



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



**Robert R. Scott, Commissioner**

February 17, 2023

46

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

**REQUESTED ACTION**

Approve Esther's Marina's request to perform the following work on Piscataqua River in Portsmouth pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-02197, and in accordance with RSA 482-A:3. No comments were submitted by the Portsmouth Conservation Commission regarding the project as proposed.

Impact 820 square feet (SF) of tidal wetland to expand an existing "T"- shaped commercial tidal docking structure by installing an additional 10 foot by 70 foot float with associated float stops to be accessed by a new 3 foot by 40 foot ramp all secured to existing piles. The modification will not increase the overall extension of the marina facility which currently extends a total of 182 feet seaward of the highest observable tide line on 215 feet of frontage along the Piscataqua River in Portsmouth.

Compensatory mitigation for the 820 SF of permanent impacts to tidal wetlands shall consist of a one-time payment of \$10,553.02 into the Aquatic Resource Mitigation (ARM) Fund, for mitigation of impacts within the Salmon Falls - Piscataqua Rivers Watershed service area.

NHDES imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans dated May 2021, and revised through December 7, 2022, by Ambit Engineering, Inc., and received by the NH Department of Environmental Services (NHDES) on December 12, 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 as required by RSA 482-A:3, VI. 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. The permit is contingent on submittal of a check in the amount of \$10,553.02 to the Aquatic Resource Mitigation Fund, within the Salmon Falls - Piscataqua Rivers Watershed Account, by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30. No work is authorized under this approval until the ARM payment is received.
4. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.

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5. Any work performed above the mean high water line (MHW) shall occur during low tide, to protect anadromous fish as required by Env-Wt 307.06.
6. Pile installation and any work performed below the MHW shall occur between November 15 and March 15, to protect anadromous fish as required by Env-Wt 307.06.
7. The ramp and float portions of commercial tidal dock shall be seasonal and removed from the water during the non-boating season, in accordance with Env-Wt 606.06(b).
8. 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).
9. Tidal docking construction shall be done in accordance with the standard conditions in Env-Wt 307.
10. Heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit, in accordance with Env-Wt 307.15(a).
11. 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.
12. 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.
13. 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.
14. 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 11, 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. On September 7, 2022, the Department received correspondence from the NH Fish and Game Department (NHFG) dated August 10, 2022, stating that provided the construction below the mean low water (MLW) is performed during the federal dredge window between November 15 - March 15, and provided work above the MLW is performed during low tide, they do not anticipate impacts to protected anadromous fish species that commonly migrate through this area.
3. NHDES finds that the project as approved and conditioned 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. No comments were received by NHDES from the Portsmouth Conservation Commission regarding this application.

5. On September 15, 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 navigation in the channel," per Rule Env-Wt 603.09.
6. Per Rule Env-Wt 313.04(a) and Env-Wt 605.03(a), compensatory mitigation is required as this project involves the expansion of an existing tidal docking structure where the combined total of all surface coverage on the frontage will be equal to or greater than 2,000 square feet (SF).
7. Per Rule Env-Wt 801.03(b), the applicant is offering an in-lieu mitigation payment as specified in RSA 482-A:30 for the 820 SF of permanent impacts to tidal wetlands, as permittee-responsible compensatory mitigation is not practicable or appropriate for that portion of the applicant's project.
8. The payment into the ARM fund shall be deposited in the NHDES fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.11(c). Work under this approval is not authorized until the ARM payment is received.
10. Per Rule Env-Wt 803.10(e), the department has accepted the proposal for an in-lieu mitigation payment as the proposal meets the requirements of Env-Wt 803.10(b), and of Env-Wt 803.10(c), and the mitigation type or combination of mitigation types listed in Rule Env-Wt 803.08(a) Table 800-1 that are available in the same watershed as the impacts for compensating jurisdictional area losses are not practicable.
11. On December 12, 2022, NHDES received a request to waive Rules Env-Wt 606.10(c)(4)&(5) to relieve the applicant from the requirement to provide a marina master plan of operations that includes a spill response action plan and a stormwater treatment plan; Rules Env-Wt 606.10(d)(1)-(5) to relieve the applicant from the requirement to be designed to include designated wash areas with wash-water containment and treatment for all forms of vessel cleaning; storm water runoff and treatment designs; the location of and a management plan for one or more pump-out facilities; the location of and a management plan for abrasive blasting, painting, and hull sanding; and the location of and a disposal method for oil and other waste products; and Rule Env-Wt 606.07(f) to relieve the applicant of the 600 SF for float limitation for tidal docks serving multiple residences.
12. The NHDES finds that the specific application meets the intent of the rules and regulations for the following reasons as described in the application and the Rule waiver request received on December 12, 2022:
  - a. The existing marina docking structure functions to provide rental docking space for watercraft while the expansion proposed as part of this application will function to provide a safe launch point for kayaks rented from the marina.
  - b. The existing marina does not provide any of the following facilities or services: fueling and/or mechanical services; wash areas or vessel cleaning services; pump-out facilities; abrasive sand blasting, painting, and hull sanding services; oil or other waste product disposal services.
  - c. The existing facility meets the definition of a marina as defined in accordance with Env-Wt 103.36, as the principal function of the facility is to provide watercraft-related services such as the securing, launching, and storing of watercraft, whether such services are available to the public or only to members of an organization or association.

- d. Based on the December 12, 2022, waiver request prepared by Ambit Engineering, Inc, the proposed 10 foot by 70 foot float is the minimum width needed to provide adequate stability for customers of the marina to safely launch off of a floating platform when occupied by more than one individual and the minimum length needed to provide functional use during the tide cycle.
  - e. The proposed tidal dock expansion consists of a seasonal ramp and float as opposed to a new permanent pier. This alternative meets the design requirements for commercial tidal docks/marinas in accordance with Env-Wt 606.10(f) which requires that finger floats shall be used instead of permanent structures where practicable.
13. The department finds that granting the waiver will not result in either an avoidable adverse impact on the environment or natural resources of the state, including but not limited to jurisdictional areas and protected species or habitat; an avoidable adverse impact on public health or public safety; any impact on abutting properties that is more significant than that which would result from complying with the rule; or a statutory requirement being waived; and any benefit to the public or the environment from complying with the rule is outweighed by the operational or economic costs to the applicant for the above stated reasons, and thus, that the requirements of Env-Wt 204.05 have been met.
  14. Per Rule Env-Wt 204.05(a), the department has granted the requested waivers to Rules Env-Wt 606.10(c)(4)&(5), Env-Wt 606.10(d)(1)-(5), and Env-Wt 606.07(f).
  15. Per Rule Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, this permit for work to dredge or fill will not 'infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners'.
  16. 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.
  17. 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.

NHDES Wetlands Bureau permit #2022-02197 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.

  
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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: Esther's Marina, LLC

TOWN NAME: Portsmouth

	Administrative Use Only <b>COMPLETE</b> JUL 29 2022	File No. <u>2022-02197</u> Check No. <u>3030</u> Amount <u>3,680.00</u> Initials <u>BH</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 (WPPIT), 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"> <li>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.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Protected species or habitat?                             <ul style="list-style-type: none"> <li>If yes, species or habitat name(s): <u>Atlantic sturgeon (Acipenser oxirinchus), shortnose sturgeon (Acipenser brevirostrum)</u></li> <li>NHB Project ID #: <u>22-0920</u></li> </ul> </li> </ul>	<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"> <li>Name of Local River Management Advisory Committee (LAC): <u>                    </u></li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<ul style="list-style-type: none"> <li>A copy of the application was sent to the LAC on Month: <input type="checkbox"/> Day: <input type="checkbox"/> Year: <u>N/A</u></li> </ul>	
For dredging projects, is the subject property contaminated? <ul style="list-style-type: none"> <li>If yes, list contaminant: <input type="checkbox"/></li> </ul>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see <u>WPPT</u> or Stream Stats): <u>N/A</u>	
<b>SECTION 2: PROJECT DESCRIPTION (Env. Wt 311:04(i))</b> 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>The project proposes the addition of a float wing to an existing commercial docking structure consisting of a 30 x 40 gangway and a 30 x 70 float totaling 820 sq. ft. of permanent impact to tidal wetland.</p>	
<b>SECTION 3: PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: <u>41 Pickering Avenue</u>	
TOWN/CITY: <u>Portsmouth</u>	
TAX MAP/BLOCK/LOT/UNIT: <u>Map 102 Lot 25</u>	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <u>Piscataqua River</u> <input checked="" type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): <u>43° 12' 29.389879" North</u>	

210-254-2706 West

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env. Wt. 311:04(a))

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

NAME: Esther's Marina

MAILING ADDRESS:

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 5 - AUTHORIZED AGENT INFORMATION (Env. Wt. 311:04(c))

N/A

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

COMPANY NAME: Ambit Engineering, Inc.

MAILING ADDRESS: 200 Griffin Road, Unit 3

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

EMAIL ADDRESS: sdr@ambitengineering.com

FAX: PHONE: 603-430-9282

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

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env. Wt. 311:04(b))

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

Same as applicant

NAME:

MAILING ADDRESS:

TOWN/CITY: STATE: ZIP CODE:

EMAIL ADDRESS:

FAX: PHONE:

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

**SECTION 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 type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
<b>TOTAL</b>		<b>820</b>					

**SECTION 12: APPLICATION FEE (RSA 482-A:3-1)**

**MINIMUM IMPACT FEE:** Flat fee of \$400.

**NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

**MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):  SF × \$0.40 = \$

Seasonal docking structure:  SF × \$2.00 = \$

Permanent docking structure:  SF × \$4.00 = \$

Projects proposing shoreline structures (including docks) add \$400 = \$

Total = \$

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

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

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

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Please see attached narrative.

**SECTION 8: AVOIDANCE AND MINIMIZATION**

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

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

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

**SECTION 9: MITIGATION REQUIREMENT (Env-Wt 311.02)**

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

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

N/A - Mitigation is not required

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

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

N/A - Compensatory mitigation is not required

**SECTION 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: 	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"> <li>The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:                         <ol style="list-style-type: none"> <li>Deny the application.</li> <li>Revoke any approval that is granted based on the information.</li> <li>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.</li> </ol> </li> <li>The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.</li> <li>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.</li> </ul>
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: 	DATE: 
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: 	DATE: 
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Steven D. Riker	DATE: 7/25/2022

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

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN / CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Kelli L. Barnaby
TOWN/CITY: Portsmouth	DATE: July 26, 2022

17 March, 2021

**To Whom It May Concern:**

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

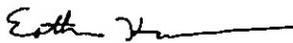
This letter is to inform the State of New Hampshire DES and the City of Portsmouth  
in accordance with State Law that the following entities:

Riverside Marine Construction, Inc.  
Ambit Engineering, Inc

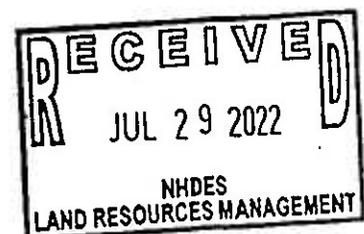
are authorized to represent us as our agents in the approval process.

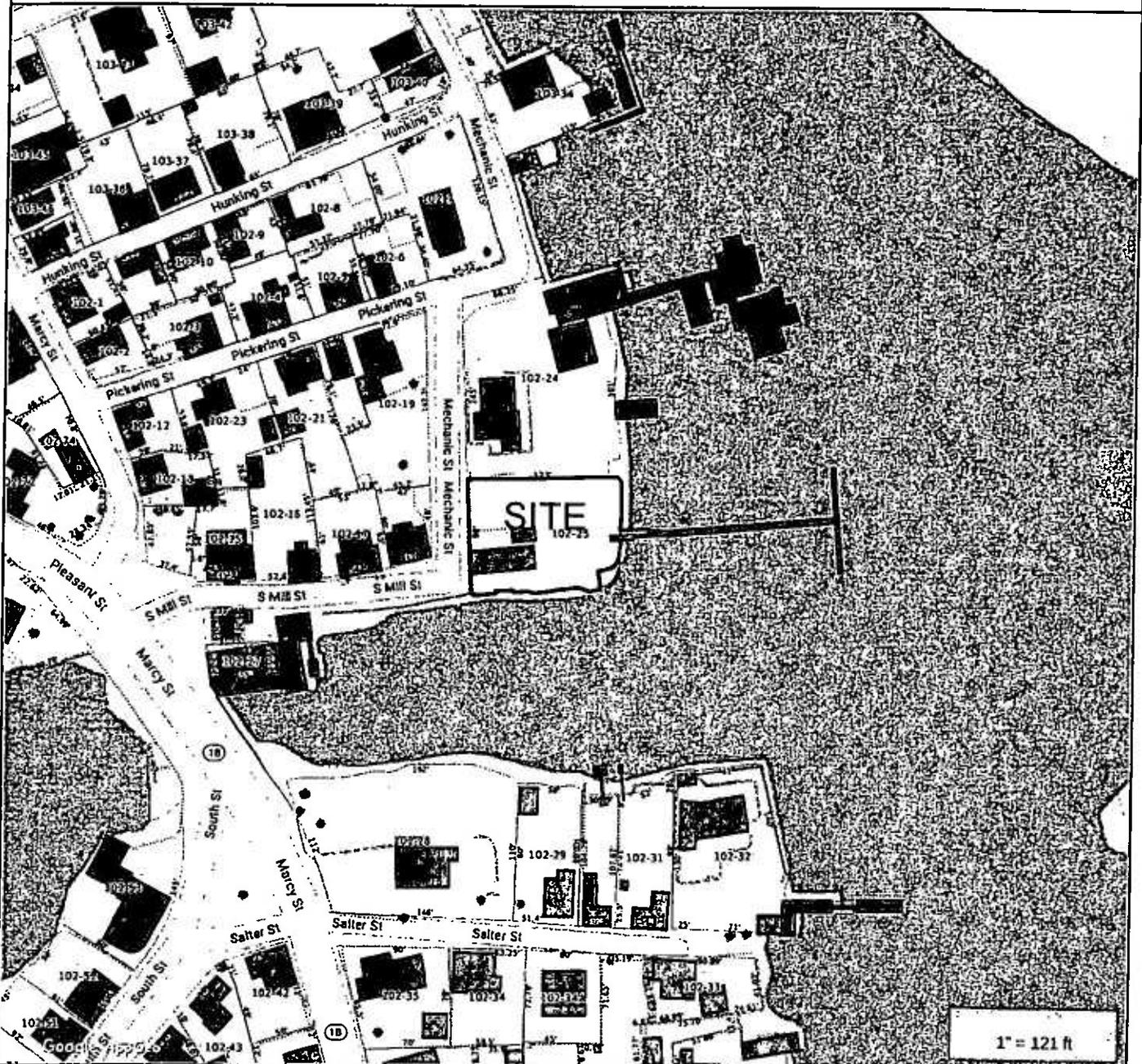
Please feel free to call me if there is any question regarding this authorization.

Sincerely,



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



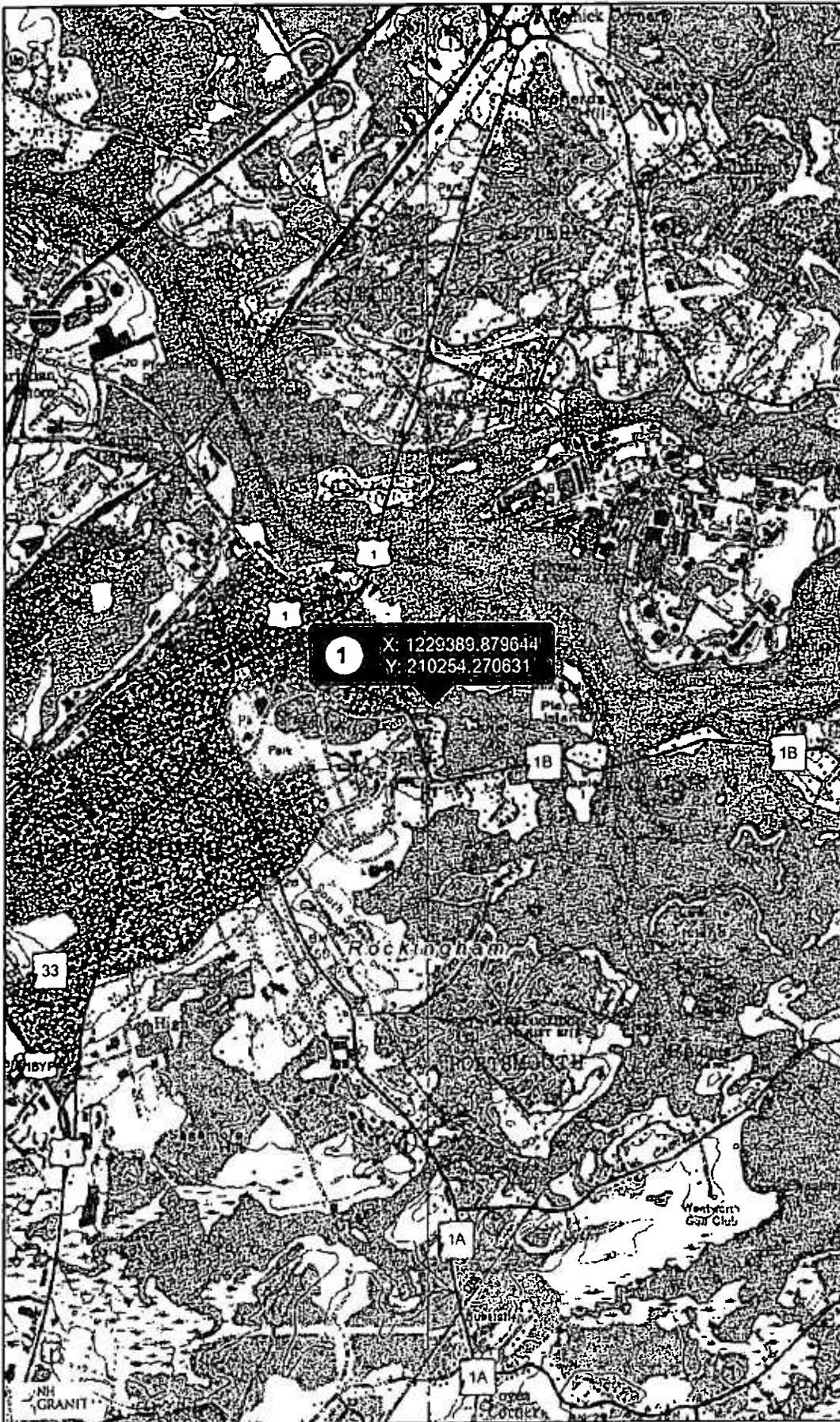


**Property Information**  
 Property ID 0102-0025-0000  
 Location 41 PICKERING AVE  
 Owner ESTHERS MARINA LLC

  
 MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT  
 City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.  
 Geometry updated 4/1/2019  
 Data updated 7/17/2019



# Map by NH GRANIT



## Legend

- State
- County
- City/Town

**RECEIVED**  
JUL 29 2022  
NHDES  
LAND RESOURCES MANAGEMENT

Map Scale

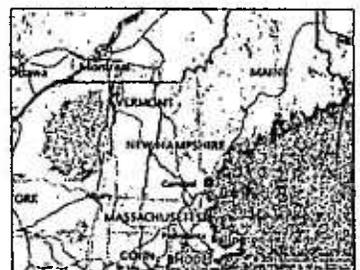
1: 25,977



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

Map Generated: 3/17/2021

## Notes





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

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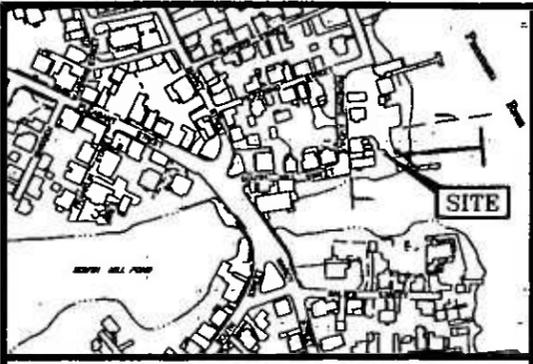


**Robert R. Scott, Commissioner**

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](mailto:pamela.g.monroe@des.nh.gov), or (603) 271-3137.





LOCATION MAP / SCALE: 1" = 200'

**LEGEND:**

- |                            |                                     |
|----------------------------|-------------------------------------|
| N/F                        | NOW OR FORMERLY                     |
| RP                         | RECORD OF PROBATE                   |
| RCRD                       | ROCKINGHAM COUNTY REGISTRY OF DEEDS |
| MAP 11 / LOT 21            | MAP 11 / LOT 21                     |
| RAILROAD SPIKE FOUND       | RAILROAD SPIKE FOUND                |
| IRON ROD/IRON PIPE FOUND   | IRON ROD/IRON PIPE FOUND            |
| IRON PIPE FOUND            | IRON PIPE FOUND                     |
| STONE/CONCRETE BOUND FOUND | STONE/CONCRETE BOUND FOUND          |
| RAILROAD SPIKE SET         | RAILROAD SPIKE SET                  |
| IRON ROD SET               | IRON ROD SET                        |
| DRILL HOLE SET             | DRILL HOLE SET                      |
| GRANITE BOUND SET          | GRANITE BOUND SET                   |
| BOUNDARY                   | BOUNDARY                            |
| BUILDING SETBACK           | BUILDING SETBACK                    |
| MLLW                       | MEAN HIGH WATER LINE                |
| MLLW                       | MEAN LOW WATER LINE                 |
| HOTL                       | NH DES HIGHEST OBSERVABLE TIDE LINE |
| WB                         | FRESHWATER WETLAND LINE             |
|                            | WETLAND BUFFER LINE                 |
|                            | OVERHEAD ELECTRIC/WIRES             |
|                            | CONTOUR                             |
|                            | SPOT ELEVATION                      |
|                            | EDGE OF PAVEMENT (EP)               |
|                            | WOODS / TREE LINE                   |
|                            | UTILITY POLE (#/ GAU)               |
|                            | GAS SHUT OFF                        |
|                            | WATER SHUT OFF/CURB STOP            |
|                            | GATE VALVE                          |
|                            | HYDRANT                             |
|                            | METER (GAS, WATER, ELECTRIC)        |
|                            | EDGE OF WETLAND FLAGGING            |
|                            | SWAMP / MARSH                       |
|                            | ELEVATION                           |
|                            | EDGE OF PAVEMENT                    |
|                            | FINISHED FLOOR                      |
|                            | INVERT                              |
|                            | TEMPORARY BENCHMARK                 |
|                            | TYPICAL                             |
|                            | LANDSCAPED AREA                     |

**PLAN REFERENCES:**  
 1) STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 25 ESTHER'S MARINA, LLC, 41 PICKERING AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, DATED MARCH 2011, PREPARED BY AMBIT ENGINEERING, INC., NOT RECORDED

**SEQUENCE OF CONSTRUCTION**

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERFERED AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILING WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILING. PILING ARE DRIVEN TO REFUSAL.

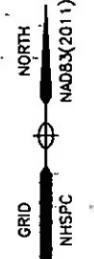
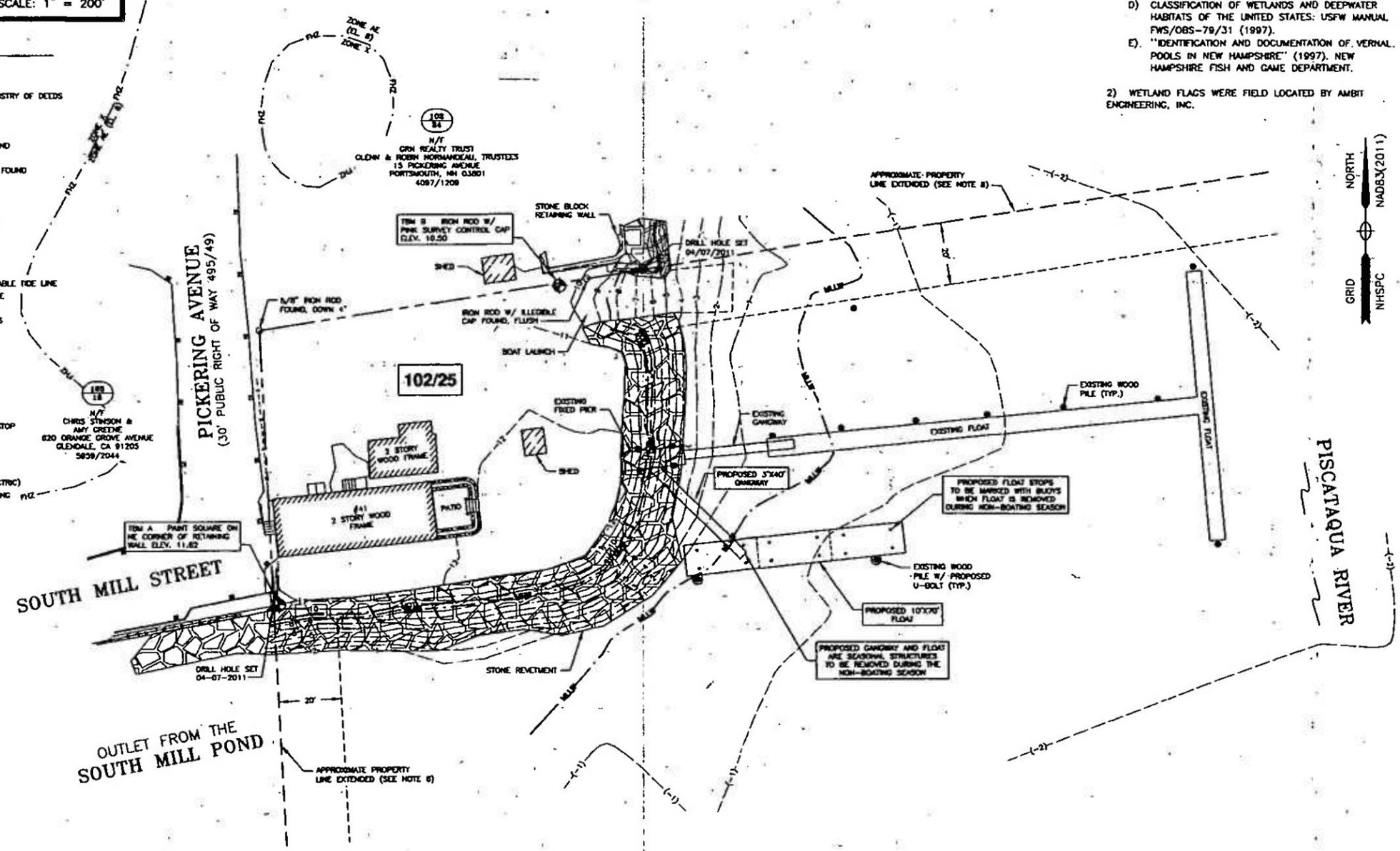
**WETLAND NOTES:**

- 1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 2/18/21 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
  - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 5.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
  - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
  - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES: USFWS MANUAL FWS/OBS-79/31 (1997).
  - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997), NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 220 Griggs Road - Unit 2  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-8282  
 Fax (603) 430-8315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 102 AS LOT 25.
  - 2) OWNER OF RECORD: ESTHER'S MARINA, LLC, 41 PICKERING AVENUE, PORTSMOUTH, NH 03801, 3791/2262
  - 3) PARCEL IS IN A SPECIAL FLOOD HAZARD ZONE AREA (ZONE AE, EL. B) AS SHOWN ON FIRM PANEL 33015C0278F, EFFECTIVE DATE JANUARY 20, 2021.
  - 4) EXISTING LOT AREA (TO MEAN HIGH WATER): 11,650 S.F. ±, 0.2675 ACRES ±
  - 5) PARCEL IS LOCATED IN THE WATERFRONT BUSINESS DISTRICT (WB) AND THE HISTORIC DISTRICT.
  - 6) DIMENSIONAL REQUIREMENTS:
 

MIN. LOT AREA:	20,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT 30 FEET
	SIDE 30 FEET
	REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
BUILDING COVERAGE:	30%
MINIMUM OPEN SPACE:	20%
  - 7) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. TRANSFORMATION FROM NAVD88 TO MLLW REFERENCED TO NOAA STATION 8419870, SEAVEY ISLAND, PORTSMOUTH HARBOR. MLLW BEING 4.62' LOWER THAN NAVD88.
  - 8) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES AS SHOWN ARE BASED ON THE REFERENCE PLAN LISTED HEREON. NO DEED RESEARCH OR BOUNDARY DETERMINATION WAS MADE TO CONFIRM OR REFUTE MATTERS SHOWN ON SAID PLANS FOR THE PURPOSES OF THIS PLAN. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR NOTED HEREON.
  - 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DOCK EXPANSION ASSOCIATED WITH THE EXISTING TIDAL DOCKING STRUCTURE ON A PORTION OF MAP 102 LOT 25 IN PORTSMOUTH.



**RECEIVED**  
 DEC 12 2022  
 ENVIRONMENTAL SERVICES  
 BY NH DES WETLANDS BUREAU

**ESTHER'S MARINA**  
 41 PICKERING AVENUE  
 PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	ADD BOAT LAUNCH/SEASONAL STRUCTURES 20' SETBACK & FHZ LINE	12/7/22
0	ISSUED FOR COMMENT	4/14/22

REVISIONS

SCALE: 1" = 20' APRIL 2022

NHDES PERMIT PLAN **C2**

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."  
 JOHN R. CHAGNON, LLS #738 DATE 12.7.22

