



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

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May 29, 2019

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

REQUESTED ACTION

Approve the request to transfer the permit (File # 2014-03303) to "construct a 4 ft. x 6 ft. walkway within the previously developed upland tidal buffer zone connecting to construction of a tidal docking structure consisting of a 4 ft. x 30 ft. permanent pier connecting to a 3 ft. x 10 ft. ramp connecting to a 12 ft. x 16 ft. float, overall docking structure length seaward from highest observable tide line 52 ft., providing one slip on 190 ft. of frontage on the Bellamy River," originally issued to Susan Von Hemert, to the new owners of the subject property, Julia and Nicholas Orsi. This project was previously approved by Governor and Council on August 26, 2015, Item #65, and will not have significant impact on or adversely affect the values of Bellamy 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 Hanover Engineering Associates, Inc. dated March 25, 2015, as received by the by the NH Department of Environmental Services (DES) on May 28, 2015.
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 DES Wetlands Bureau prior to construction.
3. The float shall be constructed with float stops to prevent it from resting on the mud at low tide.
4. Construction of this tidal docking structure consisting of a 4 ft. x 30 ft. permanent pier connecting to a 3 ft. x 10 ft. ramp connecting to a 12 ft. x 16 ft. float, overall length of 52 ft., providing one slip on 190 ft. of frontage on the Bellamy River, shall be the only dock structure on this water frontage.
5. Construction of the new dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
6. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
10. 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.
11. 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.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

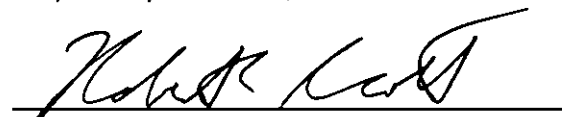
EXPLANATION

The NHDES approved this project on July 01, 2015. The NHDES 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 currently no docking structure on the property 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 decking of the dock will have a minimum of a 1:1 ratio of deck height to width as appropriate, and will have 3/4-inch spacing between the decking planks. Further, the applicant will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the wetland resource.
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. The applicant coordinated with NHB and the permit is conditioned to avoid impacts to the sensitive species.
5. 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 in the channel, per letter dated December 18, 2014.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on June 29, 2015 found that the site is accurately represented in the application.
8. The Dover Conservation Commission did not submit comments on the application.
9. 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 the 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.

Respectfully submitted,


Robert R. Scott
Commissioner



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
<http://des.nh.gov/organization/divisions/water/wetlands>



PERMIT APPLICATION

DEC 05 2014

COMPLETE

RECEIVED Administrative NOV 21 2014 NHDES LAND RESOURCES MANAGEMENT	INCOMPLETE NOV 21 2014 Only	RECEIVED Administrative DEC 05 2014 NHDES LAND RESOURCES MANAGEMENT	File # 2014-03303 Check No. 885 Amount \$716.80 Initials Emc
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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)

2. PROJECT LOCATION

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

ADDRESS: **175 Spur Road**

TOWN/CITY: **Dover**

TAX MAP: **L**

BLOCK:

LOT: **45F**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Bellamy River**

☐ NA

STREAM WATERSHED SIZE:

☐ NA

LOCATION COORDINATES (if known): **43.135698 / 70.841667**

☒ Latitude/Longitude ☐

UTM ☐ State PI

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.

Construct a 4 x 6' access stair up to a 4' x 40' fixed pier with aluminum gangway and a 12 x 16' float located by moorings. Gangway will have 2 x 6 pressure treated skirt boards. The fixed pier will have 8 pilings and vertical supports with a minimum of 4' over existing vegetated surface. The deck boards will be spaced 1/4" to allow sufficient sunlight to pass through. The proposed float will be constructed with 8 square ballast tanks with float stops to suspend the float off the substrate at low tide. Float will be composed of 5.25 x 6' cedar decking and mauve grade pressure treated lumber on the substructure. The placement of the dock on the shoreline will be where there is a smaller concentration of eel grass, 3' to the south of the narrowest portion of eel grass. This allows for minimal disturbance of existing plant life.

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

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 14 - 3211**

b. ☐ Designated River the project is in 1/4 miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: _____ Day: _____ Year: _____

☒ NA

6. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **Susan von Hemert**

TRUST / COMPANY NAME: [REDACTED]

DOVER

NH

03820

EMAIL or FAX: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: **SVH**, 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 INFORMATIONLAST NAME, FIRST NAME, M.I.: **von Hemert, Susan**

COMPANY NAME:

175 Spur Road

Dover

NH

03820

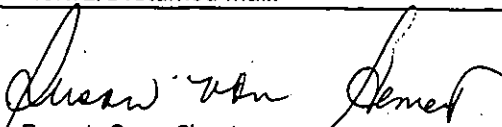
EMAIL or FAX: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here **SVH**, 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 copy of the application materials to the NH State Historic Preservation Officer.
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.


Property Owner Signature**Susan von Hemert**
Print name legibly**11/20/14**
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.

<div style="position: relative;"> ⇒ </div>	<div style="position: relative;"> ⇒ </div>	<div style="position: relative;"> ⇒ </div>
Authorized Commission Signature	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. 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.

<div style="position: relative;"> ⇒ </div>	<div style="position: relative;"> ⇒ </div>	<div style="position: relative;"> ⇒ </div>	<div style="position: relative;"> ⇒ </div>
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**After-the-fact (ATF) work completed prior to receipt of this application by DES. Check box to indicate ATF.*

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	<input type="checkbox"/> ATF
Docking - Tidal Water	352 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	/	/

13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction☐ Minimum Impact Fee: Flat fee of \$ 200x ☒ Minor or Major Impact Fee: Calculate using the below table belowPermanent and Temporary (non-docking) 24 sq. ft. X \$0.20 = \$ 4.80Temporary (seasonal) docking structure: 192 sq. ft. X \$1.00 = \$ 192Permanent docking structure: 160 sq. ft. X \$2.00 = \$ 320Projects proposing shoreline structures (including docks) add \$200 = \$ 200Total = \$The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 716.80

**Property Information**

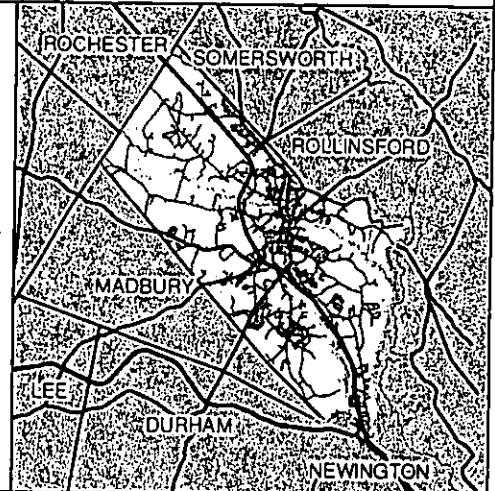
Property ID L0045-F00000
Location 175 SPUR RD
Owner VON HEMERT SUSAN &
VON HEMERT PHILIPPE W REV



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

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

Parcels updated January 1, 2014



17-05-2014



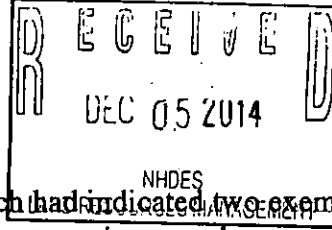
NEW HAMPSHIRE NATURAL HERITAGE BUREAU

DRED - DIVISION OF FORESTS & LANDS

PO Box 1856 - 172 PEMBROKE ROAD, CONCORD, NH 03302-1856

(603) 271-2214

To: Susan Von Hemert
From: Melissa Coppola, NHB-Environmental Information Specialist
Date: October 21, 2014
Subject: NHB14-3211



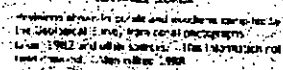
This memo is a follow-up to NHB14-3211 which had indicated two exemplary natural community systems and one state-threatened plant species near the proposed pier. The Natural Heritage Bureau (NHB) requested further details about the project to determine the potential for impacts.

Based on the information provided (site photos), it appears that slight impacts to salt marsh vegetation are likely to occur. The following best management practices could be utilized to reduce impacts:

- Construction to occur from barge and crane to reduce impact to the salt marsh system
- Deck height to be a minimum 1 to 1 width to height ratio above the substrate inhabiting salt marsh vegetation
- Spacing of deck boards $\frac{3}{4}$ in. apart to increase light levels to portion of marsh occurring under proposed pier.

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

DR
FEE
JUL 05 2014
MUSEO



1960
PHOTOREPROD. 1960
DNA CTS. N. L. - 60589 76

Von-Hemert Residence, [REDACTED] Dover, NH Tax Map L, Lot 45F

M

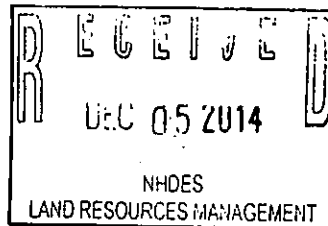
ABUTTER NOTIFICATION OF WETLANDS PERMIT APPLICATION

Via Certified Mail

9/16/2014

Ms. Casey Dowgiert

Wicked Good Properties LLC
10 Juniper Road
Salem, NH



Re: Wetlands Permit Application

175 Spur Road
Dover, NH
Tax Map L, Lot 45F
P

Dear Madam:

As owner of 177 Spur Road, this letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (DES) Wetland Bureau for a Wetlands and Non-Site Specific Permit associated with the above referenced project for work to [describe project]. Under state law RSA 482-A:31(d)(1), I am required to notify you about the application, which proposes work abutting your property.

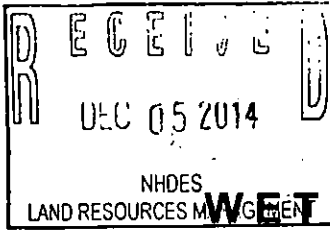
Once it is filed, the permit application, including plans that show the proposed project will be available for viewing at the City or Town Clerk's Office in the city/town where the proposed project is located or at the NHDES offices by scheduling a file review by calling (603) 271- 8876 or online at <http://www4.egov.nh.gov/DES/FileReview/>.

If you have questions, you may contact me at the contact information provided below.

Sincerely,

Susan and Phil von Hemert

[REDACTED]
Dover, NH 03820
[REDACTED]



**ABUTTER NOTIFICATION
OF
WETLANDS PERMIT APPLICATION**

Via Certified Mail

9/16/2014

Mr. Gerry Karcher

[REDACTED]
Dover, NH 03820

Re: Wetlands Permit Application

175 Spur Road
Dover, NH
Tax Map L, Lot 45F

Dear Madam:

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (DES) Wetland Bureau for a Wetlands and Non-Site Specific Permit associated with the above referenced project for work to [describe project]. Under state law RSA 482-A:3 I (d)(1), I am required to notify you about the application, which proposes work abutting your property.

Once it is filed, the permit application, including plans that show the proposed project will be available for viewing at the City or Town Clerk's Office in the city/town where the proposed project is located or at the NHDES offices by scheduling a file review by calling (603) 271- 8876 or online at <http://www4.egov.nh.gov/DES/FileReview/>.

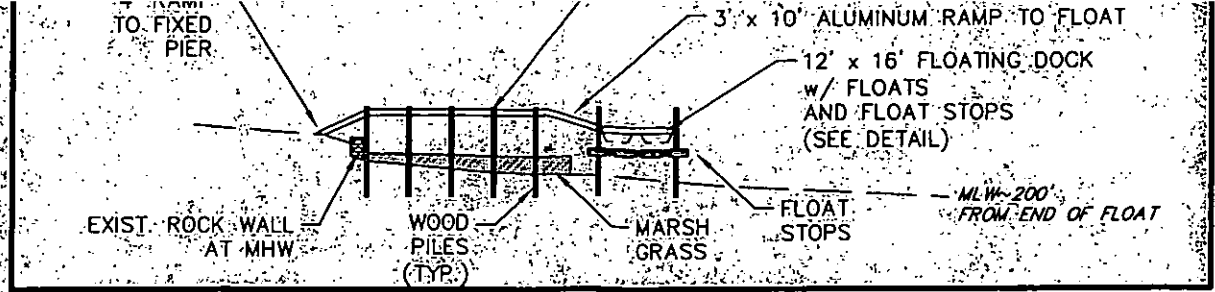
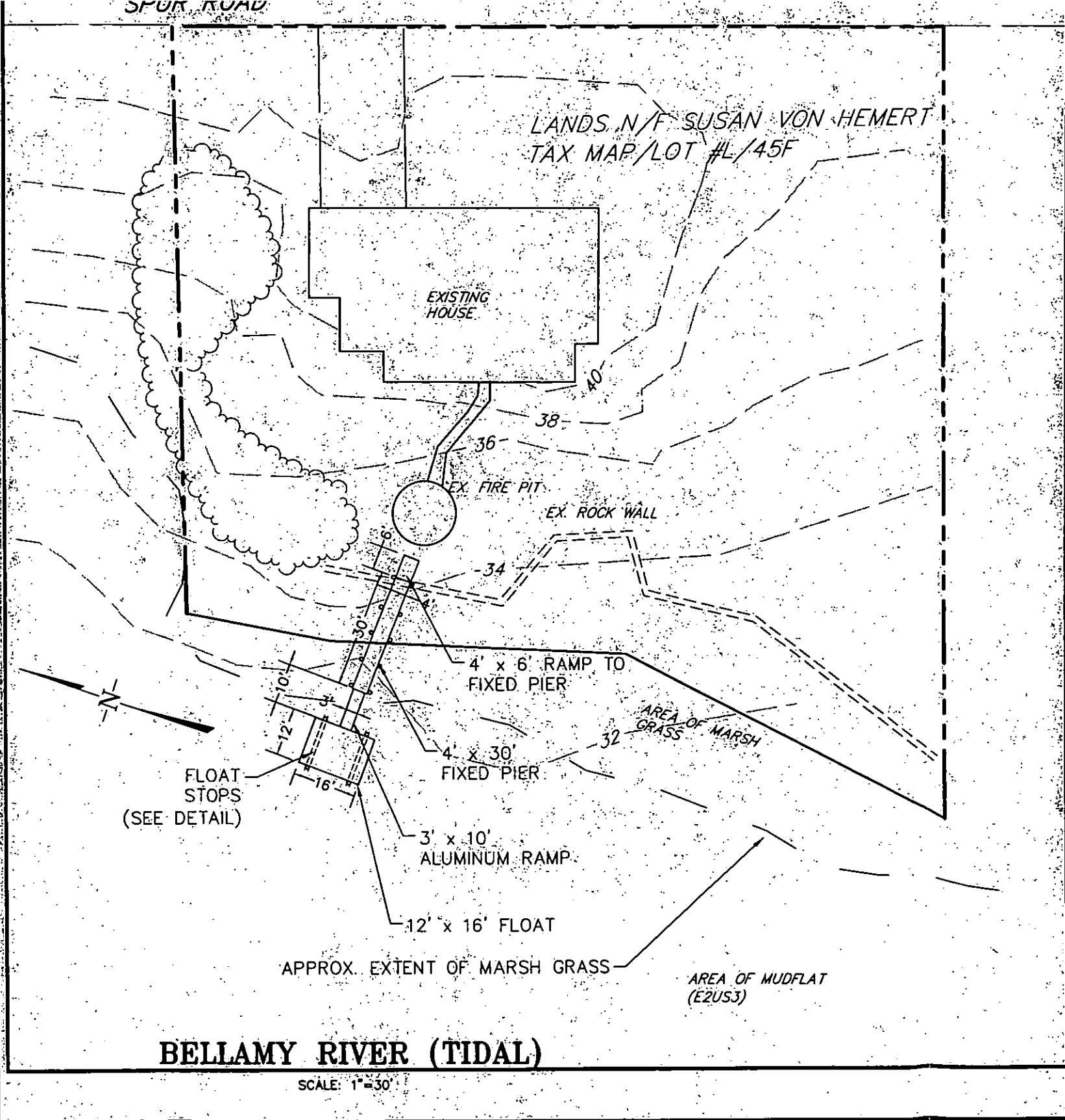
If you have questions, you may contact me at the contact information provided below.

Sincerely,

Susan and Phil von Hemert

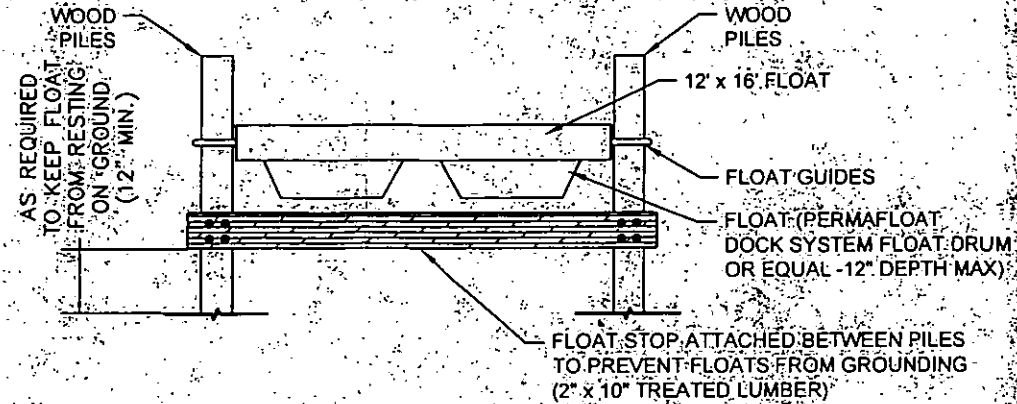
[REDACTED]
Dover, NH 03820
[REDACTED]

Y:\Projects\Private\4291 VON HEMERT DOCK PERMIT.dwg Current Plan Set VON HEMERT BASE.dwg Mar 25 2015 3:03pm



DOCK CROSS-SECTION

SCALE: 1"=30'



FLOAT-STOP DETAIL

N.T.S.

- NOTES:
1. THE DOCKING STRUCTURE HAS BEEN DESIGNED TO BE THE LEAST IMPACTING ALTERNATIVE. THE TOTAL LENGTH HAS BEEN MINIMIZED TO REDUCE THE SQUARE FOOT IMPACT TO THE WATER RESOURCE.
 2. THE FIXED PIER WILL BE BUILT TO THE 1-FOOT TO 1-FOOT WIDTH TO HEIGHT RATIO TO INCREASE THE AMBIENT LIGHT UNDER THE FIXED PIER WHICH WILL REDUCE THE IMPACT TO POSSIBLE FUTURE GROWTH OF WETLAND VEGETATION.
 3. BOUNDARY LINES DEPICTED ON THE PLAN ARE APPROXIMATIONS.

LEGEND

- EXIST. CONTOUR
- EXIST. TREELINE
- EXIST. PAVEMENT

RECEIVED

MAY 28 2015

NHDES
LAND RESOURCES MANAGEMENT

SITE PLAN

VON HEMERT 175 SPUR ROAD			
175 SPUR ROAD DOVER NEW HAMPSHIRE	DRAWN BY: JDC	PROJECT NO. 4291	
	CHECKED BY: JES	SHEET NO. 1 of 1	
	DATE: 03-25-15	Hanover Engineering Associates Inc	
	SCALE: AS NOTED		
		252 Brodhead Road, Suite 100 Bethlehem PA 18017-8944 610.691.5644 Fax 610.691.6968	