GAC

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

146

August 8, 2024

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

REQUESTED ACTION

Approve Tim Dempsey's request to perform the following work on Lamprey River in Newmarket pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2024-00826, and in accordance with RSA 482-A:3. No comments were submitted by the Newmarket Conservation Commission regarding the project as proposed.

Impact a total of 256 square feet of tidal resources including 167 square feet of tidal waters and 89 square feet of previously-developed 100-foot tidal buffer zone in order to construct a new 4 foot x 6 foot access deck, a 3 foot x 30 foot gangway, and a 8 foot x 16 foot float with an overall structure length seaward of the highest observable tide line of 25 feet on 334 linear feet of frontage on the Lamprey River in Newmarket.

NHDES imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans by Matthew Cardin. dated February 29, 2024 and received by the NH Department of Environmental Services (NHDES) on March 27, 2024, 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 RSA 482-A:3, II and Env-Wt 314.02(b) and (c).
3. Pile installation shall occur between November 15 and March 15, in order to protect anadromous fish, in accordance with Env-Wt 307.10(i) and Env-Wt 311.06(g).
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 from 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. Heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit, in accordance with Env-Wt 307.15(a).
7. 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.
8. 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.

9. 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.
10. 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 July 03, 2024. 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), any new overwater structure construction in tidal waters/wetlands.
2. The Department finds that 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' and would not be prohibited by RSA 482-A:11, II.
3. No comments were received by NHDES from the Newmarket Conservation Commission about this application.
4. In correspondence dated April 18, 2024 the Lamprey River Advisory Committee provided comments of support of the proposed project.
5. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department and the Natural Heritage Bureau 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.
6. The Department finds the location, design, and method of construction for this proposed residential tidal dock has been based on the results of the coastal functional assessment, is the least environmentally-impacting practicable alternative, has been certified by a professional engineer as having sufficient structural integrity based on the results of the vulnerability assessment, and will not impede the passage of non-motorized watercraft to a degree that a reasonable person would find objectionable, therefore, the requirements of Rule Env-Wt 606.06(e) have been met.
7. 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. The Department 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.

NHDES Wetlands Bureau permit #2024-00826 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.

Robert R. Scott
Commissioner

NHDES-W-06-012

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: Timothy Dempsey **TOWN NAME:** Newmarket

RECEIVED MAR 27 2024 NHDES LAND RESOURCES MANAGEMENT (Administrative Use Only)	COMPLETE MAR 29 2024 (Administrative Use Only)	Administrative Use Only	File No.: 2024-00826
			Check No.: 7050
			Amount: 960
			Initials:

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?	☒ Yes ☐ No
Does the property contain a PRA? If yes, provide the following information:	☒ Yes ☐ No
• 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.	☐ Yes ☒ No
• Protected species or habitat? o If yes, species or habitat name(s): o NHB Project ID #: 23-2863	☐ Yes ☒ No
• Bog?	☐ Yes ☒ No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes ☒ No
• Designated prime wetland or duly-established 100-foot buffer?	☐ Yes ☒ No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☒ Yes ☐ No
Is the property within a Designated River corridor? If yes, provide the following information: • Name of Local River Management Advisory Committee (LAC): Lamprey River • A copy of the application was sent to the LAC on Month: Day: Year:	☒ Yes ☒ No

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):	

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 12 Smith Garrison Road, Newmarket, NH by installing a permanent 4' x 6' deck, a 3' x 30' seasonal gangway and a 8' x 16' float with associated float stop mechanisum extending from the property in to the Lamprey River. The deck will be supported by (4) support posts, the seasonal gangway will be fastened to the deck and the seasonal float will be fastened to the gangway. The float will be connected to the deck via the aluminum gangway. The 8' x 16' seasonal float will be supported by two helical anchors and two rock pin anchors and chains extending from each corner of the float.

The deck will be installed/built via upland accessed by foot through the property. The season gangway will be brought in by hand through the upland as well, and fastened to the deck. The seasonal float will be "floated" in using a push skiff during high tide and fastened to the gangway by hand. Helical and rock pin anchors and chains will be installed by hand during low tide. A barge, staged equipment in the water/wetland, or temporary impacts to the wetland areas will not be necessary to construct/install the proposed dock system.

Appropriate erosion controls will be installed on the upland side and turbidity curtains will be installed 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: 12 Smith Garrison Road

TOWN/CITY: Newmarket

TAX MAP/BLOCK/LOT/UNIT: Map R2, Lot 65

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

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): ____° North
____° 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: Timothy Dempsey

MAILING ADDRESS: [redacted]

TOWN/CITY: [redacted] STATE: [redacted] ZIP CODE: [redacted]

EMAIL ADDRESS: [redacted]

FAX: PHONE:

ELECTRONIC COMMUNICATION: By initialing here: TD, 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.: 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.
☒ 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 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			☐			☐
	Docking - Tidal Water	256		☐			☐
TOTAL		256					

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):	SF	× $0.40 =	$
Seasonal docking structure:	232 SF	× $2.00 =	$ 464
Permanent docking structure:	24 SF	× $4.00 =	$ 96
Projects proposing shoreline structures (including docks) add $400 =			$ 400
		Total =	$ 960

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

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: MRC	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: MRC	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: MRC	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 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.
Initials: MRC	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: TIMOTHY D DEMPSEY	DATE: 3-11-24
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: Matt Cardin, CWS	DATE: 3/20/24

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:
TOWN/CITY:	DATE:

DIRECTIONS FOR TOWN/CITY CLERK:

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: MRC	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: MRC	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
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Initials: MRC	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: TIMOTHY D. DEMPSEY	DATE: 3-1-24
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: Matt Cardin, CWS	DATE: 3/20/24

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

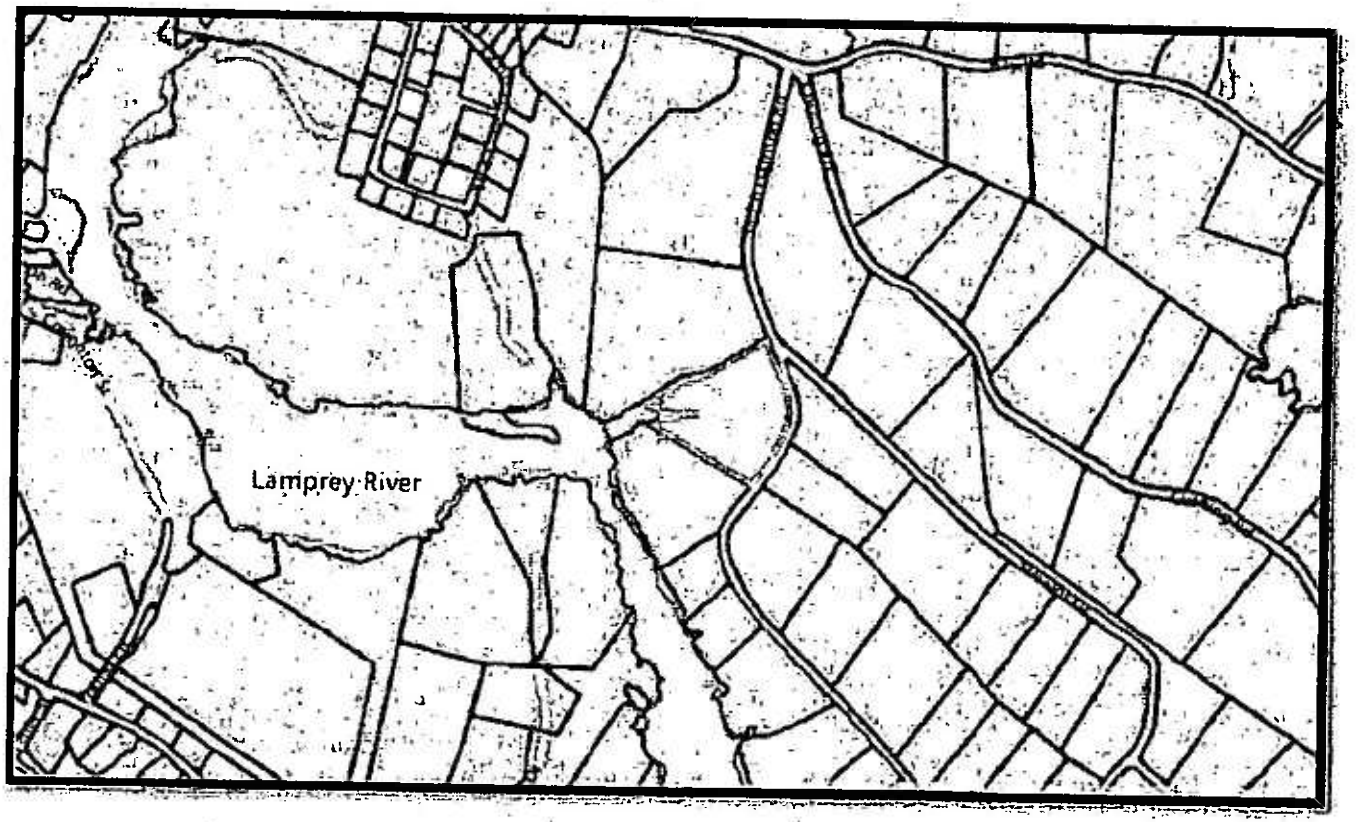
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY: Terri J Littlefield
TOWN/CITY: Newmarket	DATE: March 26, 2024

DIRECTIONS FOR TOWN/CITY CLERK:

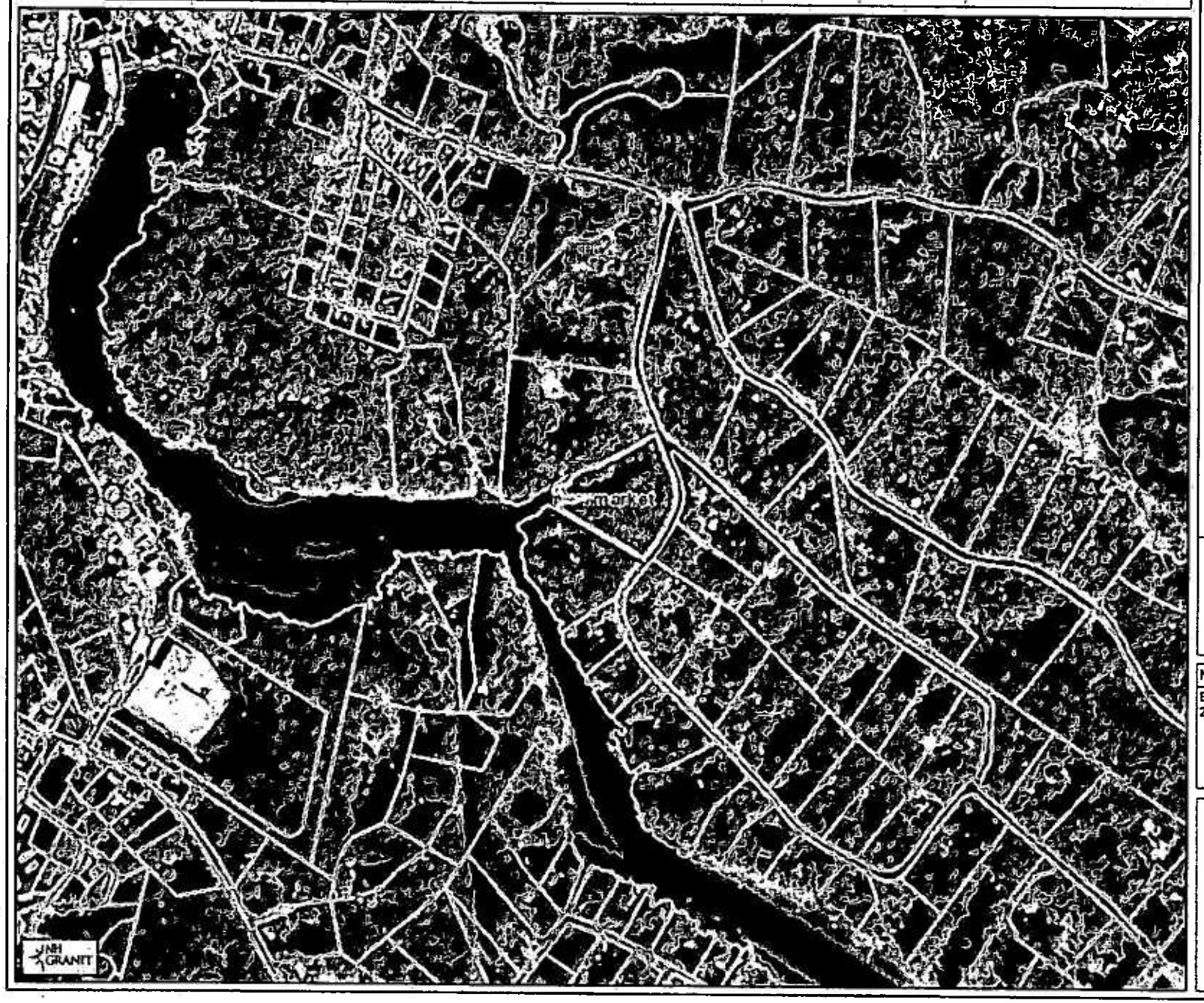
Abutter List
Owner: Timothy Dempsey
Site Location: 12 Smith Garrison Road, Newmarket, NH
Map R2, Lot 65

Map	Lot	Name	Mailing Address	Street Address
R2	80	Courtney and Lisa Grover	[redacted]	[redacted]
R2	64	Lucile Novak	[redacted]	[redacted]



RECEIVED
MAR 27 2024
NHDES
LAND RESOURCES MANAGEMENT

12 Smith Garrison Road, Newmarket, NH



Legend

- NH Parcels
- Additional Lines
- City/Town
- Eelgrass 2017
- Eelgrass 2016
- Eelgrass 2006
- Eelgrass 1996
- Eelgrass 1986

Map Scale

1: 6,494

© NH GRANIT, www.granit.unh.edu

Map Generated: 3/17/2024

Notes

Eelgrass Occurrence - 1986, 1996, 2006, 2016, 2017

12 Smith Garrison Road, Newmarket, NH

Legend

- State
- County
- City/Town

RECEIVED
MAR 27 2024
NHDES
LAND RESOURCES MANAGEMENT

Map Scale:
1: 25,977

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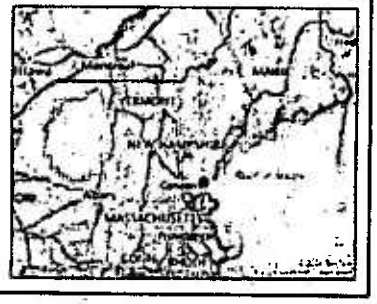
Map Generated: 3/17/2024

Notes

7.5 USGS Map



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. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Courtney Lockwood, Land Resources Management Program Attorney, NH Department of Environmental Services, at: courtney.l.lockwood@des.nh.gov, or (603) 271-8614.

PEASE
INTERNATIONAL
PORTS AND HARBORS

555 Market Street, Suite 1 Portsmouth, NH 03801

June 5, 2024

NH Department of Environmental Service
Coastal Division
Pease Field Office
222 International Drive, Suite 175
Portsmouth, NH 03801

Attn: Eben Lewis

Re: 12 Smith Garrison Road, Map R2 Lot 65

Dear Eben,

We reviewed plans for a pier and floating dock system on the Lamprey River in Newmarket on property belonging to

Timothy Dempsey and Julie Ogilive
12 Smith Garrison Road
Newmarket, NH
Map R2 Lot 65

We examined the proposed site and found that the project will have no negative effect on navigation in the channel.

Sincerely,

Tracy R. Shattuck
Chief Harbor Master

Cc: Matt Cardin
M. Cardin Environmental

Lamprey River Advisory Committee

c/o 71 Allen Farm Road
Northwood, NH 03261
www.lampreyriver.org

Protecting the Lamprey, Little, North, North Branch, Pawtuckaway, and Piscassic rivers that connect our fourteen communities

Barrington, Brentwood, Candia, Deerfield, Durham, Epping, Exeter, Fremont, Lee, Newfields, Newmarket, Northwood, Nottingham, Raymond

April 17, 2024

Mr. Eben Lewis
NHDES
PO Box 95
Concord, NH 03302-0095

Re: 12 Smith Garrison Road
Newmarket, NH
File Number: 2024-00826

Dear Mr. Lewis:

The above-referenced project is within the quarter mile corridor of the Lamprey River and is, therefore, subject to review by the Lamprey River Advisory Committee (LRAC) in accordance with NHRSA 483. Upon final review, we offer the following comments:

1. Materials reviewed were wetlands application, signed and dated 3-20-2024, engineering plans dated 2-9-2024, Natural Heritage Bureau Report dated 10-5-2023, and other supporting materials.

2. The applicant desires wharf access from the property to the Lamprey River by installing a permanent 4' x 6' deck, a 3' x 30' seasonal gangway and a 8' x 16' float. The project will result in 256 s.f. of permanent impacts to mud flats.

3. The Natural Heritage Bureau Report indicates that several rare plants and plant communities are in the vicinity of the project, but none appears to be immediately on or adjacent to the project site.

4. The safety data sheet indicates that while CCA treated wood product poses little or no immediate health or fire hazard, precautions should be taken to prevent dust from entering the environment. From section 13, "Do not allow this material to drain into sewers/water supplies. Do not contaminate ponds, waterways or

ditches with chemical or used container." When sawing is necessary, dust should be collected and disposed of at a licensed disposal site.

5. Plans seem to indicate that due care has been taken to ensure the least amount of impact to the site during installation, largely relying on hand installation of the wharf and gangway through the developed upland, and placement of the floating dock during high tide using a push skiff. Winter storage of the floating dock and gangway were not discussed in the application package. Per an email from matt@cardinenvironmental.com, "the gangway and the float are seasonal portions of the pier. In the fall, the land owner, or a hired company, will hoist the gangway up through the permanent access landing and secure it in the previously developed upland area (lawn) for storage in the winter. The float will be disconnected from the chains/anchors and pushed out to the main channel of the Lamprey River hoisted onto a barge and stored off-site for the winter. The process will done in reverse in springtime."

Thank you for the opportunity to comment on this project.

Grace Levergood

Grace Levergood, PE, chair

Cc: Tracie Sales, NHDES
Newmarket Planning Board
Newmarket Conservation Commission
Matthew Cardin, matt@cardinenvironmental.com

7020 0640 0001 3192 3891

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- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $ $0.00

Postage $0.68

Total Postage and Fees $5.08

Sent To Cartney and Lisa Grover

Street and Apt. No., or PO Box No. [redacted]

City, [redacted]

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

DOVER, NH 03820-9998 MAR 20 2024 03/20/2024

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- Return Receipt (electronic) $ $0.00
- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $ $0.00

Postage $0.68

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DOVER, NH 03820-9998 MAR 20 2024 03/20/2024

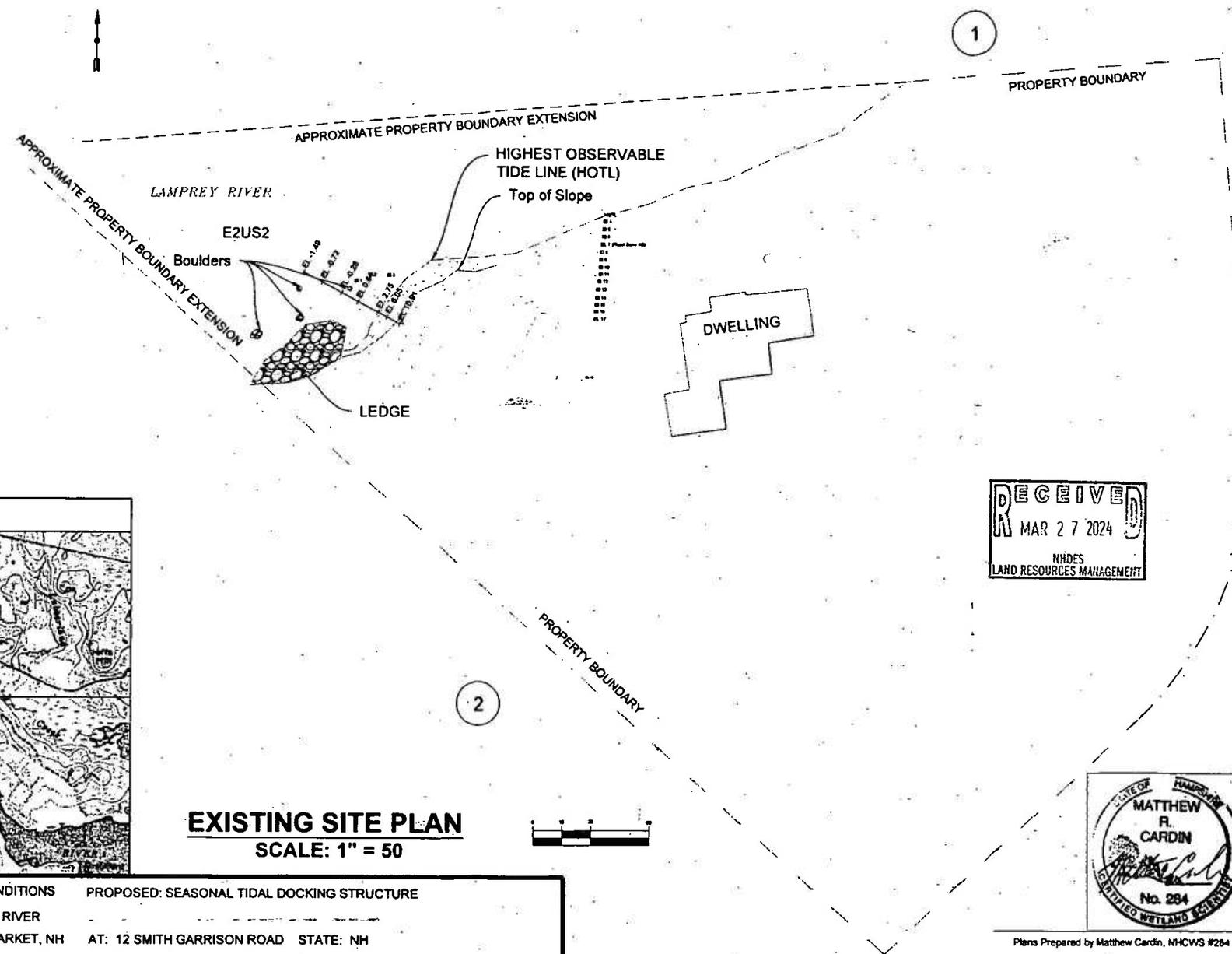
RECEIVED
MAR 27 2024
NHDES
LAND RESOURCES MANAGEMENT

APPLICANT:
TIMOTHY DEMPSEY AND JULIE OGILIVE
12 SMITH GARRISON ROAD,
NEWMARKET, NH
TAX MAP R2, LOT 65
FRONTAGE: ~ 334' ON LAMPREY RIVER

ADJACENT OWNERS
1) COURTNEY AND LISA GROVER
8 SMITH GARRISON ROAD,
NEWMARKET, NH

2) LUCILE NOVAK
16 SMITH GARRISON ROAD,
NEWMARKET, NH

NOTES:
1. Highest observable tide line (HOTL) delineated by Matthew Cardin, NHCWS #284 on September 5, 2023 per Env-Wt 602.23.
2. Water depth measurements portrayed in NAVD88 and determined by Alex Ross, ILC #907.
3. FEMA Flood Zone AE based on FIRM Area Number 33015C0235F, effective 1/29/2021.



VICINITY MAP

RECEIVED
MAR 27 2024
NHDES
LAND RESOURCES MANAGEMENT

EXISTING SITE PLAN
SCALE: 1" = 50

STATE OF NEW HAMPSHIRE
MATTHEW R. CARDIN
No. 284
CERTIFIED WETLAND SCIENTIST

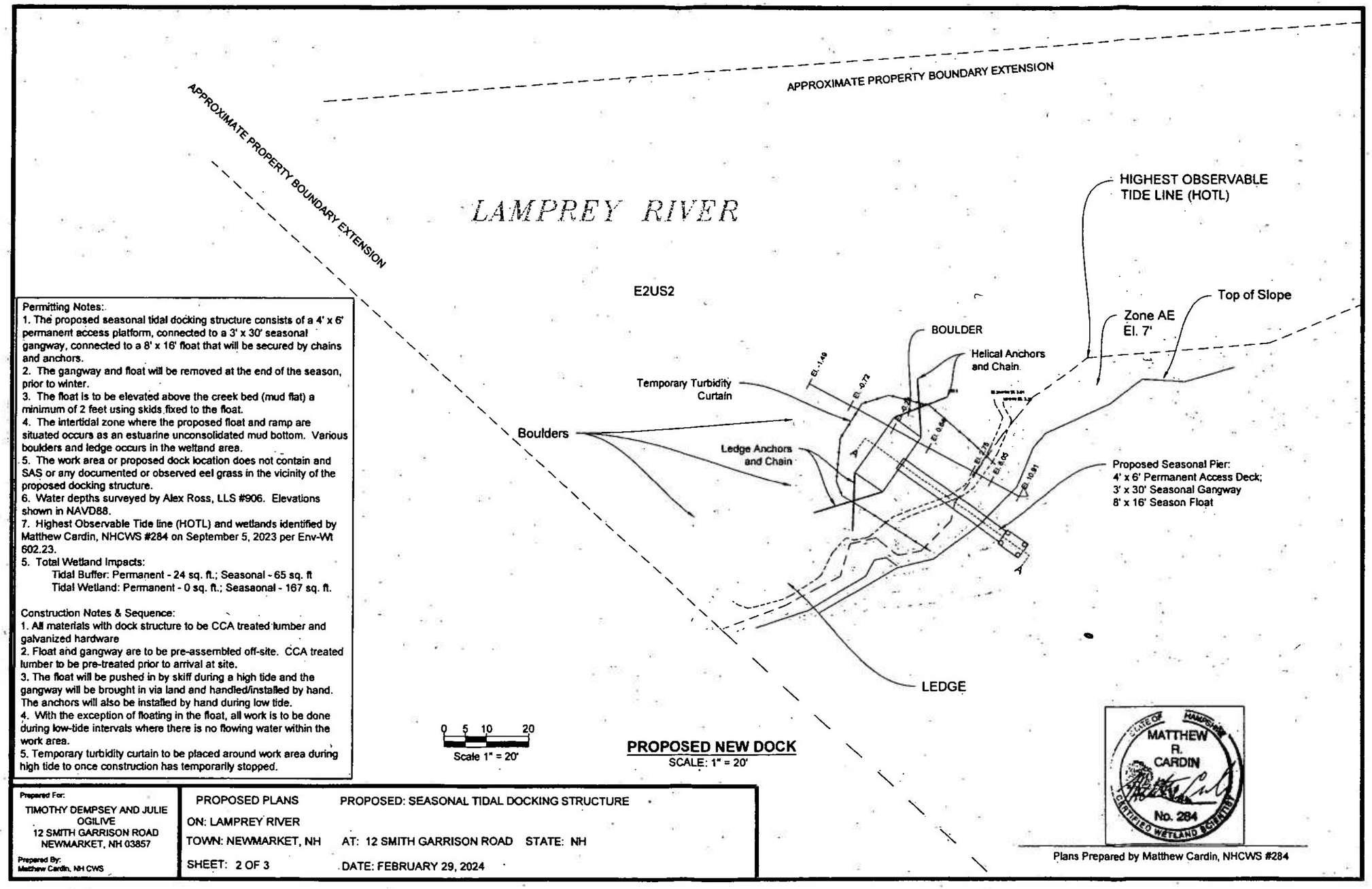
Plans Prepared by Matthew Cardin, NHCWS #284

Prepared For:
TIMOTHY DEMPSEY AND JULIE OGILIVE
12 SMITH GARRISON ROAD
NEWMARKET, NH 03857

Prepared By:
Matthew Cardin, NH CWS

EXISTING CONDITIONS
ON: LAMPREY RIVER
TOWN: NEWMARKET, NH
SHEET: 1 of 3

PROPOSED: SEASONAL TIDAL DOCKING STRUCTURE
AT: 12 SMITH GARRISON ROAD STATE: NH
DATE: FEBRUARY 29, 2024



Permitting Notes:
1. The proposed seasonal tidal docking structure consists of a 4' x 6' permanent access platform, connected to a 3' x 30' seasonal gangway, connected to a 8' x 16' float that will be secured by chains and anchors.
2. The gangway and float will be removed at the end of the season, prior to winter.
3. The float is to be elevated above the creek bed (mud flat) a minimum of 2 feet using skids fixed to the float.
4. The intertidal zone where the proposed float and ramp are situated occurs as an estuarine unconsolidated mud bottom. Various boulders and ledge occurs in the weltand area.
5. The work area or proposed dock location does not contain and SAS or any documented or observed eel grass in the vicinity of the proposed docking structure.
6. Water depths surveyed by Alex Ross, LLS #906. Elevations shown in NAVD88.
7. Highest Observable Tide line (HOTL) and wetlands identified by Matthew Cardin, NHCWS #284 on September 5, 2023 per Env-Wt 602.23.
5. Total Wetland Impacts:
Tidal Buffer: Permanent - 24 sq. ft.; Seasonal - 65 sq. ft
Tidal Wetland: Permanent - 0 sq. ft.; Seasaonal - 167 sq. ft.

Construction Notes & Sequence:
1. All materials with dock structure to be CCA treated lumber and galvanized hardware
2. Float and gangway are to be pre-assembled off-site. CCA treated lumber to be pre-treated prior to arrival at site.
3. The float will be pushed in by skiff during a high tide and the gangway will be brought in via land and handled/installed by hand. The anchors will also be installed by hand during low tide.
4. With the exception of floating in the float, all work is to be done during low-tide intervals where there is no flowing water within the work area.
5. Temporary turbidity curtain to be placed around work area during high tide to once construction has temporarily stopped.

Prepared For:
TIMOTHY DEMPSEY AND JULIE OGILIVE
12 SMITH GARRISON ROAD
NEWMARKET, NH 03857

Prepared By:
Matthew Cardin, NH CWS

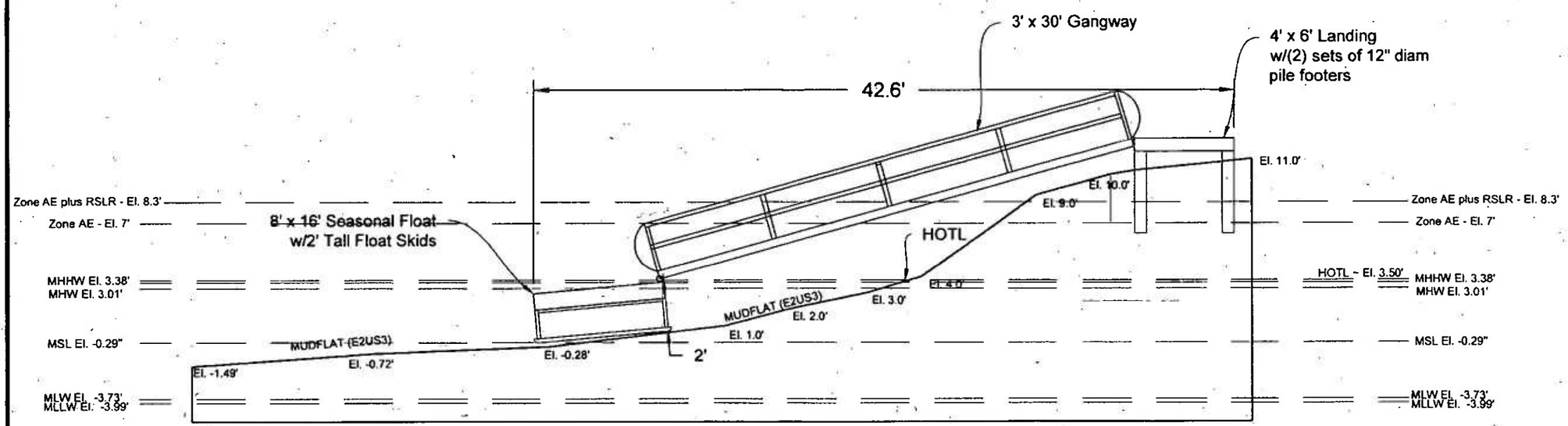
PROPOSED PLANS
ON: LAMPREY RIVER
TOWN: NEWMARKET, NH
SHEET: 2 OF 3

PROPOSED: SEASONAL TIDAL DOCKING STRUCTURE
AT: 12 SMITH GARRISON ROAD STATE: NH
DATE: FEBRUARY 29, 2024

Plans Prepared by Matthew Cardin, NHCWS #284

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 and mooring lateral testing loads during construction to provide reasonable level of confidence that proposed dock moorings will be adequate to resist environmental loads from wind waves at this location with the float at a water level of the FEMA 100 YR flood plus a sea lever rise allowance provided by Matthew Cardin, CWS using NHDES guidelines.
3. Basic wind speed for the site for the float is 84 MPH with load factor removed per ASCE 7-16 for risk category 1, 3 second gust. Surface roughness C and exposure B, giving a wind pressure of 10.0 PSF.
4. Wind pressure on float: As several days of advanced notice is anticipated ahead of such sever 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 and16 FT length on four moorings, the lateral wind load per float end is about 100 pounds and longitudinal wind load of about 123 pounds.
5. Average wind wave fetch from west is 1,500 FT. The basic wind speed (ASCE 7-16) is adjusted from a 3 second gust to a longer duration needed to build fully developed waves, gives a significant wave height of 1.0 FT with 1.4 seconds period for the float (CAT. 1). With an average float draft of 0.5 FT the non-breaking wave could develop 51 pounds of lateral load from the west.
6. The recommended lateral test load per float mooring is 260 pounds from the western direction to provide a factor of safety of 1.5. It is recommended that the field load tests be observed by a professional engineer for compliance with the analysis intent.



PROPOSED DOCK
CROSS-SECTION
A-A

SCALE: 1" = 6'

0 6 12 24

STATE OF NEW HAMPSHIRE
MATTHEW R. CARDIN
No. 284
CERTIFIED WETLAND SCIENTIST

STATE OF NEW HAMPSHIRE
DUNCAN C. MELLOR
No. 8344
LICENSED PROFESSIONAL ENGINEER

Prepared For:
TIMOTHY DEMPSEY AND JULIE OGILIVE
12 SMITH GARRISON ROAD
NEWMARKET, NH 03857

Prepared By:
Matthew Cardin, NH CWS

PROPOSED PLANS — PROPOSED: SEASONAL TIDAL DOCKING STRUCTURE
ON: LAMPREY RIVER
TOWN: NEWMARKET, NH — AT: 12 SMITH GARRISON ROAD — STATE: NH
SHEET: 3 of 3 — DATE: FEBRUARY 29, 2024

Plans Prepared by Matthew Cardin, NHCWS #284

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 survey, site engineering or structure design, which is being performed by others.