

## The State of New Hampshire

## Department of Environmental Services



March 25, 2013

Her Excellency, Governor Margaret Wood Hassan and The Honorable Council State House Concord, NH 03301

## REQUESTED ACTION

Approve Alexander and Alexandra Bakman's request to perform the following work on the Oyster River, in Durham. File # 2012-02887. This project will not have significant impact on or adversely affect the values of the Oyster River.

Expand an existing tidal docking structure with the addition of an 8 ft. x 60 ft. float connected to the existing float, providing a total of five slips on 463.5 ft. of frontage on the Oyster River.

The Department imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with revised plans by MSC Civil Engineers & Land Surveyors, Inc. dated January 18, 2013, as received by the Department on January 31, 2013.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
- This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Expansion of this existing tidal docking structure consisting of the addition of a 8 ft. x 60 ft. float connected to the existing float, providing a total of five slips on 463.5 ft. of frontage on the Oyster River shall be the only dock structure on this water frontage.
- 7. Work shall be done during low tide.
- 8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

DES Web site: www.des.nh.gov

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Her Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 2

### **EXPLANATION**

The DES Wetlands Bureau approved this project on February 22, 2013. DES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There are currently two structures on the property; a single family home and a structure being converted to a four unit condominium. The float expansion will accommodate each owner with one boat slip and meets the requirements of Env-Wt 402.13.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The contractor will be constructing the new floats at an off-site location, launching them at a nearby marina, and floating them to the site to minimize impacts to wetland resources on-site.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau (NHB) has record of natural communities within the vicinity of the project, but the NHB does not expect impacts to these natural communities. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated November 19, 2012.
- 5. This dock expansion is consistent with other seacoast tidal dock approvals.
- 6. DES staff field inspections on February 14, 2013 found that the site is accurately represented in the application.
- 7. The Durham Conservation Commission did not submit comments on this application.
- 8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.

Commissioner

TSB/CGA/emk

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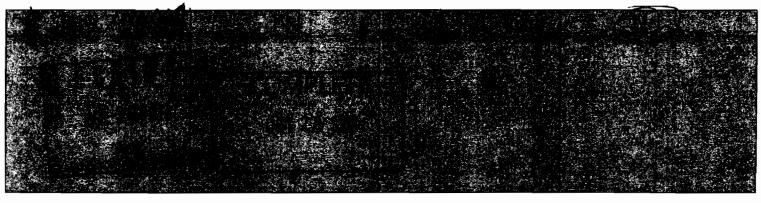
## THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 Phone: (603) 271-2147 Fax: (603) 271-6588



Website: <a href="http://des.nh.gov/organization/divisions/water/wetlands/index.htm">http://des.nh.gov/organization/divisions/water/wetlands/index.htm</a>
Permit Application Status: <a href="http://des.nh.gov/onestop/index.htm">http://des.nh.gov/onestop/index.htm</a>

## WETLANDS PERMIT APPLICATION



Standard Review (Minimum, Minor or Major Impact)     □ Expedited Review (Minimum Impact)						
ADDRESS: 118 Piscataqua Road			TOWN/CITY:	Durham		
TAX MAP: 11	BLOCK:	LOT: 24-4		UNIT:		
LOCATION COORDINATES (If known): 43.1	3115° -80.88398°		Latitude/L	ongitude UTM State Plane		
NAME: Alexander Bakman & Alexand	Ira Bakman					
EMAIL or FAX:				PHONE:		
MAILING ADDRESS:						
TOWN/CITY: Durham			STATE: NH	ZIP CODE: 03824		
By initialing here, I, hereby authorize DES to o	ommunicate all matters relative to this	s application elec	tronically (RSA 482	-A:3, XIV (b) :		
4. AGENT INFORMATION:						
NAME: J. Corey Colwell		COMPANY:MS	SC Civil Enginee	ers & Land Surveyors, Inc.		
EMAIL or FAX: ccolwell@mscengineers	.com			PHONE: (603) 431-2222		
MAILING ADDRESS: 170 Commerce Way, Suite 102						
TOWN/CITY: Portsmouth			STATE: NH	ZIP CODE: 03801		
By initialing here, I, hereby authorize DES to $\infty$	ommunicate all matters relative to this	application elect	cronically (RSA 482-	A:3, XIV (b) :		

\* Complete this page last.

## PROPERTY OWNER / APPLICANT / AUTHORIZED AGENT: A letter of euthorization from the applicant is required, if any

By signing the application, I am certifying that:

- All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
- I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.44.
- I have submitted a copy of the application materials to the NH State Historic Preservation Officer. Link:http://www.nh.gov/nhdhr/review/ (Copy link to your web browser)
- I authorize the municipal conservation commission to inspect the site of the proposed project.
- I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 7.
- I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
- I am aware that the work I am proposing may require additional state, local or federal permits.
- 10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

Signature of Applicant or Authorized Agent

Print name legibly

## APPLICANT/ AGENT APPLICATION SUBMITTAL DIRECTIONS:

- 1. If sought for Expedited Review, obtain the Conservation Commissions signature (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
- Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,1) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

## TOWN/CITY CLERK SIGNATURE: This section is to be completed by the Town/City Clerk

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

/ Signature or Town/City Clerk

Print name legibly

Date

Town/City

### TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,I(d):

- 1. If sought by the APPLICANT, after the Conservation Commissions signature has been obtained (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
- 2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
- 3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,I).
- 4. Immediately sign the original application and four copies in the signature space provided in the space above;
- Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
- Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, I; and
- IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

#### 7. CONSERVATION COMMISSION SIGNATURE: \* Only required for Expedited Review Applications

Expedited Review Applications ONLY require that the Conservation Commission signature is obtained prior to submitting the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission is not required to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and shall be reviewed in the standard review time.

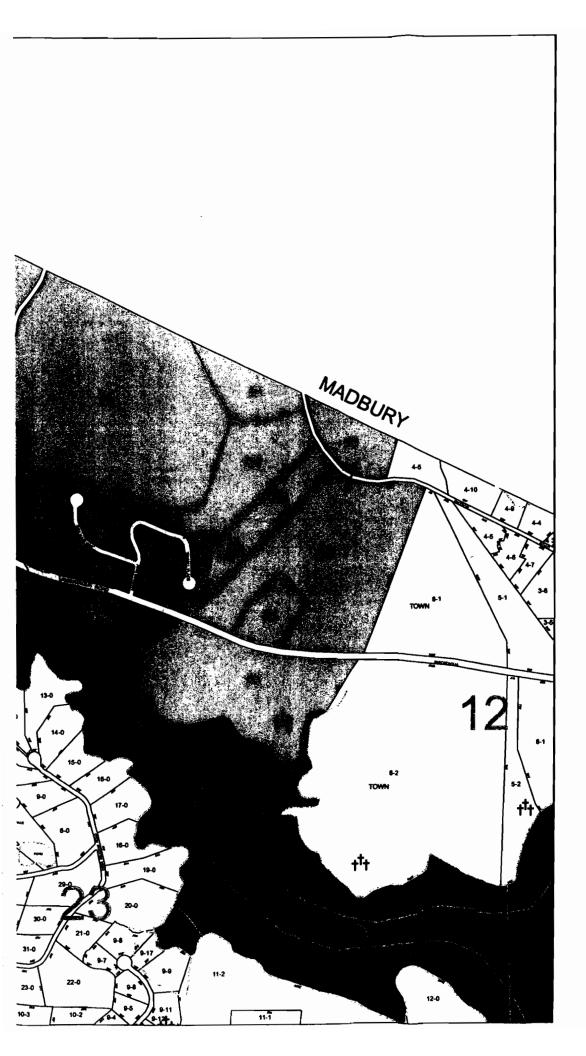
The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

**Authorized Commission Signature** 

Print name legibly

Date

RELATED FLES/APRICOVALS: If applicable, indicate sless and approvals that the related to the proposed project or project site.  Link to all telefies Programs: Bureaus and Upite: http://des.nt.gov/programs/hulex.tim (Caby MX to your set provee).	
Wetlands Bureau (enforcement, emergency authorizations):	
Wetlands Bureau (approvals, denials): 1999-00744, 2000-00070	_
Shoreland/ Alteration of Terrain/ Subsurface:	_
Other:	_
Outer.	_
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The project proposes to expand an existing seasonal dock on Oyster River. The existing floating wooden dock dimensions are 8.1' wide x 30.4' long. The proposed expansion of the wooden floating dock is 8' x 60'. The total area of permanent impact within the Oyster River is 480 s.f. There will be no temporary impact associate with this application. All work will be within the physical water way of the Oyster River and there will be no impact to other jurisdictional areas.	
10. APPLICATION REQUIREMENTS: This application will be returned to you if items outlined in A # L1 are not provided. If applicable	
10. APPLICATION REQUIREMENTS: This application will be returned to you if items outlined in A = L1 are not provided. If applicable items outlined in 1.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be deriled. If you do not length your impact category, refer to Attachment A to determine your project is minimum or minorimajor impact. Copy links to your web provided.	
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## Map 11



PROPERTY MAP

DURHAM

NEW HAMPSHIRE

### Legend



t<sup>†</sup>t Cemetery

1 inch = 995 feet

This map was originally produced by Strafford Regional Planning Commission in October 2004, and was updated by the Town of Durham in April 2011.

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT INTENDED FOR LEGAL DESCRIPTION OR CONVEYANCE.

DURHAM



## NEW HAMPSHIRE NATURAL HERITAGE BUREAU

DRED - DIVISION OF FORESTS & LANDS
PO BOX 1856 -- 172 PEMBROKE ROAD, CONCORD, NH 03302-1856
(603) 271-2214

To:

Steven Oles

From:

Melissa Coppola, NHB-Environmental Information Specialist

Date:

October 12, 2012

Subject:

NHB12-2787

This memo is a follow-up to NHB12-2787 which had indicated two exemplary natural community systems near the proposed dock. The Natural Heritage Bureau (NHB) requested further details about the project to determine the potential for impacts.

Based on the information provided (site plans and site photos), impacts are not likely since the expansion of the existing structure is proposed in an area without vegetation that might be impacted. BMP's should be utilized to minimize potential impacts to any shoreline vegetation associated with the exemplary natural community systems.

Should you have any further questions, contact me at 603-271-2215 ext. 323 or at Melissa.Coppola@dred.state.nh.us.

# Memo



NHB DATACHECK RESULTS LETTER NH NATURAL HERITAGE BUREAU

> Steve Oles, MSC Civil Engineers & Land Surveyors, Inc 170 Commerce Way, Suite 102 Ţ Ţ

Portsmouth, NH 03801

Melissa Coppola, NH Natural Heritage Bureau From:

10/4/2012 (valid for one year from this date) Date:

Review by NH Natural Heritage Bureau Re:

Town: Durham NHB12-2787 NHB File ID:

Location: Tax Maps: Tax Map 11 Lot 24-4

To expand an existing permanent dock structure on Oyster River. Description: As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please send site photos and site plans to NHB for further review. Sending the requested information may help to dismiss concerns. Send

requested info to: mcoppola@dred.state.nh.us			
Natural Community	State	State1 Federal Notes	Notes
Sparsely vegetated intertidal system	:	:	Threats to these communities are primarily alterations to the hydrology of the wetland
Subtidal system	i	;	(such as alterations that might affect the sheet flow of tidal waters across the intertidal
			flat) and increased input of nutrients and pollutants in storm runoff.

'Codes: "E" = Endangered, "T" = Threatened, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on species. An on-site survey would provide better information on what species and communities are indeed present. **DRED/NHB** 

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown. Sparsely vegetated intertidal system Subtidal system Mapped pohrs Mapped polygons B piss ely vegetated interitidal system Site bounds

Valid for one year from this date: 04 Oct 2012

\*Historical record

## New Hampshire Natural Heritage Bureau - System Record

## Sparsely vegetated intertidal system

**Legal Status** 

State:

**Conservation Status** 

Federal: Not listed Not listed Global: Not ranked (need more information)

Rare or uncommon State:

**Description at this Location** 

Conservation Rank:

Not ranked

Comments on Rank:

Detailed Description:

Extensive intertidal flats that are exposed daily at low tide, bordered in places by intertidal

rocky shore and coastal shoreline strand/swale communities.

General Area:

2010: Borders salt marsh system landward and subtidal system seaward.

General Comments: Management

Location

Comments:

Survey Site Name:

**Great Bay** 

Managed By:

Moody Point Open Space

County:

Rockingham

USGS quad(s): Newmarket (4307018)

Town(s): Newington

Lat, Long:

430651N, 0705032W

Size:

3589.5 acres

Elevation:

Precision:

Within (but not necessarily restricted to) the area indicated on the map.

Directions:

Occurs throughout Great Bay from the mouths of its tributaries, through Little Bay, to the

confluence with the Piscataqua River.

Dates documented

First reported:

1997-06-23

Last reported:

2010-10-13

Kimball, Ben and Ray Konisky. 2007. Field visit to Great Bay on August 14.

Nichols, William F. 2000. Ecological Assessment of Selected Towns in New Hamphire's Coastal Zone. Prepared by NH Natural Heritage Inventory. Concord, NH.

## New Hampshire Natural Heritage Bureau - System Record

## Subtidal system

Legal Status

**Conservation Status** 

Federal: Not listed

State:

Not listed

Global: Not ranked (need more information)

Rare or uncommon

Description at this Location

Conservation Rank:

Not ranked

Comments on Rank:

Detailed Description:

Channels and bay bottoms that vary in width from a few feet to almost a mile across,

covered by water even at low tide. Patches of subtidal eelgrass bed occur at the edge of the

adjacent sparsely vegetated intertidal system.

General Area:

2010: Borders a sparsely vegetated intertidal system.

General Comments:

Management Comments:

Location

Survey Site Name:

**Great Bay** 

Managed By:

Portsmouth Country Club

County:

Rockingham

USGS quad(s): Portsmouth (4307017)

Town(s): Newington

Lat, Long:

430431N, 0705256W

Size:

3207.7 acres

Elevation:

Precision:

Within (but not necessarily restricted to) the area indicated on the map.

Directions:

Occurs throughout the Great Bay estuary, from the upper todal reaches of tributary streams to the

confluence of the bay with the Piscataqua River.

**Dates documented** 

First reported:

1997-06-17

Last reported:

2010-10-13

Kimball, Ben and Ray Konisky. 2007. Field visit to Great Bay on August 14.

Nichols, William F. 2000. Ecological Assessment of Selected Towns in New Hamphire's Coastal Zone. Prepared by NH Natural Heritage Inventory. Concord, NH.



MSC Civil Engineers & Land Surveyors, inc.

170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone: (603) 431-2222 Fax: (603) 431-0910

## **Abutters List**

Alexander Bakman & Alexandra Bakman 118 Piscataqua Road Durham, NH 03824

> October 16, 2012 Job No. 12013

Assessors Map	Mailing Address	Assessors Map	Mailing Address
		LOCUS	
Map 11 Lot 22-4	Hills Family Trust c/o David E. Hills Durham, NH 03824	Map 11 Lot 24-4	Alexander Bakman Alexandra Bakman Durham, NH 03824
Map 11 Lot 24-2	Stephen F. Johnson Deborah A. Johnson Durham, NH 03824	Civil Engineer/ Surveyor	MSC Civil Engineers & Land Surveyors, Inc. 170 Commerce Way, Suite 102 Portsmouth, NH 03801

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