The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

OK

133

September 6, 2024

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

REQUESTED ACTION

Approve Brandon Arsenault's request to perform the following work on Little Bay in Newington pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2024-00385, and in accordance with RSA 482-A:3. No comments were submitted by the Newington Conservation Commission regarding the project as proposed.

Impact 29 square feet (SF) of previously developed upland tidal buffer zone and 811 SF of tidal wetland to construct a new tidal docking structure consisting of a 4 foot x 80 foot fixed pier connected to a 3 foot x 40 foot ramp connected to a 10 foot x 40 foot float with associated float stops. The overall length of this docking structure, seaward of the highest observable tide line, is 152.8 feet, on 199.5 feet of frontage along Little Bay in Newington.

NHDES imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans dated February 13, 2024, and revised through June 24, 2024, by Civilworks New England, and received by the NH Department of Environmental Services (NHDES) on June 24, 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 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. Piles shall be installed during low tide in dry conditions using a vibratory hammer. If piles cannot be installed during low tide in dry conditions, then all work shall occur between November 15 and March 15, to protect anadromous fish as required by Env-Wt 307.06.
4. 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) and to protect anadromous fish as required by Env-Wt 307.06.
5. 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).
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).

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 July 31, 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), for all new overwater structure construction in tidal waters/wetlands.
2. On February 15, 2024, the department received correspondence from the Natural Heritage Bureau (NHB) dated February 6, 2024, stating that "Based on your response that the dock piles will be driven into the substrate, and since no excavation is anticipated, NHB has no further concerns regarding this proposed project."
3. On April 23, 2024, the Department received correspondence from the NH Fish and Game Department (NHF&G) dated April 1, 2024, stating that "[NHF&G] has completed our review of materials submitted for consultation under FIS 1004. No further coordination with [NHF&G] is requested at this time."
4. 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.
5. No comments were received by NHDES from the Newington Conservation Commission about this application.
6. On January 30, 2024, 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.
7. 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'.
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.

NHDES Wetlands Bureau permit #2024-00385 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

Check the Status of your Application

RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Brandon Arsenault **TOWN NAME:** Newington

RECEIVED Administrative Use Only FEB 15 2024 NHDES LAND RESOURCES MANAGEMENT	INCOMPLETE Administrative Use Only FEB 15 2024	COMPLETE Administrative Use Only FEB 21 2024	File No.: 2024-00385
			Check No.: 1696
			Amount: 2542.00
			Initials: RH

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 (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.	( ) Yes (●) No
• Protected species or habitat? o If yes, species or habitat name(s): Sparsely Vegetated Intertidal system, Subtidal System, Atlantic Sturgeon, Shortnose Sturgeon o NHB Project ID #: NHB24-0026	(●) 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): • 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): NA	

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))

Provide a description of the project and the purpose of the project, the need for the proposed impacts to jurisdictional areas, an outline of the scope of work to be performed, and whether impacts are temporary or permanent.

Construction of a residential dock into the Little Bay off of Fox Point in Newington, Including a 4'x72' pier, 3'x40' gangway, 10'x40' float. Erosion and sediment control will be implemented during construction. This is to ensure that sediment from the construction process will be kept away from the Little Bay substrate. As well as not impeding wildlife, all construction activities will be conducted in dry conditions. The location of the docking structure does not impact any salt tolerant wetland species on site, while also having adequate height to not shade the vegetation. The pier will be permanent, while the gangway and float are seasonal.

SECTION 3 - PROJECT LOCATION

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

ADDRESS: Windswept Way	
TOWN/CITY: Newington	
TAX MAP/BLOCK/LOT/UNIT: 9/1-1	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: ☐ N/A	Little Bay
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	43.11041/-70.85303

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: Brandon Arsenault		
MAILING ADDRESS: 319 Fox Point Road		
TOWN/CITY: Newington	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: barsenault@formax.com		
FAX: N/A	PHONE: 603-834-0246	
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.: Steve Haight		
COMPANY NAME: Civilworks New England		
MAILING ADDRESS: P.O. Box 1166		
TOWN/CITY: Dover	STATE: NH	ZIP CODE: 03821
EMAIL ADDRESS: shaight@civilworksne.com		
FAX: N/A	PHONE: 603-749-0443	
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 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

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

Env-Wt 400: Wetlands delineated by Certified Wetlands Scientist (Env-Wt-406.02); The project is in a PRA and is therefore classified as major (Env-Wt 407.02);
Env-Wt 500: Not applicable for coastal projects.
Env-Wt 600: See attached CFA, vulnerability assessments, project narrative and avoidance & minimization document.
Env-Wt 700: No Prime Wetlands
Env-Wt 900: Not applicable for coastal projects.
See attached for supporting documentation on how all applicable criteria has

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 (PERM.) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary (TEMP.) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

	JURISDICTIONAL AREA	PERM. SF	PERM. LF	PERM. ATF	TEMP. SF	TEMP. LF	TEMP. ATF
Wetlands	Forested Wetland			☐			☐
	Scrub-shrub Wetland			☐			☐
	Emergent Wetland			☐			☐
	Wet Meadow			☐			☐
	Vernal Pool			☐			☐
	Designated Prime Wetland			☐			☐
	Duly-established 100-foot Prime Wetland Buffer			☐			☐
Surface	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	808	152	☐			☐
	TOTAL	808	152				

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: 520	SF	× $2.00 =	$ 1040
Permanent docking structure: 288	SF	× $4.00 =	$ 1152
Projects proposing shoreline structures (including docks) add $400 =			$ 400
		Total =	$ 2592
The application fee for minor or major impact is the above calculated total or $400, whichever is greater =			$ 2592

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-Wq 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 (PERM.) impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary (TEMP.) impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

	JURISDICTIONAL AREA	PERM. SF	PERM. LF	PERM. ATF	TEMP. SF	TEMP. LF	TEMP. ATF
Wetlands	Forested Wetland						
	Scrub-shrub Wetland						
	Emergent Wetland						
	Wet Meadow						
	Vernal Pool						
	Designated Prime Wetland						
	Duly-established 100-foot Prime Wetland Buffer						
Surface	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						
	TOTAL	840	160				

SECTION 2: 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: 520	SF	× $2.00 =	$ 1040
Permanent docking structure: 320	SF	× $4.00 =	$ 1280
Projects proposing shoreline structures (including docks) add $400 =			$ 400
		Total =	$ 2720
The application fee for minor or major impact is the above calculated total or $400, whichever is greater =			$ 2720

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)		
Indicate the project classification.		
☐ Minimum Impact Project	☐ Minor Project	☒ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)	
Initial each box below to certify:	
Initials:	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials:	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials:	The signer understands that: • 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.
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: Brandon Rosenhart	DATE: 2/12/24
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: STEVE HAUGHT	DATE: 2/12/24

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: Susan Newcomer
TOWN/CITY: Newington	DATE: 2/13/24

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)

Indicate the project classification.

☐ Minimum Impact Project	☐ Minor Project	☒ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials: BA	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: BA	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: BA	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.
Initials: BA	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: Brandon Rosenquist	DATE: 2/12/24
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): SJH	PRINT NAME LEGIBLY: STEVE HAUGHT	DATE: 2/12/24

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.

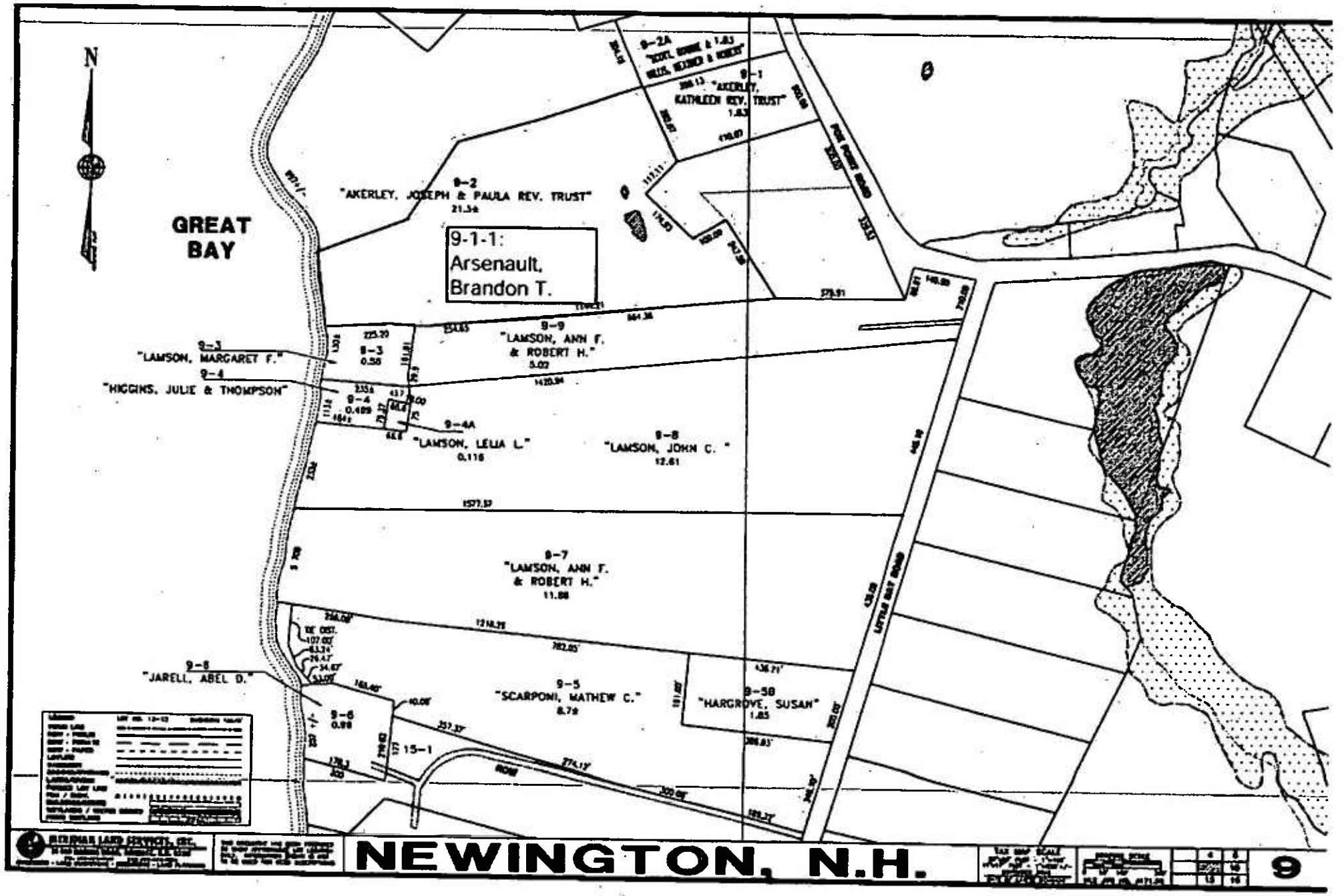
TOWN/CITY CLERK SIGNATURE: Susan Newcomb	PRINT NAME LEGIBLY: Susan Newcomb
TOWN/CITY: Newington	DATE: 2/13/24

RECEIVED
FEB 21 2024
NHDES
LAND RESOURCES MANAGEMENT

DIRECTIONS FOR TOWN/CITY CLERK:
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:
Submit the original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page. Make check or money order payable to "Treasurer – State of NH".


N
GREAT BAY
9-1-1:
Arsenault,
Brandon T.
9-2A
9-1
"AKERLEY, KATHLEEN REV. TRUST"
9-2
"AKERLEY, JOSEPH & PAULA REV. TRUST"
21.3±
9-9
"LAMSON, ANN F. & ROBERT H."
5.02
9-3
"LAMSON, MARGARET F."
9-3
0.56
9-4
"HIGGINS, JULIE & THOMPSON"
9-4
0.489
9-4A
"LAMSON, LELIA L."
0.116
9-8
"LAMSON, JOHN C."
12.61
9-7
"LAMSON, ANN F. & ROBERT H."
11.88
9-6
"JARELL, ABEL D."
9-6
0.98
9-5
"SCARPONI, MATHEW C."
8.7±
9-5B
"HARGROVE, SUSAN"
1.85
15-1
ROW
FOX POINT ROAD
LITTLE BAY ROAD
NEWINGTON, N.H.
9

USGS Map

Legend

RECEIVED
FEB 15 2024
NHDES
LAND RESOURCES MANAGEMENT

Map Scale
1: 24,000

© NH DES, http://des.nh.gov
Map Generated: 9/19/2022

Notes

21021 - 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

January 30, 2024

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

RECEIVED
FEB 15 2024
NHDES
LAND RESOURCES MANAGEMENT

Attn: Eben Lewis

Re: Windswept Way Map 9, Lot 1-1

Dear Eben,

We reviewed plans for a pier and floating dock system on Little Bay in Newington on property belonging to

Brandon and Lori Arsenault
Windswept Way
Newington, NH
Map 9 Lot 1-1

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: Michael Menary
Civilworks New England
181 Watson Road
Dover, New Hampshire 03821

Abutters List – January 2024
Brandon & Lori Arsenault

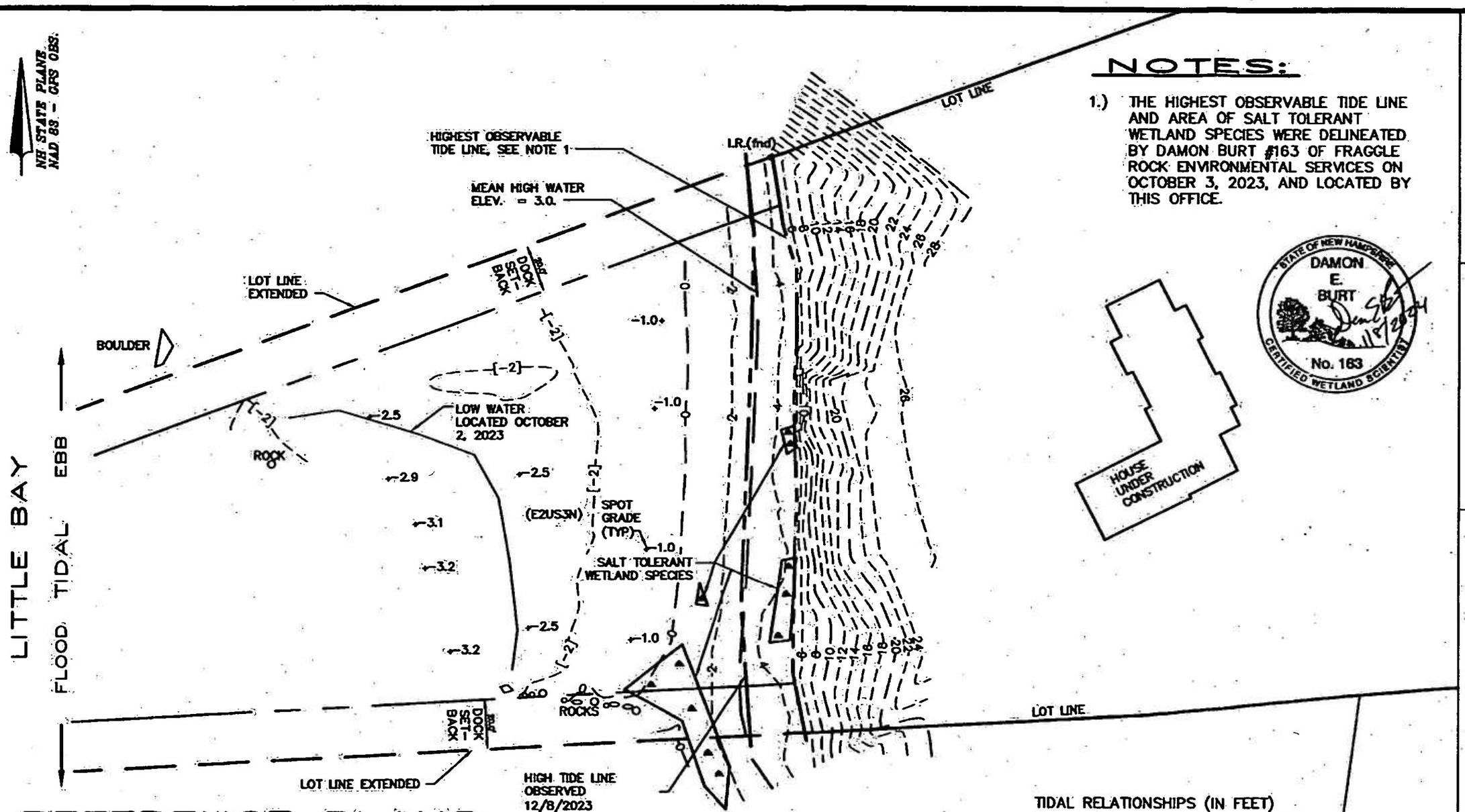
[redacted]

RECEIVED
FEB 15 2024
NHDES
LAND RESOURCES MANAGEMENT

Property Location
Windswept Way
Newington, NH 03801
Tax Map 9, Lot 1-1

Map/Lot	Owner Name & Address
9/3	Lamson, Margaret F. [redacted]
9/9	Lamson, Ann F., Lamson, Robert H. [redacted]
9/1	Arsenault, Brandon T., Arsenault, Lori K. [redacted]
9/2A	Scott, Dianne S., Willis, Heather J., Willis, Robert K. [redacted]
9/2	Akerley, Joseph & Paula Rev Trust [redacted]
10/24	Stuart Family Rev Trust 2016 [redacted]
Municipality:	Town of Newington 205 Nimble Hill Road Newington, NH 03801

Engineer:	**Civilworks New England** **P.O. Box 1166, 181 Watson Road** **Dover, NH 03821**
Surveyor:	**McEneaney Survey Associates** **P.O. Box 681, 24 Chestnut Street** **Dover, NH 03820**



NOTES:

1.) THE HIGHEST OBSERVABLE TIDE LINE AND AREA OF SALT TOLERANT WETLAND SPECIES WERE DELINEATED BY DAMON BURT #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES ON OCTOBER 3, 2023, AND LOCATED BY THIS OFFICE.

STATE OF NEW HAMPSHIRE
DAMON E. BURT
No. 163
CERTIFIED WETLAND SCIENTIST
11/28/24

REFERENCE PLANS:

1.) SUBDIVISION OF LAND 1 OF 2 PREPARED FOR PAULA S. AKERLEY REV. TRUST OF 2012 AND JOSEPH C. AKERLEY REV. TRUST OF 2012, TAX MAP 9, LOT No. 2, 325 FOX POINT ROAD, TOWN OF NEWINGTON, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE; SCALE: 1" = 80'; DATED: JULY 20, 2021, REVISED THROUGH 1/25/22; BY: McENEANEY SURVEY ASSOCIATES OF NEW ENGLAND; RECORDED R.C.R.D. PLAN D-43160.

2.) LOT LINE ADJUSTMENT PLAN PREPARED FOR PAULA S. AKERLEY REV. TRUST OF 2012 AND JOSEPH C. AKERLEY REV. TRUST OF 2012 AND BRANDON T. ARSENAULT, TAX MAP 9, LOT Nos. 1 & 2-2, 319 & 325 FOX POINT ROAD, TOWN OF NEWINGTON, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE; SCALE: 1" = 80', DATED: MARCH 24, 2002, REVISED THROUGH 5/5/02; BY: McENEANEY SURVEY ASSOCIATES OF NEW ENGLAND; RECORDED R.C.R.D. PLAN D-43399.

TIDAL RELATIONSHIPS (IN FEET)
REF: NOAA TIDE STATION 8423005

FEMA 1%	=	7'
HOTL/HAT	=	4.8'
MHHW	=	3.4'
MHW	=	3.0'
NAVD88	=	0'
MSL	=	-0.3'
MLW	=	-3.7'
MLLW	=	-4.0'

GNE CIVILWORKS NEW ENGLAND
181 Walnut Road, PO Box 1102
Dover, New Hampshire 03821
603 749 0443

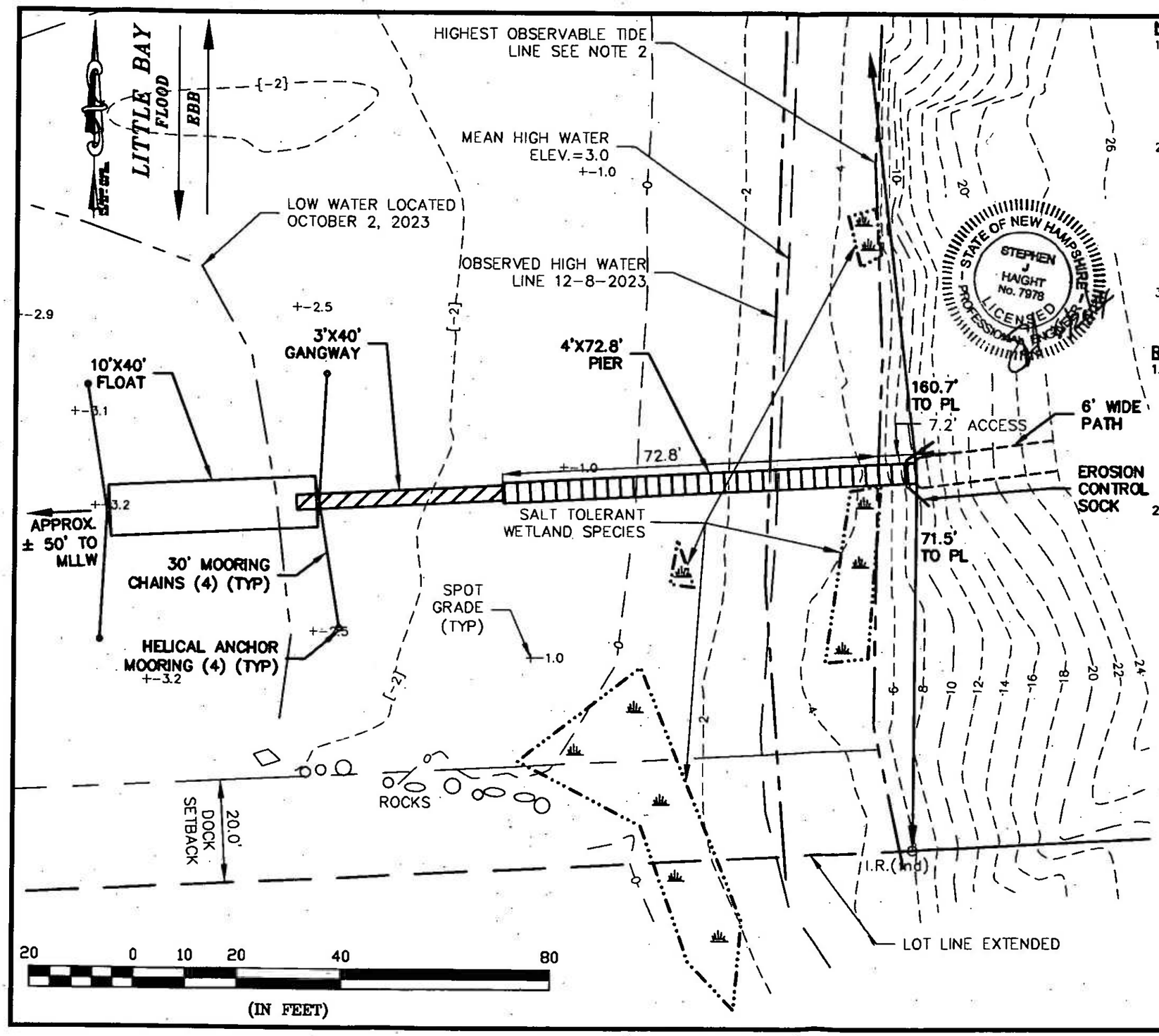
PROJECT NO. : 21021
DATE: 11\2\23
SCALE: 1"=40'
DRAWN BY: KJF
DESIGN BY: DCM
APPROVED BY:
FILE:

BRANDON T. ARSENEULT
LORI K. ARSENAULT
[redacted]

EXISTING CONDITIONS PLAN

SHORELAND
TAX MAP 9, LOT No. 1-1
WINDSWEPT WAY
NEWINGTON, NH

WF - 1



NOTES:

1) OWNER OF RECORD:

BRANDON T. ARSENAULT
LORI K. ARSENAULT
319 FOX POINT ROAD
NEWINGTON, NH 03801

2) THE HIGHEST OBSERVABLE OBSERVABLE TIDE LINE AND AREA OF SALT TOLERANT WETLAND SPECIES WERE DELINEATED BY DAMON E. BURT, N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES ON OCTOBER 3, 2023, AND LOCATED BY THIS OFFICE. OBSERVED HIGH TIDE LINE LOCATED BY SURVEY METHODS 12-8-23 BASED ON NHDES DIRECTION THAT A HIGH TIDE MUST BE "OBSERVED".

3) THE VERTICAL DATUM IS NAVD88, BASED ON GPS OBSERVATION.

REFERENCE PLANS:

1.) SUBDIVISION OF LAND 1 OF 2 PREPARED FOR PAULA S. AKERLEY REV. TRUST OF 2012 AND JOSEPH C. AKERLEY REV. TRUST OF 2012, TAX MAP 9, LOT No. 2, 325 FOX POINT ROAD, TOWN OF NEWINGTON, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE; SCALE: 1" = 80'; DATED: JULY 20, 2021, REVISED THROUGH 1/25/22; BY: McENEANEY SURVEY ASSOCIATES OF NEW ENGLAND; RECORDED R.C.R.D. PLAN D-43160.

2.) LOT LINE ADJUSTMENT PLAN PREPARED FOR PAULA S. AKERLEY REV. TRUST OF 2012 AND JOSEPH C. AKERLEY REV. TRUST OF 2012 AND BRANDON T. ARSENAULT, TAX MAP 9, LOT Nos. 1 & 2-2, 319 & 325 FOX POINT ROAD, TOWN OF NEWINGTON, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE; SCALE: 1" = 80', DATED: MARCH 24, 2002, REVISED THROUGH 5/5/02; BY: McENEANEY SURVEY ASSOCIATES OF NEW ENGLAND; RECORDED R.C.R.D. PLAN D-43399.

TIDAL RELATIONSHIPS (IN FEET)
REF: NOAA TIDE STATION 8423005

FEMA 1% +SLR	=	7.2'
FEMA 1%	=	7'
HOTL/HAT	=	4.8'
MHHW	=	3.4'
MHW	=	3.0'
NAVD88	=	0'
MSL	=	-0.3'
MLW	=	-3.7'
MLLW	=	-4.0'

ARSENAULT DOCK

No.	Appd	Date

REVISIONS

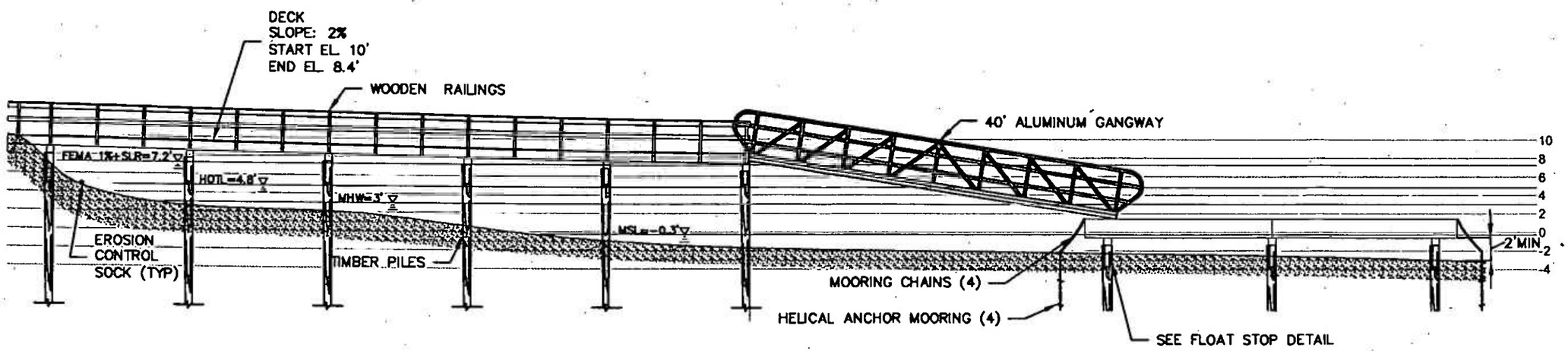
WETLAND APPLICATION
BRANDON & LORI ARSENAULT
LITTLE BAY
WINDSWEPT WAY,
TAX MAP 9, LOT 1-1
ROCKINGHAM COUNTY
NEWINGTON, NH

DATE: 2-13-24
SCALE: 1"=20'
DESIGNED BY: DM
DRAWN BY: MM
APPROVED BY: SJH
PROJECT NO.: 210210
FILE: 21021D-SITE

NOT FOR CONSTRUCTION OR PERMIT USE ONLY

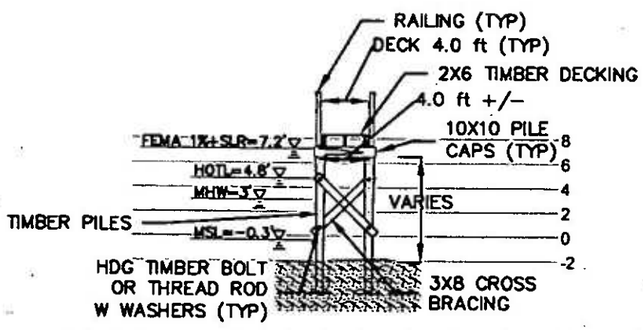
CNE CIVILWORKS NEW ENGLAND
181 Watson Road, PO Box 1158
Dover, New Hampshire 03821
603.749.0443

WF-2



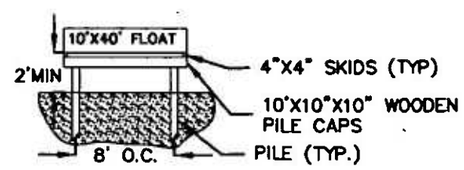
PROFILE VIEW

SCALE: 1"=12'



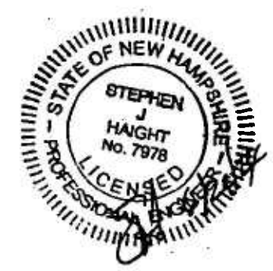
TYPICAL DOCK CROSS SECTION

SCALE: 1"=12'



FLOAT STOP DETAIL

SCALE: 1"=12'



NOTES:

1. THE ATTACHED PE STAMP IS LIMITED TO PERMIT DRAWING PREPARATION. THIS PE STAMP DOES NOT COVER ANALYSIS OR STRUCTURE DESIGN, WHICH IS BEING PERFORMED BY OTHERS.
2. PILE AND MOORING EMBEDMENT, AND DOCK STRUCTURAL DESIGN, BY OTHERS, SHALL BE ADEQUATE TO RESIST DOCK BREAK AWAY IN STORM CONDITIONS
3. FLOAT STOPS REQUIRED BY NHDES. ICE DAMAGE CAUSED TO THE FLOAT STOPS IS NOT COVERED UNDER THIS ATTACHED PE STAMP.
4. FLOAT STOP SUPPORTS TO PROVIDE 2 FT OF UNDER FLOAT CLEARANCE

12 0 6 12 24 48

(IN FEET)

ARSENAULT DOCK DETAIL

No.	Appd	Date
3	SJH	6-24-24
2	SJH	5-22-24
1	SJH	4-12-24

REVISIONS

WETLAND APPLICATION
BRANDON & LORI ARSENAULT
LITTLE BAY
WINDSWEPT WAY,
TAX MAP 9, LOT 1-1
ROCKINGHAM COUNTY
NEWINGTON, NH

DATE: 2-13-24
SCALE: 1"=20'
DESIGNED BY: DM
DRAWN BY: MM
APPROVED BY: SJH
PROJECT NO.: 210210
FILE: 21021D-SITE

NOT FOR CONSTRUCTION OR PERMIT USE ONLY

CIVILWORKS NEW ENGLAND
Civil Engineering Consultants
161 Watson Road, PO Box 1184
Dover, New Hampshire 03821
603.749.0443

WF-3

NEW HAMPSHIRE FISH AND GAME RECOMMENDED PERMIT CONDITIONS

1. SHORTNOSE STURGEON (STATE ENDANGERED) AND ATLANTIC STURGEON (STATE THREATENED) OCCUR WITHIN THE VICINITY OF THE PROJECT AREA. ALL OPERATORS AND PERSONNEL WORKING ON OR ENTERING THE SITE SHALL BE MADE AWARE OF THEIR POTENTIAL PRESENCE.
2. RARE SPECIES INFORMATION (E.G. IDENTIFICATION, OBSERVATION AND REPORTING OF OBSERVATIONS, WHEN TO CONTACT NHFG IMMEDIATELY AND NHFG CONTACT INFORMATION) SHALL BE COMMUNICATED DURING MORNING TAILGATE MEETINGS PRIOR TO WORK COMMENCEMENT DURING THE CONSTRUCTION PHASE OF THE PROJECT.
3. ALL WORK SHALL BE DONE FROM LAND IN THE DRY OR FROM A WORK BARGE.
4. PILES SHALL BE INSTALLED IN THE DRY AT LOW TIDE. NHFG RECOMMENDS USING VIBRATORY HAMMERING. IF UNABLE TO DRIVE THE PILES IN THE DRY, PILES SHALL BE DRIVEN DURING THE DREDGE WINDOW OF NOVEMBER 15TH – MARCH 15TH .
5. ALL MANUFACTURED EROSION AND SEDIMENT CONTROL PRODUCTS, WITH THE EXCEPTION OF TURF REINFORCEMENT MATS, UTILIZED FOR, BUT NOT LIMITED TO, SLOPE PROTECTION, RUNOFF DIVERSION, SLOPE INTERRUPTION, PERIMETER CONTROL, INLET PROTECTION, CHECK DAMS, AND SEDIMENT TRAPS SHALL NOT CONTAIN PLASTIC, OR MULTIFILAMENT OR MONOFILAMENT POLYPROPYLENE NETTING OR MESH WITH AN OPENING SIZE OF GREATER THAN $\frac{1}{8}$ INCHES.
6. ALL OBSERVATIONS OF THREATENED OR ENDANGERED SPECIES ON THE PROJECT SITE SHALL BE REPORTED IMMEDIATELY TO THE NHFG NONGAME AND ENDANGERED WILDLIFE ENVIRONMENTAL REVIEW PROGRAM BY PHONE AT 603-271-2461 AND BY EMAIL AT HYPERLINK "MAILTO:NHFGREVIEW@WILDLIFE.NH.GOV"NHFGREVIEW@WILDLIFE.NH.GOV, WITH THE EMAIL SUBJECT LINE CONTAINING THE NHB DATACHECK TOOL RESULTS LETTER ASSIGNED NUMBER, THE PROJECT NAME, AND THE TERM WILDLIFE SPECIES OBSERVATION.
   A) PHOTOGRAPHS OF THE OBSERVED SPECIES AND NEARBY ELEMENTS OF HABITAT OR AREAS OF LAND DISTURBANCE SHALL BE PROVIDED TO NHFG IN DIGITAL FORMAT AT THE ABOVE EMAIL ADDRESS FOR VERIFICATION, AS FEASIBLE.
7. IN THE EVENT A THREATENED OR ENDANGERED SPECIES IS OBSERVED ON THE PROJECT SITE DURING THE TERM OF THE PERMIT, THE SPECIES SHALL NOT BE DISTURBED, HANDLED, OR HARMED IN ANY WAY PRIOR TO CONSULTATION WITH NHFG AND IMPLEMENTATION OF CORRECTIVE ACTIONS RECOMMENDED BY NHFG.
   A) SITE OPERATORS SHALL BE ALLOWED TO RELOCATE WILDLIFE ENCOUNTERED IF DISCOVERED WITHIN THE ACTIVE WORK ZONE IF IN DIRECT HARM FROM PROJECT ACTIVITIES. WILDLIFE SHALL BE RELOCATED IN CLOSE PROXIMITY TO THE CAPTURE LOCATION BUT OUTSIDE OF THE WORK ZONE AND IN THE DIRECTION THE INDIVIDUAL WAS HEADING. NHFG SHALL BE CONTACTED IMMEDIATELY IF THIS ACTION OCCURS.
8. NHFG, INCLUDING ITS EMPLOYEES AND AUTHORIZED AGENTS, SHALL HAVE ACCESS TO THE PROPERTY DURING THE TERM OF THE PERMIT.

SEQUENCE OF CONSTRUCTION

1. MOBILIZATION OF A CRANE BARGE, PUSH DORY, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA AVAILABLE 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 INTERTIDAL AREA.
5. ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
6. SUPER STRUCTURE OF THE PIER IS BUILT, MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
7. ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS

OPERATING HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC) WITHIN WETLANDS SHALL BE MINIMIZED, AND SUCH EQUIPMENT SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS TO THE MAXIMUM EXTENT PRACTICABLE. WHERE CONSTRUCTION REQUIRED HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (TYPICALLY < 3 PSI) OR SHALL BE PLACED ON SWAMP/CONSTRUCTION/TIMBER MATS (HEREON REFERRED TO AS "CONSTRUCTION MATS" AND DEFINED AT APPENDIX A. ENDNOTE 4: THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. CONSTRUCTION MATES ARE TO BE PLACED IN THE WETLANDS FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATES IF WORKING WITHIN A WETLAND. DRAGGING CONSTRUCTION MASTS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AUTHORIZATION (CAPTURE / RUMINATION OR INDIVIDUAL PERMIT). SIMILARLY, THE PERMITTEE MAY REQUEST WRITTEN AUTHORIZATION FROM THE CORPS TO WAIVE USE OF MATS DURING FROZEN, DRY, OR OTHER CONDITIONS. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONSTRUCTION MATES SHOULD BE MANAGED IN ACCORDANCE WITH THE CONSTRUCTION MAT BMPS AT WWW.NAFUSACEARMY.ML/MISSIONS/REGULATORY.

STORAGE OF SEASONAL STRUCTURES

SEASONAL OR RECREATIONAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, AQUACULTURE STRUCTURES, ETC. THAT ARE REMOVED FROM THE WATERWAY SHALL BE STORED IN AN UPLAND LOCATION LANDWARD, ON THE BEACH AND NOT IN WETLANDS, TIDAL WETLANDS, THEIR SUBSTRATE OR ON MUDFLATS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURES, THAT IS WATERWARD OF THE BEACH.

STATE OF NEW HAMPSHIRE
STEPHEN J HAIGHT No. 7978
LICENSED PROFESSIONAL ENGINEER

ARSENAULT DOCK NOTE SHEET

No.	Appd	Date
1	SJH	4-12-24

REVISIONS

WETLAND APPLICATION
BRANDON & LORI ARSENAULT
LITTLE BAY
WINDSWEPT WAY,
TAX MAP 9, LOT 1-1
ROCKINGHAM COUNTY
NEWINGTON, NH

DATE: 2-13-24
SCALE: 1"=20'
DESIGNED BY: DM
DRAWN BY: MM
APPROVED BY: SJH
PROJECT NO.: 21021D
FILE: 21021D-SITE

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

CNE CIVILWORKS NEW ENGLAND
Civil & Environmental Engineering
181 Watson Road, PO Box 1186
Dover, New Hampshire 03821
603.749.0443

WF-4