



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

January 2, 2018

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

REQUESTED ACTION

Approve F. Doyle Skeels' & Karen Wendell's request to perform the following work on the Piscataqua River, in Dover. File # 2016-03212. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Remove an existing non-conforming tidal docking structure currently constructed on the owners and two adjacent properties consisting of a 4 foot x 80 foot permanent pier within freshwater wetland and upland tidal buffer zone connecting to a 4 foot x 76 foot permanent pier within tidal waters connecting to 3 foot wide x 45 foot long ramp connecting to a 6 foot x 50 foot and a 10 foot x 46 foot T-shaped float secured by mooring anchors. Construct a new conforming tidal docking structure consisting of a 4 foot x 74 foot permanent pier within freshwater wetland and upland tidal buffer zone connecting to a 4 foot x 73 foot permanent pier within tidal waters connecting to a 3 foot wide x 45 foot long ramp connecting to a 6 foot x 48 foot and 10 foot x 46 foot T-shaped float secured by mooring anchors, overall structure length seaward of highest observable tide line 169 feet, providing three slips on 169 feet of frontage, on the Piscataqua River.

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

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated May 2016, and revised through August 2, 2017 as received by the NH Department of Environmental Services (NHDES) on August 3, 2017.
2. 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 the commencement of construction.
3. Not less than five state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease District office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock.
5. This tidal docking structure consisting of a 4 foot x 74 foot permanent pier within freshwater wetland and upland tidal buffer zone connecting to a 4 foot x 73 foot permanent pier within tidal waters connecting to 3 foot wide x 45 foot long ramp connecting to a 6 foot x 48 foot and 10 foot x 46 foot T-shaped float secured by mooring anchors, overall structure length seaward of highest observable tide line 169 feet, providing three slips on 169 feet of frontage on the Piscataqua River, shall be the only structure on the frontage. All portions of the dock approved herein shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

6. The height of the pier's decking over the surface of the tidal marsh at normal high tide shall equal the width of the decking. Decking shall have 3/4-inch spacing between the decking planks.
7. The seasonal structures, including but not limited to the gangway and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
8. 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.
9. 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 administrative rules Env-Wq 1700.
10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Construction of the dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the salt marsh and intertidal zone.
12. Pile driving or pile removal work shall be done during low tide.
13. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
14. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. All work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
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 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 December 1, 2017. NHDES supported its decision with the following findings:

1. This is a major impact project per administrative rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to administrative rule Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per administrative rule Env-Wt 302.01. The current dock is non-conforming and crosses over two properties not owned by the applicant. The proposed tidal docking structure will be confined to the applicant's property and at least 20 feet off the abutting property lines or the imaginary extensions waterward thereof.
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 administrative rule Env-Wt 302.03. The dock is the minimum length necessary to provide access at this location, and float will not be sitting on the mudflat at low tide.
4. The applicant has demonstrated by plan and example that each factor listed in administrative rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
 - a. The applicant coordinated with the NH Natural Heritage Bureau (NHB) and it was determined that, although there was a NHB record present within the vicinity, NHB does not expect that it will be impacted by the proposed project.

- b. With respect to the proposal's impact on navigation, the entire structure is located greater than 20 feet off the abutting property lines or the imaginary extensions waterward thereof. The design has been reviewed by the Pease Development Authority, Division of Ports and Harbors, and, per letter dated December 09, 2016, determined that the project would have no negative effect on navigation in the channel.
 - c. The project has been screened for IPaC resources, Essential Fish Habitat, shellfish habitat, submerged aquatic vegetation (SAV) and special aquatic sites (SAS), and no further habitat or resource impacts are expected as a result of the dock.
5. The Dover Conservation Commission unanimously voted on November 14, 2016 to endorse the NHDES Wetlands application with the condition that the applicant investigate the feasibility of restoring the disturbed areas under the existing dock and reseeded to match existing conditions and that the pilings and debris be removed from the jurisdictional area. NHDES has conditioned the permit to restore the disturbed area after removal of the existing non-conforming dock.
 6. This dock is consistent with other tidal dock facility approvals in the seacoast.
 7. NHDES staff field inspection on September 8, 2016 found that plans accurately reflect field conditions.

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.



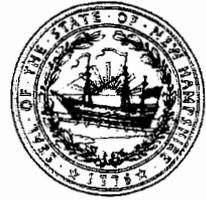
Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

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

RECEIVED NOV 08 2016 Administrative Use Only NHDES LAND RESOURCES MANAGEMENT	COMPLETE NOV 08 2016 Administrative Use Only	Administrative Use Only	File No: 2016-03212
			Check No: 9503
			Amount: \$2,349.00
			Initials: LSL

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: **3 Osprey Lane** TOWN/CITY: **Dover**

TAX MAP: **L** BLOCK: LOT: **95-Z-1** UNIT:

USGS TOPO MAP WATERBODY NAME: **Piscataqua River** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): **X: 1,205,983.28 Y: 236,360.60**
 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 172 sf. permanent impact to the 100' TBZ, 125 sf. permanent impact to freshwater wetland, and 1,219 sf. permanent impact to tidal wetland for a tidal docking structure that consists of a 4' x 6' accessway, a 4' x 90' elevated access ramp, a 4' x 60' fixed wood pier, a 3' x 45' aluminum gangplank, a 6' x 48' landing float and a 10' x 46' main float (overall structure length 254') on 169 feet of frontage along the Piscataqua River.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **169 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: 2015-01829 DES Wetland: 2001-01872

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 16 - 1419

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

b. Designated River the project is in ¼ 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.: **Skeels, F., Doyle & Karen Wendell.**

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Dover**

STATE: **NH**

ZIP CODE: **03820**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

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 SR, 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:

1. 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.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. 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.
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.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. 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.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not

 Agent-See Authorization Property Owner Signature	Steven D. Riker Print name legibly	11/ 2 / 2016 Date
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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.

 Town/City Clerk Signature	Karen S Lavelle Print name legibly	Dove Town/City	11/2/16 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	126	<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	189	<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	172	<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	146	<input type="checkbox"/> ATF	883	<input type="checkbox"/> ATF
TOTAL	633 /		883 /	

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 = \$ _____

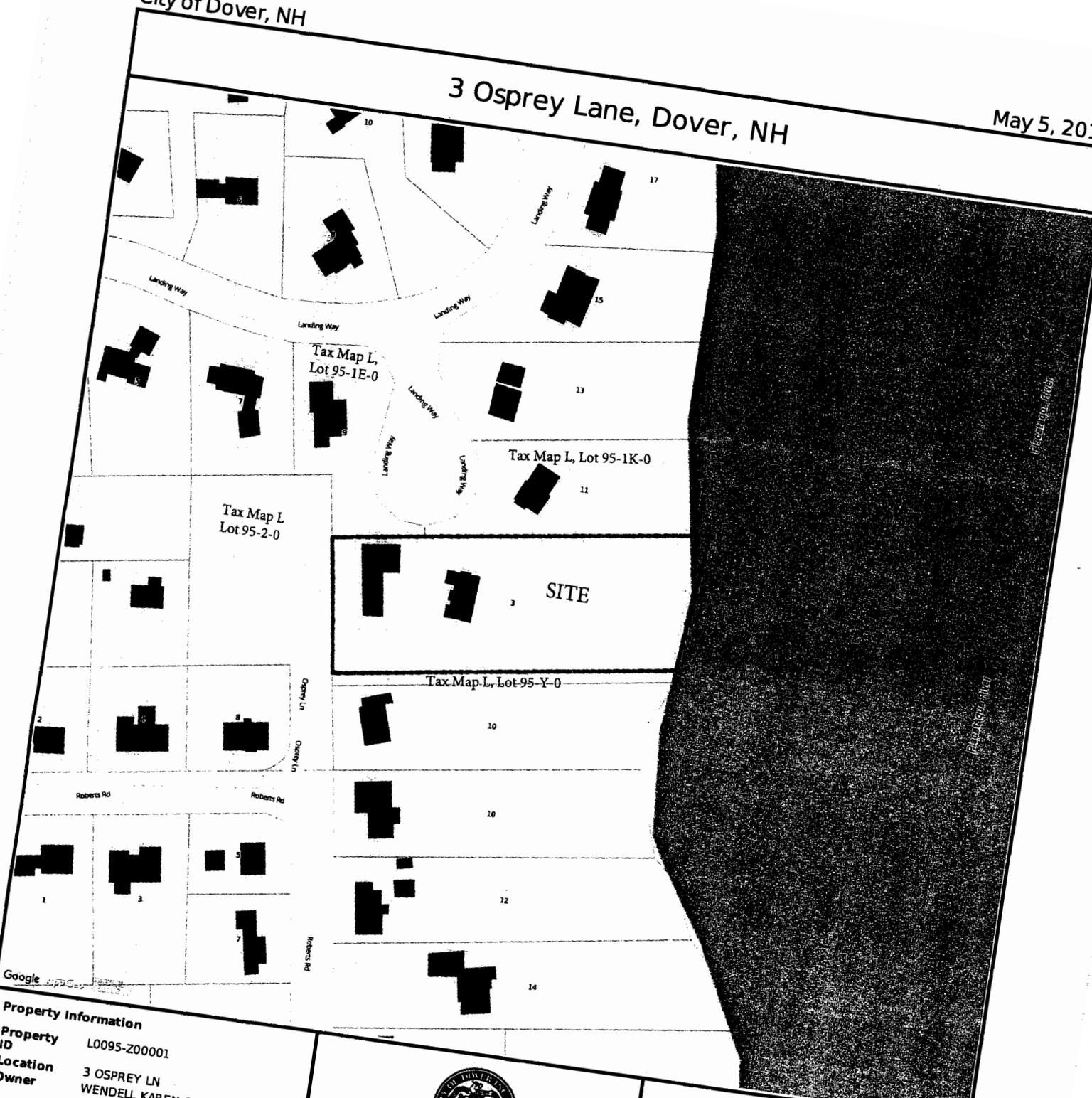
Temporary (seasonal) docking structure: **883** sq. ft. X \$1.00 = **\$ 883.00**

Permanent docking structure: **633** sq. ft. X \$2.00 = **\$ 1,266.00**

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = **\$ 2,349.00**

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ _____



Property Information

Property ID L0095-Z00001

Location 3 OSPREY LN

Owner WENDELL KAREN &



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Map by NH GRANIT



Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

Map Scale

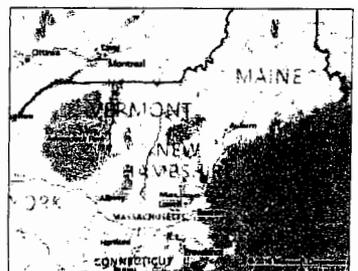
1: 14,387

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Map Generated: 5/5/2016



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: 5/16/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/5/2016

NHB File ID: NHB16-1419

Applicant: F. Doyle Skeels

Location: Dover

Tax Maps: Tax Map L, Lot 95-Z-1

Project

Description: The project proposes installation of two (2) new float storage wings and a new 4' x 100' elevated walkway on to the existing 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.

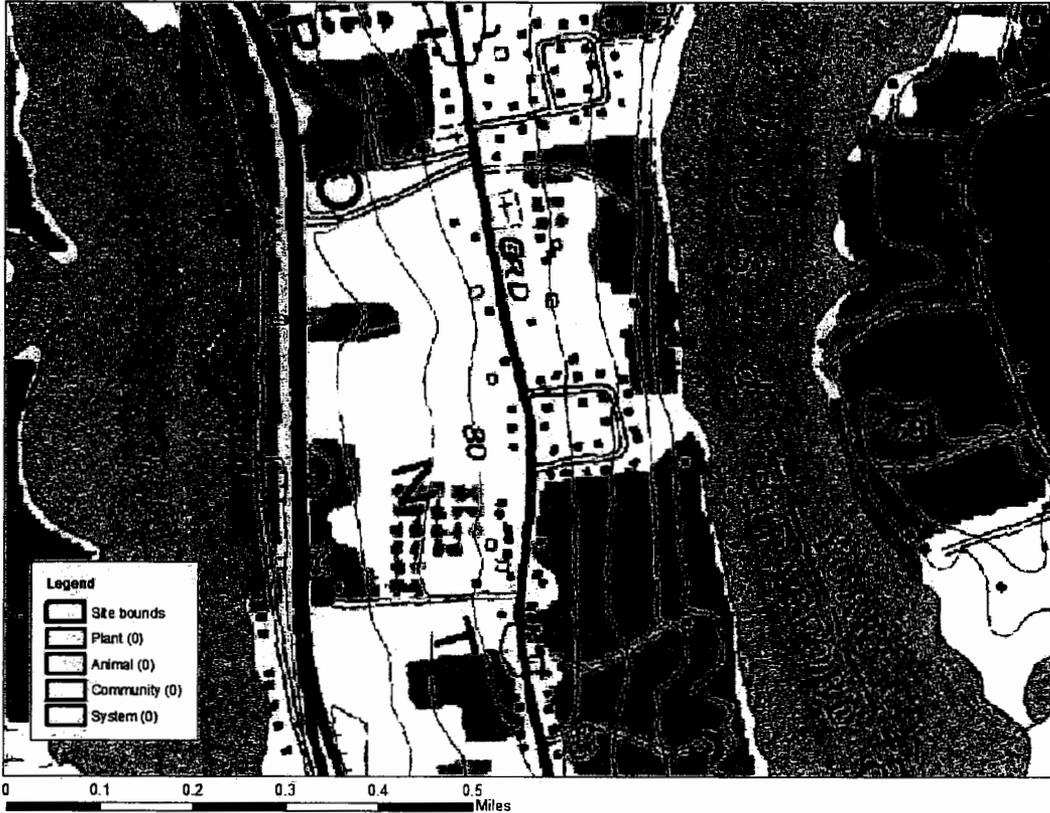
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 5/5/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-1419

NHB16-1419



ABUTTER'S LIST

JN 2552.01

**F. Doyle Skeels & Karen Wendell
3 Osprey Lane
Dover, NH**

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
L	95-1E-0	Lawrence A. & Nancy E. Blahut		[REDACTED]	Dover, NH 03820
L	95-1K-0	Frederic H. & Deborah Federlein		[REDACTED]	Dover, NH 03820
L	95-Y-0	Stephen H. Hoginski		[REDACTED]	Dover, NH 03820
L	95-2-0	Frances L. Hoginski Living Rev. Trust Frances L. Hoginski Trustee		[REDACTED]	Dover, NH 03820
Engineer		Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applicant/Owner					
L	95-Z-1	F. Doyle Skeels & Karen Wendell		3 Osprey Lane	Dover, NH 03820