

The State of New Hampshire

Department of Environmental Services 10:33



Robert R. Scott, Commissioner

May 26, 2020

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

REQUESTED ACTION

Approve Karen O'Connell Irrevocable Trust's request to perform the following work on Exeter-Squamscott River in Stratham. File # 2019-03744. This project will not have significant impact on or adversely affect the values of Exeter-Squamscott River.

Impact a total of 585 square feet of tidal resources to include 505 square feet of tidal waters and 80 square feet of previously-developed 100-foot tidal buffer zone to construct a new 4 foot x 20 foot accessway, 6 foot x 40 foot pier, 3 foot x 45 foot ramp, and a 10 foot x 24 foot float on 477 feet of frontage along the Squamscott River.

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

- All work shall be in accordance with the following plans by Riverside & Pickering Marine Contractors dated November 12, 2019 as received by the NH Department of Environmental Services (NHDES) on December 5, 2019.
- 2. This permit shall not be effective until recorded at the Rockingham 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.
- 3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the Stratham Conservation Commission in writing of the date on which work under this permit is expected to start.
- 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. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
- 6. 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.
- 7. 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.
- 8. The seasonal structures, including but not limited to the gangway and float, shall be removed during the non-boating season and stored on the existing pier or in an upland location.

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- 9. 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.
- 10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 12. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
- 13. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
- 14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
- 15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

EXPLANATION

The NHDES approved this project on April 06, 2020. The NHDES supported its decision with the following findings:

- 1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
- 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 NHDES jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
- 3. 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.
- 4. The approved location, size and configuration of this dock is consistent with other tidal dock approvals in this area.
- 5. The NH Natural Heritage Bureau (NHB) Datacheck Results Letter (NHB19-3563) dated November 8, 2019 identified four (4) natural communities in the vicinity of the project.
- 6. In an email dated December 13, 2019, the NHB stated, "NHB recommends that any deck boards for the pier or gangway be spaced 1" apart to further allow light to reach emergent vegetation beneath the structure. NHB has no further comments about this project."
- 7. In response the NHB's recommendation, spacing between boards on the pier are conditioned in the permit to be 3/4" apart for safety.
- 8. In correspondence dated December 16, 2019, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
- 9. The NHDES staff field inspection on March 5, 2020 found that the site is accurately represented in the application.
- 10. In an email dated December 23, 2019, the Exeter-Squamscott River Local Advisory Committee (ESRLAC) stated it had reviewed the Wetlands Permit Application, and provided their comments.
- 11. In an email dated Mar 6, 2020, the ESRLAC stated, "[t]he information you [the agent] provided ESRLAC answers their question and they have no further comment."

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- 12. The Stratham Conservation Commission did not provide comments on the application within the statutory timeframe.
- 13. The NH Division of Historical Resources reviewed the project site and found "No Historic Properties Affected."
- 14. In accordance with RSA 482-A:8, the 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 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.

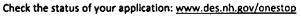
We respectfully request your approval of this item.

Robert R. Scott Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management





DEG-0.5:2019	COMPLETE	MATED	RIVER	chery 3	055
Use: 1 to Only Nittles	DEC 0 6 2019 REVIE	W UNDER R	SA 483	Amount 2, 7	50:0
LAND RESOURCES MANAGEMENT		. ,	· · · · · · · · · · · · · · · · · · ·	Initials RS	
I. REVIEW TIME: Indicate your Review Time	below. To determine review tin	ne, refer to <u>Guida</u>	ince Document A fo	r instructions.	
Standard Review (Minimum, Mi	nor or Major Impact)		Expedited Review	(Minimum Impact only	1)
Z. MITIGATION REQUIREMENT: If mitigation is required, a Mitigation-Pre Ap mitigation is required, please refer to the De				, ilt Application. To dete -	rmine if
Mitigation Pre-Application Meeting Da M/A - Mitigation is not required	ate: Month: Day: Year:	_			
3. PROJECT, LOCATION; Separate wetland permit applications must !	be submitted for each municipal	ity within which	wetland impacts occ	cur.	
ADDRESS: 34 Raeder Drive			tow	N/CITY: Stratham	
TAX MAP: 12	BLOCK:	LOT: 23	1	UNIT:	
USGS TOPO MAP WATERBODY NAME: Squamso	cott/Exeter River	□ NA	STREAM WATERSHE	D SIZE:	□ NA
LOCATION COORDINATES (If known): x 118049	7.21 y 188849.62 NH State F	Plane (NAD83)	☐ Latitude/Longitu	ide 🔲 UTM 🔯 State i	Plane
project: DO NOT reply, "See Attached" in the Provide a 4 ft and 40 ft permanent pler This will be the only docking structure	with associated 4 ft wide ac	ccess, 3 ft x 35 t	t seasonal gangw	ay and 10 ft x 24 ft	seasonal float
S) SHORELINE FRONTAGE;		_1	• -	· · · · · · · · · · · · · · · · · · ·	
N/A This does not have shoreline fronta	•	•	76.83' (Average N	•	
Shoreline Frontage is calculated by determin drawn between the property lines, both of v				eline frontage and a st	raight line
6) RELATED NHOES LAND RESOURCES MAN Please Indicate If any of the following permi To determine If other, Land Resources Mana	t applications are required and,	if required, the st	tatus of the applicat	ion.	
Permit Type	Permit Required	File Numbe	Permit Apr	plication Status	, ,
Alteration of Terrain Permit Per RSA 485-A:1 Individual Sewerage Disposal per RSA 485-A Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B			APPRO APPRO APPRO	OVED PENDING DVED PENDING D	DENIED DENIED DENIED DENIED
7) NATURAL HERITAGE BUREAU & DESIGN See the listructions & Required Attachment	ATED RIVERS I La document for instructions to c	omplete a & b b	ESIGN	IATED RIV	VER)
a. Natural Heritage Bureau File ID: NHB 1			oc//i6W	LUNDER	,

date a copy of the application was sent to the Local River Management Advisory Committee: Month: 12 Day: 2 Year: 2019

8 APPLICANT INFORMATION (Desired permit holder)	Colored Colored		4-17- 200 3 - 1 121-7-12	HE FEE TO THE	
LAST NAME, FIRST NAME, M.I.: Karen O'Connnell and Lisa Schneide	er .				
TRUST / COMPANY NAME:Karen O'Connell Irrevocable Trust	MAI	LING ADDI	RESS:		
TOWN/CITY: "				STATE:	ZIP CODE:
EMAIL or FAX: * See agent info		PHONE:	• See agent	tinfo	
ELECTRONIC COMMUNICATION: By initialing here: KO I hereby authorize	NHDES to com	nmunicate	all matters re	lative to this ap	plication electronically.
9 PROPERTY OWNER INFORMATION (If different than applicant)					
LAST NAME, FIRST NAME, M.I.: Same	•				· · · · · · · · · · · · · · · · · · ·
TRUST / COMPANY NAME:	MAI	LING ADDI	RESS:		
TOWN/CITY:				STATE:	ZIP CODE:
EMAIL or FAX:			PHONE:	1	
ELECTRONIC COMMUNICATION: By initialing here, I hereby author	ize NHDES to	communic	ate äll matter	s relative to thi	s application electronically.
10 AUTHORIZED AGENT INFORMATION				MENS IN	建計劃等達起到
LAST NAME, FIRST NAME, M.I.: Taylor, Zachary	:		COMPANY N	AME:Riverside	e and Pickering Marine Const
MAILING ADDRESS: 34 Patterson Lane				,	
TOWN/CITY: Newington			· ·	STATE: NH	ZIP CODE: 03801
EMAIL or FAX: zach.tidal@gmail.com	РН	ONE: 207	-451-7205		
ELECTRONIC COMMUNICATION: By initialing here Z ; thereby authorize N	NHDES to com	municate	all matters rei	ative to this app	olication electronically.
11 PROPERTY OWNER SIGNATURE 1/2 See the instructions & Required Attachments document for clarificat	tion of the b	elow stat	ements		
By signing the application, I am certifying that:					
1. Lauthorize the applicant and/or agent indicated on this form			the proces	sing of this ap	plication, and to furnish upon
request, supplemental information in support of this permit 2. I have reviewed and submitted information & attachments o			tions and Re	quired Attach	ment document.
3. All abutters have been identified in accordance with RSA 482					
4. There read and provided the required information outlined in				le project type	.
 I have read and understand Env-Wt 302.03 and have chosen Any structure that I am proposing to repair/replace was either 				etlands Burea	u or would be considered
grandfathered per Env-Wt 101.47. 7. I have submitted a Request for Project Review (RPR) Form (w.	ww.nh.eov/	ohdhr/re	view) to the	NH State His	oric Preservation Officer (SHDO) at
the NH Division of Historical Resources to Identify the preser agency for National Historic Preservation Act (NHPA) 106 cor	nce of histor				
8. I authorize NHDES and the municipal conservation commission		t the site	of the propo	osed project.	
9. I have reviewed the information being submitted and that to			-		
 I understand that the willful submission of faisified or misrep action. 	resented inf	ormation	to the NHD	ES is a crimina	al act, which may result in legal
11. I am aware that the work I am proposing may require addition					
12. The mailing addresses I have provided are up to date and approximate.	propriate foi	r receipt (of NHDES co	rrespondence	. NHDES will not forward returned
	hary Taylo: kering Mari			and	11/ 27/ 2019
Property Owner Signature					Date

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MUNICIPAL SIGNATURES

1. Waives 2. Believe	ure below certifies that the i its right to intervene per RS	municipal conservation A 482-A:11; bmitted plans accuratel	on COMMISSION SIGNATURE commission has reviewed this app by represent the proposed project;	
)			
¬			· 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. 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 be reviewed in the standard review time frame.

13. 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.

Deborah L Balie Strethan 12/3/19
Date Deborah L Balie Strethan Date

DIRECTIONS FOR TOWN/CITY CLERK:

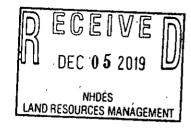
Per RSA 482-A:3,I

- 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.

14! IMPACT AREA:		=		
For each jurisdictional area that will be <u>Permanent</u> : Impacts that will remain of		feet and, if applicat	ble, linear feet of impact.	ja ja
Temporary: impacts not intended to re		strüction condition	s) after the project is completed.	
Intermittent Streams: linear footage di	istance of disturbance is measured al	ong the thread of t	he channel.	- T
Perennial Streams/ Rivers: the total lin	ear footage distance is calculated by	summing the lengt	ths of disturbance to the channel and ea	ch bank.
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.	, <u></u>
Forested wetland		☐ ATF		ATF
Scrub-shrub wetland		☐ ATF		ATF
Emergent wetland		ATF		ATF
Wet meadow		ATF		ATF
Intermittent stream channel	1	ATF	/	ATF
Perennial Stream / River channel	` /	ATF	1	ATF
Lake / Pond	1.	ATF	1	. ATF
Bank - Intermittent stream	/	ATF	1	ATF
Bank - Perennial stream / River	/	ATF	/	ATF
Bank - Lake / Pond	1	ATF	/	ATF
Tidal water	/	☐ ATF	1	ATF
Salt marsh		ATF	,	ATF
Sand dune		ATF		ATF
Prime wetland		ATF		ATF
Prime wetland buffer		ATF		ATF
Undeveloped Tidal Buffer Zone (TBZ)		ATF		ATF
Previously-developed upland in TBZ	80	ATF		ATF
Docking - Lake / Pond		ATF	······································	ATF
Docking - River		ATF		ATF
Docking - Tidal Water	160	ATF	345	ATF
Vernal Pool		ATF	<u> </u>	ATF
TOTAL	240/		345 /	
15? APPLICATION FEE: See the instruction	ons & Required Attachments docume	ent for further instru	uction	
Minimum Impact Fee or Fee for No classification (see RSA 482-A:3, 1(c)		ded and supervised	restoration projects, regardless of impa	
Minor or Major Impact Fee: Calcula	ate using the below table below			
Permane	nt and Temporary (non-docking)	sq. f	ft. X \$0.40 = \$	
Tempor	ary (seasonal) docking structure:	345 sq. f	ft. X \$2.00 = \$690	
	Permanent docking structure:	240 sq. f	ft. X \$4.00 = \$ 960	
•	Projects proposing shoreline str	uctures (including	docks) add \$400 = <u>. \$ 400</u>	
			Total = \$ 2050	
. The A	pplication Fee is the above calculated	d Total or \$400, whi	ichever is greater = \$2050	



23 September, 2019

To Whom It May Concern:

RE: State of New Hampshire Department of Environmental Services Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for <u>Karen A. O'Connell Irrevocable</u> Trust at 34 Raeder Drive Stratham, NH 03885.

This letter is to inform the State of New Hampshire DES and the Town of <u>Stratham</u> in accordance with State Law that the following entities:

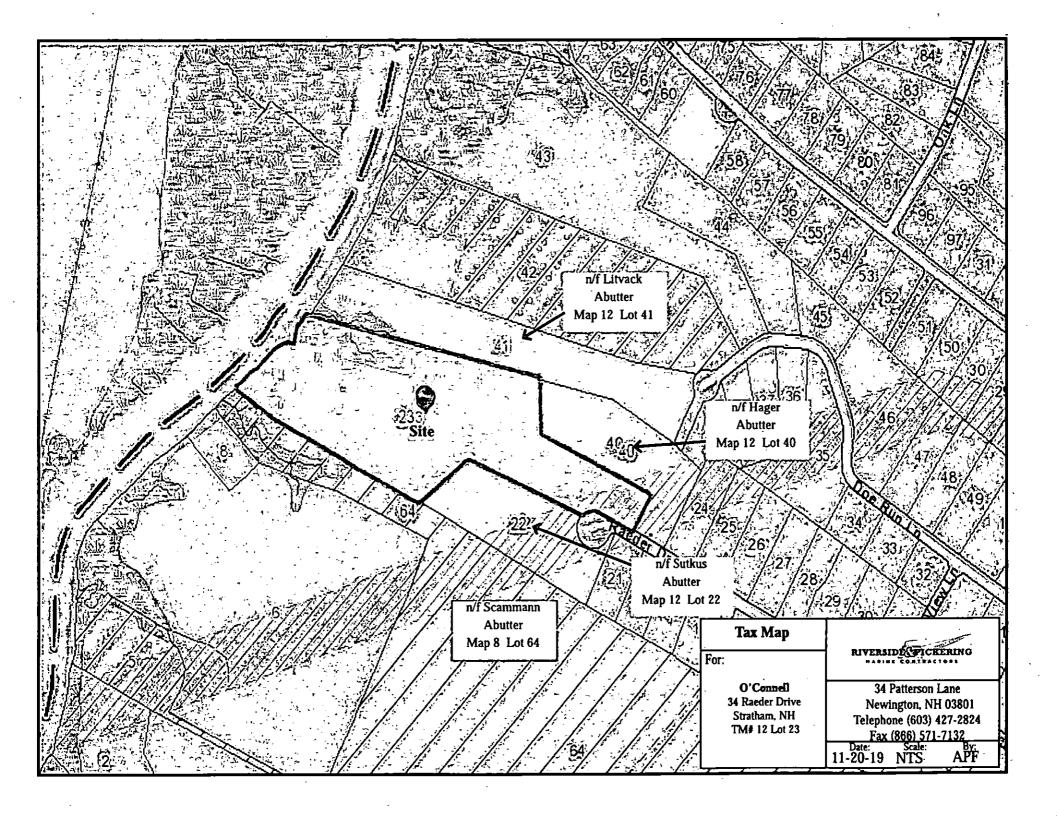
Riverside Marine Construction, Inc.

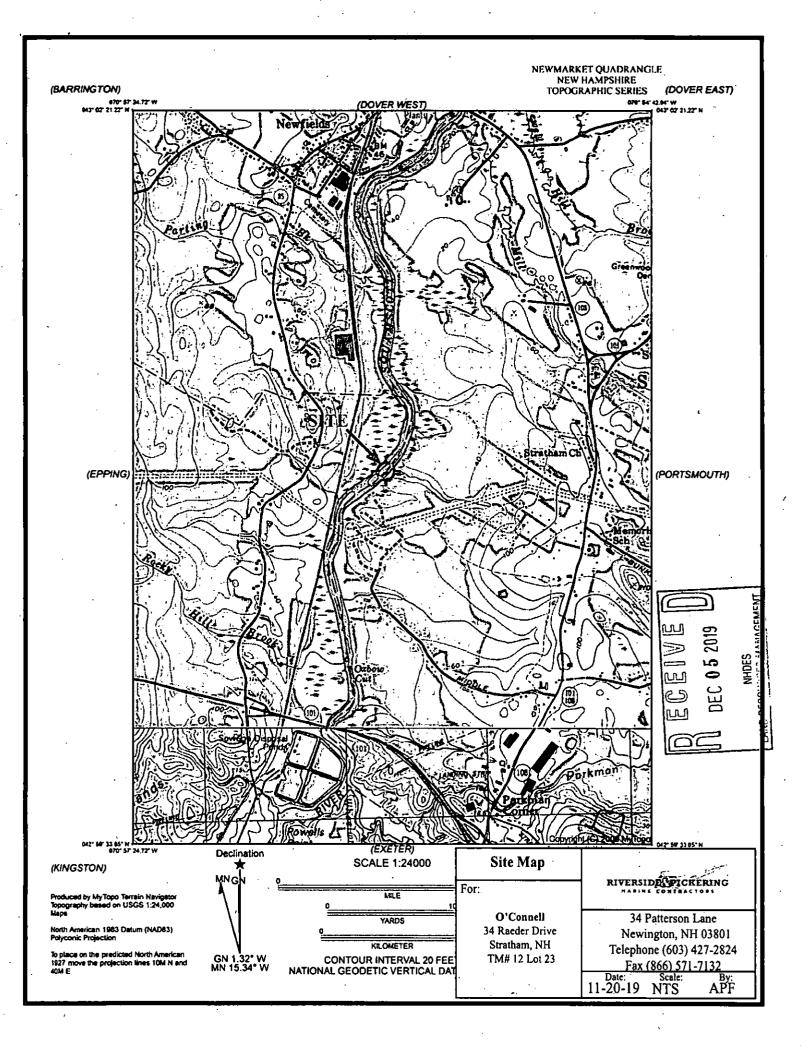
Is individually authorized to represent us as our agent in the approval process. Please feel free to call me if there is any question regarding this authorization.

Karen A. O'Connell Irrevocable Trust

Trustees: Karen A. O'Connell & Lisa A. Schneider

3 Ridgewood Lane Concord, NH 03301





CONFIDENTIAL - NH Dept. of Environmental Services review

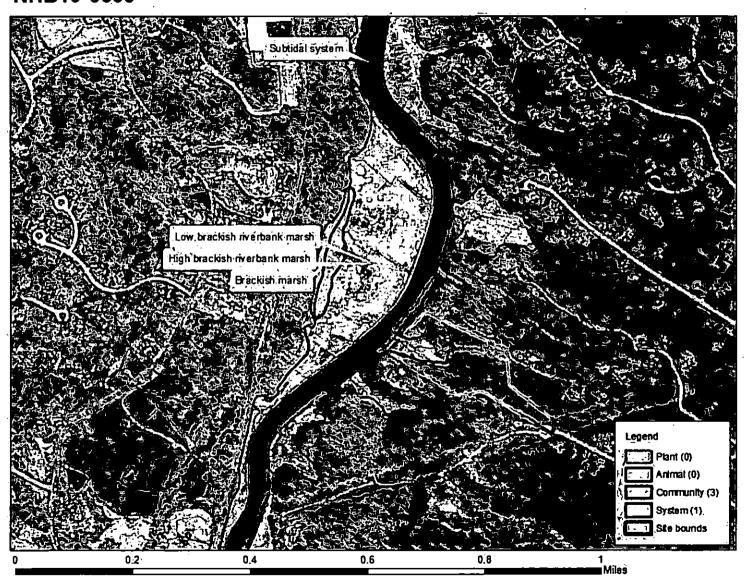
Memo NH NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER To: Allen Folsom, Advantage NH Lakes P.O. Box 862 Wolfeboro Falls, NH 03896 From: Amy Lamb, NH Natural Heritage Bureau Date: 11/8/2019 (valid for one) year from this date) Re: Review by NH Natural Heritage Bureau NHB File ID: NHB 19-3563 ocation: Tax Maps: 12-23 Town: Stratham Description: Provide a single family pier ramp and float As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results. Comments: Please clarify the location of the proposed pier, ramp, and float (refer to area mapped; below). Please provide a plan sheet snowing wetland impacts and a narrative description detailing why the selected location is the least impacting alternative. Federal Notes **Natural Community** Threats to these communities are primarily alterations to the hydrology of the wetland Brackish marsh* (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm Threats to these communities are primarily alterations to the hydrology of the wetland High brackish riverbank marsh* (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. Threats to these communities are primarily alterations to the hydrology of the wetland Low brackish riverbank marsh⁴ (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nufrients and pollutants in storm Threats to these communities are primarily alterations to the hydrology of the wetland Subtidal system (such)as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. 'Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "-" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago. A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on

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

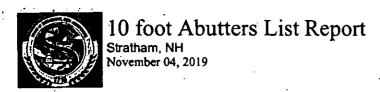
Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488 DNCR/NHB 172 Pembroke Rd. Concord, NH 03301 \leq

CONFIDENTIAL – NH Dept. of Environmental Services review

NHB19-3563







Subject Property:

Parcel Number: CAMA Number: 12-023-000

12-023-000

Property Address: 34 RAEDER DRIVE

Mailing Address: O'CONNELL IRREVOCABLE TRUST, K

O'CONNELL, KAREN A.-TRUSTEE

SCHNEIDER, LISA A. - TRUSTEE 34

RAEDER DRIVE

STRATHAM, NH 03885

Abutters:

Parcel Number:

08-064-000

08-064-000

CAMA Number:

Property Address: 61 PORTSMOUTH AVENUE

Mailing Address: SCAMMAN, JR W DOUGLAS, TRUSTEE

W. DOUGLAS SCAMMAN JR.

TRUSTEE, REVOCABLE.TRUST

Parcel Number: 12-022-000 CAMA Number: 12-022-000

Property Address: 37 RAEDER DRIVE

Mailing Address: SUTKUS, CARL J. SUTKUS, ANNE M.

Parcel Number: 12-040-000

CAMA Number: 12-040-000

Property Address: 32 DOE RUN LANE

Parcel Number: 12-041-000 . CAMA Number: 12-041-000

11/4/2019

Property Address: 30 DOE RUN LANE

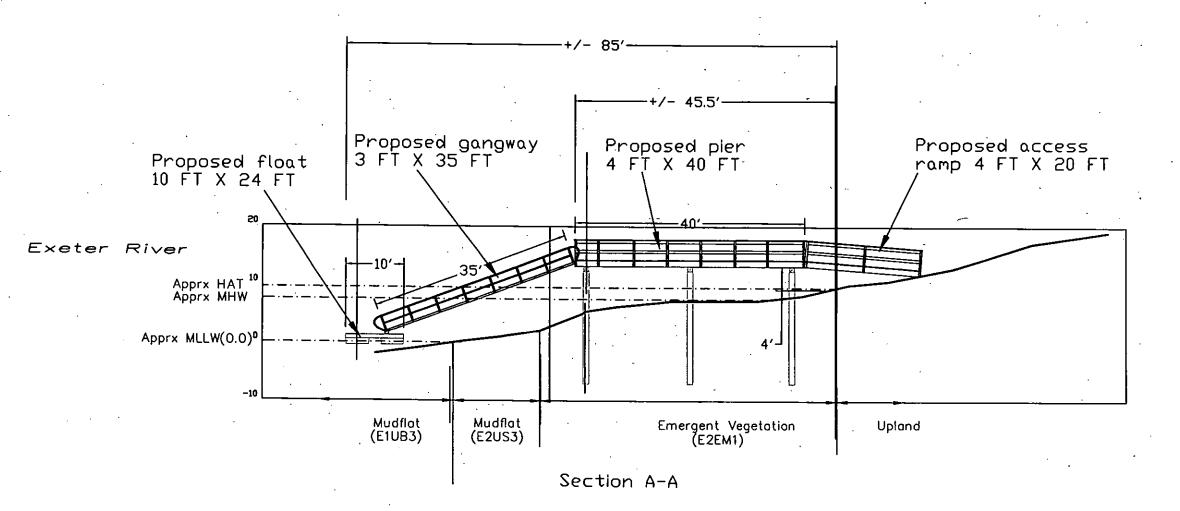
Mailing Address: HAGER, ERIN E. HAGER, NATHAN W.

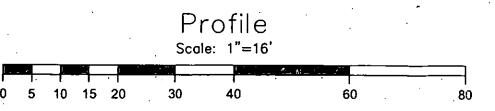
Mailing Address: LITVACK, KENNETH E. 'LITVACK,

BERTHA









File	REVISIONS	S		+0-34 108800	Date' 11-12
	Date Description Approved	Approve	P		Drawn By:
			RIVERSIDE	SD&F DOCK PROJECT	Checked By2
	-		MARINE CONTRACTORS	Address 34 Raeder Drive Cty Stratham NH Approved	Date
	-		34 Patterson Lane, NewIngton, NH Dffice (603) 427-2824 Fam (866) 571-7132	, Newington, NH Map & Lot #: Map 12 1 ot 23 Drawing Scale: Nated Title:	Job Clas

