# Jenness State Beach Redevelopment Project

Rye, New Hampshire

#### PREPARED FOR

New Hampshire Department of Resources and Economic Development 172 Pembroke Road Concord, NH 03301 603.271.2606

PREPARED BY



2 Bedford Farms Drive, Suite 200 Bedford, NH 03110 603.391.3900

March 2016



March 18, 2016 Ref: 52348.05

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

Re: NHDES Wetlands Permit Application

Jenness State Beach Redevelopment Project, Rye, New Hampshire

#### To Whom It May Concern:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), Vanasse Hangen Brustlin, Inc. (VHB) is submitting the enclosed Wetlands Permit Application for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire. Proposed improvements are focused on the existing bath house and parking lot and are necessary in order to continue to meet the recreational needs of the public and to upgrade the facilities in a manner that is aligned with other recent improvement projects completed at state beach facilities located along Route 1A to the south in Hampton and North Hampton.

There are no wetland or surface water impacts associated with the proposed project, however a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean as defined under *NHDES Wetland Rule Env-Wt 101.99*. The project will result in approximately 12,545 square feet of permanent impact within the 100-foot tidal buffer zone. Impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. This project is being submitted to NHDES as a Minimum Impact Project since all proposed work within 100 feet of the highest observable tide line will occur in previously developed upland areas in accordance with *NHDES Wetland Rule Env-Wt 303.04(b)*.

In accordance with recent changes in the procedure of submitting a wetlands permit application, as outlined on your website (dated June 17, 2014), we have enclosed the original permit application signed by the Rye Town Clerk. A check in the amount of \$2,905.00 to cover the application fee is being sent under separate cover directly from the applicant. Please do not hesitate to contact me if you have questions at (603) 391-3900 or kwilkes@vhb.com.

Sincerely

Kristopher Wilkes

Senior Environmental Scientist

CC:

Thomas Mansfield, NHDRED Jonathan Fudala, NHDPW VHB File

2 Bedford Farms Drive

Suite 200

Bedford, New Hampshire 03110

P 603.391.3900

F 603.518.7495

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### **Wetlands Permit Application Form**



#### **WETLANDS PERMIT APPLICATION**



### Water Division/ Wetlands Bureau Land Resources Management

Check the status of your application: www.des.nh.gov/onestop

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

				THE NO			
Administrative	Administrative	Adm	inistrative	Check No.:			
Use Only	Use Only		Use Only	Amount:			
				Initials:			
1. REVIEW TIME:							
Indicate your Review Time below.	Refer to Guidance Document A for	instructions.					
Standard Review (Minii	⊠ Standard Review (Minimum, Minor or Major Impact)             □ Expedited Review (Minimum Impact only)             □ Expedited Review (Minimum Impact only)             □ Expedited Review (Minimum Impact only)						
2. PROJECT LOCATION: Separate applications must be filed	d with each municipality that jurisdic	ctional impacts	will occur in.				
ADDRESS: Jenness State Beach	, 2280 Ocean Boulevard			TOWN/CITY: Rye			
TAX MAP: 5	BLOCK: N/A	LOT:	52	UNIT: N/A			
USGS TOPO MAP WATERBODY NAI	ME: Atlantic Ocean	⊠ NA	STREAM WA	TERSHED SIZE:	⊠ NA		
LOCATION COORDINATES (If known	): <b>1226138.647, 178105.301 feet</b>		☐ Latitud	de/Longitude  UTM	State Plane		
	roject outlining the scope of work. Are Attached" in the space provided I		al sheets as r	needed to provide a detail	ed explanation		
State Park facilities at Jenness State Beach located in Rye, New Hampshire. Proposed improvements focus on the existing bath house and parking lot and include the following:  1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.  2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.  3) Reconfiguration of the existing parking lot to improve circulation and maximize available parking.  4) Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.  5) Installation of a permanent equipment access ramp onto the beach at the southerly end of the project area adjacent to the proposed bath house.  6) Incorporation of outside showers, site lighting and bicycle parking in the site amenities.  There are no wetland or surface water impacts associated with the proposed project, however a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean. Impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. Refer to the attached Application Narrative and Appendices for more information.							
☐ NA This lot has no shoreling	o frontago SHODI	ELINE FRONTA	\GE: ~ <b>475 E</b>	inat			
Shoreline frontage is calculated by	determining the average of the disoperty lines, both of which are measured.	tances of the a	ctual natural i	navigable shoreline fronta	ge and a		
5. RELATED PERMITS, ENFOR	CEMENT, EMERGENCY AUTHOR	IZATION, SHO	RELAND, AL	LTERATION OF TERRAI	N, ETC		
6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the Instructions & Required Attachments document for instructions to complete a & b below.							
a. Natural Heritage Bureau File II	D: NHB <u>16 - 0489.</u>						
b. ☐ Designated River the project date a copy of the applicat  ☐ NA	ect is in ¼ miles of: ion was sent to the <u>Local River Mar</u>		; and sory Committe	ee: Month: Day:	Year:		

7. AP	PLICANT INFORMATION (Desired permit holder)			- " "	
LAST	NAME, FIRST NAME, M.I.: Mansfield, Thomas C.				
	T / COMPANY NAME: State of New Hampshire – De sources and Economic Development	partment N	IAILING ADDRESS: <b>17</b>	2 Pembroke	Road
TOWN/CITY: Concord				STATE: NH	ZIP CODE: 03301
EMAIL	or FAX: Thomas.Mansfield@dred.nh.gov		PHONE: 603-271-2	2606	- Антоновой — — — — — — — — — — — — — — — — — — —
ELEC.	TRONIC COMMUNICATION: By initialing here: [ ], I he	ereby authorize	NHDES to communica	te all matters re	elative to this application electronically
8. PF	ROPERTY OWNER INFORMATION (If different tha	n applicant)		- Ta	
LAST	NAME, FIRST NAME, M.I.: (Same)				
TRUS	T / COMPANY NAME:	N	IAILING ADDRESS:		
TOWN	I/CITY:			STATE:	ZIP CODE:
EMAIL	or FAX:		PHONE:		
ELEC	TRONIC COMMUNICATION: By initialing here, I her	eby authorize l	NHDES to communicate	e all matters rela	ative to this application electronically
9. AL	JTHORIZED AGENT INFORMATION				
LAST	NAME, FIRST NAME, M.I.: Wilkes, Kristopher P.		COMPANY	NAME: Vana	sse Hangen Brustlin, Inc.
MAILI	NG ADDRESS: 2 Bedford Farms Drive, Suite 200				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
TOWN	I/CITY: Bedford			STATE: NH	ZIP CODE: 03110
EMAIL	or FAX: kwilkes@vhb.com	F	PHONE: 603-391-3944		
ELEC <sup>-</sup>	FRONIC COMMUNICATION: By initialing here K.P.W. I he	ereby authorize	NHDES to communica	te all matters re	elative to this application electronically
10. P	ROPERTY OWNER SIGNATURE:				
See th	ne Instructions & Required Attachments document for	r clarification	of the below stateme	nts	
By sig	gning the application, I am certifying that:				
1. 2.	I authorize the applicant and/or agent indicated on the upon request, supplemental information in support of I have reviewed and submitted information & attachments.	of this permit	application.		
3.	All abutters have been identified in accordance with				
4.	I have read and provided the required information of	utlined in Env	-Wt 302.04 for the ap	oplicable proje	ect type.
5.	I have read and understand Env-Wt 302.03 and have				
6.	Any structure that I am proposing to repair/replace v grandfathered per Env-Wt 101.47.	vas either pre	viously permitted by	the Wetlands	Bureau or would be considered
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. *Submittal of an RPR is not required for this project as it does not require a State Programmatic General Permit through the US Army Corps of Engineers and therefore does not trigger Section 106 Review.					
8.	I authorize NHDES and the municipal conservation	commission to	o inspect the site of t	he proposed p	project.
9.	I have reviewed the information being submitted and	d that to the b	est of my knowledge	the information	on is true and accurate.
10.	I understand that the willful submission of falsified of Environmental Services is a criminal act, which may			e New Hamps	hire Department of
	I am aware that the work I am proposing may require			•	·
12.	The mailing addresses I have provided are up to date forward returned mail.	te and approp	riate for receipt of Ni	HDES corresp	oondence. NHDES will not
Þ	/ wolly for the formal the	THOMAS C	MANGFIELD	,	3/17/2016 Date

#### **MUNICIPAL SIGNATURES**

#### 11. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

- 1. Waives its right to intervene per RSA 482-A:11:
- 2. Believes that the application and submitted plans accurately represent the proposed project; and
- 3. Has no objection to permitting the proposed work.

Print name legibly

Date

#### **DIRECTIONS FOR CONSERVATION COMMISSION**

- 1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
- 3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

### 12. TOWN / CITY CLERK SIGNATURE As required by Chapter 482-A:3 (amended 2014), 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:**

Per RSA 482-A:3,I

- 1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
- 3. 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.
- 4. 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; and
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

#### **DIRECTIONS FOR APPLICANT:**

1. Submit the single, 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.

For each jurisdictional area that will <u>Permanent</u> : impacts that will remain <u>Temporary</u> : impacts not intended to	after the project is complete.				·	
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	5-CONSTRUCTION	conditions)	TEM	IPORARY t. / Lin. Ft.	
Forested wetland		ATF				ATF
Scrub-shrub wetland		ATF				ATF
Emergent wetland		ATF				ATF
Wet meadow		ATF				ATF
Intermittent stream		ATF				ATF
Perennial Stream / River	1	☐ ATF			1	ATF
Lake / Pond	1	☐ ATF			1	ATF
Bank - Intermittent stream	1	☐ ATF			1	ATF
Bank - Perennial stream / River	1	ATF			1	ATF
Bank - Lake / Pond	1	☐ ATF			1	ATF
Tidal water	1	ATF			1	ATF
Salt marsh		ATF				ATF
Sand dune		ATF				ATF
Prime wetland		ATF				ATF
Prime wetland buffer		☐ ATF				ATF
Undeveloped Tidal Buffer Zone (TBZ)		☐ ATF				ATF
Previously-developed upland in TBZ	12,545 sq. ft.	☐ ATF				ATF
Docking - Lake / Pond		☐ ATF				ATF
Docking - River		☐ ATF				ATF
Docking - Tidal Water		☐ ATF				ATF
TOTAL	12,545 sq. ft.			0		
14. APPLICATION FEE: See the I	nstructions & Required Attachments	s document fo	r further ins	truction		
<ul><li>☐ Minimum Impact Fee: Flat fee</li><li>☑ Minor or Major Impact Fee: Ca</li></ul>	of \$ 200 Iculate using the below table below	,				
Permaner	at and Temporary (non-docking)	<b>12,545</b> s	sq. ft X	\$0.20 = \$	2,509.00	
Tempora	ry (seasonal) docking structure:	5	sq. ft. X	\$1.00 = \$	<b>;</b>	
	Permanent docking structure:	5	sq. ft. X	\$2.00 = \$	3	
Proje	cts proposing shoreline structur	es (including	docks) add	d \$200 = \$	<u> </u>	
				Total = \$	2,509.00	
The Applica	ation Fee is the above calculated To	otal or \$200, w	hichever is	greater = \$	2,509.00	

### Review Criteria Administrative Rule Env-Wt 302.04(b) & (c)

Documentation that the project complies with the requirements contained in Env-Wt 302.04(b) & (c) of the New Hampshire Code of Administrative Rules is provided below.

#### (1) The type of wetlands to be impacted.

There were no wetlands identified within the project area during the course of a field investigation conducted by VHB Senior Wetland Scientist, Kristopher Wilkes (CWS #288), on December 29, 2015. However, a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean based on VHB's delineation of the highest observable tide line (HOTL). The Atlantic Ocean is located directly to the east of the project area. The shoreline of the Atlantic Ocean running adjacent to the project area is comprised of sandy beach and is classified as Marine, Intertidal, Unconsolidated Shore, Sand (M2US2) in accordance to the *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al., 1979, revised 1985).

Refer to **Section 4.0** of the Application Narrative for a detailed description of existing conditions within the tidal buffer zone and proposed impacts.

#### (2) Surface areas of wetlands to be impacted.

No wetlands or surface waters will be impacted by the proposed project, as there are none which intersect the project area. The project will result in approximately 12,545 square feet of permanent impact within the 100-foot tidal buffer zone to the Atlantic Ocean. Permanent impacts are the result of the proposed improvements to existing State Park facilities located at Jenness State Beach. All of the proposed impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. This includes the area currently containing the existing parking lot and bath house located directly west of an existing concrete seawall as well as an area at the southerly end of the existing seawall directly east of the existing bath house where maintenance equipment and vehicles currently access the beach.

### (3) Relationship of the proposed wetlands to be impacted relative to nearby wetland and surface waters.

There are no wetlands involved with the proposed project. The Atlantic Ocean is located directly to the east of the project site, while Eel Pond and associated wetlands are located to the west of the project site on the opposite side of Ocean Boulevard (US Route 1A). Due to the distance and lack of hydrological connectivity, there are no indirect impacts anticipated to the Eel Pond complex. Although some of the proposed improvements will occur within the 100-foot tidal buffer zone to the Atlantic Ocean, indirect impacts to the Atlantic Ocean are not anticipated due to the limited nature of the proposed work, the relatively minor amount of impact proposed, and the composition of the project footprint (previously developed recreational state park).

#### (4) The impact upon abutting owners pursuant to RSA 482-A:11, II.

All of the proposed improvements will occur on land owned by the applicant (State of New Hampshire), therefore no direct impacts to abutting properties will occur. Proposed improvements, including reconfiguration of the existing parking lot and modification of the existing vehicular access and egress points, will result in improved circulation and a reduction in queueing on Ocean Boulevard. These improvements are viewed as a positive impact to the abutting property owners as they aim to reduce vehicular congestion within the state beach parking lot and the abutting portion of US Route 1A.

#### (5) The lack of alternative with lesser wetland and surface water impacts

There are no wetland or surface water impacts associated with the proposed project. The only alternative considered was to allow Jenness State Beach Park to remain in its current condition. This alternative was determined to be unacceptable based on a review of existing conditions at the park conducted through a series of site visits and follow up meetings orchestrated by the New Hampshire Department of Resources and Economic Development (NHDRED). It was determined that site improvements are necessary in order to continue to meet the recreational needs of the public and to upgrade facilities in a manner that is aligned with recent improvements that have been completed at other state beach facilities located along Route 1A to the south in Hampton and North Hampton.

#### Env-Wt 302.04 (c)

(1) The extent to which a project impacts beach or tidal flat sediment replenishment and movement of sediments along a shore.

The majority of the proposed improvements are located within an area previously developed as a parking lot where Env-Wt 302.04 (c) (1) is not

applicable. A precast concrete access ramp is proposed at the southerly end of the existing concrete sea wall adjacent to the existing bath house. The ramp will be placed in an area of sand that is currently utilized as an access path for maintenance equipment and vehicles. The ramp will be placed in between two existing rock piles well above the highest observable tide line where sediment replenishment and movement does not regularly occur. Additionally, installation of the access ramp aims to permanently stabilize this area and solve current erosion issues resulting from repeated travel by maintenance crews in combination with stormwater run-off from the bath house and parking lot located directly west.

### (2) The impact on a tidal wetland's ability to dissipate wave energy and storm surge.

The proposed improvements will occur within previously developed upland areas and no impacts to tidal wetlands are proposed. Existing conditions will be maintained with regards to wave energy.

#### (3) The impact of project runoff on salinity levels in tidal environments.

An erosion and sedimentation control plan will be implemented during project construction to prevent indirect impacts to coastal waterways. These measures may include the installation of temporary erosion and sedimentation controls such as a silt fence and/or compost filled silt socks.

The current configuration of the existing facilities at Jenness State Beach does not contain a formal stormwater treatment system. A series of 4-inch PVC pipes extend from the eastern edge of the existing parking lot underneath an existing sidewalk and outlet at the beach-side face of the existing concrete seawall. They do not appear to have a significant function other than providing a flow pass through for water to travel back and forth between the seawall if flooding of the parking lot occurs. Proposed improvements will not alter what exists at the site today and therefore no increases in runoff are proposed.

### **Application Narrative**

- ➤ Site Existing Conditions
- ➤ Proposed Project Description
- ➤ Tidal Buffer Zone and Proposed Impacts
- ➤ Floodplains and Floodways
- ➤ Rare, Threatened, and Endangered Species
- ➤ Alternatives Analysis
- ➤ Mitigation Measures
- ➤ Shoreland Water Quality Protection Act



### **Application Narrative**

On behalf of the State of New Hampshire Department of Resources and Economic Development (the Applicant), this Wetlands Permit Application is submitted by VHB to the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau pursuant to the New Hampshire Revised Statutes Annotated (RSA) Chapter 482-A, Fill and Dredge in Wetlands, and Wetland Bureau Code of Administrative Rules, Chapters Env-Wt 100 through Env-Wt 900.

Under NHDES Wetland Rules (Env-Wt 303.04 (b), the proposed project is classified as a Minimum Impact Project since all proposed work within 100 feet of the highest observable tide line will occur in previously developed upland areas.

This Application Narrative describes current site conditions and the proposed work which involves improvements to State Park facilities at Jenness State Beach located in Rye, New Hampshire. Attached appendices include project permitting plans showing existing conditions and proposed improvements, representative site photographs, evidence of natural resource agency coordination, and abutter notification materials. Additionally, demonstration that the project complies with the provisions contained in the NHDES Wetland Rules is documented in further detail within this narrative.

#### 1.0 Site Existing Conditions

Jenness State Beach is located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire (refer to **Figure 1**). The state beach is owned and operated by the State of New Hampshire as part of the New Hampshire State Parks System. The project site currently consists largely of a paved asphalt parking lot separated from US Route 1A by a slightly raised paved asphalt traffic island bordering the western side of the site. Entrance/exit points exist at the southern and northern end of the parking lot, parking pay stations exist in the center of the lot, and a paved sidewalk and concrete seawall border the eastern perimeter of the lot. The concrete seawall separates the parking lot from a recreational sandy beach to the east bordering the Atlantic Ocean. An access path for maintenance equipment and vehicles, and park users exists between two rock piles at the southerly end of the concrete seawall. Lastly, a single story wood framed bath house exists at the southern end of the parking lot with enclosed outdoor changing rooms and an outside shower attached.



#### 2.0 Proposed Project Description

The Applicant proposes to make improvements to the State Park facilities at Jenness State Beach based on a review of existing conditions at the park conducted through a series of site visits and follow up meetings orchestrated by the New Hampshire Department of Resources and Economic Development (NHDRED). Site improvements were deemed necessary in order to continue to the meet recreational needs of the public and to upgrade facilities in a manner that is aligned with other recent improvement projects that have been completed at state beach facilities located along Route 1A to the south in Hampton and North Hampton, NH.

The scope of the proposed improvements are focused on the existing bath house and parking lot and include the following:

- Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- Increase men's and women's rest room facilities as follows:
  - o Women's toilet room approximately 420 net square feet
    - 5 toilet stalls (1 handicap accessible)
    - 1 multi-port lavatory
  - o Men's toilet room approximately 420 net square feet
    - 2 toilet stalls (1 handicap accessible)
    - 3 urinals (1 handicap accessible)
    - 1 multi-port lavatory
  - o Family Bathroom 80 square feet
    - 1 toilet, 1 lavatory, 1 baby changing station
  - o Janitor's Closet 8- square feet
    - Mop sink, mop and broom rack, shelves for supplies
  - o Plumbing chase/Utility Area 80 square feet
    - Access to plumbing for fixtures
    - Hot water heater
    - Beach equipment storage
  - Four exterior unisex changing rooms
- Reconfiguration of the existing parking lot to improve circulation and maximize available parking.
- Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.



- Installation of a permanent equipment access ramp along an existing access
  path at the southerly end of project area adjacent to the proposed bath house
  to provide permanent stabilization and reduce erosion.
- Incorporation of outside showers, site lighting and bicycle parking in the site amenities.

Refer to **Appendix A – Project Permitting Plans** for more information.

#### 3.0 Tidal Buffer Zone and Proposed Impacts

There were no wetlands identified within the project area during the course of a field investigation conducted by VHB Senior Wetland Scientist, Kristopher Wilkes (CWS #288) on December 29, 2015, therefore no wetland impacts are proposed. However, a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean based VHB's delineation of the highest observable tide line (HOTL). The HOTL was delineated by observing the landward extent of a consistent line of flotsam and debris running parallel to the edge of the Atlantic Ocean. In this area, the shoreline is comprised of sandy beach that is approximately 100-350 feet wide on average depending on the tide cycle. Winter storms erode material in some areas and deposit it in others along the beach. Annual maintenance involves grading the beach after the winter storm season in early spring to maintain a gentle gradient to the water's edge. Throughout the summer season the beach is heavily used by the public for recreation and is maintained during the summer season to continue an attractive appearance. In addition to recreation use, the beach is frequented by gulls and other shore birds that use the area for foraging. The shoreline in this portion of the project area is classified as Marine, Intertidal, Unconsolidated Shore, Sand (M2US2).

The project will result in approximately 12,545 square feet of permanent impact within the 100-foot tidal buffer zone to the Atlantic Ocean. Permanent impacts are the result of the proposed improvements to the State Park facilities as described in Section 2.0 above. All of the proposed impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. This includes the area currently containing the existing parking lot and bath house located directly west of an existing concrete seawall as well as an area at the southerly end of the existing seawall directly east of the existing bath house where maintenance equipment and vehicles currently access the beach.

Indirect impacts to the Atlantic Ocean with regards to tidal wave energy, sediment movement/replenishment, and water quality are not anticipated due to the limited nature of the proposed work, the relatively minor amount of impact proposed, and the composition of the project footprint (previously developed recreational state park). Additionally, the permanent equipment access ramp proposed at the southerly



end of the site will provide stabilized equipment access to maintenance crews conducting annual activities on the beach while at the same time reducing localized erosion which is currently occurring along the existing access path.

#### 4.0 Floodplains and Floodways

A small portion of the eastern limits of the project area intersect the 100-year floodplain of the Atlantic Ocean, Zone VE; coastal flood zones with velocity hazard (wave action); based flood elevations determined. The sandy beach located to the east of the project area is also entirely within this designated flood zone. The existing parking lot and bath house, which are protected by the concrete seawall, are also located within 100-year floodplain, Zone AO (refer to **Figure 2**). No impacts to floodplains or floodways are anticipated due to the fact that the proposed improvements will be confined to previously developed areas and the general composition of the existing footprint will not be significantly altered.

#### 5.0 Rare, Threatened and Endangered Species

The New Hampshire Natural Heritage Bureau (NHNHB) was consulted regarding the occurrence of rare plant, animal or natural communities within the vicinity of the proposed project. In a memo dated February 22, 2016, NHNHB indicated that although there was a NHB record present within the vicinity, they did not expect that it will be impacted by the proposed project. No further consultation with the agency is necessary.

The project was also reviewed for the presence of federally-listed or proposed, threatened or endangered species, designated critical habitat or other natural resources of concern through the US Fish and Wildlife Service's Information Planning and Conservation (IPaC) System. Results dated February 17, 2016 identified two bird species and one mammal species within the vicinity of the proposed project. Bird species include the Red Knot (*Calidris canutus rufa*) listed as threatened and the Roseate Tern (*Sterna dougallii dougallii*) listed as endangered. Mammal species include the northern long-eared bat (*Myotis septentrionalis*) which is listed as threatened.

Due to the limited nature of the proposed work (improvements to existing facilities within a previously developed footprint) and characteristics of the immediate surrounding area (consisting of recreational beach and residential and commercial beachfront development), VHB does not anticipate any adverse effects to the migratory or breeding patterns of the Red Knot or Roseate Tern. Additionally, following the guidance provided by the US Fish and Wildlife Service, specifically the Key to the Northern Long-Eared Bat (NLEB) 4(d) Rule, VHB has determined that this



project will not result in adverse impacts to the NLEB because it does not involve tree removal and does not take place within known hibernacula. VHB is currently seeking concurrence from the USFWS, specifically with regards to the Red Knot and Roseate Tern, so that the project can move forward as planned and permitted. VHB will provide a formal response from USFWS to NHDES when it is received.

Refer to Appendix C for Natural Resource Agency Correspondence.

#### 6.0 Alternatives Analysis

Allowing the State Park facilities at Jenness State Beach to remain in their current condition was the only other alternative considered. This alternative was determined to be unacceptable based on a review of existing conditions at the park conducted through a series of site visits and follow up meetings orchestrated by the New Hampshire Department of Resources and Economic Development (NHDRED). Site improvements must be made in order to continue to meet the recreational needs of the public and to upgrade facilities in a manner that is aligned with other recent improvement projects that have been completed at state beach facilities located along Route 1A to the south in Hampton and North Hampton.

As the facilities at Jenness State Beach stand today, they largely fail to accommodate the high-volume of pedestrians and vehicular traffic that visit the beach throughout the summer season. Much of this is due to a parking lot design that does not support proper circulation and does not maximize parking spaces. In addition, the current bath house lacks modern amenities found at other state park facilities located along Route 1A, in addition to being largely undersized. The current appearance of the park is also aesthetically unpleasing, as the bath house and parking lot of the park are both outdated and deteriorating. The proposed alternative aims to eliminate current problems and positively contribute to the short and long term vitality of the park. The proposed alternative will accomplish this by dramatically improving overall park functionality through the various improvements described within this application.

#### 7.0 Mitigation Measures

An erosion and sedimentation control plan will be implemented during construction of the proposed project to prevent indirect impacts to coastal waterways. These measures may include the installation of temporary erosion and sedimentation controls such as a silt fence and /or compost filled silt socks. Areas of exposed soil will be kept to a minimum and permanent stabilization will be established as soon as practical. A permanent access ramp proposed as part of the project will be positioned along an existing access path located at the southerly end of the site which is currently



used by maintenance crews. The access ramp will provide a permanently stabilized travel way for maintenance equipment and vehicles to access the beach while reducing localized erosion currently occurring in this area as a result of frequent travel and stormwater run-off. Lastly, an overall annual park maintenance plan will continue to be implemented by NHDRED emphasizing trash and debris removal and regular beach clean-up.

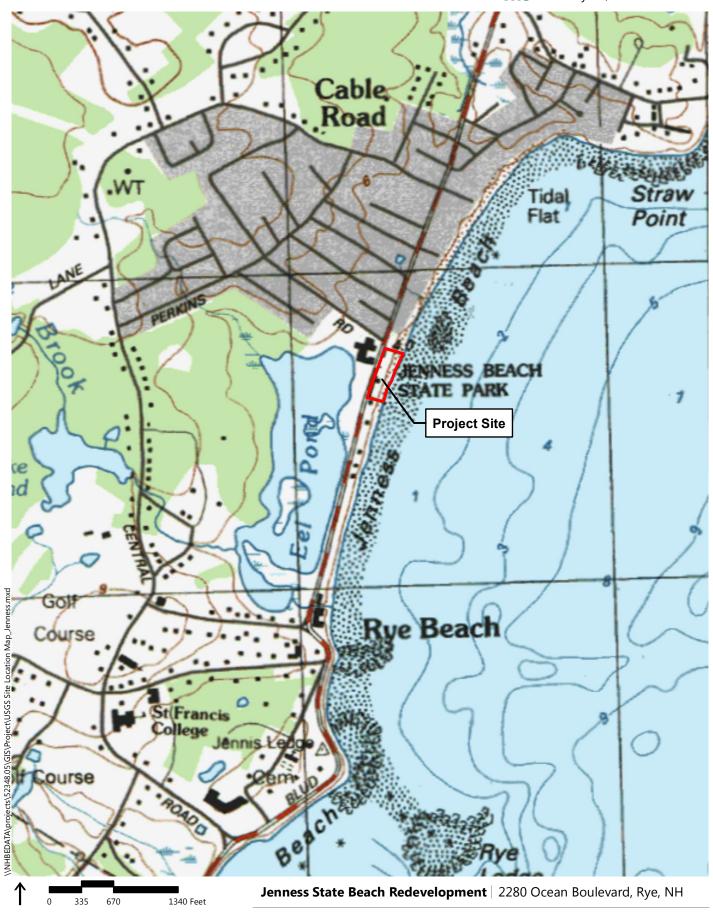
#### 8.0 Shoreland Water Quality Protection Act

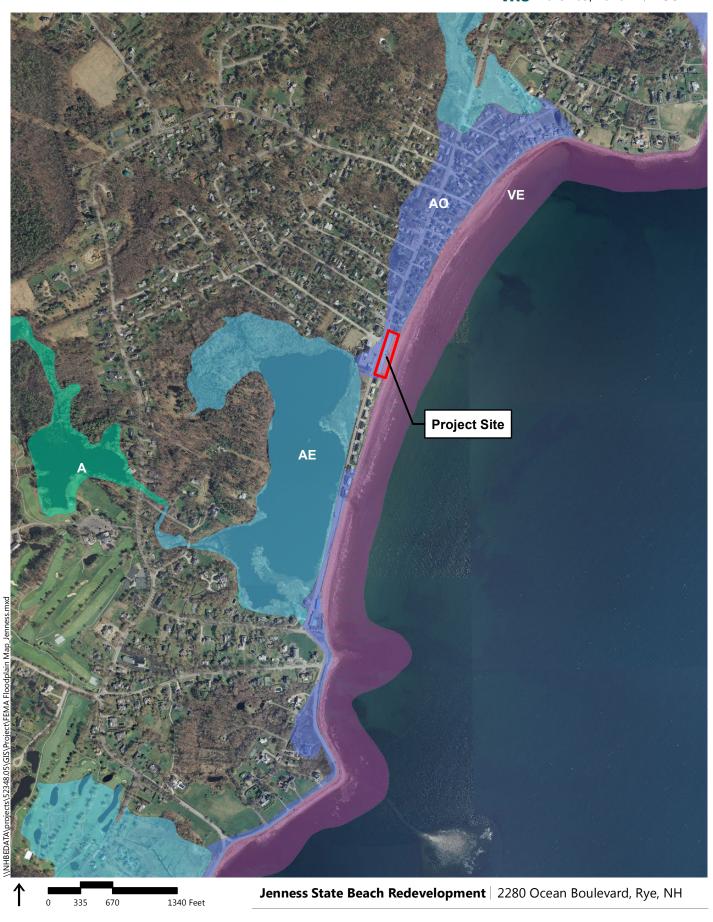
Proposed improvements are located within the Protected Shoreland Zone of the Atlantic Ocean and therefore a Shoreland Permit Application is being developed by the Applicant for submittal to NHDES. The proposed improvements will result in a slight increase in the impervious footprint of an existing non-conforming facility within the Protected Shoreland Zone of the Atlantic Ocean. The existing facility is non-conforming since it does not comply with two of the seven Minimum Shoreland Protection Standards listed in RSA 483 B-9, V, specifically, the Maintenance of a Waterfront Buffer standard (483-B:9, V(a)) and the Maintenance of a Natural Woodland Buffer standard (483-B:9, V(b)). Given that this is an active beach facility, it is highly impractical to comply with these two minimum standards. The proposed improvements will result in a "more nearly conforming" facility because improvements will be made with regards to wastewater treatment (associated with the new bath house) and traffic flow/volume (associated with the parking lot reconfiguration). As such, a Redevelopment Waiver Request is also being submitted as part of the Shoreland Permit Application. It is presumed that since this is a public water access facility, the project is exempt from the permitting fees consistent with RSA 483-B:5-b, III.



### **Figures**

Figure 1	USGS Project Location Map
Figure 2	FEMA Floodplain Map







### Appendices A through D

- > Appendix A Project Permitting Plans (Bound Separately)
- ➤ Appendix B Representative Site Photographs
- > Appendix C Natural Resource Agency Correspondence
- > Appendix D Abutter Notification Materials



### Appendix A

## **Project Permitting Plans** (Bound Separately)



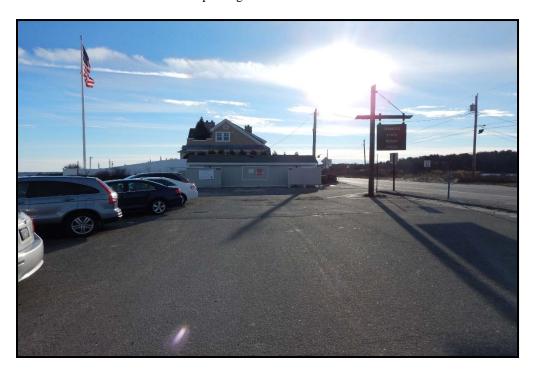
### Appendix B

### Representative Site Photographs

## Representative Site Photographs – 12-29-15 Jenness Beach Redevelopment, Rye, NH



**Photo 1:** View north at existing Jenness State Beach parking lot that will be reconfigured to improve circulation and maximize available parking.



**Photo 2:** A second look at the southern end of the Jenness State Beach parking lot where the existing bath house is located.



**Photo 3:** View south along the existing raised traffic island which denotes the western boundary of the project area.



**Photo 4:** View north along the existing concrete seawall which denotes the eastern boundary of the project area.

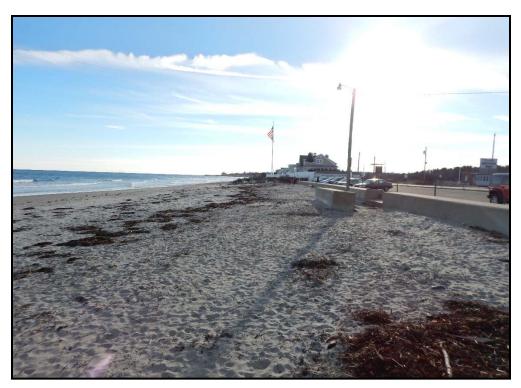
## Representative Site Photographs – 12-29-15 Jenness Beach Redevelopment, Rye, NH



**Photo 5:** View southeast at the existing Jenness State Beach bath house. The existing bath house will be replaced with a larger structure that will be relocated immediately north of the existing structure within the existing parking lot.



**Photo 6:** View west at the existing access path used by maintenance crews to access the beach with equipment and vehicles.



**Photo 7:** View south along the sandy beach separated from the project area by the existing concrete seawall.



**Photo 8:** Second view north along the sandy beach separated from the project area by the existing concrete seawall.



# Appendix C

# Natural Resource Agency Correspondence



# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

**To**: Kristopher Wilkes, Vanasse Hangen Brustlin, Inc.

2 Bedford Farms Dr., Suite 200

Bedford, NH 03110

From: NH Natural Heritage Bureau

**Date**: 2/22/2016 (valid for one year from this date)

**Re**: Review by NH Natural Heritage Bureau of request submitted 2/17/2016

NHB File ID: NHB16-0489 Applicant: Division of Public Works

Location: Rye

Tax Maps: Map 5, Lot 52

**Project** 

**Description:** The State of New Hampshire is looking to complete improvements to

the State Park Facilities at Jenness State Beach in Rye, NH.

Improvements include replacing the existing rest room building with a larger structure to increase the public facilities, reconfiguration of the existing parking lot to improve circulation and reduce queueing on Ocean Boulevard, stormwater improvements to reduce localized erosion, and the addition of outside showers, site lighting and bicycle

parking.

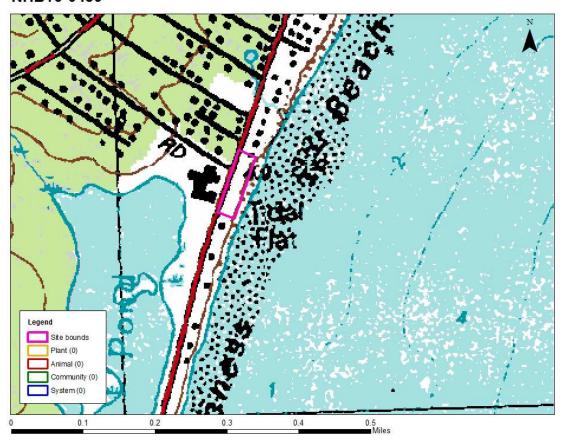
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 2/17/2016, and cannot be used for any other project.

# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

#### MAP OF PROJECT BOUNDARIES FOR: NHB16-0489

#### NHB16-0489





## **United States Department of the Interior**

#### FISH AND WILDLIFE SERVICE

New England Ecological Services Field Office 70 COMMERCIAL STREET, SUITE 300 CONCORD, NH 03301

PHONE: (603)223-2541 FAX: (603)223-0104 URL: www.fws.gov/newengland



February 17, 2016

Consultation Code: 05E1NE00-2016-SLI-0956

Event Code: 05E1NE00-2016-E-01304

Project Name: Jenness State Beach Redevelopment

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

#### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan

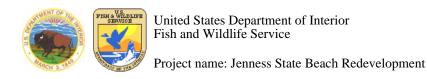
(http://www.fws.gov/windenergy/eagle\_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and

http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



### **Official Species List**

#### Provided by:

New England Ecological Services Field Office 70 COMMERCIAL STREET, SUITE 300 CONCORD, NH 03301 (603) 223-2541\_ http://www.fws.gov/newengland

Consultation Code: 05E1NE00-2016-SLI-0956

Event Code: 05E1NE00-2016-E-01304

**Project Type:** SHORELINE USAGE FACILITIES / DEVELOPMENT

**Project Name:** Jenness State Beach Redevelopment

**Project Description:** The State of New Hampshire is looking to complete improvements to the State Park Facilities at Jenness State Beach in Rye, NH. Improvements include replacing the existing rest room building with a larger structure to increase the public facilities, reconfiguration of the existing parking lot to improve circulation and reduce queueing on Ocean Boulevard, stormwater improvements to reduce localized erosion, and the addition of outside showers, site lighting and bicycle parking.

**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

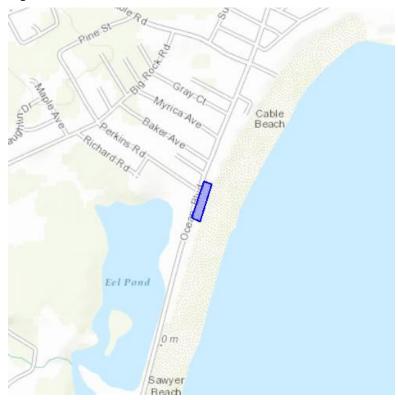




# United States Department of Interior Fish and Wildlife Service

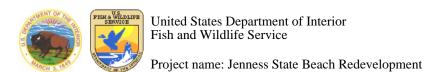
Project name: Jenness State Beach Redevelopment

#### **Project Location Map:**



**Project Coordinates:** MULTIPOLYGON (((-70.76240837574005 42.9864653012792, -70.76205968856812 42.98634757663319, -70.76260149478912 42.98512322694988, -70.7629930973053 42.98522918125168, -70.76240837574005 42.9864653012792)))

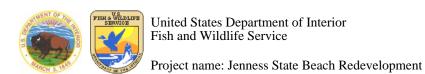
Project Counties: Rockingham, NH



## **Endangered Species Act Species List**

There are a total of 3 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Red Knot (Calidris canutus rufa)	Threatened		
Roseate tern (Sterna dougallii dougallii)  Population: northeast U.S. nesting pop.	Endangered		
Mammals			
Northern long-eared Bat (Myotis septentrionalis)	Threatened		



## Critical habitats that lie within your project area

There are no critical habitats within your project area.



March 15, 2016

Ref: 52348.05

Tom Chapman, Supervisor and Susi vonOettingen, Endangered Species Biologist United States Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Re: Jenness State Beach Redevelopment Project – Rye, New Hampshire Threatened and Endangered Species Consultation, Consultation Code: 05E1NE00-2016-SLI-0956

Dear Mr. Chapman and Ms. vonOettingen:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), VHB is conducting environmental permitting through the New Hampshire Department of Environmental Services (NHDES) for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire. Site improvements are outlined on the attached site plan and include the following:

- 1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- 2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.
- 3) Reconfiguration of the existing parking lot to improve circulation and maximize available parking.
- 4) Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.
- 5) Installation of a permanent equipment access ramp onto the beach at the southerly end of the project area adjacent to the proposed bath house.
- Incorporation of outside showers, site lighting and bicycle parking in the site amenities.

Although no impacts to wetlands are surface waters are proposed, the project requires a Minimum Impact Wetlands Permit through NHDES for impacts proposed within the 100-foot tidal buffer zone of the Atlantic Ocean. All of the proposed impacts will occur within previously disturbed/developed upland areas associated with the existing facilities and recreational beach. VHB submitted an online inquiry for threatened and endangered species using the US Fish & Wildlife Service's (USFWS) Information, Planning, and Conservation System (IPaC) and received results dated February 17, 2016 identifying the Red Knot (Calidris canutus rufa), Roseate tern (Sterna dougallii dougallii), and the Northern long-eared bat (Myotis

2 Bedford Farms Drive

Suite 200

Engineers | Scientists | Planners | Designers

Bedford, New Hampshire 03110

**P** 603.391.3900

F 603.518.7495

Tom Chapman, Supervisor and Susi vonOettingen, Endangered Species Biologist Ref: 52348.05 March 15, 2016 Page 2



septentrionalis). Due to the limited nature of the proposed work (improvements to existing facilities within a previously developed footprint) and characteristics of the immediate surrounding area (consisting of recreational beach and residential and commercial beachfront development), VHB does not anticipate any adverse effects to the migratory or breeding patterns of the Red Knot or Roseate Tern. Additionally, following the guidance provided by the US Fish and Wildlife Service, specifically the *Key to the Northern Long-Eared Bat (NLEB) 4(d) Rule*, VHB has determined that this project will not result in adverse impacts to the NLEB because it does not involve tree removal and does not take place within known hibernacula. VHB is seeking concurrence from the USFWS, specifically with regards to the Red Knot and Roseate Tern, so that the project can move forward as planned and permitted. Please do not hesitate to contact me if you have questions at (603) 391-3900 or kwilkes@vhb.com

Sincerely,

Kristopher Wilkes, CWS, CPESC

Senior Environmental Scientist kwilkes@vhb.com

CC: Thomas Mansfield, NHDRED VHB File





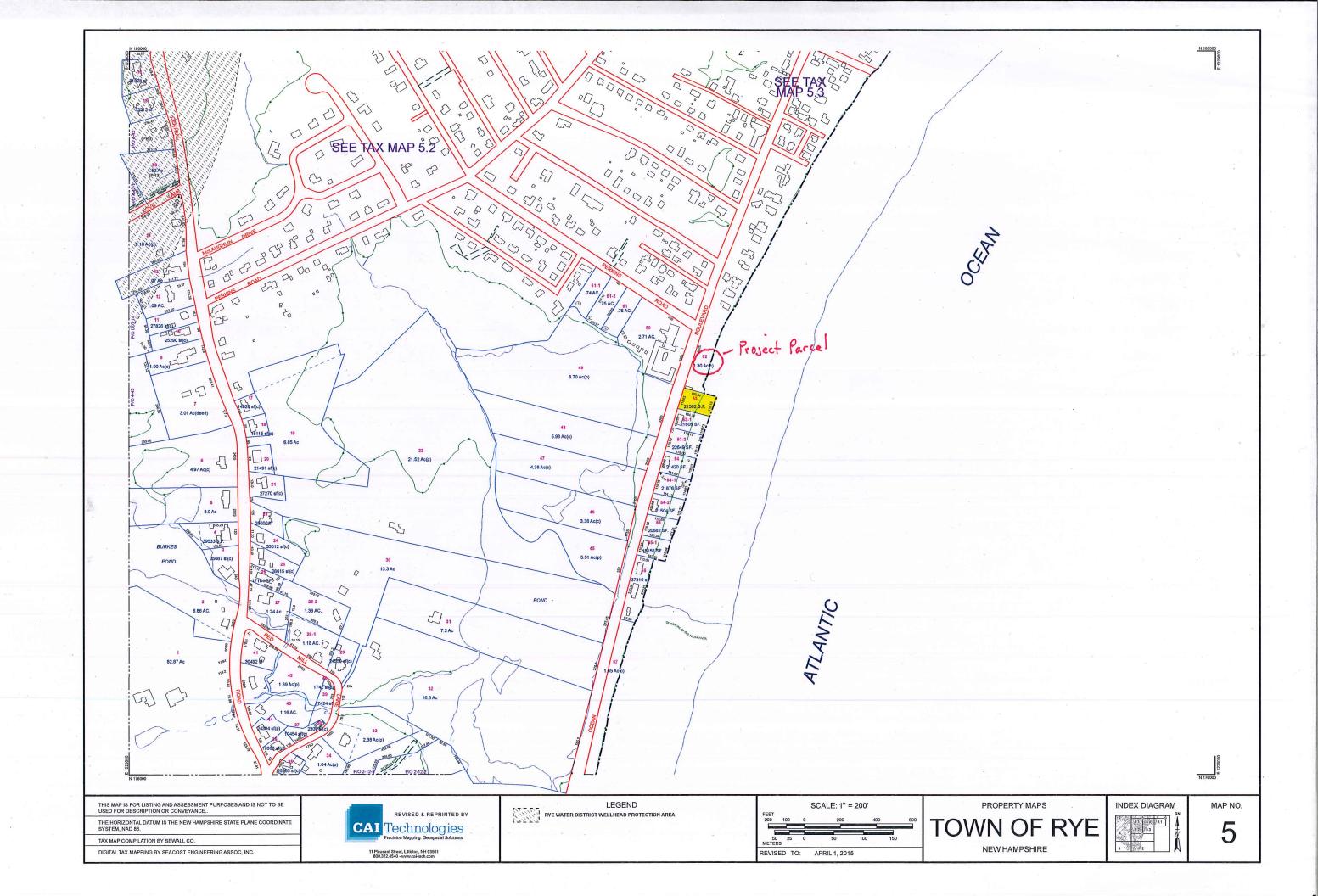
# Appendix D

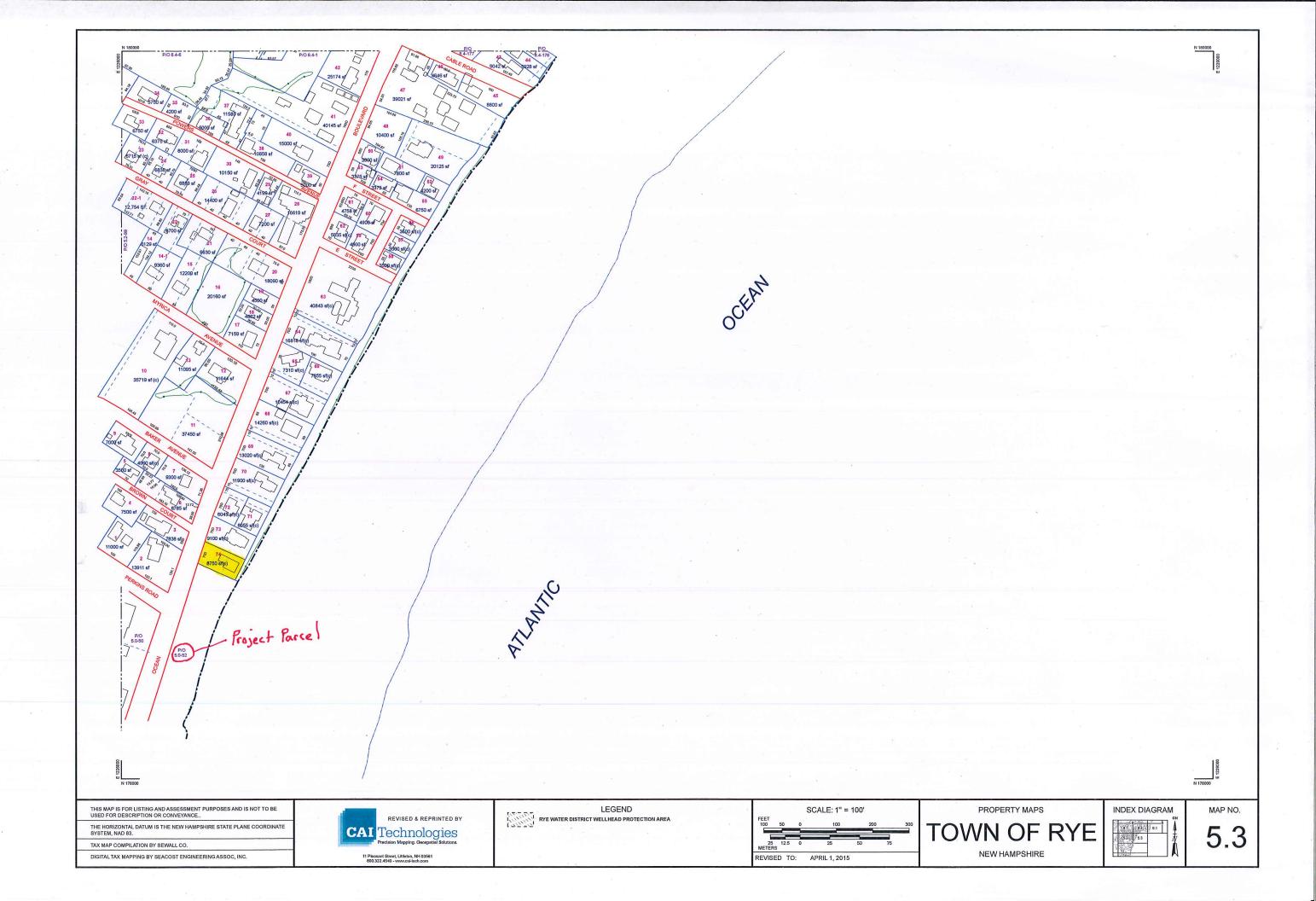
# Abutter Notification Materials

## Jenness State Beach Redevelopment Project Parcel (005-052-000) Abutters List Town of Rye, NH

Owner/Abutter	Tax Map Number (map-lot-unit)	Mailing Address
Fitzsimons Ryan Rev Trust	005-053-000	150 Dow Street Manchester, NH 03101
Andrew P. Varney	053-074-000	909 Douglass Drive Mclean, VA 22101

Refer to highlighted parcels on accompanying tax maps.







March 17, 2016

Ref: 52348.05

Fitzsimons Ryan Rev Trust 150 Dow Street Manchester, NH 03101

#### Map# 005, Lot# 053

Re: NHDES Wetlands Permit Application Jenness State Beach Redevelopment Project – Rye, New Hampshire

#### Dear Property Owner:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), VHB has submitted a Wetlands Permit Application to the New Hampshire Department of Environmental Services (NHDES) for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire (refer to the attached USGS map). The project parcel is identified by the Town of Rye as Lot 52 on Tax Map 5. Site improvements include the following:

- 1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- 2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.
- 3) Reconfiguration of the existing parking lot to improve circulation and maximize available parking.
- Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.
- 5). Installation of a permanent equipment access ramp at the southerly end of an existing concrete seawall adjacent to the existing bath house.
- 6) Incorporation of outside showers, site lighting and bicycle parking in the site amenities.

All of the proposed project work will occur within previously disturbed/developed areas associated with the existing facilities. You are receiving this notice because your above referenced-property is located adjacent to the project parcel to be impacted by the project for which an application for a Minimum Impact Wetlands Permit has been submitted. A copy of the permit application and proposed plans are on file at NHDES located at 6 Hazen Drive, Concord, NH and at the Rye Town Hall. If you have any special

2 Bedford Farms Drive

Suite 200

Bedford, New Hampshire 03110

P 603.391.3900 F 603.518.7495

Fitzsimons Ryan Rev Trust Ref: 52348.05 March 17, 2016 Page 2



concerns regarding the application, we recommend that you familiarize yourself with the submitted materials and then contact us at (603) 391-3900 or kwilkes@vhb.com.

Sincerely,

Kristopher Wilkes, CWS, CPESC

Senior Environmental Scientist kwilkes@vhb.com

CC: NHDES Wetlands Bureau VHB File

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Fitzsimons Ryan Rev Trust

150 Dow Street

Manchester, NH 03101



March 17, 2016

Ref: 52348.05

Andrew P. Varney 909 Douglass Drive Mclean, VA 22101

#### Map# 5.3, Lot# 074

Re: NHDES Wetlands Permit Application Jenness State Beach Redevelopment Project – Rye, New Hampshire

Dear Mr. Varney:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), VHB has submitted a Wetlands Permit Application to the New Hampshire Department of Environmental Services (NHDES) for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire (refer to the attached USGS map). The project parcel is identified by the Town of Rye as Lot 52 on Tax Map 5. Site improvements include the following:

- 1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- 2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.
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Bedford, New Hampshire 03110 Engineers | Scientists | Planners | Designers

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Andrew P. Varney Ref: 52348.05 March 17, 2016 Page 2



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Sincerely,

Kristopher Wilkes, CWS, CPESC

Senior Environmental Scientist kwilkes@vhb.com

CC: NHDES Wetlands Bureau VHB File

