



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 23, 2023

114

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

REQUESTED ACTION

Approve Stephen Eldred's request to perform the following work on the Piscataqua River in New Castle pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-00629, and in accordance with RSA 482-A:3. No comments were submitted by the New Castle Conservation Commission regarding the project as proposed.

Impact 225 square feet in the previously-developed upland tidal buffer zone and 1,040 square feet of tidal wetland to construct a tidal docking structure consisting of a 4 foot by 52 foot fixed pier connected to a 6 foot by 126 foot fixed pier connected to a 3 foot by 50 foot seasonal ramp connected to a 10 foot by 40 foot seasonal float secured by timber and batter piles. The overall length of the docking structure, seaward of the highest observable tide line, is 207 feet, on 189 feet of frontage along the Piscataqua River in New Castle.

NHDES imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans by Matthew R. Cardin NH CWS #384, dated February 15, 2021 and revised June 21, 2022, and received by the NH Department of Environmental Services (NHDES) on June 21, 2022, in accordance with Env-Wt 307.16
2. This permit shall not be effective until the permittee records this permit at the Rockingham 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. Pile installation shall occur between November 15 and March 15, to protect anadromous fish as required by Env-Wt 307.06.
4. The ramp and float portions of residential tidal docks shall be seasonal and removed from the water during the non-boating season, in accordance with Env-Wt 606.06(b).
5. Tidal docking installation shall be done by barge or upland to prevent the driving of construction equipment in or through tidal waters/wetlands or on the bottom of the inter-tidal zone, in accordance with Env-Wt 606.05(b).
6. Tidal docking construction shall be done in accordance with the standard conditions in Env-Wt 307.
7. Heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit, in accordance with Env-Wt 307.15(a).

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

8. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas and in accordance with Env-Wt 307.15.
9. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
10. 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.
11. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.

EXPLANATION

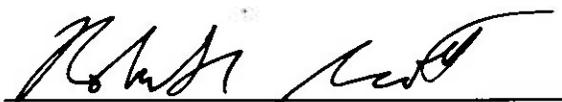
NHDES approved this project on January 23, 2023. NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 606.17(a)(1), for all new overwater structure construction in tidal waters/wetlands.
2. In correspondence dated February 2, 2022, the NHB stated that the applicant had implemented an approach to further minimize impacts to the eel grass and had no further comments on the application.
3. NHDES finds that the project as approved, and conditioned to incorporate NHF&G recommendations that the work be performed during the federal dredge window between November 15 - March 15, will not have an unreasonable adverse impact on the value of such areas as sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value, nor will it damage or destroy habitats and reproduction areas for plants, fish and wildlife of importance.
4. The New Castle Conservation Commission did not comment on the application as provided for in RSA 482-A:11, III.
5. NHDES has not received concerns or objections to the project from abutting property owners.
6. The NHDES staff field inspection on July 19, 2022, found that the site is accurately represented in the application.
7. Per Rule Env-Wt 603.09, on February 14, 2022, the applicant obtained a statement from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage stating, "[w]e examined the proposed site and found that the structure will have no negative effect on safe navigation in the channel."
8. NHDES finds that the requirements for a public hearing, as established in RSA 482-A, do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, and, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.
9. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000 were requested or approved under this permit action.

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
Page 3 of 3

NHDES Wetlands Bureau permit #2022-00629 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott
Commissioner



**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: Stephen Eldred

TOWN NAME: New Castle

		File No: <u>2022-00629</u>
		Check No: <u>4081</u>
		Amount: <u>\$ 360.00</u>
		Initials: <u>PEH</u>

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

SECTION 1: REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))
Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) 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): <input type="text"/> NHB Project ID #: <u>21-1769</u> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" 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): <input type="text"/> A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text"/> 	

For dredging projects, is the subject property contaminated? • If yes, list contaminant: 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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For stream crossing projects, provide watershed size (see WPPT or Stream Stats):

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 application is for wharf access at 188 Portsmouth Ave, New Castle, NH (Map 15, Lot 5); a .99 acre property with approximately 189' of frontage on the Piscataqua River, by installing a permanent pier consisting of 46' long x 4' wide section and expanding to 6' wide pier extending an additional 132 feet to a 3' wide x 50' long aluminum gangway to a 10' wide x 40' long float configured parallel to the shoreline. Additionally, a 3' wide access stair will be installed at the end of the pier to allow access. The overall structure will extend from the previously disturbed tidal buffer zone associated with a lawfully existing structure. The pier structure will have an overall length of 236 feet and extending 207 feet seaward of the highest observable tide line. The pier will be supported by (13) bents containing of two piles each. The float will be connected to the pier via the aluminum gangway. The 10' x 40' seasonal float will be supported by six permanently installed guide piles; (3) at each end of the float. All piles will consist of 12" diameter, Class A, CCA treated timber piles.

The pier, seasonal gangway and float are to be installed via a barge during low tide cycles. Turbidity curtains will be installed prior to construction and be maintained throughout construction to contain and minimize turbidity. Minimal construction from land will be needed and will be limited to the construction of the stairs and the first two pile bents. Equipment needed will traverse the tidal buffer zone using temporary matting resulting in only temporary impacts, if needed. Appropriate erosion controls will be installed around ground disturbance areas above the highest observable tide line and maintained through the duration of construction.

SECTION 3: PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 188 Portsmouth Ave

TOWN/CITY: New Castle

TAX MAP/BLOCK/LOT/UNIT: Map 15, Lot 5

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Piscataqua River
 N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):
43.07186° North
70.72932° 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: Stephen Eldred		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE: 603-540-8590	
ELECTRONIC COMMUNICATION: By initialing here: <i>SE</i> , I hereby authorize NHDES to communicate all matters relative to this application electronically.		
SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))		
<input type="checkbox"/> N/A		
LAST NAME, FIRST NAME, M.I.: Cardin, Matthew R		
COMPANY NAME: Cardin Environmental Consulting and Permitting		
MAILING ADDRESS: 30 Old Post Road		
TOWN/CITY: Newington	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: matt@cardinenvironmental.com		
FAX:	PHONE: 603-988-6635	
ELECTRONIC COMMUNICATION: By initialing here MRC, 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:		
<input checked="" type="checkbox"/> Same as applicant		
NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here <i>SE</i> , I hereby authorize NHDES to communicate all matters relative to this application electronically.		

SECTION 7: RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):
 Please see attached narrative that includes Avoidance and Minimization Checklist, Coastal Functional Assessment, a Vulnerability Assessment, methods to protect and minimize impacts to natural resources during and as a result of constructing the project and design criteria, water depths, statement regarding impact to navigation and passage and appropriate data screening figures.

SECTION 8: AVOIDANCE AND MINIMIZATION

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

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

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

SECTION 9: MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

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

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

N/A - Compensatory mitigation is not required

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

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

For perennial streams/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						
	Scrub-shrub Wetland						
	Emergent Wetland						
	Wet Meadow						
	Vernal Pool						
	Designated Prime Wetland						
	Duly-established 100-foot Prime Wetland Buffer						
Surface Water	Intermittent / Ephemeral Stream						
	Perennial Stream or River						
	Lake / Pond						
	Docking - Lake / Pond						
	Docking - River						
Banks	Bank - Intermittent Stream						
	Bank - Perennial Stream / River						
	Bank / Shoreline - Lake / Pond						
Tidal	Tidal Waters						
	Tidal Marsh						
	Sand Dune						
	Undeveloped Tidal Buffer Zone (TBZ)						
	Previously-developed TBZ	105					
	Docking - Tidal Water	1,410					
TOTAL		1,515					

SECTION 12 - APPLICATION FEE (RSA 482-A:3.1)

<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): <input type="checkbox"/> SF × \$0.40 = \$ <input type="checkbox"/>
Seasonal docking structure: <input type="checkbox"/> 550 SF × \$2.00 = \$ <input type="checkbox"/> 1,100
Permanent docking structure: <input type="checkbox"/> 965 SF × \$4.00 = \$ <input type="checkbox"/> 3,860
Projects proposing shoreline structures (including docks) add \$400 = \$ <input type="checkbox"/> 400
Total = \$ <input type="checkbox"/> 5,360
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ <input type="checkbox"/> 5,360

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
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SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	To the best of the signer's knowledge and belief, all required notifications have been provided.
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Initials: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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"> 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. • The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. • The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
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Initials: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	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.
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SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)

SIGNATURE (OWNER): <input type="text"/>	PRINT NAME LEGIBLY: Stephen Eldred	DATE: <input type="text"/>
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): <input type="text"/>	PRINT NAME LEGIBLY: <input type="text"/>	DATE: <input type="text"/>
SIGNATURE (AGENT, IF APPLICABLE): <input type="text"/>	PRINT NAME LEGIBLY: Matthew Cardin GWS	DATE: <input type="text"/>

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: <input type="text"/>	PRINT NAME LEGIBLY: <input type="text"/>
TOWN/CITY: <input type="text"/>	DATE: <input type="text"/>

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

<input checked="" 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: 	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.
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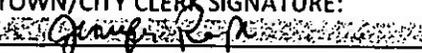
Initials: 	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.
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SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311:11)

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Stephen Eldred	DATE: 3/11/22
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: 	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Matthew Cardin, CWS	DATE: 3/10/22

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: Jennifer Rump
TOWN/CITY: <u>New Castle</u>	DATE: <u>3/14/22</u>

KITTERY, MAINE

Subject Property:
180 Portsmouth
Ave
Map 15, Lot 5



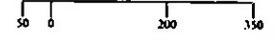
Phone: 603-764-1234
Fax: 603-764-1234

Town of
NEW CASTLE
Rockingham County
New Hampshire

LEGEND

- PARCEL INFO**
- 1-3-3 Map-Lot-Sub
 - .92 Ac.S Parcel Acreage
 - C. T. Island, R. Surveyed Dimensions (Feet)
- WATER FEATURES**
- Wetlands
 - Ocean or Rivers
- LAND**
- Conservation
 - Open Space
 - Town Owned
- ROADS**
- Right of Way
 - Private
 - Town Maintained
 - State Maintained

SCALE



**MAP
15**

For Assessment Purposes
Not to be used for conveyances
Revised April 1, 2019

GOAT ISLAND

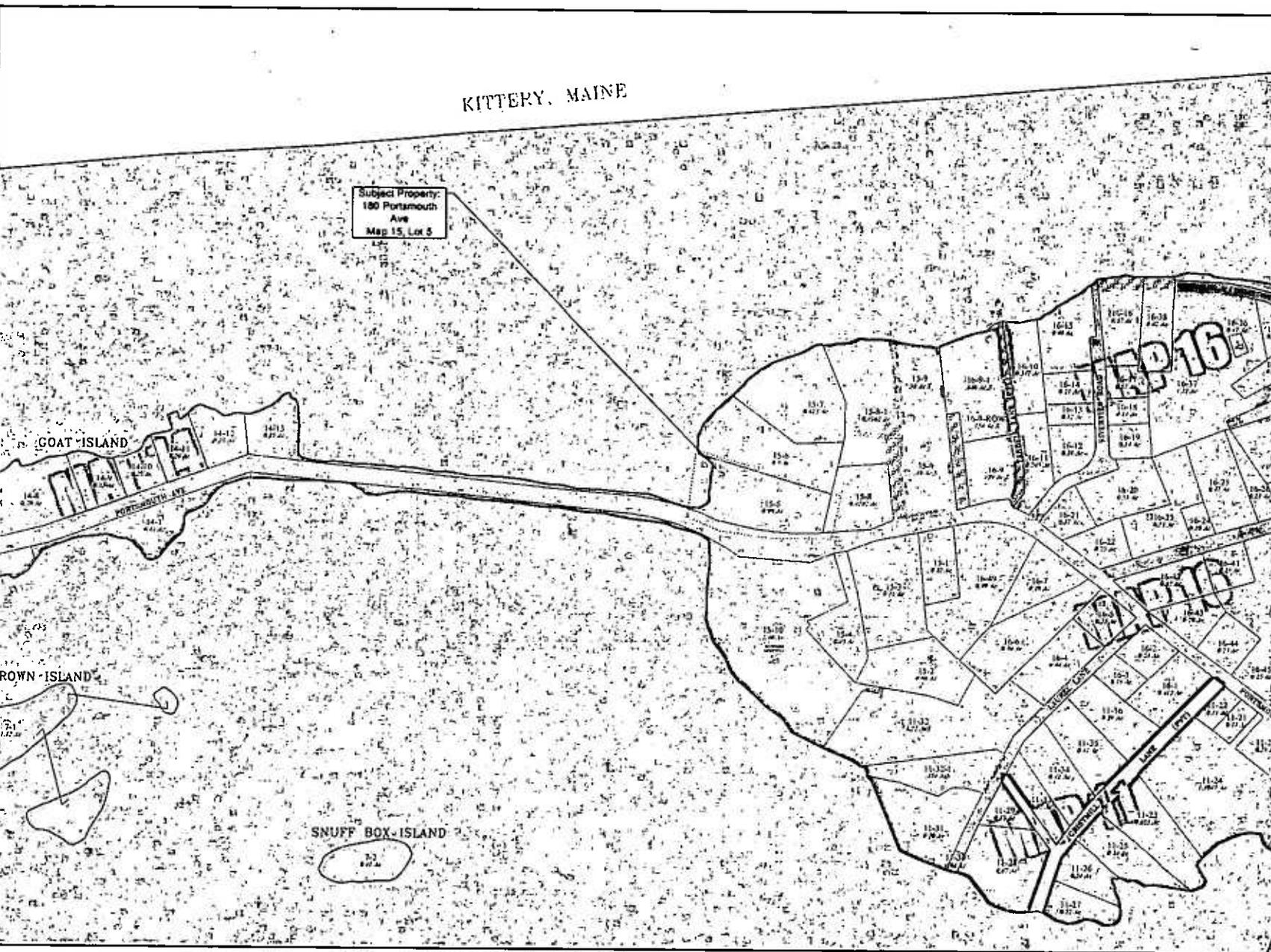
ROWN ISLAND

SNUFF BOX ISLAND

MAP 16

MAP 10

MAP 9



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: matt cardin, Cardin Environmental Permitting
30 old post road
Newington, NH 03801

From: Jessica Bouchard, NH Natural Heritage Bureau

Date: 6/3/2021 (valid until 06/03/2022)

Re: Review by NH Natural Heritage Bureau

Permits: MUNICIPAL POR - New Castle, NHDES - Wetland Standard Dredge & Fill - Major, USACE - General Permit

NHB ID: NHB21-1769

Town: New Castle

Location: 188 Portsmouth Ave

Description: The proposed project is for a permanently fixed pier, seasonal gangway, and float extending to an adequate water depth for a boat, approximately 200-220 feet. The general alignment will extend from the existing boathouse and be orientated perpendicular to the shoreline.

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 provide photos of the proposed shoreline disturbance location for the docking system on the property. Additionally, provide a proposed conditions plan overlain on aerial imagery.
F&G: Please provide construction schedule.

Natural Community

Eelgrass bed

State¹ Federal Notes

- -

Plant species

marsh elder (*Iva frutescens*)

State¹ Federal Notes

T -

Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

Vertebrate species

State¹ Federal Notes

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

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

Memo

NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

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

Atlantic Sturgeon (*Acipenser oxyrinchus*) T T Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

oxyrinchus)
Shortnose Sturgeon (*Acipenser brevirostrum*) 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.

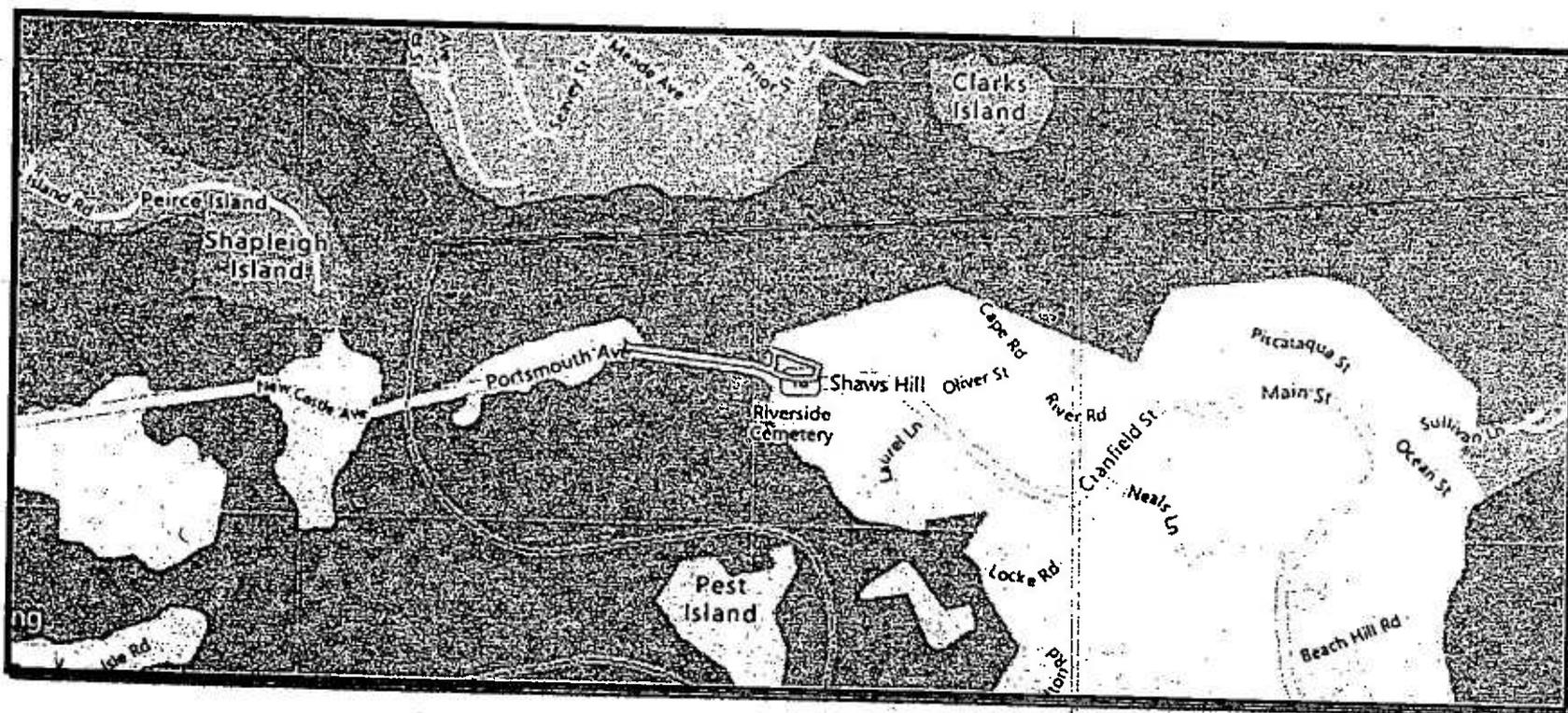
Abutter List

Owner: Stephen Eldred

Site Location: 188 Portsmouth Ave, New Castle, NH

Map 15, Lot 5

Map	Lot	Name	Mailing Address	Street Address
15	6	Michael S. Traister & Melanie S. Sommer		



Lewis, Eben

From: stepheneldred@comcast.net
Sent: Tuesday, January 24, 2023 7:15 PM
To: 'Michael S. Traister'
Cc: Lewis, Eben
Subject: RE: NHDES Wetlands Bureau File 2022-00629, 180 Portsmouth Ave, New Castle, Tax Map 15 Lot 5

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you Michael.

From: Michael S. Traister <michael.traister@gmail.com>
Sent: Tuesday, January 24, 2023 7:13 PM
To: eben.lewis@des.nh.gov
Cc: stepheneldred@comcast.net
Subject: NHDES Wetlands Bureau File 2022-00629, 180 Portsmouth Ave, New Castle, Tax Map 15 Lot 5

We are the abutters of 180 Portsmouth Avenue in New Castle. Please note that we do not wish to appeal the decision (approval of the project/permit) in accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200.

Thank you, and best regards,

Michael Traister

--

Michael S. Traister, attorney-at-law*
184 Portsmouth Avenue
P.O. Box 913
New Castle, NH 03854-0913
+1.617.839.8900
michael.traister@gmail.com

* Admitted to practice in New Hampshire and Massachusetts.

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Select Board Meeting

Wednesday, January 25, 2023, at 5:00pm

Address

*Macomber Room
301 Wentworth Rd
New Castle, NH 03854*

Present: Dave McGuckin, Chairman, Bill Stewart Selectman

Absent: Jane Finn, Selectwoman

Meeting was called to order at 5:02PM

The first order of business was a discussion of NHDES dock permit for 180 Portsmouth Ave., Map 15, Lot 5. After discussion, Selectman Stewart made the following motion: I move that based upon the information as presented to us by the New Hampshire Department of Environmental Services, this Select Board has no intention of appealing the dock permit issued by NHDES to 180 Portsmouth Ave., Map 15, Lot 5. The motion was seconded by Chairman McGuckin and all present voted in favor.

Having no other business to conduct Chairman McGuckin made a motion to adjourn, Selectman Stewart seconded the motion and all present voted in favor.

Meeting was adjourned at 5:10PM

EXISTING SITE PLAN

SCALE: 1" = 40'

APPLICANT:
 STEPHEN ELDRED
 188 PORTSMOUTH AVE, NEWCASTLE, NH
 TAX MAP 15, LOT 5
 LOT AREA: 0.99 Acres
 FRONTAGE: ~ 189' ON PISCATAQUA RIVER
 ADJACENT PROPERTY OWNERS:
 1. MAP 7, LOT 6 - MICHAEL S. TRAISTER &
 MELANIE S. SOMMER
 NOTES:
 1. Highest observable tide line verified by Matt
 Cardin, NH CWS #284 on June 28, 2021 per
 Env-Wt 602.23.
 2. Water depth measurements portrayed in
 NAVD88 and determined by R. Alex Ross, LLS
 # 907
 3. FEMA Flood Zone VE based on FIRM Area
 Number 33015C0278F, effective 1/29/2021

Existing Moorings



PISCATAQUA RIVER

Existing Eel grass (observed)
 (Extends beyond extended property boundary)

-10.01'
 -9.52'
 -8.72'

-7.58'
 -6.84'

-5.88'

-5.23'

-4.46'

-3.52'

-2.42'

-1.34'

-0.54'

MUDFLAT/BEACH
 (E2US1/2/3)

2.92'

4.75'

6.10'

HIGHEST OBSERVABLE TIDE LINE

MEAN HIGH WATER

HIGHEST OBSERVABLE TIDE LINE

EL. 10' (ZONE VE)

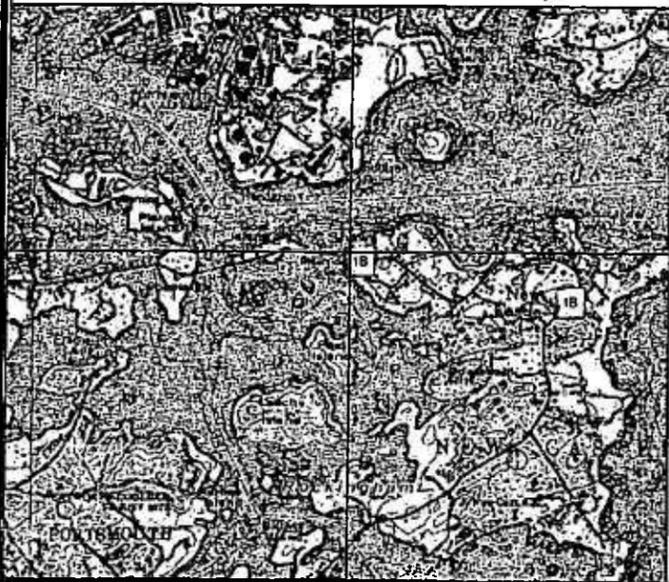
APPROXIMATE EXTENDED PROPERTY BOUNDARY

APPROXIMATE EXTENDED PROPERTY BOUNDARY

MEAN HIGH WATER

SALT MARSH
 (E2EM1)

VICINITY MAP



Plans Prepared by
 Matthew R. Cardin NH CWS #284

PORTSMOUTH AVE

BOAT HOUSE

PATIO

DWELLING

DRIVEWAY

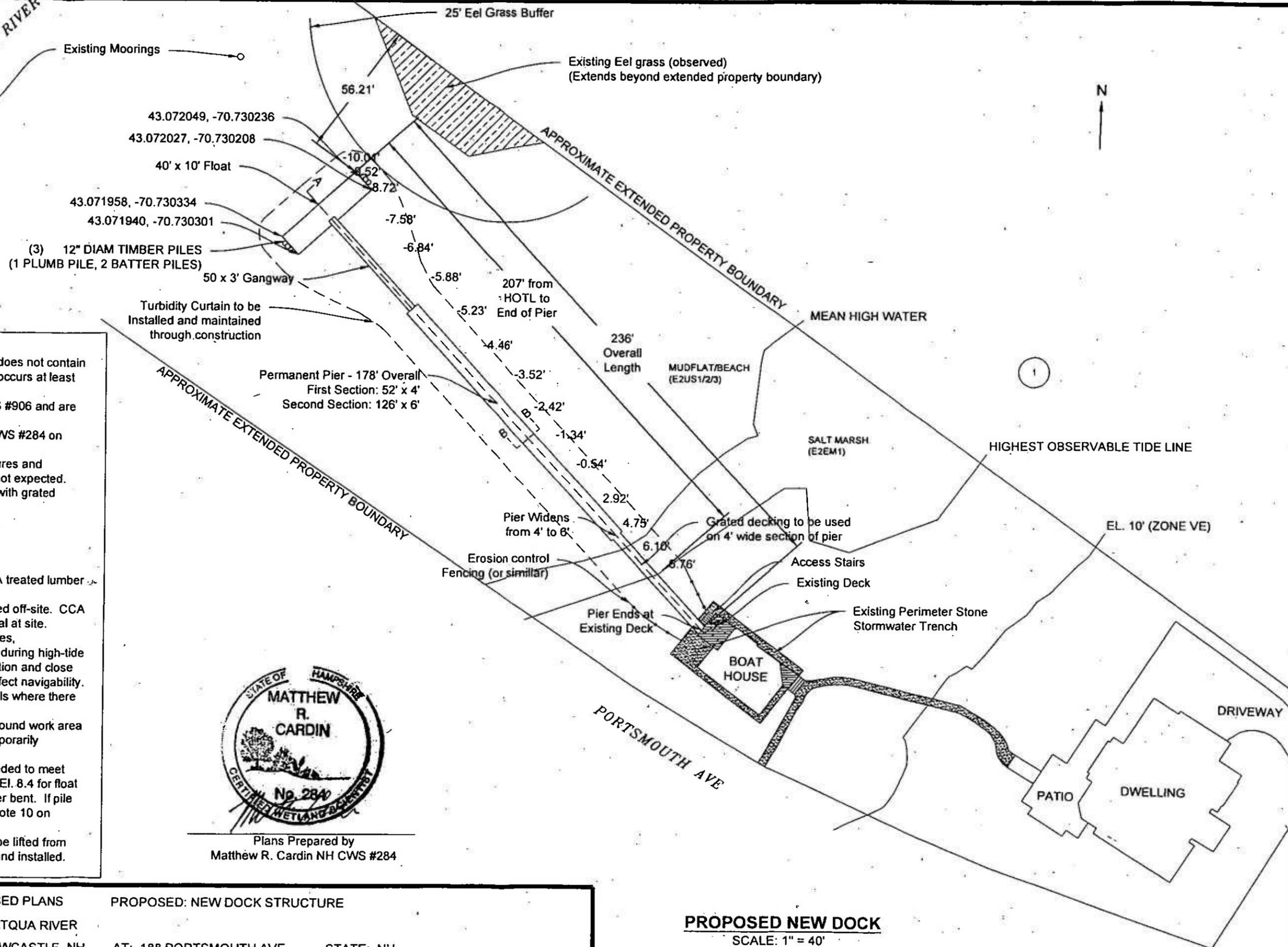
Prepared For:
 STEPHEN ELDRED
 188 PORTSMOUTH AVE
 NEWCASTLE, NH

Prepared By:
 Matthew Cardin, NH CWS

EXISTING CONDITIONS
 ON: PISCATAQUA RIVER
 TOWN: NEWCASTLE, NH
 SHEET: 1 of 3

PROPOSED: NEW DOCK STRUCTURE
 AT: 188 PORTSMOUTH AVE STATE: NH
 DATE: FEBRUARY 15, 2021, Rev. 6/21/22

PISCATAQUA RIVER



Permitting Notes:

1. The work area or proposed dock location does not contain SAS. Documented and observed eel grass occurs at least 25 feet from proposed docking structure
2. Water depths surveyed by Alex Ross, LLS #906 and are shown in NAVD88.
3. HOTL identified by Matthew Cardin, NHCWS #284 on June 28, 2021 per Env-W 602.23.
5. Float and gangway to be seasonal structures and removed during winter months when use is not expected.
6. The 4' wide section of pier to be finished with grated decking (Thruflow or similar).
7. Engineering notes shown on Sheet 3 of 3.

Construction Notes & Sequence:

1. Proposed dock structure:
2. All materials with dock structure to be CCA treated lumber and galvanized hardware
3. Float and gangway are to be pre-assembled off-site. CCA treated lumber to be pre-treated prior to arrival at site.
4. Per NH Fish and Game and NOAA Fisheries,
5. Barge, push boat and skiff to be mobilized during high-tide and positioned alongside proposed float location and close enough to shore to not negatively affect navigability.
6. All work to be done during low-tide intervals where there is no flowing water within the work area.
7. Temporary turbidity curtain to be placed around work area during high tide to once construction has temporarily stopped.
8. Piles will be driven by crane to a depth needed to meet lateral load test requirements of 1,085 lbs. at El. 8.4 for float guide piles and 840 lbs. at El. 8.4 for each pier bent. If pile embedment cannot resist test load, refer to Note 10 on Sheet 3 of 3.
9. The pre-assembled float and gangway to be lifted from the barge via crane and placed into position and installed.



Plans Prepared by
Matthew R. Cardin NH CWS #284

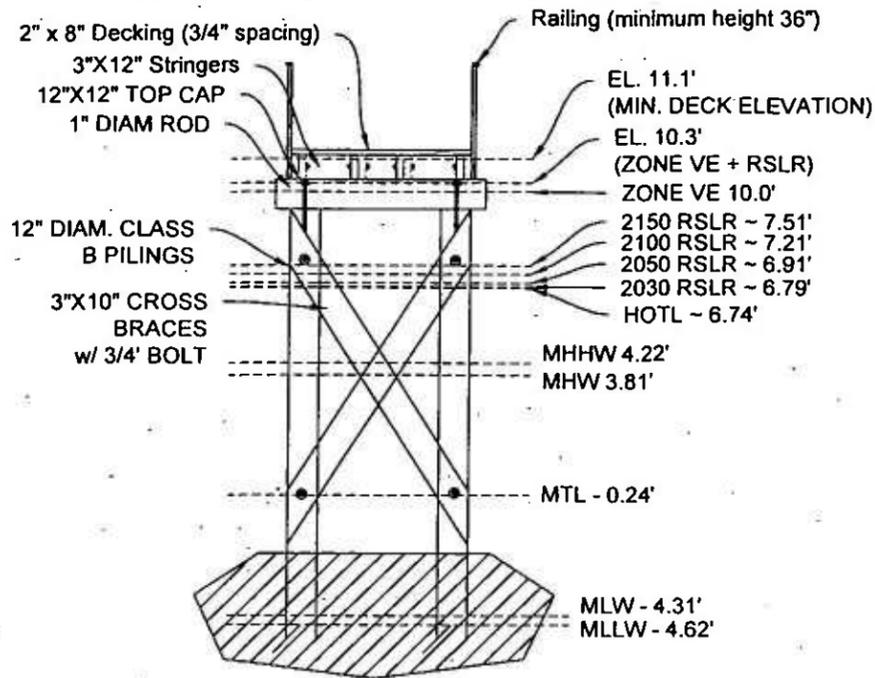
Prepared For:
STEPHEN ELDRID
188 PORTSMOUTH AVE
NEWCASTLE, NH

Prepared By:
Matthew Cardin, NH CWS

PROPOSED PLANS
ON: PISCATAQUA RIVER
TOWN: NEWCASTLE, NH
SHEET: 2 OF 3

PROPOSED: NEW DOCK STRUCTURE
AT: 188 PORTSMOUTH AVE STATE: NH
DATE: FEBRUARY 15, 2021, Rev. 6/21/22

PROPOSED NEW DOCK
SCALE: 1" = 40'

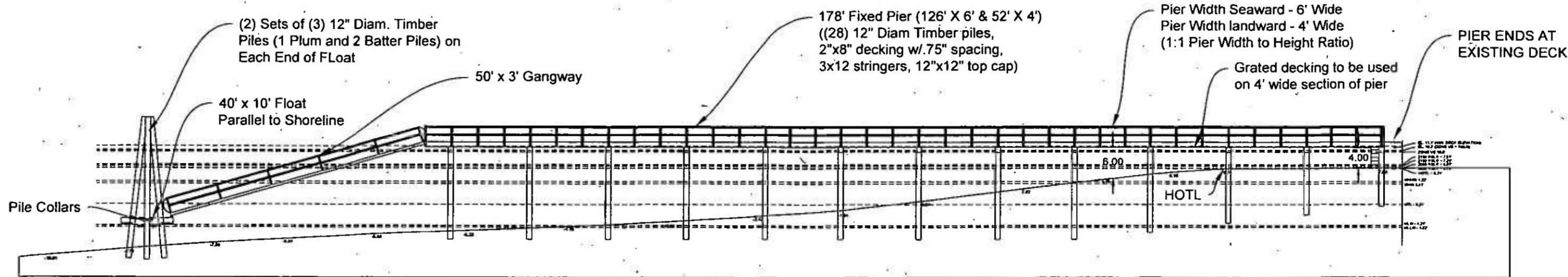


**PROPOSED DOCK
 CROSS-SECTION
 B-B**

SCALE: 1" = 6'

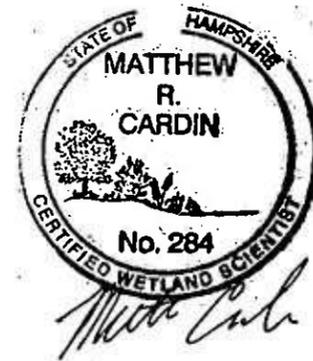
ENGINEERING, RESILIENCY AND BASIS OF ANALYSIS NOTES:

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. THE CLIENT HAS PROVIDED THE SURVEY DATA AND FLOOD ELEVATIONS UPON WHICH CNE IS RELYING FOR THE ANALYSIS. CNE HAS NOT FIELD VERIFIED ANY SURVEY DATA AND CANNOT WARRANTY THE ACCURACY OF THE DATA PROVIDED.
2. BASIC WIND AND WAVE 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 AND PIER PILES WILL BE ADEQUATE TO RESIST ENVIRONMENTAL LOADS FROM WIND AND WAVES AT THIS LOCATION WITH THE FLOAT AT A WATER LEVEL OF THE 100 YEAR FLOOD PLUS SITE SPECIFIC WAVE ANALYSIS AND SEA LEVEL RISE ALLOWANCE PROVIDED BY CNE.
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 WIND PRESSURE OF 17.1 PSF.
4. BASIC WIND SPEED FOR THE SITE FOR THE PIER IS 95 MPH WITH LOAD FACTOR REMOVED PER ASCE 7 FOR RISK CATEGORY 2, 3 SECOND GUST. SURFACE ROUGHNESS C AND EXPOSURE C, GIVING WIND PRESSURE OF 19.6 PSF.
5. WIND PRESSURE ON FLOAT: AS SEVERAL DAYS OF ADVANCED NOTICE IS ANTICIPATED AHEAD OF SUCH SEVERE WINDS, IT IS ASSUMED A DOCKED BOAT WOULD BE REMOVED FROM THE DOCK AND ONLY THE FLOAT WILL BE SUBJECT TO THE ENVIRONMENTAL LOADING. WITH A FLOAT FREEBOARD OF 1.2 FT AND 40 FT LENGTH ON TWO PILE CLUSTERS, THE LATERAL WIND LOAD PER PILE CLUSTER IS ABOUT 410 POUNDS.
6. THE WIND PRESSURE ON THE PIER HAS LATERAL WIND LOAD PER PILE BENT (TWO PILES) OF ABOUT 670 POUNDS.
7. AVERAGE WIND WAVE FETCH FROM NORTHWEST IS 3,500 FT (9 RADIALS, 3 DEG. APART). THE BASIC WIND SPEED (ASCE 7) IS ADJUSTED FROM A 3 SECOND GUST TO A LONGER DURATION NEEDED TO BUILD FULLY DEVELOPED WIND WAVES, GIVES A SIGNIFICANT WAVE HEIGHT OF 2.2 FT WITH 2.0 SECOND PERIOD FOR THE FLOAT (CAT. 1) AND 2.4 FT WITH 2.1 SECOND PERIOD FOR THE PIER (CAT 2). WITH AN AVERAGE FLOAT DRAFT OF 0.5 FT THE NON-BREAKING WAVE COULD DEVELOP 868 POUNDS OF LATERAL LOAD PER PILE CLUSTER. THE LATERAL WAVE LOAD ON A PIER PILE BENT (TWO BRACED PILES) IS 671 POUNDS USING A H10 WAVE. THE LONGITUDINAL WAVE LOAD ON THE ENTIRE PIER PILE IS 2,180 POUNDS USING A H10 WAVE, NON-BREAKING ON OUTER PIER, BREAKING WAVE AT TOP OF BEACH ON SHORT PILE BENTS WITH NO CROSS BRACING.
8. THE RECOMMENDED LATERAL PROOF LOAD PER FLOAT PILE CLUSTER IS 1,085 POUNDS APPLIED AT ELEVATION 8.4 FT NAVD88 TO PROVE ADEQUATE MOORING PILE EMBEDMENT. IT IS RECOMMENDED THAT THE FIELD LOAD TESTS BE OBSERVED BY A PROFESSIONAL ENGINEER FOR COMPLIANCE WITH THE ANALYSIS INTENT.
9. THE RECOMMENDED LATERAL PROOF LOAD ON EACH BRACED PIER BENT IS 840 POUNDS APPLIED AT ELEVATION 8.4 FT NAVD88 TO PROVE ADEQUATE PILE EMBEDMENT. FOR PIER LONGITUDINAL LOADS TRANSMITTED BACK TO THE SHORT INSHORE PILES THE RECOMMENDED LONGITUDINAL PROOF LOAD PER PILE IS 454 POUNDS APPLIED AT A PILE CUTOFF ELEVATION. IT IS RECOMMENDED THAT THE FIELD LOAD TESTS BE OBSERVED BY A PROFESSIONAL ENGINEER FOR COMPLIANCE WITH THE ANALYSIS INTENT.
10. IF EMBEDMENT CANNOT RESIST THESE TEST LOADS, IT IS RECOMMENDED THAT THE PILES BE DRIVEN DEEPER OR SEABED MOORINGS BE ADDED TO PROVIDE A TOTAL OF 1,736 POUNDS OF LATERAL BREAK AWAY RESISTANCE FOR THE FLOAT AND 840 POUNDS PER PIER PILE BENT. PULL TEST EACH MOORING BASED ON ITS PERCENTAGE OF THE RESISTANCE NEEDED.



**PROPOSED DOCK
 CROSS-SECTION
 A-A**

SCALE: 1" = 20'



PLANS PREPARED BY
 MATTHEW CARDIN NHCWS #284

Prepared For: STEPHEN ELDRED 188 PORTSMOUTH AVE NEWCASTLE, NH	PROPOSED PLANS ON: PISCATQUA RIVER TOWN: NEWCASTLE, NH	PROPOSED: NEW DOCK STRUCTURE AT: 188 PORTSMOUTH AVE STATE: NH DATE: FEBRUARY 15, 2021, Rev. 6/21/22
Prepared By: Matthew Cardin, NH CWS	SHEET: 3 OF 3	

THE ATTACHED PE STAMP IS LIMITED TO 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. THE PE STAMP DOES NOT COVER STRUCTURE DESIGN, WHICH IS BEING PERFORMED BY OTHERS.