Services – Wetlands Bureau
PO Box 95
Concord, NH 03302-0095

Re: Wetlands File Number 2021-03263

Dear Mr. Price:

The Dover Conservation Commission reviewed the Standard Dredge and Fill Permit application for DAKA Properties, LLC at 423 Dover Point Road on November 8, 2021. The applicant, per Wetlands File Number 2021-03263, proposes to impact 42,813 square feet of tidal water and tidal buffer zone adjacent to Little Bay for the dredging of a marina and repairs to a bulkhead.

The Dover Conservation Commission voted on November 8, 2021 to endorse the NHDES Wetlands Permit application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Hunt".

William Hunt, Chair
Dover Conservation Commission

Cc: Steven Bird, City Planner
Duncan Mellor – Civilworks New England

ABUTTER WAIVER OF APPEAL

To Whom it May Concern:

By signing below, we/I, authorized manager(s) of Newick Family Real Estate, LLC, hereby confirm the following:

1. We/I received notice of the application for standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, NH (Tax Map #8, Lot #9);
2. We/I received a copy of the conditional approval dated January 25, 2022; and
3. We/I have no objection or intent to appeal the approved standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, New Hampshire (Tax Map #8, Lot #9), DES File number 2021-03263, dated January 25, 2022.

Dated: Jan 2/1/2022

Diane L. Newick (sign here)
Name: Diane L. Newick
Title: Manager

John F. Newick (sign here)
Name: John F. Newick
Title: Manager

Steven J. Newick (sign here)
Name: Steven J. Newick
Title: Manager

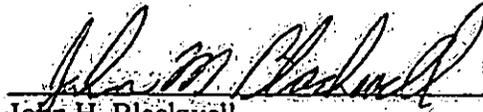
ABUTTER WAIVER OF APPEAL

To Whom it May Concern:

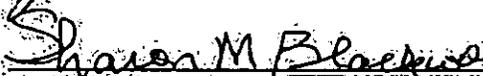
By signing below, we, John H. and Sharon M. Blackwell, hereby confirm the following:

1. We received notice of the application for standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, NH (Tax Map #8, Lot #9);
2. We received a copy of the conditional approval dated January 25, 2022; and
3. We have no objection or intent to appeal the approved standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, New Hampshire (Tax Map #8, Lot #9), DES File number 2021-03263, dated January 25, 2022.

Dated: 2-2-2022



John H. Blackwell (sign here)



Sharon M. Blackwell (sign here)



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: **DAKA Properties LLC**

TOWN NAME: **Dover**

RECEIVED Administrative OCT 25 2021 Only NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative Use Only OCT 27 2021	Administrative Use Only	File No: 2021-03263 Check No: 4043 Amount: \$17,525.00 Initials: ASL
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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) Data Check 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"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&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. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): Sparsely vegetated intertidal system, Eelgrass bed, Atlantic Sturgeon, and Shortnose Sturgeon ○ NHB Project ID #: NHB21-2204 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • Bog? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Floodplain wetland contiguous to a tier 3 or higher watercourse? 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • Designated prime wetland or duly-established 100-foot buffer? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? 	<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"> • Name of Local River Management Advisory Committee (LAC): <input type="text"/> 	

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

• A copy of the application was sent to the LAC on Month: Day: Year:

For dredging projects, is the subject property contaminated?
 • If yes, list contaminant: Yes No

Is there potential to impact impaired waters, class A waters, or outstanding resource waters?
 Yes No

For stream crossing projects, provide watershed size (see WPPT or Stream Stats):
N/A

SECTION 2 - PROJECT DESCRIPTION (Env. Wt. 311:04(i))
 Provide a brief 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 proposed Little Bay Marina project involves two primary steps:

1. Maintenance dredging by mechanical method and guide pile replacement for the existing 44-slip marina;
2. Replace existing timber bulkhead in kind and place some stone riprap/crushed stone inside the bulkhead to restore the backfill. The dredged material will be dewatered for off-site non-jurisdictional upland disposal.

and

Ancillary repairs would include riprap repair at the eroding western bank of the causeway and replacement of the broken gangway slab in the buffer zone.

SECTION 3 - PROJECT LOCATION
 Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 423 Dover Point Rd

TOWN/CITY: Dover

TAX MAP/BLOCK/LOT/UNIT: Map 8 Lot 9

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Little Bay
 N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.12148° North

7083417 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: DAKA Properties, LLC

MAILING ADDRESS: 84 Patterson Lane

TOWN/CITY: Newington

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: ken@riversideandpickering.com

FAX:

PHONE: (603) 427-2824 x1001

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.:

COMPANY 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 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: Little Bay Development, LLC

MAILING ADDRESS: 10 Woods Lane

TOWN/CITY: Old Orchard Beach

STATE: ME

ZIP CODE: 04064

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):

Env-Wt 400: Wetlands delineated by Certified Wetlands Scientist (Env-Wt 406.02); The project is in a PRA and is therefore classified as major (Env-Wt 407.02);

Env-Wt 500: Not applicable for coastal projects.

Env-Wt 600: Env-Wt 603; Env-Wt 604; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 606.02; Env-Wt 606.03; Env-Wt 606.04; Env-Wt 606.05; Env-Wt 606.1; Env-Wt 607; Env-Wt 609; Env-Wt 610.

Env-Wt 700: No Prime Wetlands

Env-Wt 900: Not applicable for coastal projects.

See attached for supporting documentation on how all applicable criteria has been met.

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: 08 Day: 05 Year: 2021

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/ rivers, 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			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Scrub-shrub Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Emergent Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Wet Meadow			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Vernal Pool			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Designated Prime Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Duly established 100-foot Prime Wetland Buffer			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Surface Water	Intermittent/ Ephemeral Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Perennial Stream or River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Lake/ Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banks	Bank - Intermittent Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank - Perennial Stream / River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Tidal	Tidal Waters	42,154	514	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Tidal Marsh			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Sand Dune			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Previously developed TBZ	659		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Tidal Water			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
TOTAL		42,813	514				

SECTION 12: APPLICATION FEE (RSA 482-A:3, I)

<input checked="" type="checkbox"/> MINIMUM IMPACT FEE: Flat fee of \$400.
<input checked="" type="checkbox"/> 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).
<input checked="" type="checkbox"/> MINOR OR MAJOR IMPACT FEE: Calculate using the table below:
Permanent and temporary (non-docking): 42,813 SF × \$0.40 = \$17,125
Seasonal docking structure: 0 SF × \$2.00 = \$0
Permanent docking structure: 0 SF × \$4.00 = \$0
Projects proposing shoreline structures (including docks) add \$400 = \$400
Total = \$17,525
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$17,525

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: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	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: 	The signer understands that: <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. 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: 	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: See attached authorization letter	DATE: 10/19/2021
SIGNATURE (APPLICANT IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: Douglas Anderson	DATE: 10/19/2021
SIGNATURE (AGENT IF APPLICABLE): 	PRINT NAME LEGIBLY: 	DATE:

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: Susan Mistrick
TOWN/CITY: Dover	DATE: 10/20/2021

DAKA PROPERTIES LLC

11 October, 2021

To Whom It May Concern:

RE: State of New Hampshire DES Wetlands Bureau Standard Dredge and Fill Application for proposed replacement in kind marina, retaining wall, rip rap and dredging for Little Bay Development LLC located at 423 Dover Pt. Road Dover, NH 03820;

This letter is to inform the City Of Dover and NH DES in accordance with State Law that the following entities:

Riverside Marine Construction, Inc.
Civilworks Inc./Haight Engineering PLLC

Are authorized to represent me as my agent in the approval process.

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

Sincerely,



Kenneth Anderson-Member
DAKA Properties LLC
34 Patterson Ln
Newington, NH 03801
207-451-3095

Little Bay Marina Project Narrative
Dover Point, Dover, NH, Little Bay (tidal)

October 14, 2021 (supersedes 9.16.21 submission)

Introduction

The proposed Little Bay Marina project involves two primary steps:

1. Maintenance dredging by mechanical method and guide pile replacement for the existing 44-slip marina;
2. Replace existing timber bulkhead in kind and place some stone riprap/crushed stone inside the bulkhead to restore the backfill. The dredged material will be dewatered for off-site non-jurisdictional upland disposal.

And

Ancillary repairs would include riprap repair at the eroding western bank of the causeway and replacement of the broken gangway slab in the buffer zone.

History of property

Little Bay Marina on Dover Point has had a number of different owners and marina names. From our review of available past permitting, this facility pre-dates 1965.

Circa 1967, a steel barge was beached and filled with dredge material to function as a breakwater on the western side of the marina basin. This barge has deteriorated over the ensuing years and is in poor shape. See photos included with this submission.

Dredging

First, we propose another maintenance dredge in the same footprint as the historic marina. This marina has been maintenance-dredged at least three times in the past: 1967, 1975, and 1991. In 1991, the maintenance dredge covered ~52,650 square feet. The 1991 permit for marina reconfiguration and maintenance dredging included a bulkhead addition to surround the barge, and encapsulation of the barge by dredged material. Marina maintenance dredging is again necessary because this bulkhead now has weathered and is compromised. The outer end of the barge is presently exposed from wave action washing soils and prior dredge material away. The water depths at the site were established by multibeam hydrographic survey methods performed by Steele Associates Marine Consultants LLC, Oct. 28, 2020, later converted to NAVD88 datum and re-contoured.

The proposed dredge sediment has been tested for pollutants. The NHDES Oil Remediation & Compliance Bureau responded to those tests that the boat basin is not considered a "contaminated site". This investigation also evaluated the sediments within the bulkhead that was used to encapsulate the old barge. Results

showed PAH's associated with ash, but which are considered background levels, and not triggering a present risk to human health or required active remediation.

Sediment from the dredge area was also collected for grain size analysis and those data records are attached. Sample A was from the maintenance dredge area to the approximate dredge depth (-5' MLW) and consisted of 48% sand and 52% fines passing the 200 sieve (slightly cohesive). Sample B was taken from the easterly dredge side slope area to -4.5' MLW depth with visual observation of the core noting approximately 6" of fine silty sand over the lower core of over consolidated stiff yellow clay. The Sample B grain size analysis was a vertical composite of the entire core. The stiff yellow clay dredged mechanically is expected to come out in chunks with minimal turbidity generation. There will be turbidity from the dredging of the fine silty sand. Therefore, a turbidity curtain is proposed to confine turbidity to the dredge area.

If approved, we anticipate dredging from February 1, 2022 through March 15, 2022, with upland disposal offsite and out of jurisdiction. Based on prior test data, the installation of the timber guide piles is expected to be well below threshold levels for underwater noise (see CFA).

Slips

In 1988, DES issued a permit to expand the marina from 44 slips to 88 slips. In 1991, a prior owner requested a permit extension, but was denied because of an administrative rule change. Consequently, the applicant proposes to hold the current configuration and 44 slips.

Incidental repair work for the marina area would include riprap repairs of 245 SF. A replacement gangway concrete slab (100 SF) will be installed in the existing location, providing pedestrian access to the marina slips. As the DES residential dock rule for deck plank spacing of $\frac{3}{4}$ " does not meet Americans with Disabilities Act (ADA), all walking surfaces will have decking gaps less than $\frac{1}{2}$ " to comply with ADA.

Construction Sequence

The anticipated construction sequence is:

1. Mobilize equipment to the site
2. Enclose active work area with full depth turbidity curtain
3. Pull existing timber guide piles
4. Dredge approximately 300 to 400 cubic yards of sediment and place in dewatering area on the barge. Wait for turbidity to clear equivalent to background levels. Sediment to dewater sufficiently for barge movement from the project to the unloading facility in Newington
5. When dredged sediment is dewatered to pass the EPA paint filter test, unload and truck to the upland non-jurisdictional beneficial reuse location
6. Complete dredging by March 15

-
7. Install guide piles
 8. Replace existing timber bulkheads in the same location
 9. Backfill bulkheads with riprap/crushed stone.
 10. Remove turbidity curtain
 11. Repair riprap & replace gangway slab
 12. Seed for vegetative soil stabilization at the beginning of the growing season
 13. Reinstall seasonal marina floats and gangway (at the commencement of boating season)

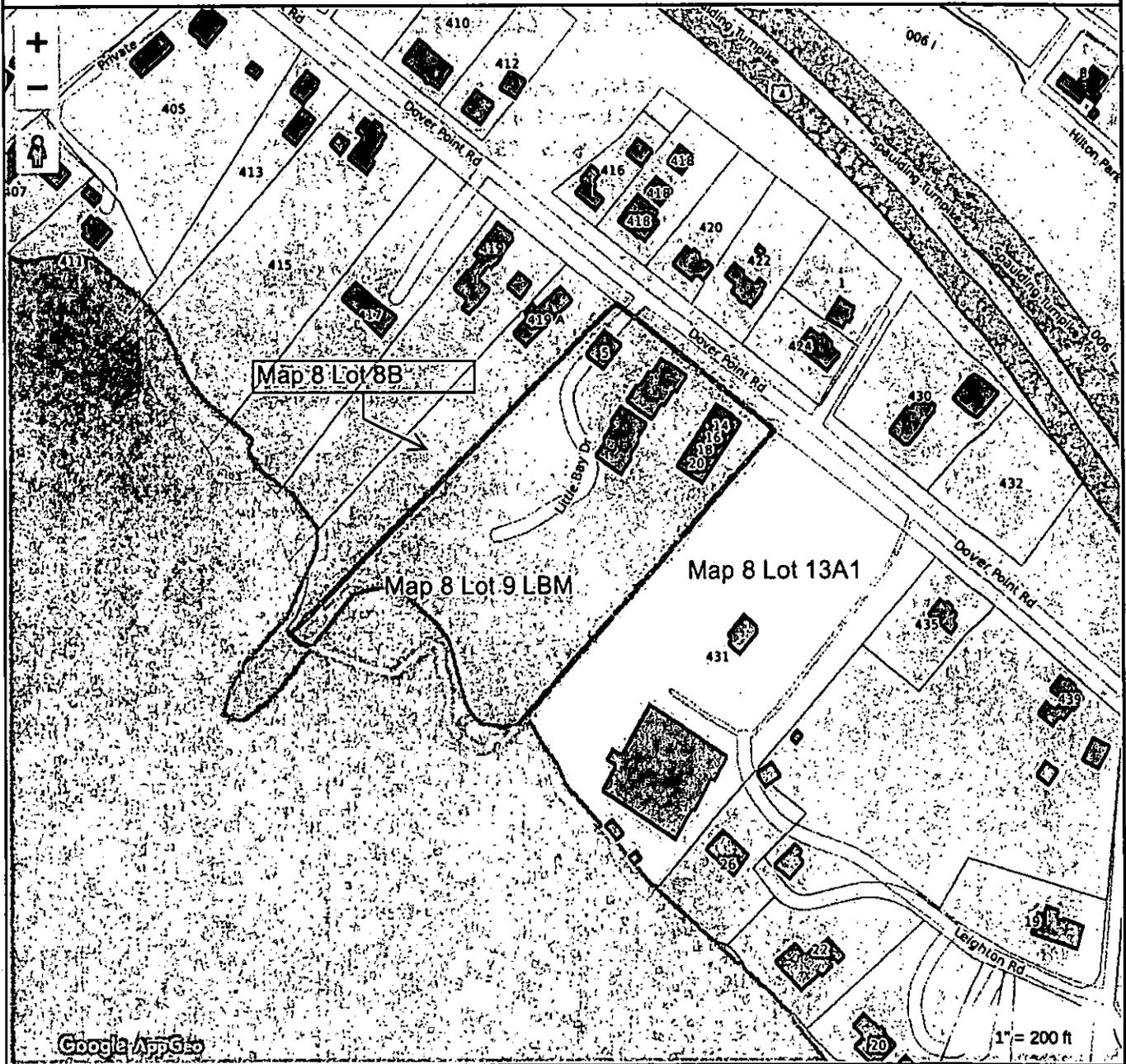
Operation & Maintenance

The applicant will be responsible for operating and maintaining the proposed project. Operations will be relatively minimal, consisting of seasonal installation & removal of the floating docks. By site plan approvals with the City, boat and trailer storage on site is prohibited. We do not anticipate fuel sales or sewage pumpout, as those services are otherwise available at other nearby marinas.

The bulkhead and the fill behind it will be inspected on an inspection schedule set by the applicant. Inspections will be used to determine if maintenance shall be done (e.g erosion, damaged sheets from the bulkhead, damaged wood floats or pile guides, etc.). We anticipate maintenance items are most likely to occur during seasonal installation and removal, or following storms.

Evaluation & Approval Criteria

As noted in the application package in multiple locations, the proposed project uses appropriate BMP's, including timing, means and methods. The project complies with standard conditions, evaluation and approval criteria, avoidance and minimization, CFA requirements and does consider sea level rise and flooding (it is tolerant). The construction sequence/ BMP's and operations and maintenance are listed above.



Property Information

Property ID 06008-000000
 Location 423 DOVER POINT RD
 Owner LITTLE BAY DEVELOPMENT LLC
 Land Use 390



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

City of Dover, 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 5/3/2021
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

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: Duncan Mellor, civilworksne
PO Box 1166
dover, NH 03821

From: Amy Lamb, NH Natural Heritage Bureau
Date: 7/9/2021 (valid until 07/09/2022)
Re: Review by NH Natural Heritage Bureau
Permits: NHDES - Wetland Standard Dredge & Fill - Major

NHB ID: NHB21-2204 **Town:** Dover **Location:** 423 Dover Point Rd
Description: The work will be maintenance dredging of the Little Bay Marina as well as the replacement of float piles and shoreside rip rap. The footprint will be approximately 50,000 square feet and will take place during the winter dredging window.

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: Please make sure that any barge activity avoids the eelgrass bed. NHB would not have concerns about impacts to the subtidal system if the proposed dredging will only be maintenance of existing impact areas. Please send a plan sheet and photos clarifying where riprap will be added, and a narrative explanation of why riprap is necessary as opposed to a more natural shoreline stabilization approach cannot be incorporated.
F&G: Please send project details so that we can forward to NHFG Marine Division for review of potential sturgeon impacts. Please include: equipment to be used, proposed limits of disturbance, and time of year.

Natural Community	State ¹	Federal	Notes
	-	-	
	-	-	Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Vertebrate species	State ¹	Federal	Notes
	T	T	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

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.

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

¹Codes: "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, NHF&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.



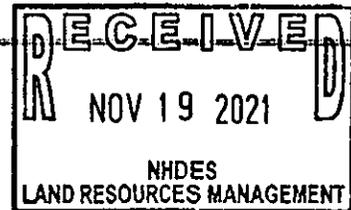
The State of New Hampshire
**Department of Environmental
Services**



Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources, NHB. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Pamela G. Monroe, Legal Unit Administrator, NH Department of Environmental Services, at: pamela.g.monroe@des.nh.gov, or (603) 271-3137.



City of Dover, New Hampshire
CONSERVATION COMMISSION
288 Central Avenue
Dover, N.H. 03820-4169

November 9, 2021

Mr. David Price
Department of Environmental Services – Wetlands Bureau
PO Box 95
Concord, NH 03302-0095

Re: Wetlands File Number 2021-03263 ✓

Dear Mr. Price:

The Dover Conservation Commission reviewed the Standard Dredge and Fill Permit application for DAKA Properties, LLC at 423 Dover Point Road on November 8, 2021. The applicant, per Wetlands File Number 2021-03263, proposes to impact 42,813 square feet of tidal water and tidal buffer zone adjacent to Little Bay for the dredging of a marina and repairs to a bulkhead.

The Dover Conservation Commission voted on November 8, 2021 to endorse the NHDES Wetlands Permit application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Hunt".

William Hunt, Chair
Dover Conservation Commission

Cc: Steven Bird, City Planner
Duncan Mellor – Civilworks New England

Abutters List – October, 2021

**Little Bay Development, LLC
423 Dover Point Road
Dover, NH 03820
Tax Map 8, Lot 9**

Map/Lot

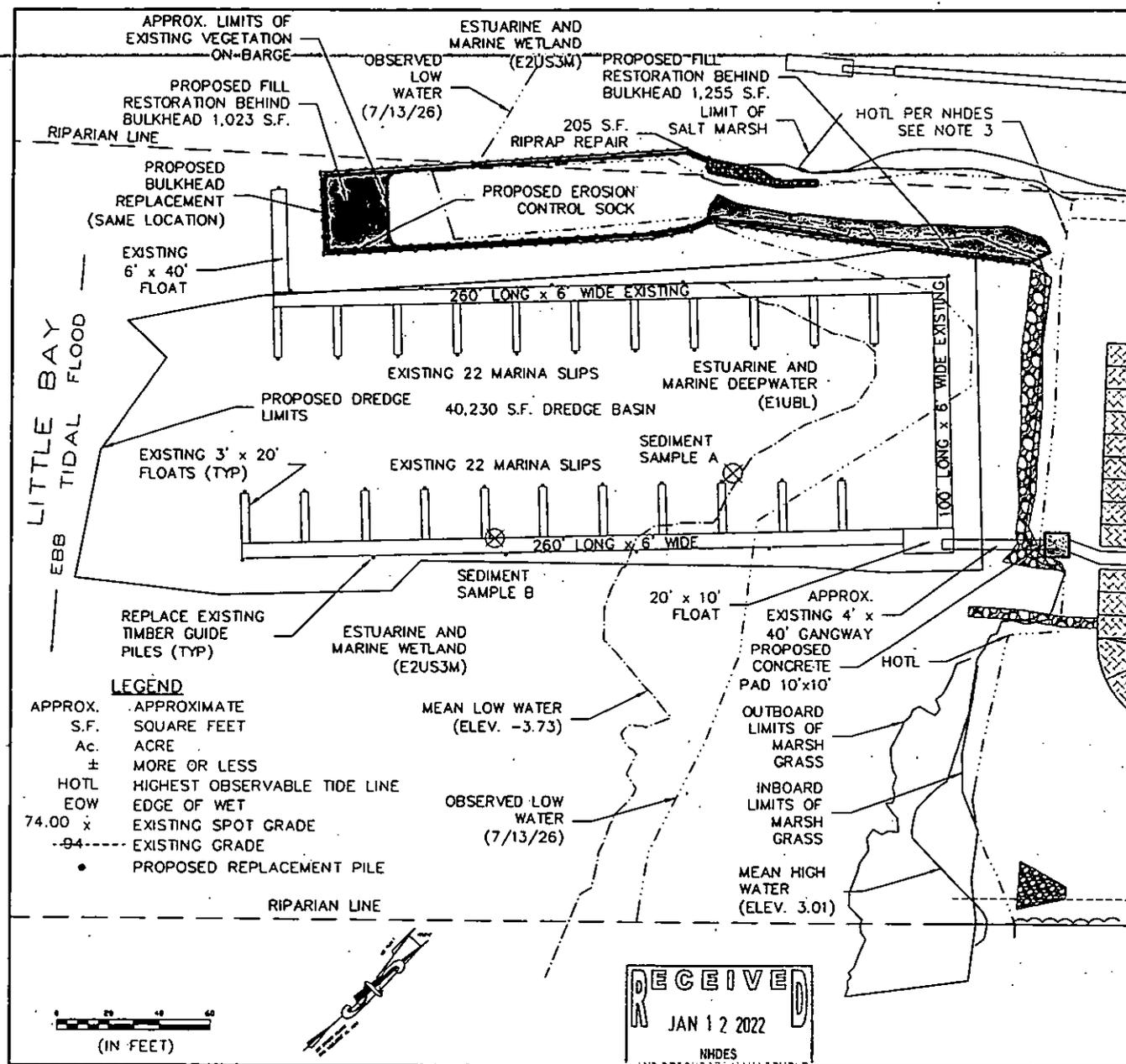
Owner Name & Address

8-8B

John H & Sharon M Blackwell

8-13A1

Newick Family Real Estate LLC
Joan Newick Life Estates



APPROX. LIMITS OF EXISTING VEGETATION ON-BARGE

ESTUARINE AND MARINE WETLAND (E2US3M)

PROPOSED FILL RESTORATION BEHIND BULKHEAD 1,255 S.F. LIMIT OF SALT MARSH

HOTL PER NHDES SEE NOTE 3

PROPOSED FILL RESTORATION BEHIND BULKHEAD 1,023 S.F.

OBSERVED LOW WATER (7/13/26)

205 S.F. RIPRAP REPAIR

PROPOSED EROSION CONTROL SOCK

PROPOSED BULKHEAD REPLACEMENT (SAME LOCATION)

EXISTING 6' x 40' FLOAT

260' LONG x 6' WIDE EXISTING

EXISTING 22 MARINA SLIPS

ESTUARINE AND MARINE DEEPWATER (E1U8L)

PROPOSED DREDGE LIMITS

40,230 S.F. DREDGE BASIN

SEDIMENT SAMPLE A

EXISTING 3' x 20' FLOATS (TYP)

EXISTING 22 MARINA SLIPS

260' LONG x 6' WIDE

SEDIMENT SAMPLE B

20' x 10' FLOAT

APPROX. EXISTING 4' x 40' GANGWAY PROPOSED CONCRETE PAD 10'x10'

HOTL

REPLACE EXISTING TIMBER GUIDE PILES (TYP)

ESTUARINE AND MARINE WETLAND (E2US3M)

OUTBOARD LIMITS OF MARSH GRASS
INBOARD LIMITS OF MARSH GRASS

MEAN HIGH WATER (ELEV. 3.01)

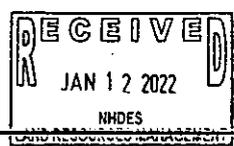
LEGEND

- APPROX. APPROXIMATE
- S.F. SQUARE FEET
- Ac. ACRE
- ± MORE OR LESS
- HOTL HIGHEST OBSERVABLE TIDE LINE
- EOW EDGE OF WET
- 74.00 x EXISTING SPOT GRADE
- 94----- EXISTING GRADE
- PROPOSED REPLACEMENT PILE

MEAN LOW WATER (ELEV. -3.73)

OBSERVED LOW WATER (7/13/26)

RIPARIAN LINE



PLAN INTENT:
THE INTENT OF THIS PLAN IS TO SHOW THE MAINTENANCE DREDGING OF THE EXISTING MARINA AND MAINTENANCE OF BREAKWATER.

- NOTES:**
1. THE HIGHEST TIDE LINE ELEVATION WAS CALCULATED TO BE 4.30' USING NOAA TIDE GAUGE STATION "ATLANTIC TERMINALS T14A I.D. 8423005.
 2. HIGHEST OBSERVABLE TIDE LINE WAS DELINEATED BY LUKE HURLEY OF GOVE ENVIRONMENTAL SERVICES, INC.
 3. FOR PERMITTING PURPOSES THE LOCATION OF THE HOTL AS SHOWN HERE ON WAS DEFINED BY NHDES AT THE SITE WALK OF 8/5/21

- PE NOTE:**
1. THE ATTACHED PE STAMP FOR ANALYSIS REQUESTED BY NHDES WETLANDS BUREAU FOR VULNERABILITY ASSESSMENT OF THE PROPOSED STRUCTURE TO NOT BREAK FREE AS A RESULT OF TIDAL FORCES UP TO AND INCLUDING THE 100 YEAR RECURRENCE EVENT.

RESILIENCY AND BASIS OF ANALYSIS NOTES:

1. THE RESILIENCY RECOMMENDATION AND BASIS OF ANALYSIS BY CIVILWORKS NEW ENGLAND (CNE) FOR THIS PROJECT IS LIMITED TO THE RECOMMENDATIONS AND ANALYSIS IN THESE NOTES.
2. BASIC WIND ANALYSIS HAS BEEN PERFORMED TO ESTABLISH PILE LATERAL TESTING LOADS DURING CONSTRUCTION TO PROVIDE A REASONABLE LEVEL OF CONFIDENCE THAT THE PROPOSED DOCK MOORING PILES WILL BE ADEQUATE TO RESIST ENVIRONMENTAL LOADS FROM WIND AT THIS LOCATION WITH THE FLOAT AT A WATER LEVEL OF THE FEMA 100 YR FLOOD PLUS A SEA LEVEL RISE ALLOWANCE. THE BREAKWATER PROVIDES WAVE AND DRIFTING ICE PROTECTION TO THE MARINA.
3. BASIC WIND SPEED FOR THE SITE FOR THE FLOAT IS 87 MPH WITH LOAD FACTOR REMOVED PER ASCE 7 FOR RISK CATEGORY 1, 3 SECOND GUST. SURFACE ROUGHNESS C AND EXPOSURE C. GIVING A WIND PRESSURE OF 16.5 PSF.
4. THE RECOMMENDED LATERAL TEST LOAD PER GUIDE PILE IS 922 POUNDS APPLIED AT ELEVATION 6.8 FT NAVD88 TO PROVE ADEQUATE MOORING PILE EMBEDMENT.

NOT FOR CONSTRUCTION OR PERMIT USE ONLY

DATE: 10-12-21	SCALE: 1"=40'	DESIGNED BY: JMB	APPROVED BY: JMB	PROJECT NO: 21-001	DATE: 11-12-21	DATE: 11-12-21
		CHECKED BY: JMB	APPROVED BY: JMB	PROJECT NO: 21-001	DATE: 11-12-21	DATE: 11-12-21
				PROJECT NO: 21-001	DATE: 11-12-21	DATE: 11-12-21
				PROJECT NO: 21-001	DATE: 11-12-21	DATE: 11-12-21

CIVILWORKS NEW ENGLAND
111 Water Street, 2nd Floor
Boston, MA 02109
Phone: 617.552.1100

LITTLE BAY TIDAL FLOOD DEVELOPMENT, LLC
DEVELOPMENT, LLC
PATTISON LANE
OLD ORCHARD BEACH,
MAINE 04084

NHDES PERMIT PLAN

6

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6049
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

NOTICE OF DECISION

December 15, 2021

Daka Properties, LLC.
34 Patterson Lane
Newington, NH 03801

Re: Conditional Use Permit for Daka Properties, LLC. (Owner: Little Bay Development, LLC), Assessor's Map 8, Lot 9, zoned LBW, located at 423 Dover Point Road. (Proposal is to conduct maintenance dredging at a 44-slip marina, replace float guide piles and replace the existing bulkhead as well as construct a concrete pad, repair riprap and restore stone fill behind the bulkhead, creating 659 s.f. of Conservation District impacts and 561 s.f. of wetland buffer impacts.) (P21-79)

Dear Daka Properties, LLC.:

Please be advised that on Tuesday, December 14, 2021 the Dover Planning Board voted to conditionally approve the Conditional Use Permit. The specific conditions are included with this letter.

In addition to the conditions of approval, please provide the following to our office:

- 1. Copies of the NHDES Wetlands Dredge and Fill permit, US Army Corps of Engineering, and NH Division of Historic Resources are provided to the Planning Department.

If you have any questions, please do not hesitate to contact my office.

Sincerely,


Christopher G. Parker, AICP
Assistant City Manager, Planning & Strategic Initiatives

EC: Building Inspection Office
Engineering Office
Assessing Office
Civilworks New England

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6049
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

30 November 2021

Mr. David Price
NHDES Wetlands Bureau,
Pease Office
222 International Dr., Suite. 175
Portsmouth, NH 03801

submitted electronically to David Price DAVID.A.PRICE@des.nh.gov

RE: NHDES Dredge and Fill Application (#2021-03263) filed by DAKA Properties LLC for 423 Dover Point Road, Dover, NH.

Dear David:

I am writing in support of the above referenced application as filed with your office. As you are aware, the Dover Conservation Commission voted 6-0 in support of the application at its November meeting. My support of the project is based upon the following.

- The project is a "replacement-in-kind" of an existing 44-slip marina, with no proposed expansion of previously dredged areas, boat slips, or external impacts.
- The project is proposed to respect the so-called "time of year dredge window" to best manage impacts to identified threatened and endangered wildlife species and their habitat areas.
- The dredge material will be drained inside turbidity curtains and moved by barge to off-loading areas for "out of jurisdiction" reuse.

This project is a positive redevelopment of a depressed property and the historic marina on the site had antiquated infrastructure which negatively impacted the environment. This revised plan, as approved by the Planning Board, greatly reduces impacts and improves the vitality and vibrancy of the area.

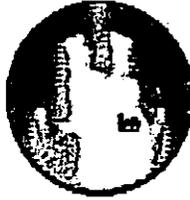
If you have any questions, please don't hesitate to contact me.

Sincerely,



Christopher G. Parker, AICP
Assistant City Manager

EC Ari Pollack, Attorney Gallagher, Callahan & Gartrell, P.C.



City of Dover, New Hampshire
CONSERVATION COMMISSION
288 Central Avenue
Dover, N.H. 03820-4169

November 9, 2021

Mr. David Price
Department of Environmental Services – Wetlands Bureau
PO Box 95
Concord, NH 03302-0095

Re: Wetlands File Number 2021-03263

Dear Mr. Price:

The Dover Conservation Commission reviewed the Standard Dredge and Fill Permit application for DAKA Properties, LLC at 423 Dover Point Road on November 8, 2021. The applicant, per Wetlands File Number 2021-03263, proposes to impact 42,813 square feet of tidal water and tidal buffer zone adjacent to Little Bay for the dredging of a marina and repairs to a bulkhead.

The Dover Conservation Commission voted on November 8, 2021 to endorse the NHDES Wetlands Permit application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Hunt", is written over a faint, larger version of the same signature.

William Hunt, Chair
Dover Conservation Commission

Cc: Steven Bird, City Planner
Duncan Mellor – Civilworks New England

ABUTTER WAIVER OF APPEAL

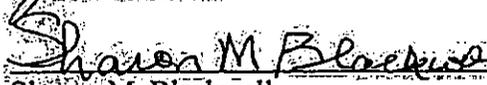
To Whom it May Concern:

By signing below, we, John H. and Sharon M. Blackwell, hereby confirm the following:

1. We received notice of the application for standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, NH (Tax Map #8, Lot #9);
2. We received a copy of the conditional approval dated January 25, 2022; and
3. We have no objection or intent to appeal the approved standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, New Hampshire (Tax Map #8, Lot #9), DES File number 2021-03263, dated January 25, 2022.

Dated: 2-2-2022

 (sign here)
John H. Blackwell

 (sign here)
Sharon M. Blackwell

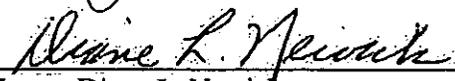
ABUTTER WAIVER OF APPEAL

To Whom it May Concern:

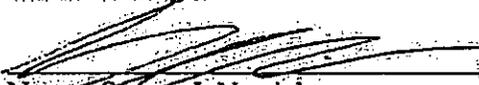
By signing below, we/I, authorized manager(s) of Newick Family Real Estate, LLC, hereby confirm the following:

1. We/I received notice of the application for standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, NH (Tax Map #8, Lot #9);
2. We/I received a copy of the conditional approval dated January 25, 2022; and
3. We/I have no objection or intent to appeal the approved standard dredge and fill wetlands permit for 423 Dover Point Road, Dover, New Hampshire (Tax Map #8, Lot #9), DES File number 2021-03263, dated January 25, 2022.

Dated: 2/1/2022

 (sign here)
Name: Diane L. Newick
Title: Manager

 (sign here)
Name: John F. Newick
Title: Manager

 (sign here)
Name: Steven J. Newick
Title: Manager



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: **DAKA Properties LLC**

TOWN NAME: **Dover**

RECEIVED Administrative OCT 21 2021 Only NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative User OCT 21 2021 Only	Administrative Use Only	File No: 2021-03263 Check No: 4043 Amount: \$17,525.00 Initials: LSL
---	---	-------------------------------	---

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:31(d)(2))
 Please use the Wetland Permit Planning Tool (WPP.T), the Natural Heritage Bureau (NHB) Data Check 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"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NH&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. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): Sparsely vegetated intertidal system, Eelgrass bed, Atlantic Sturgeon, and Shortnose Sturgeon ○ NHB Project ID #: NHB21-2204 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<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"> • Name of Local River Management Advisory Committee (LAC): [Redacted] 	

lrn@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

<ul style="list-style-type: none"> A copy of the application was sent to the LAC on Month: <input type="checkbox"/> Day: <input type="checkbox"/> Year: <input type="checkbox"/> 	
<p>For dredging projects, is the subject property contaminated?</p> <ul style="list-style-type: none"> If yes, list contaminant: <input type="checkbox"/> 	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Is there potential to impact impaired waters, class A waters, or outstanding resource waters?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>For stream crossing projects, provide watershed size (see WPPT or Stream Stats):</p> <p><u>N/A</u></p>	
<p>SECTION 2 - PROJECT DESCRIPTION (Env. Wt 311:04(ii))</p> <p>Provide a brief 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.</p>	
<p>The proposed Little Bay Marina project involves two primary steps:</p> <ol style="list-style-type: none"> Maintenance dredging by mechanical method and guide pile replacement for the existing 44-slip marina; Replace existing timber bulkhead in kind and place some stone riprap/crushed stone inside the bulkhead to restore the backfill. The dredged material will be dewatered for off-site non-jurisdictional upland disposal. <p>and</p> <p>Ancillary repairs would include riprap repair at the eroding western bank of the causeway and replacement of the broken gangway slab in the buffer zone.</p>	
<p>SECTION 3 - PROJECT LOCATION</p> <p>Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.</p>	
<p>ADDRESS: <u>423 Dover Point Rd</u></p>	
<p>TOWN/CITY: <u>Dover</u></p>	
<p>TAX MAP/BLOCK/LOT/UNIT: <u>Map 8 Lot 9</u></p>	
<p>US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <u>Little Bay</u></p> <p><input checked="" type="checkbox"/> N/A</p>	
<p>(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): <u>43.12148° North</u></p>	

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

7083417 West

SECTION 4: APPLICANT (DESIRE 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: DAKA Properties, LLC

MAILING ADDRESS: 84 Patterson Lane

TOWN/CITY: Newington

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: ken@riversideandpickering.com

FAX:

PHONE: (603) 427-2824 x1001

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.:

COMPANY 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 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: Little Bay Development, LLC

MAILING ADDRESS: 10 Woods Lane

TOWN/CITY: Old Orchard Beach

STATE: ME

ZIP CODE: 04064

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):

Env-Wt 400: Wetlands delineated by Certified Wetlands Scientist (Env-Wt 406.02); The project is in a PRA and is therefore classified as major (Env-Wt 407.02);

Env-Wt 500: Not applicable for coastal projects.

Env-Wt 600: Env-Wt 603; Env-Wt 604; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 606.02; Env-Wt 606.03; Env-Wt 606.04; Env-Wt 606.05; Env-Wt 606.1; Env-Wt 607; Env-Wt 609; Env-Wt 610.

Env-Wt 700: No Prime Wetlands

Env-Wt 900: Not applicable for coastal projects.

See attached for supporting documentation on how all applicable criteria has been met.

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: 08 Day: 05 Year: 2021

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 (ENY-W-31104(c))
 For each jurisdictional area that will be/has been impacted, provide square feet (SF) and ft 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. *Note: installation of stream crossing on an ephemeral stream may be undertaken without a permit per RSA 482:309-310(4), however other dredge or fill impacts should be included below.*
 For perennial streams/ rivers, 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			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Scrub/shrub Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Emergent Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Wet Meadow			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Vernal Pool			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Designated Prime Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Duly Established 100-foot Prime Wetland Buffer			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Surface Water	Intermittent/ Ephemeral Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Perennial Stream or River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banks	Bank - Intermittent Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank - Perennial Stream / River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Tidal	Tidal Waters	42,813	514	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Tidal Marsh			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Sand Dune			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Previously Developed TBZ	659		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Tidal Water			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
TOTAL		42,813	514				

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):	42,813 SF	x \$0.40 =	\$17,125
Seasonal docking structure:	0 SF	x \$2.00 =	\$0
Permanent docking structure:	0 SF	x \$4.00 =	\$0
Projects proposing shoreline structures (including docks) add \$400 =			\$400
Total =			\$17,525

The application fee for minor or major Impact is the above calculated total or \$400, whichever is greater = **\$17,525**

SECTION 13 - PROJECT CLASSIFICATION (Env. Wt. 306.05)
 Indicate the project classification:

<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
---	--	---

SECTION 14 - REQUIRED CERTIFICATIONS (Env. Wt. 311.11)

Initial each box below to certify:

Initials: DAKA	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: DAKA	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: DAKA	<p>The signer understands that:</p> <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. 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: DAKA	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: See attached authorization letter	DATE: 10/19/2021
SIGNATURE (APPLICANT IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: Douglas Anderson	DATE: 10/19/2021
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY:	DATE:

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: Susan Mistrup
TOWN/CITY: Dover	DATE: 10/20/2021

DAKA PROPERTIES LLC

11 October, 2021

To Whom It May Concern:

RE: State of New Hampshire DES Wetlands Bureau Standard Dredge and Fill Application for proposed replacement in kind marina, retaining wall, rip rap and dredging for Little Bay Development LLC located at 423 Dover Pt. Road Dover, NH 03820;

This letter is to inform the City Of Dover and NH DES in accordance with State Law that the following entities:

Riverside Marine Construction, Inc.
Civilworks Inc./Haight Engineering PLLC

Are authorized to represent me as my agent in the approval process.

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

Sincerely,



Kenneth Anderson-Member
DAKA Properties LLC
34 Patterson Ln
Newington, NH 03801
207-451-3095

Little Bay Marina Project Narrative
Dover Point, Dover, NH, Little Bay (tidal)

October 14, 2021 (supersedes 9.16.21 submission)

Introduction

The proposed Little Bay Marina project involves two primary steps:

1. Maintenance dredging by mechanical method and guide pile replacement for the existing 44-slip marina;
2. Replace existing timber bulkhead in kind and place some stone riprap/crushed stone inside the bulkhead to restore the backfill. The dredged material will be dewatered for off-site non-jurisdictional upland disposal.

And

Ancillary repairs would include riprap repair at the eroding western bank of the causeway and replacement of the broken gangway slab in the buffer zone.

History of property

Little Bay Marina on Dover Point has had a number of different owners and marina names. From our review of available past permitting, this facility pre-dates 1965.

Circa 1967, a steel barge was beached and filled with dredge material to function as a breakwater on the western side of the marina basin. This barge has deteriorated over the ensuing years and is in poor shape. See photos included with this submission.

Dredging

First, we propose another maintenance dredge in the same footprint as the historic marina. This marina has been maintenance-dredged at least three times in the past: 1967, 1975, and 1991. In 1991, the maintenance dredge covered ~52,650 square feet. The 1991 permit for marina reconfiguration and maintenance dredging included a bulkhead addition to surround the barge, and encapsulation of the barge by dredged material. Marina maintenance dredging is again necessary because this bulkhead now has weathered and is compromised. The outer end of the barge is presently exposed from wave action washing soils and prior dredge material away. The water depths at the site were established by multibeam hydrographic survey methods performed by Steele Associates Marine Consultants LLC, Oct. 28, 2020, later converted to NAVD88 datum and re-contoured.

The proposed dredge sediment has been tested for pollutants. The NHDES Oil Remediation & Compliance Bureau responded to those tests that the boat basin is not considered a "contaminated site". This investigation also evaluated the sediments within the bulkhead that was used to encapsulate the old barge. Results

showed PAH's associated with ash, but which are considered background levels, and not triggering a present risk to human health or required active remediation.

Sediment from the dredge area was also collected for grain size analysis and those data records are attached. Sample A was from the maintenance dredge area to the approximate dredge depth (-5' MLW) and consisted of 48% sand and 52% fines passing the 200 sieve (slightly cohesive). Sample B was taken from the easterly dredge side slope area to -4.5' MLW depth with visual observation of the core noting approximately 6" of fine silty sand over the lower core of over consolidated stiff yellow clay. The Sample B grain size analysis was a vertical composite of the entire core. The stiff yellow clay dredged mechanically is expected to come out in chunks with minimal turbidity generation. There will be turbidity from the dredging of the fine silty sand. Therefore, a turbidity curtain is proposed to confine turbidity to the dredge area.

If approved, we anticipate dredging from February 1, 2022 through March 15, 2022, with upland disposal offsite and out of jurisdiction. Based on prior test data, the installation of the timber guide piles is expected to be well below threshold levels for underwater noise (see CFA).

Slips

In 1988, DES issued a permit to expand the marina from 44 slips to 88 slips. In 1991, a prior owner requested a permit extension, but was denied because of an administrative rule change. Consequently, the applicant proposes to hold the current configuration and 44 slips.

Incidental repair work for the marina area would include riprap repairs of 245 SF. A replacement gangway concrete slab (100 SF) will be installed in the existing location, providing pedestrian access to the marina slips. As the DES residential dock rule for deck plank spacing of $\frac{3}{4}$ " does not meet Americans with Disabilities Act (ADA), all walking surfaces will have decking gaps less than $\frac{1}{2}$ " to comply with ADA.

Construction Sequence

The anticipated construction sequence is:

1. Mobilize equipment to the site
2. Enclose active work area with full depth turbidity curtain
3. Pull existing timber guide piles
4. Dredge approximately 300 to 400 cubic yards of sediment and place in dewatering area on the barge. Wait for turbidity to clear equivalent to background levels. Sediment to dewater sufficiently for barge movement from the project to the unloading facility in Newington
5. When dredged sediment is dewatered to pass the EPA paint filter test, unload and truck to the upland non-jurisdictional beneficial reuse location
6. Complete dredging by March 15

7. Install guide piles
8. Replace existing timber bulkheads in the same location
9. Backfill bulkheads with riprap/crushed stone.
10. Remove turbidity curtain
11. Repair riprap & replace gangway slab
12. Seed for vegetative soil stabilization at the beginning of the growing season
13. Reinstall seasonal marina floats and gangway (at the commencement of boating season)

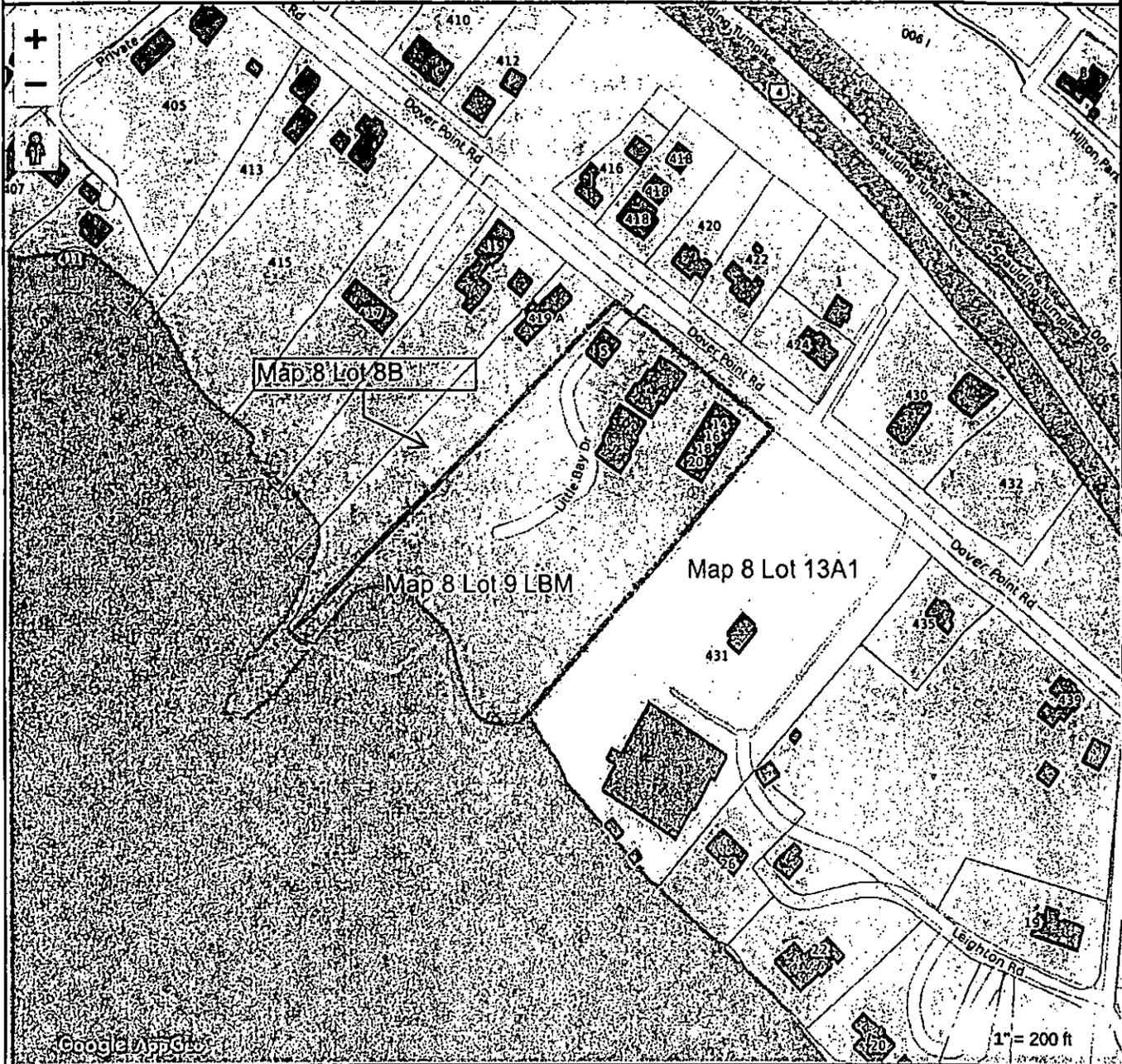
Operation & Maintenance

The applicant will be responsible for operating and maintaining the proposed project. Operations will be relatively minimal, consisting of seasonal installation & removal of the floating docks. By site plan approvals with the City, boat and trailer storage on site is prohibited. We do not anticipate fuel sales or sewage pumpout, as those services are otherwise available at other nearby marinas.

The bulkhead and the fill behind it will be inspected on an inspection schedule set by the applicant. Inspections will be used to determine if maintenance shall be done (e.g erosion, damaged sheets from the bulkhead, damaged wood floats or pile guides, etc.). We anticipate maintenance items are most likely to occur during seasonal installation and removal, or following storms.

Evaluation & Approval Criteria

As noted in the application package in multiple locations, the proposed project uses appropriate BMP's, including timing, means and methods. The project complies with standard conditions, evaluation and approval criteria, avoidance and minimization, CFA requirements and does consider sea level rise and flooding (it is tolerant). The construction sequence/ BPM's and operations and maintenance are listed above.



Property Information

Property ID 06009-000000
 Location 423 DOVER POINT RD
 Owner LITTLE BAY DEVELOPMENT LLC
 Land Use 390

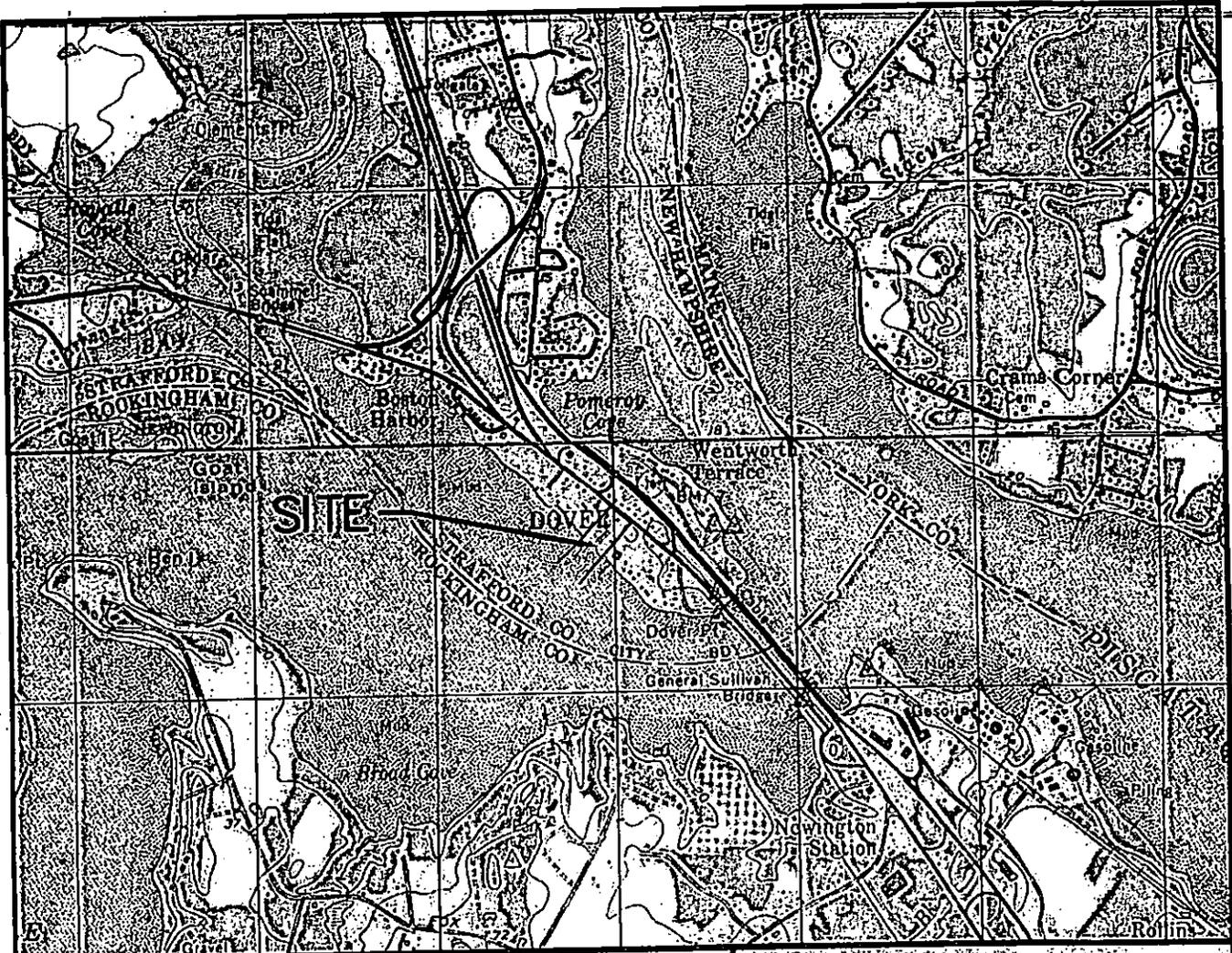


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

City of Dover, 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 5/3/2021
 Data updated Daily

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.



PORTSMOUTH QUADRANGLE
STATE PLANE:
 N1206596.51 E227672.19
LAT LONG:
 N43.1216 E-070.8338
WATERBODY: LITTLE BAY
COUNTY: STRAFFORD COUNTY



VICINITY MAP
 1" = 2000'

LITTLE BAY MARINA DREDGING
 423 DOVER POINT ROAD
 DOVER, NH 03820

CIVILWORKS NEW ENGLAND
INC. & REGISTERED PROFESSIONALS
 181 Wilson Road, PO Box 1166
 Dover, New Hampshire 03621
 603.749.0443

DATE: 9-17-21
 PROJECT No. 1788A
 FILE: USGS

FIGURE 1

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: Duncan Mellor, civilworksne
PO Box 1166
dover, NH 03821

From: Amy Lamb, NH Natural Heritage Bureau
Date: 7/9/2021 (valid until 07/09/2022)
Re: Review by NH Natural Heritage Bureau
Permits: NHDES - Wetland Standard Dredge & Fill - Major

NHB ID: NHB21-2204 Town: Dover Location: 423 Dover Point Rd
Description: The work will be maintenance dredging of the Little Bay Marina as well as the replacement of float piles and shoreside rip rap. The footprint will be approximately 50,000 square feet and will take place during the winter dredging window.

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: Please make sure that any barge activity avoids the eelgrass bed. NHB would not have concerns about impacts to the subtidal system if the proposed dredging will only be maintenance of existing impact areas. Please send a plan sheet and photos clarifying where riprap will be added, and a narrative explanation of why riprap is necessary as opposed to a more natural shoreline stabilization approach cannot be incorporated.
F&G: Please send project details so that we can forward to NHFG Marine Division for review of potential sturgeon impacts. Please include: equipment to be used, proposed limits of disturbance, and time of year.

Natural Community	State ¹	Federal	Notes
	-	-	
	-	-	Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Vertebrate species	State ¹	Federal	Notes
	T	T	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

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.

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

¹Codes: "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, NHF&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.



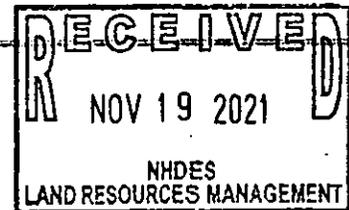
The State of New Hampshire
**Department of Environmental
Services**



Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources, NHB. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Pamela G. Monroe, Legal Unit Administrator, NH Department of Environmental Services, at: pamela.g.monroe@des.nh.gov, or (603) 271-3137.



City of Dover, New Hampshire
CONSERVATION COMMISSION
288 Central Avenue
Dover, N.H. 03820-4169

November 9, 2021

Mr. David Price
Department of Environmental Services – Wetlands Bureau
PO Box 95
Concord, NH 03302-0095

Re: Wetlands File Number 2021-03263 ✓

Dear Mr. Price:

The Dover Conservation Commission reviewed the Standard Dredge and Fill Permit application for DAKA Properties, LLC at 423 Dover Point Road on November 8, 2021. The applicant, per Wetlands File Number 2021-03263, proposes to impact 42,813 square feet of tidal water and tidal buffer zone adjacent to Little Bay for the dredging of a marina and repairs to a bulkhead.

The Dover Conservation Commission voted on November 8, 2021 to endorse the NHDES Wetlands Permit application.

Please contact me if you have any questions.

Sincerely,

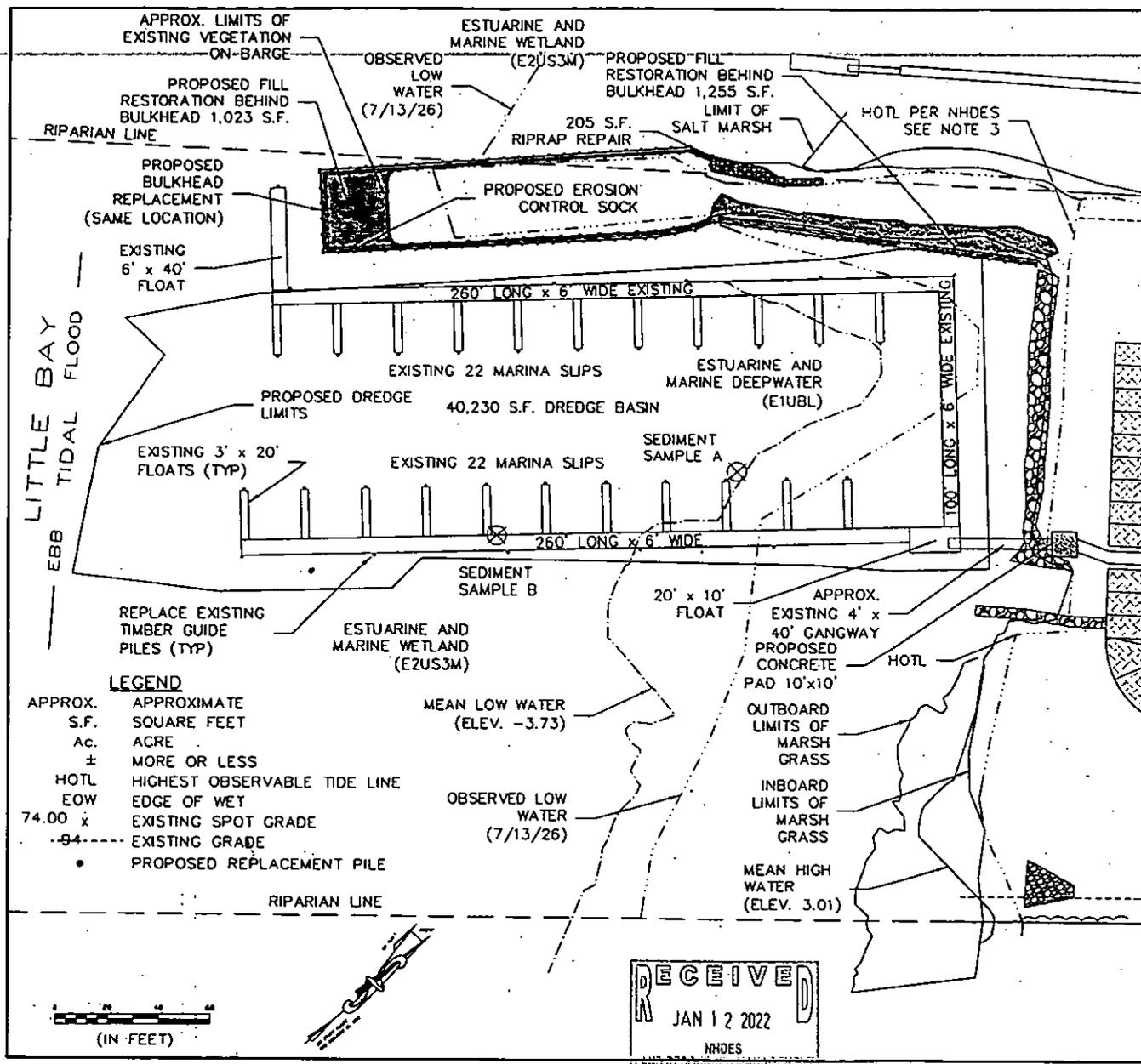
William Hunt, Chair
Dover Conservation Commission

Cc: Steven Bird, City Planner
Duncan Mellor – Civilworks New England

Abutters List – October, 2021

**Little Bay Development, LLC
423 Dover Point Road
Dover, NH 03820
Tax Map 8, Lot 9**

<u>Map/Lot</u>	<u>Owner Name & Address</u>
8-8B	John H & Sharon M Blackwell
8-13A1	Newick Family Real Estate LLC Joan Newick Life Estates



PLAN INTENT:
 THE INTENT OF THIS PLAN IS TO SHOW THE MAINTENANCE DREDGING OF THE EXISTING MARINA AND MAINTENANCE OF BREAKWATER.

- NOTES:**
1. THE HIGHEST TIDE LINE ELEVATION WAS CALCULATED TO BE 4.30' USING NOAA TIDE GAUGE STATION "ATLANTIC TERMINALS T14A I.D. 8423005.
 2. HIGHEST OBSERVABLE TIDE LINE WAS DELINEATED BY LUKE HURLEY OF GOVE ENVIRONMENTAL SERVICES, INC.
 3. FOR PERMITTING PURPOSES THE LOCATION OF THE HOTL AS SHOWN HERE ON WAS DEFINED BY NHDES AT THE SITE WALK OF 8/5/21

- PE NOTE:**
1. THE ATTACHED PE STAMP FOR ANALYSIS REQUESTED BY NHDES WETLANDS BUREAU FOR VULNERABILITY ASSESSMENT OF THE PROPOSED STRUCTURE TO NOT BREAK FREE AS A RESULT OF TIDAL FORCES UP TO AND INCLUDING THE 100 YEAR RECURRENCE EVENT.

RESILIENCY AND BASIS OF ANALYSIS NOTES:

1. THE RESILIENCY RECOMMENDATION AND BASIS OF ANALYSIS BY CIVILWORKS NEW ENGLAND (CNE) FOR THIS PROJECT IS LIMITED TO THE RECOMMENDATIONS AND ANALYSIS IN THESE NOTES.
2. BASIC WIND ANALYSIS HAS BEEN PERFORMED TO ESTABLISH PILE LATERAL TESTING LOADS DURING CONSTRUCTION TO PROVIDE A REASONABLE LEVEL OF CONFIDENCE THAT THE PROPOSED DOCK MOORING PILES WILL BE ADEQUATE TO RESIST ENVIRONMENTAL LOADS FROM WIND AT THIS LOCATION WITH THE FLOAT AT A WATER LEVEL OF THE FEMA 100 YR FLOOD PLUS A SEA LEVEL RISE ALLOWANCE. THE BREAKWATER PROVIDES WAVE AND DRIFTING ICE PROTECTION TO THE MARINA.
3. BASIC WIND SPEED FOR THE SITE FOR THE FLOAT IS 87 MPH WITH LOAD FACTOR REMOVED PER ASCE 7 FOR RISK CATEGORY 1, 3 SECOND GUST. SURFACE ROUGHNESS C AND EXPOSURE C, GIVING A WIND PRESSURE OF 16.5 PSF.
4. THE RECOMMENDED LATERAL TEST LOAD PER GUIDE PILE IS 922 POUNDS APPLIED AT ELEVATION 6.8 FT NAVD88 TO PROVE ADEQUATE MOORING PILE EMBEDMENT.

NOT FOR CONSTRUCTION OR PERMIT USE ONLY

CIVILWORKS NEW ENGLAND
 10 FLOODS LANE
 OLD ORCHARD BEACH, MAINE 04061

DATE	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	PROJECT NUMBER	FILE NO.
10-12-21	1"=50'

NHDES PERMIT PLAN

LITTLE BAY DEVELOPMENT, LLC
 10 FLOODS LANE
 OLD ORCHARD BEACH, MAINE 04061

DLEC PROPERTIES, LLC
 34 PATTERSON LANE
 NEWINGTON, NH 03801

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