



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

November 12, 2015

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

REQUESTED ACTION

Approve John Durkin's request to perform the following work on the Oyster River, in Durham. File # 2015-00822. This project will not have significant impact on or adversely affect the values of the Oyster River.

Proposal to modify an existing tidal docking structure consisting of an existing 4 ft. x 10 ft. access ramp connecting to a 4 ft. x 20 ft. permanent pier and construction of a new 3 ft. x 30 ft. ramp connecting to a 10 ft. x 24 ft. float and associated float stops, overall structure length 68 ft., providing one slip on 137 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 plans by Riverside and Pickering Marine Contractors, dated September 29, 2015, as received by the Department on October 5, 2015.
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.
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 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. Construction of this tidal docking structure consisting of existing 4 ft. x 10 ft. access ramp connecting to a 4 ft. x 20 ft. permanent pier and construction of a new 3 ft. x 30 ft. ramp connecting to a 10 ft. x 24 ft. float and associated float stops, overall structure length 68 ft., providing one slip on 137 ft. of frontage on the Oyster River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
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.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

EXPLANATION

The DES Wetlands Bureau approved this project on October 12, 2015. 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 is only a permanent pier docking structure on the property, previously approved under Wetlands Permit #2008-00870. The applicant needs to construct a ramp and float to provide access to the water.
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 permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal and the dock is consistent with other docks in the immediate vicinity.
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.
5. NH Natural Heritage Bureau (NHB) has record of sensitive species within the vicinity of the project, but NHB does not expect impacts to the species. 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 May 4, 2015; and the dock is located greater than 20 ft. off the abutting property lines.
6. The Durham Conservation Commission did submit comments to DES on the application.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on June 29, 2015 found that the site is accurately represented in the application.

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.


Thomas S. Burack
Commissioner

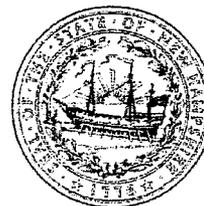


WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau

Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>



RSA/Rule: Env-Wq 100-900

			File No: 2015-00822
			Check No.: 7814
			Amount: \$ 530.00
			Initials: Emk

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: **36 Dover Road** TOWN/CITY: **Durham, NH**

TAX MAP: **10** BLOCK: **20** LOT: **2** UNIT:

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

LOCATION COORDINATES (if known): **43.13332 N / -70.91418 E** 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.

Propose a seasonal 3'x30' gangway and 10'x24' float attached to an existing permanent piling pier. There was a previous approval 2008-00870 for a pier, gangway and float. The existing pier had been constructed under the previous approval but the approved gangway and float were not. Proposal adds approximately 40 SF to the originally approved gangway and float along the applicants approximate +/- 137' of frontage on the Oyster River. (330 SF total impact)

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

2008-00870

5. 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 15 - 0911
- b. Designated River the project is in ¼ miles of: Oyster River ; and
date a copy of the application was sent to Local River Advisory Committee: Month: 4 Day: 9 Year: 2015
- NA

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: John Durkin			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: Durham		STATE: NH	ZIP CODE: 03824
EMAIL or FAX: *See agent info		PHONE: * See agent info	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically			

7. 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 DES to communicate all matters relative to this application electronically			

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Zachary Taylor		COMPANY NAME: Riverside & Pickering Marine Contractors	
MAILING ADDRESS: 195 West Road			
TOWN/CITY: Portsmouth		STATE: NH	ZIP CODE: 03801
EMAIL or FAX: zach@riversideandpickering.com		PHONE: (603) 427-2824	
ELECTRONIC COMMUNICATION: By initialing here ZT , I hereby authorize DES to communicate all matters relative to this application electronically			

9. 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 be reviewed for the presence of historical/ archeological resources.
8. I authorize DES 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 DES correspondence. DES will not forward returned mail.

 See Letter of Aurtherization	Zachary Taylor –Dir of Operations Riverside and Pickering Marine	04 / 9 / 2015
	Print name legibly	Date

MUNICIPAL SIGNATURES

10. 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. The Conservation Commission signature should be obtained **prior** to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
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.

11. 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.

	BARBARA LANDGRAF	Durham	4/9/2015
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, sign and accept the applications **only** if the Conservation Commission signature has been received;
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 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.

12. 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	<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	330/24 <input type="checkbox"/> ATF
Docking - Tidal Water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
TOTAL	/	330 / 24

13. 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 = \$ _____

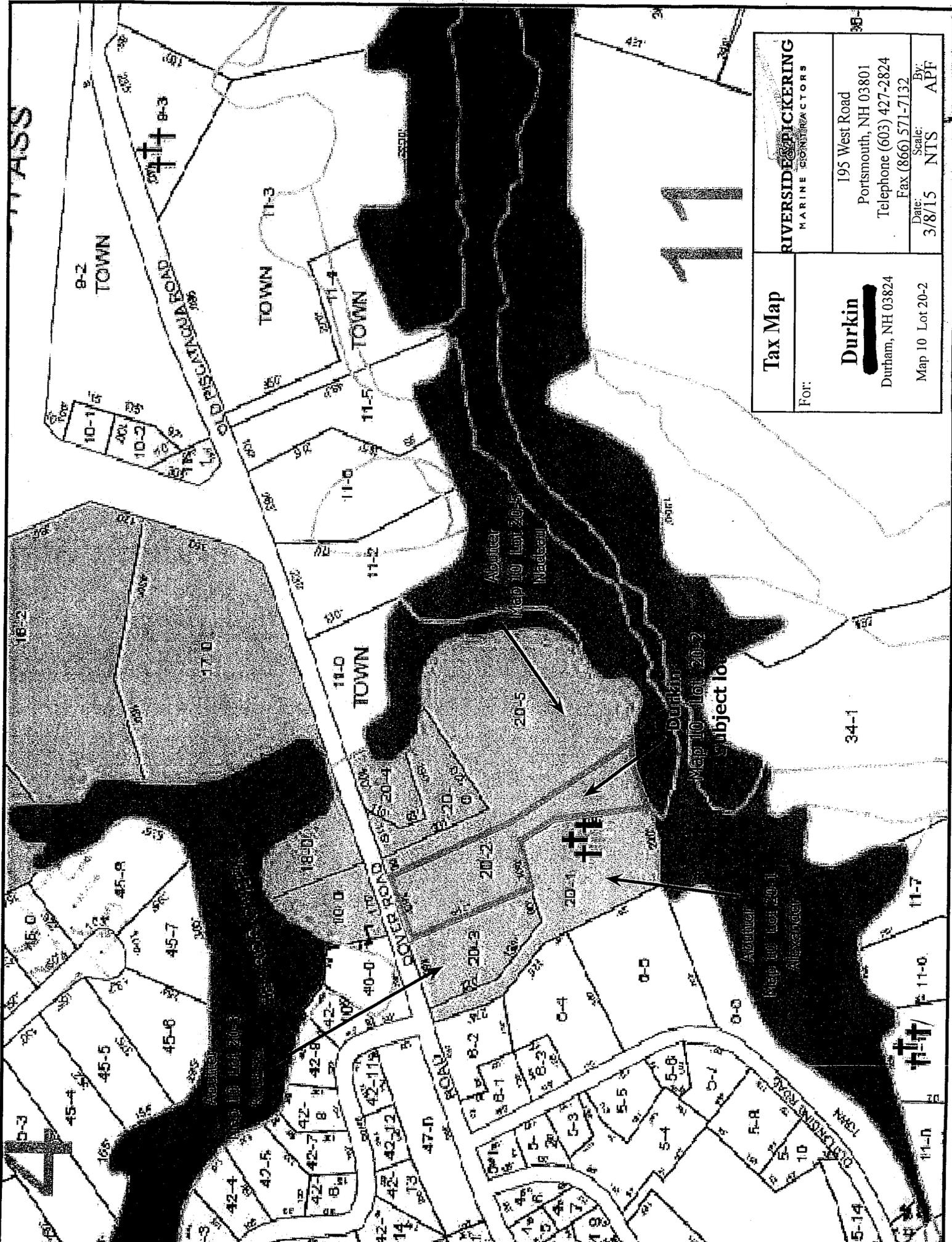
Temporary (seasonal) docking structure: 330 sq. ft. X \$1.00 = \$ **330.00**

Permanent docking structure: _____ sq. ft. X \$2.00 = \$ _____

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

Total = \$ **530.00**

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ **530.00**



Tax Map	RIVERSIDE PICKERING MARINE CONTRACTORS	
	195 West Road Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (866) 571-7132	
For:	Durkin Durham, NH 03824	Date: 3/8/15 Scale: NTS By: APF
	Map 10 Lot 20-2	

11

Subject lot

Map 10 Lot 20-1
Alexander

34-1

11-7

11-0

11-1

11-1

11-1

11-1



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Zachary Taylor
P.O. Box 368
Eliot, ME 03903

From: NH Natural Heritage Bureau

Date: 3/18/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/8/2015

NHB File ID: NHB15-0911

Applicant: Zachary Taylor

Location: Durham
Tax Maps: 10-20-2

Project

Description: Replace an existing gangway and float attached to an existing fixed pier

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 3/8/2015, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB15-0911

NHB15-0911



RIVERSIDE & PICKERING

MARINE CONTRACTORS

ABUTTER NOTIFICATION

Dear Abutter,

As required by the NH Dept. of Environmental Services, you are being notified about proposed work at property, which abuts yours. Should you have any questions or concerns, please do not hesitate to contact this office. We will be glad to discuss any aspect of the proposed project. A copy of the full application sent to the NH Dept. of Environmental Services, Wetlands Bureau will be available for your inspection at your City/Town Clerk's office.

Thank you,



Zachary Taylor
Director of Operations, Riverside & Pickering Marine Contractors

Name of property owner (s): John Durkin

Location of proposed project: [REDACTED] Durham, NH Map 10, Lot 20-2

Brief description of work: Application to propose a seasonal gangway and float attached to an existing permanent pier along the applicants +/- 100' of frontage on the Oyster River.

ABUTTERS LIST

TM# 10 Lot 20-1
Lee & Elaine Alexander
[REDACTED]
Durham, NH 03824

TM# 10 Lot 20-3
Denise Robbins
[REDACTED]
Durham, NH 03824

TM# 10 Lot 20-3
Catherine Nadeau
[REDACTED]
Durham, NH 03824

CERTIFIED MAIL

7013 1090 0001 6550 5511

7013 1090 0001 6550 5511

7013 3020 0002 3503 0818

7013 3020 0002 3503 0818

7013 3020 0002 3503 0856

7013 3020 0002 3503 0856

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Office: 603-427-2824 Fax: 866-571-7132

195 West Road, Portsmouth, NH 03801

www.RiversideandPickering.com

A division of Riverside Marine Construction Inc.