



The State of New Hampshire
Department of Environmental Services



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Robert R. Scott, Commissioner

October 8, 2018

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

OCT10'18 13.78 DAS

REQUESTED ACTION

Approve Manisha P. Heiderscheidt 2010 Revocable Trust's request to perform the following work on Little Bay in Durham. File # 2018-00708. This project will not have significant impact on or adversely affect the values of Little Bay.

Impact a total of 1,240 square feet, 80 square feet of permanent impact to the previously developed upland tidal buffer zone and 960 square feet of permanent impact to tidal wetlands, to replace an abandoned non-conforming tidal docking structure. The new conforming structure consists of a 4 foot x 20 foot access way extending from the previously developed upland tidal buffer zone connecting to a 4 foot x 135 foot fixed pier, connecting to a 3 foot x 40 foot ramp, connecting to a 10 foot x 30 foot float (ramp and float overlap by 5 feet). The overall structure length seaward of the highest observable tide line is 200 feet, providing two slips on 77 feet of frontage on the Piscataqua River.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Ambit Engineering Inc., dated November 2017, and revised through July 28, 2018 last received by the NH Department of Environmental Services (NHDES) on August 06, 2018.
2. No less than five state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
3. 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 NHDES Wetlands Bureau prior to construction.
4. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.
5. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and New Hampshire Administrative Rule Env-Wq 1700.
6. This tidal docking structure consisting of a 4 foot x 20 foot access way extending from the previously developed upland tidal buffer zone connecting to a 4 foot x 135 foot fixed pier, connecting to a 3 foot x 40 foot ramp, connecting to a 10 foot x 30 foot float (ramp and float overlap by 5 feet). The overall structure length seaward of the highest observable tide line is 200 feet, providing two slips on 77 feet of frontage on the Piscataqua River, shall be the only docking structure on this water frontage.
7. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock and access way.
8. Construction of the dock shall occur from a barge equipped with a crane, at low tide, to reduce potential impacts to the river bank and the estuarine intertidal and subtidal wetlands.

9. Pile driving or pile removal work shall be done during low tide to the maximum extent practicable.
10. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
11. Decking shall have at least 3/4-inch spacing between the decking planks to provide sufficient sunlight penetration and rainfall to underlying vegetation.
12. 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.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
15. The seasonal structures, including but not limited to the ramp and float, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
16. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
17. 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.

EXPLANATION

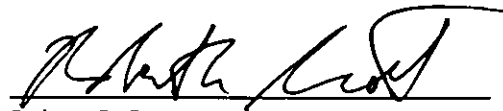
The NHDES Wetlands Bureau approved this project on August 29, 2018. NHDES supported its decision with the following findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.04(a), projects located tidal wetlands, except for repair of existing structures.
2. 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 New Hampshire Administrative Rule Env-Wt 302.03.
3. The existing dock is nonconforming. The configuration is atypical and the structure encroaches over the abutting property boundary.
4. The proposed dock is the minimum length necessary to provide access at this location during the majority of the tidal cycle and designed in such a way as to prevent the float from sitting on the mud at low tide.
5. The decking of the proposed dock will have a minimum of 3/4-inch spacing between the decking planks and the bottom of the pier will be a minimum of 4 feet above the substrate to provide adequate ambient light levels to support the underlying salt marsh community.
6. The permittee's contractor will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the tidal wetland resource.
7. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
8. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB17-2566) stated that although there was record of sensitive species in the vicinity, no impacts to rare or endangered species or exemplary natural communities are expected as a result of the project.
9. On February 21, 2018, the NHDES Shoreland Program issued a permit (2018-00207) for 3,353 square feet of impact within the protected shoreland for redevelopment of the residential structure and reconfiguration of the driveway.
10. Through pre-application communication, NHDES determined that the existing structure had been abandoned and, therefore, ineligible for replacement in-kind. The proposed structure is considered new and subject to modern regulations for dimensions and configuration.

11. The NHDES staff field inspection conducted on June 01, 2018 found that the site is accurately represented in the application.
12. In correspondence dated June 04, 2018, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
13. In correspondence dated August 17, 2017, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
14. In correspondence dated March 20, 2018, the NH Division of Historical Resources found that no historic properties will be affected by the proposed project.
15. In accordance with RSA 482-A:8, NHDES 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.



Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

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



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

	COMPLETE MAR 19 2018	2018-00708 NHB \$2,080.00 etc
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1. REVIEW TIME

Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact only)

2. PROJECT LOCATION

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **32 Cedar Point Road** TOWN/CITY: **Durham**

TAX MAP: **12** BLOCK: _____ LOT: **1-8** UNIT: _____

USGS TOPO MAP WATERBODY NAME: **Little Bay** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): X: **1,201,063.2099** Y: **230,382.7430** Latitude/Longitude UTM State Plane

3. PROJECT DESCRIPTION

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

The project proposes 1,160 sq. ft. of permanent impact to jurisdictional tidal wetland and 80 sq. ft. of permanent impact to the previously developed 100' Tidal Buffer Zone for construction of a docking structure that consists of a 4' x 20' accessway, a 4' x 140' fixed wood pier, a 3' x 40' aluminum gangway, and a 12' x 40' float (overall structure length 215') providing two slips on 77 +/- feet of frontage along Little Bay. The proposed structure will replace an abandoned, non-conforming tidal docking structure.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **77 feet**

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC.

DES Shoreland: **2017-00207**

6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB **17** - **2566**

b. Designated River the project is in X miles of: _____; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

NA

7. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Helderscheidt, Benedict G. & Manisha P.			
TRUST / COMPANY NAME: Manisha P. Helderscheidt 2010 Rev. Trust		MAILING ADDRESS	
TOWN/CITY: Lee		STATE: NH	ZIP CODE: 03861
EMAIL or FAX		PHONE:	
ELECTRONIC COMMUNICATION: By Initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			

8. PROPERTY OWNER INFORMATION (if different than applicant)

LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By Initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			

9. AUTHORIZED AGENT INFORMATION

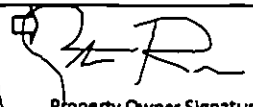
LAST NAME, FIRST NAME, M.I.: Riker, Steven, D.		COMPANY NAME: Ambit Engineering, Inc.	
MAILING ADDRESS: 200 Griffin Road, Unit 3			
TOWN/CITY: Portsmouth		STATE: NH	ZIP CODE: 03801
EMAIL or FAX: sdr@ambitengineering.com		PHONE: 603-430-9282	
ELECTRONIC COMMUNICATION: By Initialing here <u>SR</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically			

10. PROPERTY OWNER SIGNATURE

See the Instructions, Required Attachments document for clarification of the below statements.

By signing the application, I am certifying that:

- I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
- I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
- 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 101.47.
- 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.
- I authorize NHDES and 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.
- 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 which I am responsible for obtaining.


	Agent-See Authorization	Steven D. Riker	3 / 15 / 2018
Property Owner Signature		Print name legibly	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.

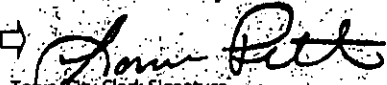
	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

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.

	Lorrie Pitt Print name legibly	Durham Town/City	3/16/18 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

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.

13. IMPACT AREA		
For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact.		
Permanent impacts that will remain after the project is complete		
Temporary impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete		
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	80 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	1,160 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	1,240 /	/

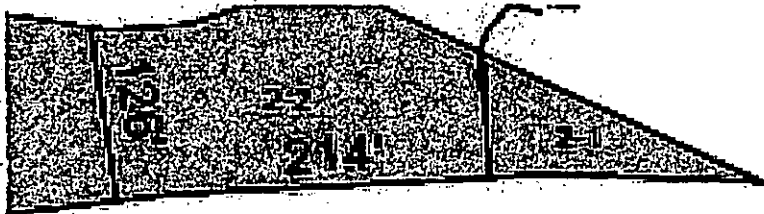
14. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction.

Minimum Impact Fee: Flat fee of \$ 200

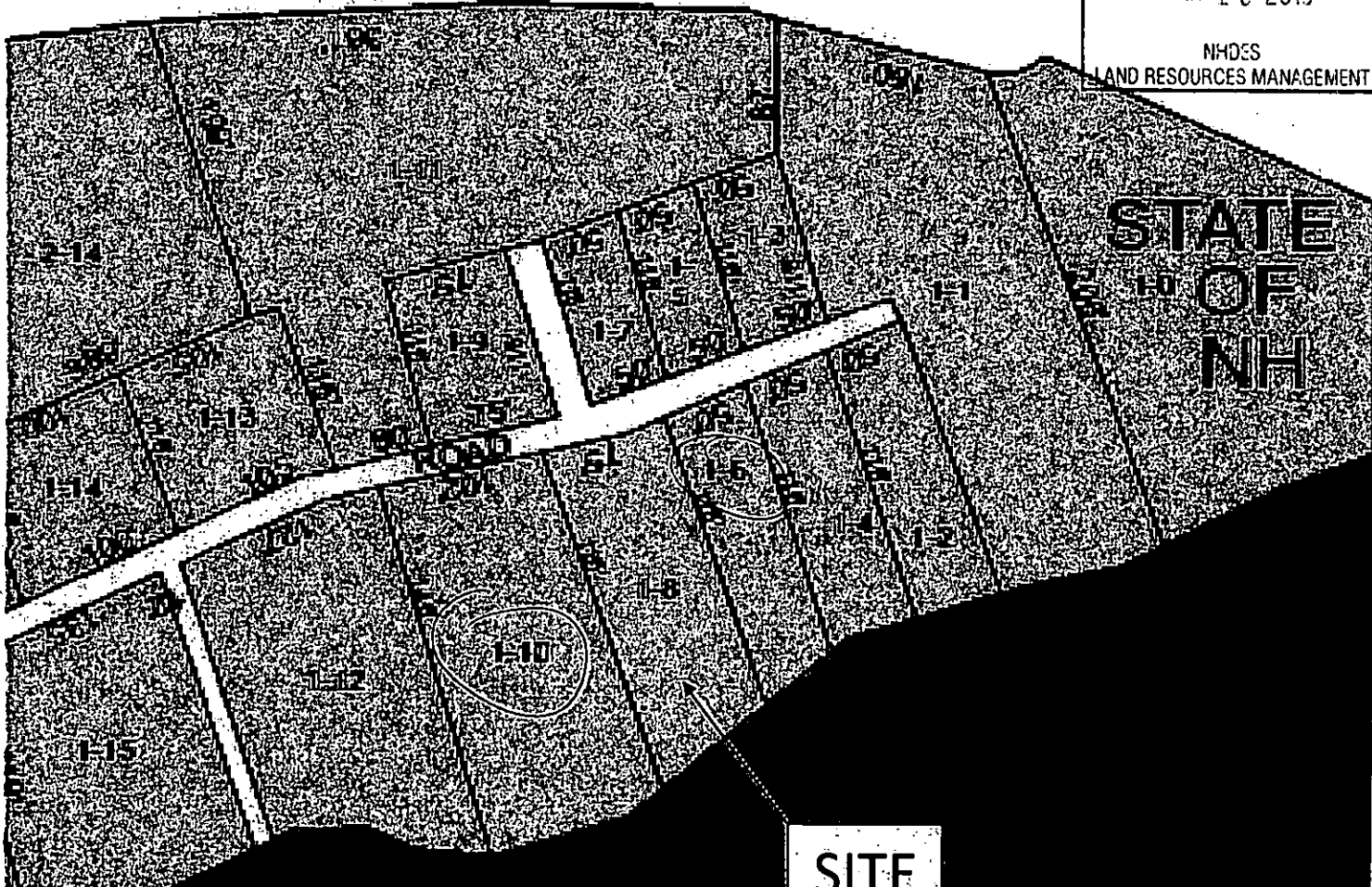
Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	_____ sq. ft.	X \$0.20 =	\$ _____
Temporary (seasonal) docking structure:	600 sq. ft.	X \$1.00 =	\$ 600.00
Permanent docking structure:	640 sq. ft.	X \$2.00 =	\$ 1,280.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
		Total =	\$ 2,080.00
The Application Fee is the above calculated Total or \$200, whichever is greater =			\$ _____

shoreland@des.nh.gov or (603) 271-2147
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov



RECEIVED
MAR 10 2018
NHDES
LAND RESOURCES MANAGEMENT



STATE
OF
NH

SITE

Map by NH GRANIT



Legend

- State
- County
- City/Town

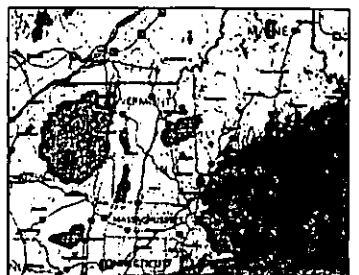
RECEIVED
MAR 19 2018
NHDES
LAND RESOURCES MANAGEMENT

Map Scale
1: 25,977



© NH GRANIT, www.granit.unh.edu
Map Generated: 8/17/2017

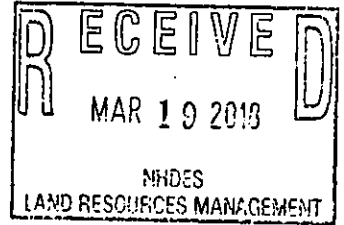
Notes





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: John Chagnon, Ambit Engineering Inc
200 Griffin Road
Unit 3
Portsmouth, NH 03801



From: NH Natural Heritage Bureau

Date: 8/21/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 8/17/2017

NHB File ID: NHB17-2566 Applicant: Benedict G. Heiderscheidt

Location: Durham
Tax Maps: Tax Map 12, Lot 4-8

Project

Description: The project proposes re-development of the residential lot, including a new structure, access/egress, associated landscaping, and construction of a tidal docking structure.

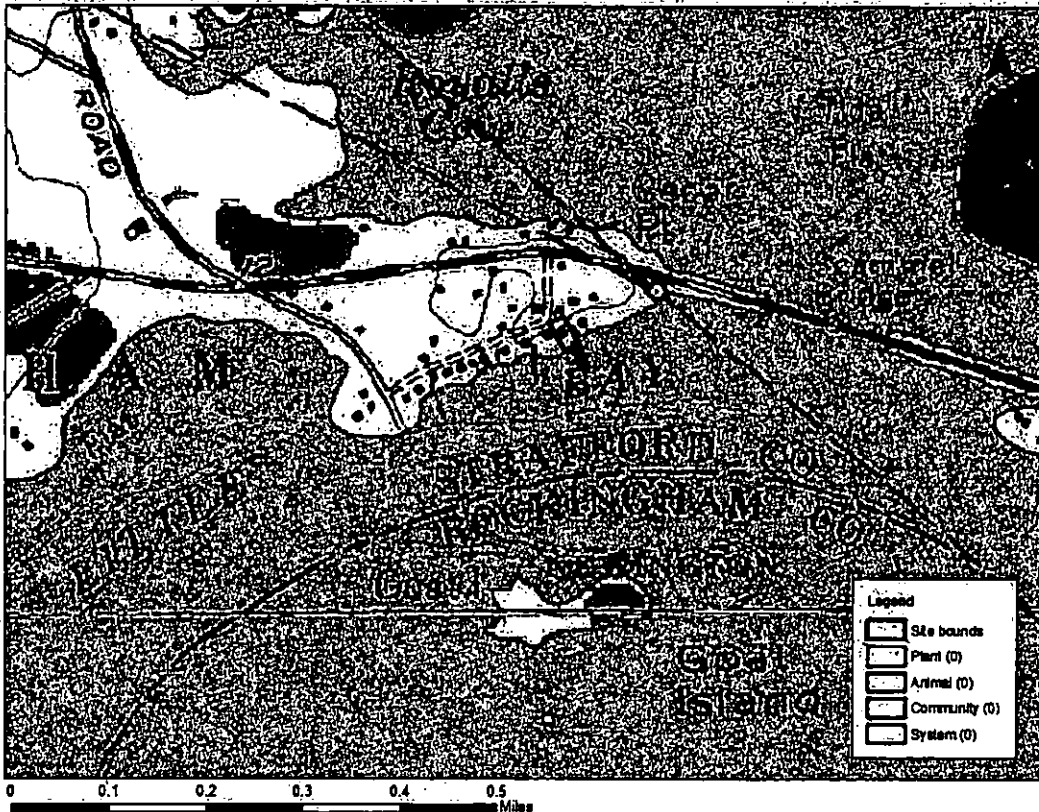
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 8/17/2017, and cannot be used for any other project.



MAP OF PROJECT BOUNDARIES FOR: NHB17-2566

NHB17-2566



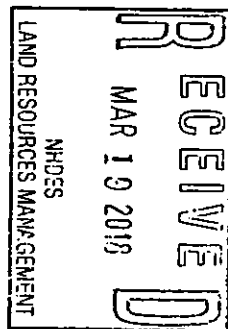
ABUTTER'S LIST

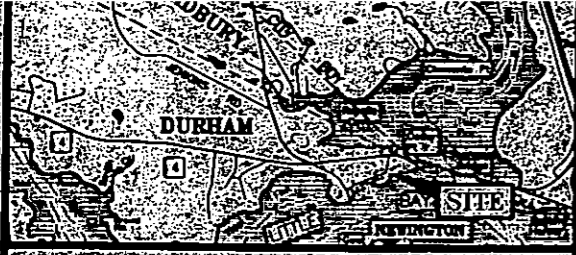
JN 2801

Client: Manisha P. Heiderscheidt 2010 Revocable Trust

Project Address: 32 Cedar Point Road, Dover, NH

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
12	1-10	Thomas J. Fleming			Durham, NH 03824
12	1-6	Craig S. Harris			Durham, NH 03824





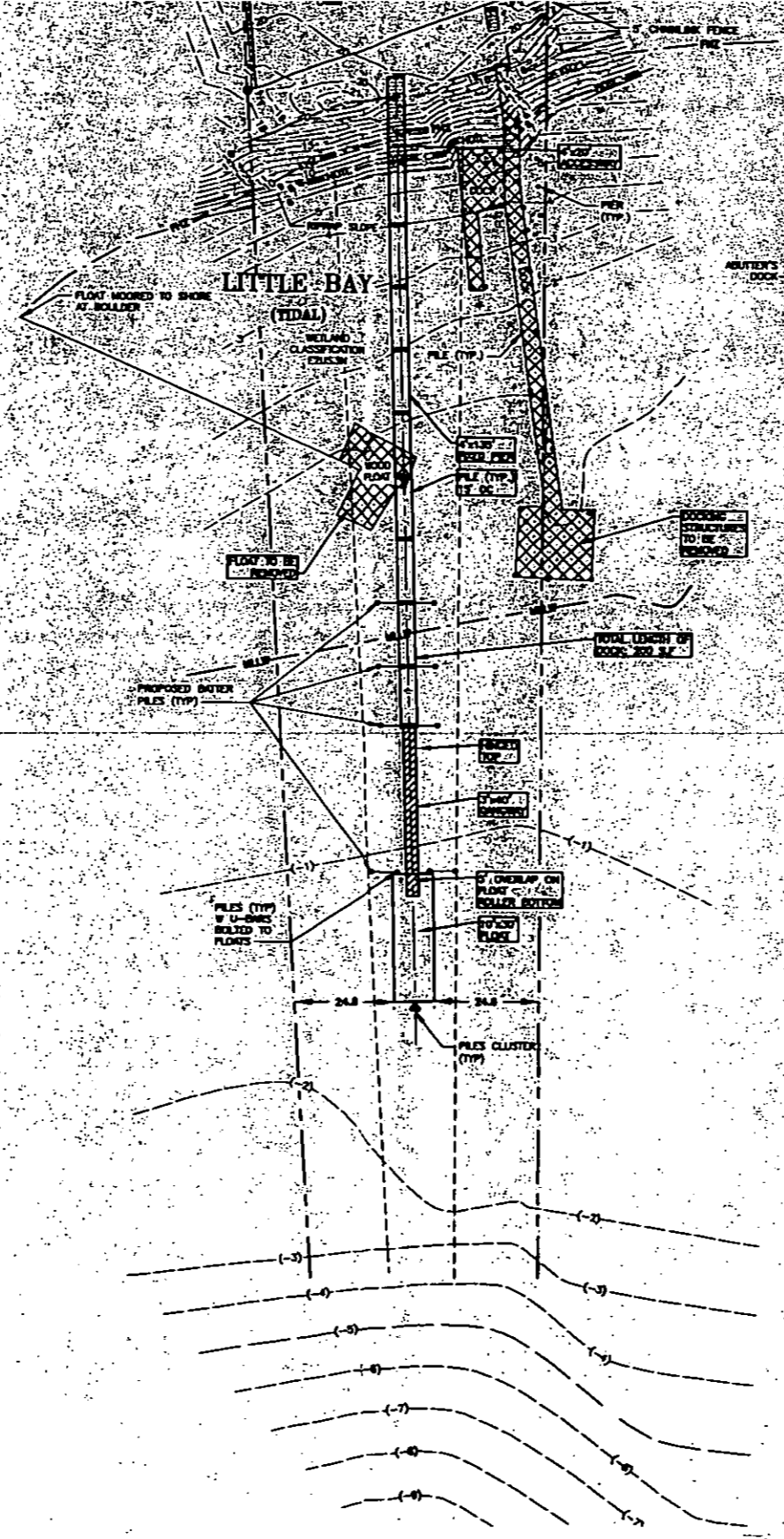
LOCATION MAP SCALE 1"=2,000'

LEGEND

EXISTING	PROPOSED	HOW OR FORMERLY
SP	SP	RECORD OF PROJECT
SCRD	SCRD	STAFFORD COUNTY, REGISTRY
		OF DEEDS
		MAP 11 / LOT 21
NR SPK FND	NR SPK SET	RAILROAD SPIKE FOUND/SET
IR FND	IR SET	IRON ROD FOUND/SET
DR FND	DR SET	IRON PIPE FOUND/SET
DRH FND	DRH SET	DRILL HOLE FOUND/SET
CBSD FND	CBSD	WOOD BOUND FOUND
TRH FND	TRH	TOWN BOUND FOUND
CBSD + TRH	CBSD + TRH	BOUND BY DRILL HOLE
		OVERHEAD ELECTRIC WIRES
		CONTOUR
		SPOT ELEVATION
		EDGE OF PAVEMENT (EP)
		TREES / TREE LINE
		UTILITY POLE (+/- GUY)
		EDGE OF WETLAND PLACING
		SEMP / MARSH
		ELEVATION
		EDGE OF PAVEMENT
		FINISHED FLOOR
		SWERT
		TEMPORARY BENCHMARK
		TYPICAL
		LANDSCAPED AREA

**WETLAND IMPACT AREAS
(IN SQ. FT.)**

	PROPOSED IMPACT	IMPACT AREAS
TIDAL WATERS WETLAND (EZUS1M)	960	(4'x135'/3'x40' / 10'x30')
TIDAL BUFFER ZONE	80	(4'x20')
TOTAL	1,040 S.F.	



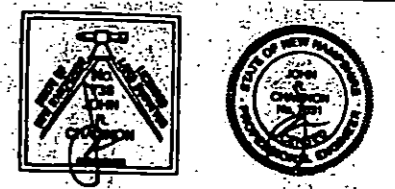
WETLAND NOTES:

- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 8/10/2017 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017, AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, NEWPEC WETLANDS WORK GROUP (2017).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS MANUAL FWS/OBS-79/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997), NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

APPROVED PLAN
Received By NHDES:
Aug. 06, 2018

**HEIDERSCHIEDT
RESIDENCE
32 CEDAR POINT ROAD
DURHAM, N.H.**

NO.	DESCRIPTION	DATE
4	REVISE FIXED PIER LENGTH	7/28/18
3	REVISE FLOAT SIZE AND ADD FLOAT STOPS	7/18/18
2	ADD CLUSTER/BATTER PILES	3/12/18
1	ISSUED FOR APPROVAL	2/27/18
0	ISSUED FOR COMMENT	11/5/17



SCALE 1"=20' NOVEMBER 2017

NHDES DOCK PERMIT PLAN **C1**