



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 8, 2019

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

REQUESTED ACTION

Approve the Michael J. Cleary Revocable Trust's request to perform the following work on Little Bay in Durham. File # 2018-01959. This project will not have significant impact on or adversely affect the values of Little Bay.

Impact a total of 160 square feet of tidal wetlands to construct an extension on to an existing tidal docking structure. The existing structure consists of a 6 foot x 12 foot access way, landward of the highest observable tideline, connecting to a 6 foot x 105 foot fixed pier, connecting to a 3 foot x 46 foot ramp connecting to a 10 foot x 30 foot float. The proposed modification will consist of a 4 foot x 40 foot fixed pier extension. The overall structure length seaward of the highest observable tide line will be 198 feet, providing two slips on 135 feet of frontage on Little Bay, Durham.

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 January 2018, and revised through October 24, 2018 last received by the NH Department of Environmental Services (NHDES) on October 29, 2018.
2. 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 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 it is recorded with the Strafford County Registry of Deeds 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 6 foot x 12 foot access way connecting to a 6 foot x 105 foot fixed pier connecting to a 4 foot x 40 foot fixed pier extension, connecting to a 3 foot x 46 foot ramp connecting to a 10 foot x 30 foot float, providing two slips on 135 feet of frontage on Little Bay, shall be the only docking structure on this water frontage.
7. 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.
8. Construction of the dock shall occur at low tide, from a barge equipped with a crane, 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. Decking shall have at least 3/4-inch spacing between the decking planks to provide sufficient sunlight penetration and rainfall to underlying vegetation.

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

11. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock.
12. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain 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. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.

EXPLANATION

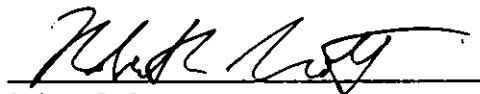
The NHDES approved this project on November 28, 2018. The NHDES supported its decision with the following findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.04(a), projects located in 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 proposed fixed pier extension is located approximately 110 feet from salt marsh. There will be no direct or indirect impacts to the salt marsh as a result of this project.
4. 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 adjacent salt marsh community.
5. The proposed dock is the minimum length necessary to provide access at this location for the duration of the tidal cycle and designed in such a way as to prevent the float from sitting on the mud at low tide.
6. Neither float stops nor float skids will be utilized. There will be 21.6 inches of vertical clearance between the bottom of the float and the substrate at mean lower low water.
7. National Marine Fisheries Service guidance calls for a minimum of 18 inches between the substrate and the lower-most portion of the float at mean lower low water.
8. 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.
9. 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.
10. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB17-3543) 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.
11. The other NHDES permit associated with this site is 2006-02841, issued June 06, 2007 to construct a tidal docking structure consisting of a 6 foot x 105 foot fixed pier connecting to a 3 foot x 46 foot ramp connecting to a 30 foot x 10 foot float, with an overall structure length of 156 feet, providing 2 slips on 135 feet of frontage on Little Bay. The permit also included installation of 780 square feet of rip rap on the eroded and undercut shoreline.
12. On February 25, 2008, after the fact approval was granted under the same permit file (2006-02841) to retain excavation and fill approximately 1,400 square feet of previously developed upland tidal buffer zone for installation of a replacement septic system (failed system) and installation of an additional 35 linear feet of rip-rap, 12 feet wide, to stabilize the eroded shoreline and to protect the integrity of the new septic system.
13. 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.

14. The NHDES staff field inspection on November 09, 2018 found that the existing site conditions are accurately represented in the application.
15. In correspondence dated June 22, 2018, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
16. In correspondence dated November 06, 2017, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
17. In correspondence dated July 24, 2018, the Durham Conservation Commission provided their approval for the proposed docking structure.
18. In correspondence dated June 25, 2018, the New Hampshire Division of Historical Resources found that the project, as proposed, will have no effect on historic properties.
19. Through review of the proposed plan set, a potential discrepancy in the precise location of the property boundaries was noted.
20. In correspondence dated October 19, 2018, a NH Licensed Land Surveyor provided signed and sealed documentation to further described and justify the depicted property boundaries. Clarification was also annotated on the final plan set.
21. In accordance with New Hampshire Administrative Rule Env-Wt 304.04, in correspondence dated June 18, 2018, signed authorization was obtained from the easterly abutting property owner, as the project will occur within 20 feet of the shared property boundary.
22. Pursuant to New Hampshire Administrative Rule Env-Wt 402.21, Modification of Existing Structures, the Department shall not approve any changes in size, location or configuration of an existing structure unless the applicant demonstrates that the modification is less environmental-impacting or provides fewer boat slips and less construction surface area of public submerged lands than the current configuration.
23. In correspondence dated October 29, 2018, the applicant's agent described that the proposed fixed pier extension will place the float in a location where at least 18 inches of water will be present at mean lower low water, thereby eliminating the environmental impact of the existing float configuration resting on the substrate for portions of the tide cycle. The overall proposed structure length is consistent with the size of other structures in this vicinity.
24. Consistent with New Hampshire Administrative Rule Env-Wt 402.21, the Department finds that the proposed modification will be less environmental impacting than the current configuration.

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 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

RECEIVED JUN 29 2018 NHDES LAND RESOURCES MANAGEMENT	COMPLETE JUN 29 2018	2018-01959
		2157
		4520.00
		Emc

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: 26 Cedar Point Road

TOWN/CITY: Durham

TAX MAP: 12

BLOCK:

LOT: 1-15

UNIT:

USGS TOPO MAP WATERBODY NAME: Little Bay

☐ NA

STREAM WATERSHED SIZE:

☒ NA

LOCATION COORDINATES (if known): X:1,200,750.1726 Y: 230,245.5671

State Plane

☐ Latitude/Longitude

☐ UTM

☒

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 160 sq. ft. of permanent impact to tidal wetland for extension (lengthening) of the existing tidal docking structure consisting of a 4' x 40' fixed pier (new overall structure length 201') providing two slips on 135 +/- feet of frontage along Little Bay.

4. SHORELINE FRONTAGE

☐ NA This lot has no shoreline frontage.

SHORELINE FRONTAGE: 135 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 Wetland: 2006-02841

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 - 3543

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

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

7. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Cleary, Michael, J.

TRUST / COMPANY NAME: Michael J. Cleary Revocable Trust

MAILING ADDRESS:

TOWN/CITY:

STATE: NH

ZIP CODE:

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 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.


Property Owner Signature

Agent-See Authorization

Steven D. Riker

Print name legibly

6 / 18 / 2018

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

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.

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

Print name legibly

Town/City

Date

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.

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

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	<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	160 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	160 /	/

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 = \$ _____

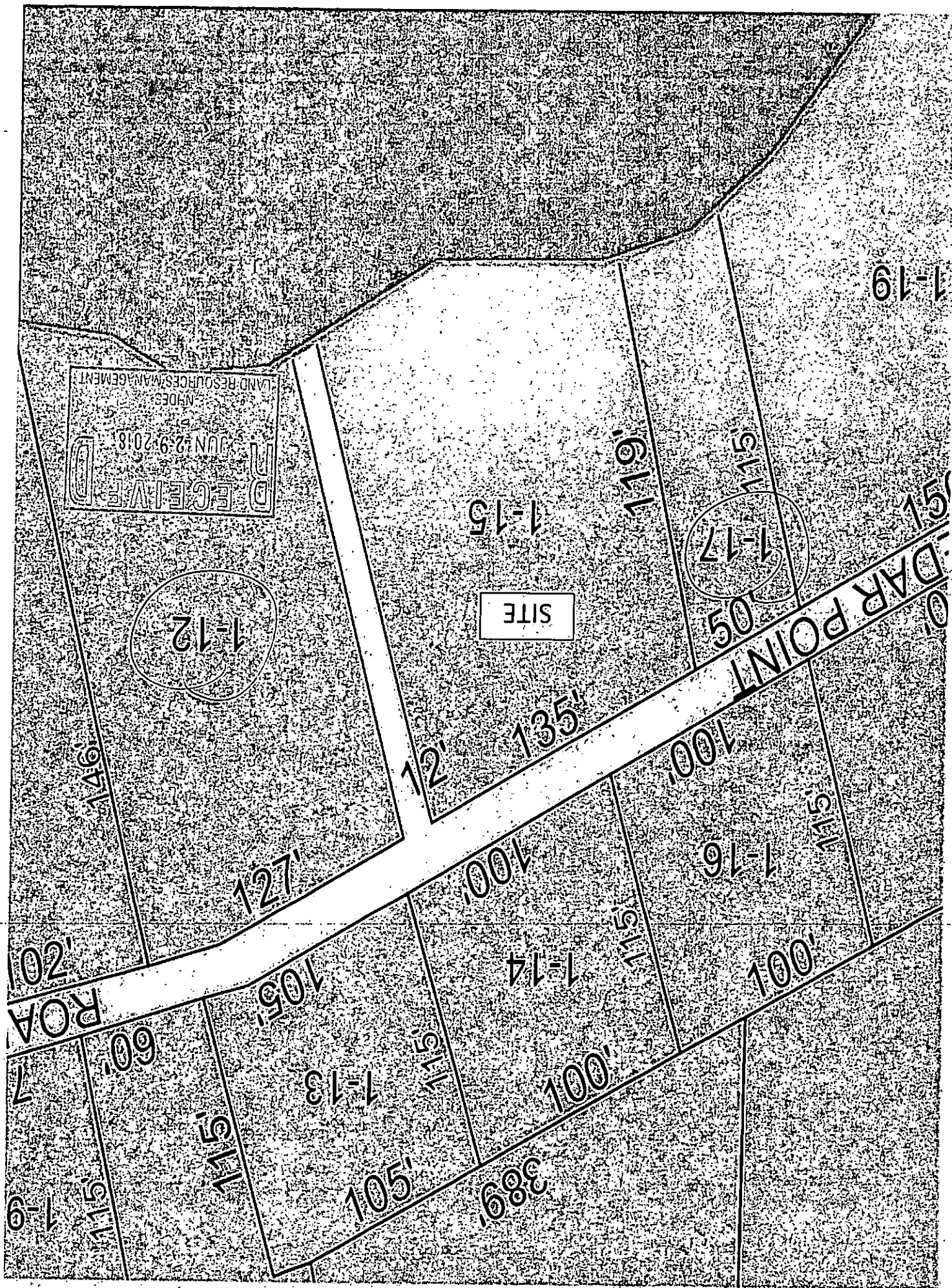
Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$ _____

Permanent docking structure: **160** sq. ft. X \$2.00 = **\$ 320.00**

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

Total = **\$ 520.00**

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

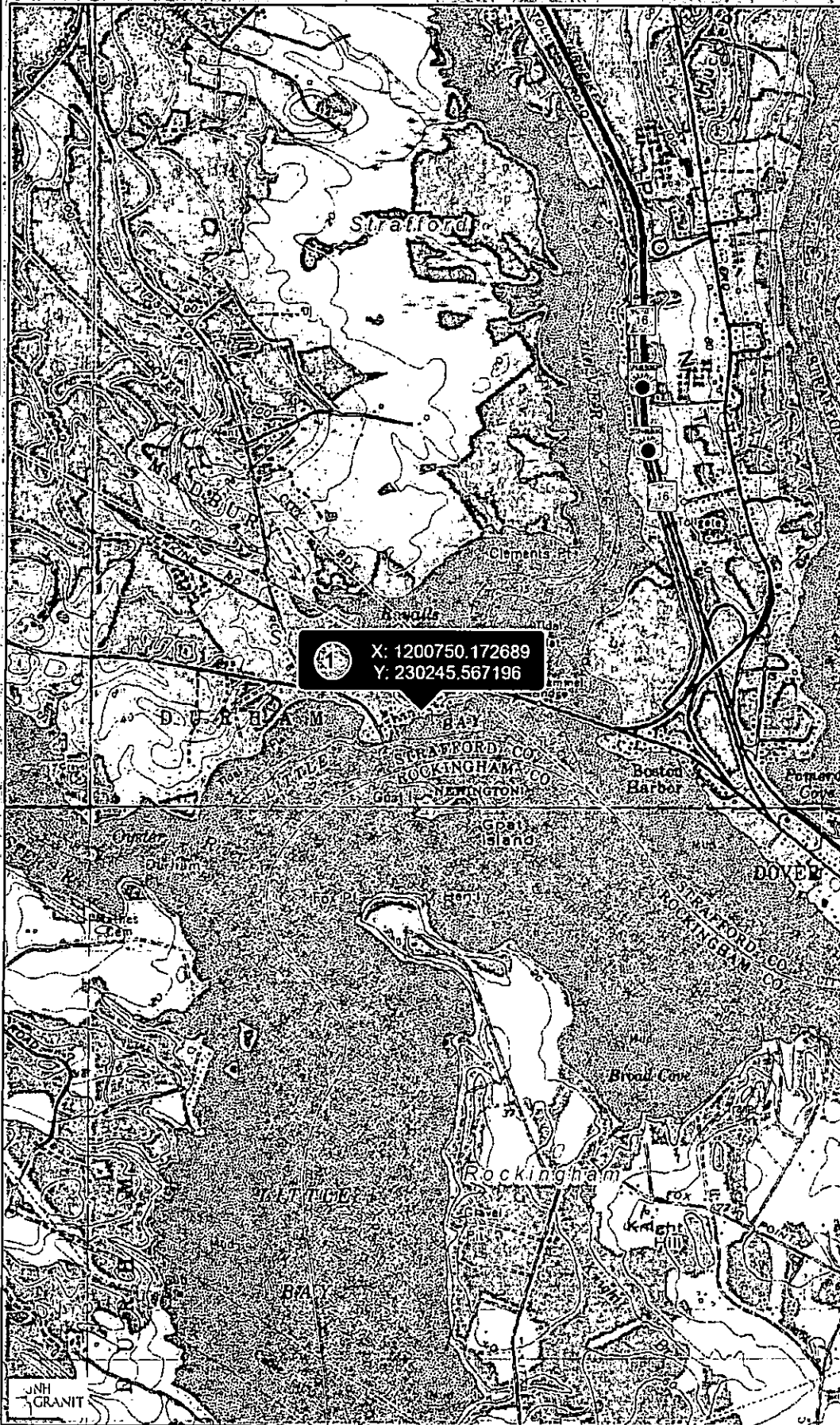


RECEIVED
JUN 29 2018
LAND RESOURCES MANAGEMENT

SITE

DAR POINT

Map by NH GRANIT



Legend

- State
- County
- City/Town

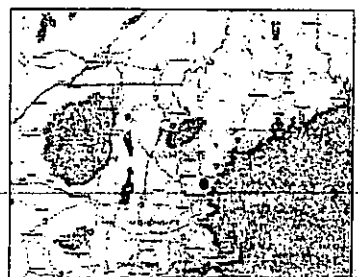
RECEIVED
JUN 29 2018
NHDES
LAND RESOURCES MANAGEMENT

Map Scale
1: 25,977



© NH GRANIT, www.granit.unh.edu
Map Generated: 1/16/2018

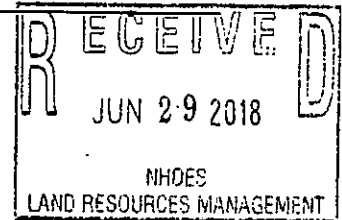
Notes





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: 12/5/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 11/27/2017

NHB File ID: NHB17-3543

Applicant: Michael Cleary

Location: Durham

Tax Maps: Tax Map 12, Lot 1-15

Project

Description: The project proposes to lengthen the existing 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.

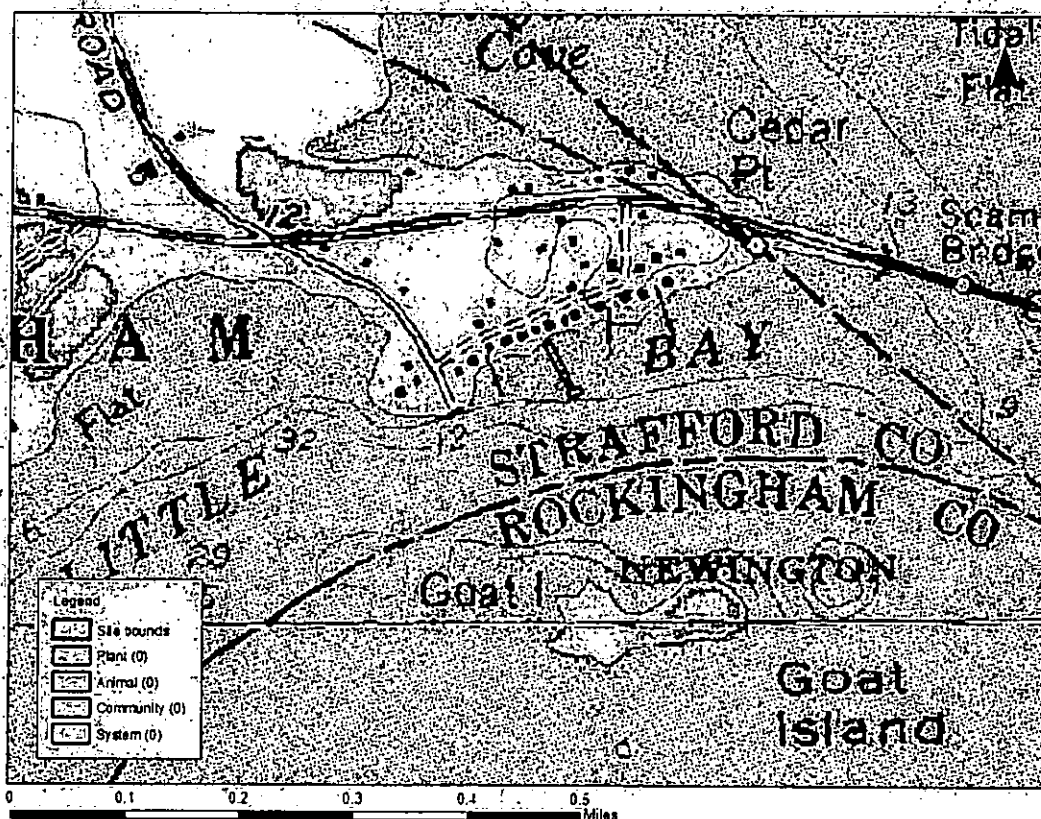
It was determined that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/27/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-3543

NHB17-3543



ABUTTER'S LIST
JN 2552.31
Michael Cleary Revocable Trust

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
12	1-17	Edward Williams			
12	1-12	Donald M. & Karen Roy			

Engineer

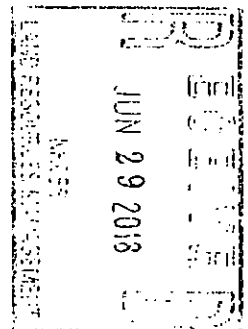
Ambit Engineering, Inc.
Civil Engineers & Land Surveyors

200 Griffin Road, Unit 3

Portsmouth, NH 03801

Applicant/Owner

12 1-15 Michael J. Cleary Revocable Trust



- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF DURHAM ASSESSOR'S MAP 12 AS LOT 1-15.
 - 2) OWNERS OF RECORD:
MICHAEL J. CLEARY REVOCABLE TRUST
MICHAEL J. CLEARY TRUSTEE
26 CEDAR POINT ROAD
DURHAM, NH 03824
3822/748
 - 3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL.8) AS SHOWN ON FIRM PANEL 3301700340E, EFFECTIVE DATE SEPTEMBER 30, 2015.
 - 4) EXISTING LOT AREA:
0.31 ACRES (FOR ASSESSOR)
 - 5) PARCEL IS LOCATED IN RESIDENCE COASTAL (RC) ZONING DISTRICT AND IS SUBJECT TO THE SHORELAND PROTECTION OVERLAY DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 130,000 SF
FRONTAGE: ROAD 300 FEET
SHORELAND 200 FEET
SETBACKS: FRONT 30 FEET
SIDE 50 FEET
REAR 50 FEET
MAXIMUM STRUCTURE HEIGHT: 30 FEET
MAXIMUM IMPERVIOUS COVERAGE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF TAX MAP 12 LOT 1-15 IN THE TOWN OF DURHAM.
 - 8) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW), BASIS OF VERTICAL DATUM IS NH DAT BENCHMARK 133-0410, REDUCTION FROM NAVD83 TO MLLW BASED ON NOAA STATION 8420411, DOVER, COCHeco RIVER, MLLW BEING 3.87' LOWER THAN 0 HAVENOR MARK LINE AS SHOWN IS AT ELEV. 7.30 MLLW.
 - 9) CEDAR POINT ROAD IS REPRODUCED IN THE SUBJECT PARCEL, AND ABUTTING DEEDS, AS AN ADJUTED POST RIGHT OF WAY. FOR THE PURPOSE OF ESTABLISHING THE BOUNDARIES OF THE PARCEL, THIS WORTH WAS HELD. RIGHTS OF THE PUBLIC MAY EXIST OVER THE TRAVELED PORTION OF CEDAR POINT ROAD WITHIN THE BOUNDARIES OF THE SUBJECT PARCEL.
 - 10) ENTIRE PARCEL IS WITHIN THE PROTECTED SHORELAND.

CLEARY RESIDENCE
26 CEDAR POINT ROAD
DURHAM, N.H.

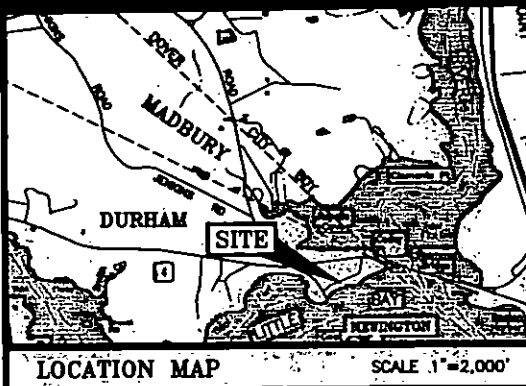
NO.	DESCRIPTION	DATE
3	ADD BOUNDARY LINE SHOWN ON PREVIOUSLY APPROVED PLAN PER DES	10/25/18
2	ISSUED FOR APPROVAL	8/8/18
1	ISSUED FOR COMMENT	2/28/18
0	ISSUED FOR COMMENT	1/16/8

NHDES Approved Plan
(SMG 11/9/2018)

SCALE 1" = 30' JANUARY 2018

EXISTING CONDITIONS PLAN **C1**

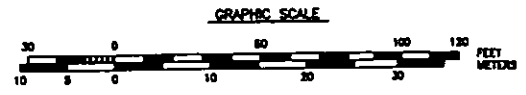
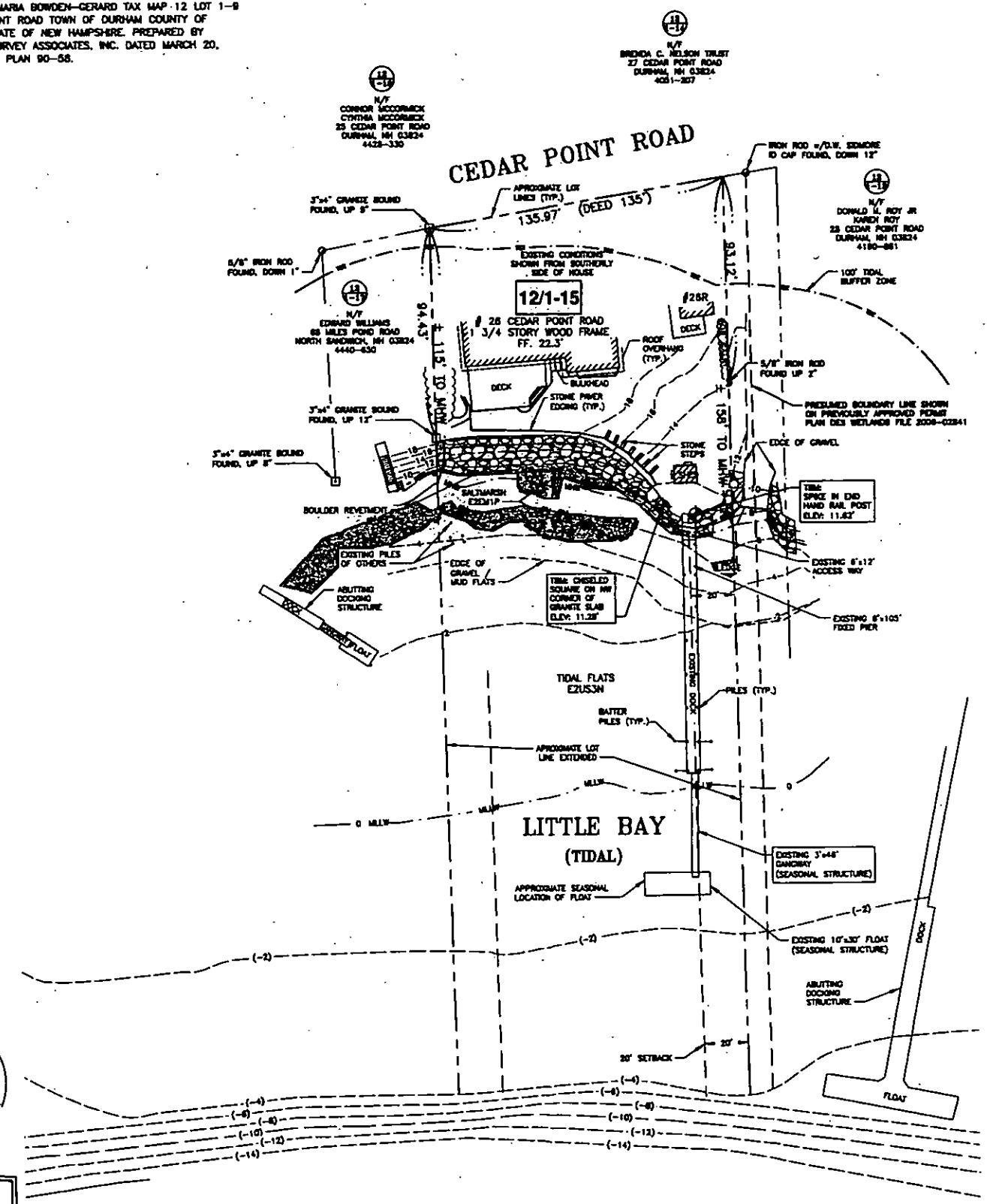
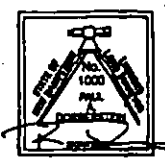
PLAN REFERENCES:
1) EXISTING CONDITIONS PLAN PREPARED FOR DAVID GERARD AND MARA BOWDEN-GERARD TAX MAP 12 LOT 1-8 33 CEDAR POINT ROAD TOWN OF DURHAM COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE, PREPARED BY MCNEANEY SURVEY ASSOCIATES, INC. DATED MARCH 20, 2007, S.C.R.D. PLAN 90-58.

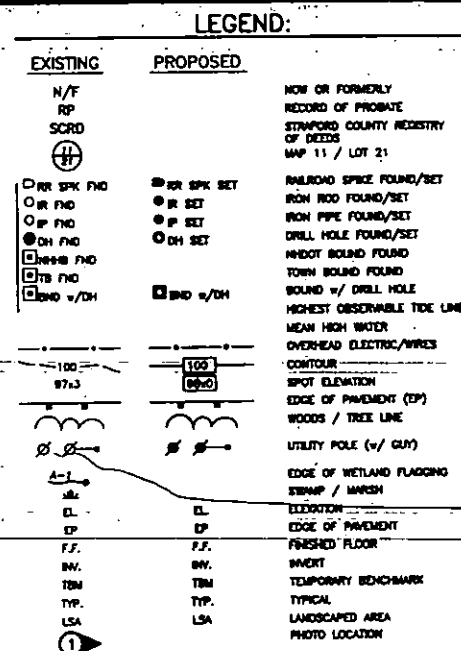
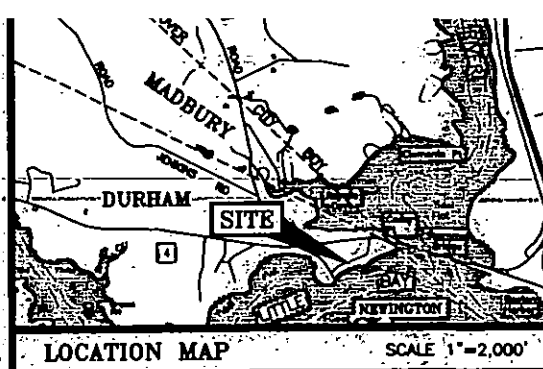


- LEGEND:**
- | EXISTING | PROPOSED | HOW OR FORMERLY |
|------------|------------|------------------------------|
| N/F | | RECORD OF PROBATE |
| RP | | STAFFORD COUNTY REGISTRY |
| SCRD | | OF DEEDS |
| | | MAP 11 / LOT 21 |
| RR SPK FND | RR SPK SET | RAILROAD SPIKE FOUND/SET |
| RR FND | RR SET | IRON ROD FOUND/SET |
| IP FND | IP SET | IRON PIPE FOUND/SET |
| CH FND | CH SET | DRILL HOLE FOUND/SET |
| HHSS FND | | HOOT BOUND FOUND |
| TH FND | | TOWN BOUND FOUND |
| SHD W/CH | SHD W/CH | BOUND W/ DRILL HOLE |
| | | HIGHEST OBSERVABLE TIDE LINE |
| | | MEAN HIGH WATER |
| | | OVERHEAD ELECTRIC/WIRES |
| | | CONTOUR |
| | | SPOT ELEVATION |
| | | EDGE OF PAVEMENT (EP) |
| | | WOODS / TREE LINE |
| | | UTILITY POLE (-/ GUY) |
| | | EDGE OF WETLAND FLAGGING |
| | | SWAMP / MARSH |
| | | ELEVATION |
| | | EDGE OF PAVEMENT |
| | | FINISHED FLOOR |
| | | INVERT |
| | | TEMPORARY BENCHMARK |
| | | TYPICAL |
| | | LANDSCAPED AREA |
| | | PHOTO LOCATION |

- WETLAND NOTES:**
- 1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. ROKER, CWS ON 11/29/2017 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) 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.
 - B) 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, NEMPPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997), NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
 - 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.





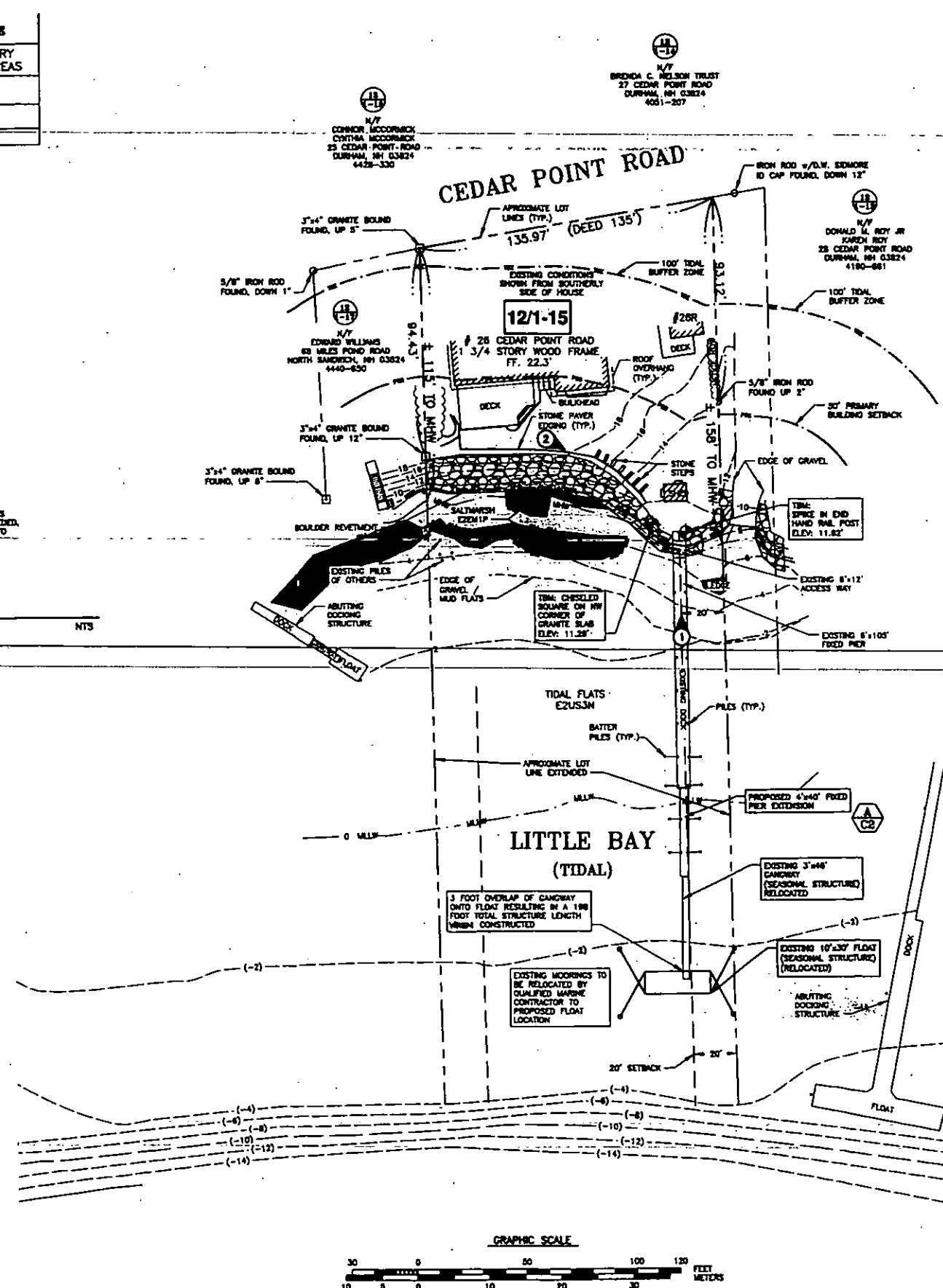
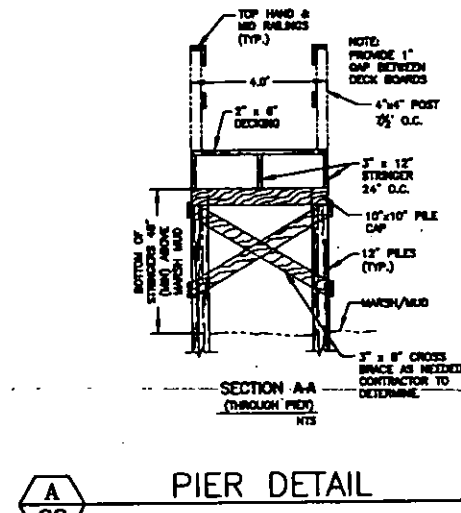
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 - WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



WETLAND IMPACT AREAS IN S.F. FOR PROPOSED DOCKING STRUCTURE

	PERMANENT IMPACT AREAS	TEMPORARY IMPACT AREAS
TIDAL WATERS WETLAND (EZUS3N)	160	0
TIDAL BUFFER ZONE		
TOTAL	160	0

PREVIOUS NHDES PERMIT APPROVAL:
DES WETLANDS FILE: 2008-02241



NOTES:

- PROJECT LOCATION:
26 CEDAR POINT ROAD
DURHAM, NH 03824
PARCEL ID:
TAX MAP 12/ LOT 1-15
OWNER:
MICHAEL J. CLEARY REVOCABLE TRUST
MICHAEL J. CLEARY TRUSTEE
26 CEDAR POINT ROAD
DURHAM, NH 03824
3825/748
ZONING DISTRICT:
RC RESIDENCE COASTAL
- LOT AREA: .31 ACRES (PER ASSESSOR)
- THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2006).
- THE LIMIT OF WORK IS TO BE CLEARLY UNDERSTOOD WITHIN THE JURISDICTIONAL AREAS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS NH DOT BENCHMARK 133-0410, REDUCTION FROM NAVD83 TO MLLW BASED ON NOAA STATION 8420411, DOVER, COCHECO RIVER, MLLW BEING 3.93' LOWER THAN 0 NAVD83. MHW LINE AS SHOWN IS AT ELEV. 7.30 MLLW.

**CLEARY RESIDENCE
26 CEDAR POINT ROAD
DURHAM, N.H.**

NO.	DESCRIPTION	DATE
2	REVISED PER NHDES	10/24/18
1	ISSUED FOR APPROVAL	6/8/18
0	ISSUED FOR COMMENT	6/1/18

REVISIONS

STATE OF NEW HAMPSHIRE
JOHN R. CONNOR
COMMISSIONER
OCT 29 2018

SCALE: 1" = 30' **JANUARY 2018**

NHDES DOCK PERMIT PLAN **C2**

FB 231 PG 77 2552.31



AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

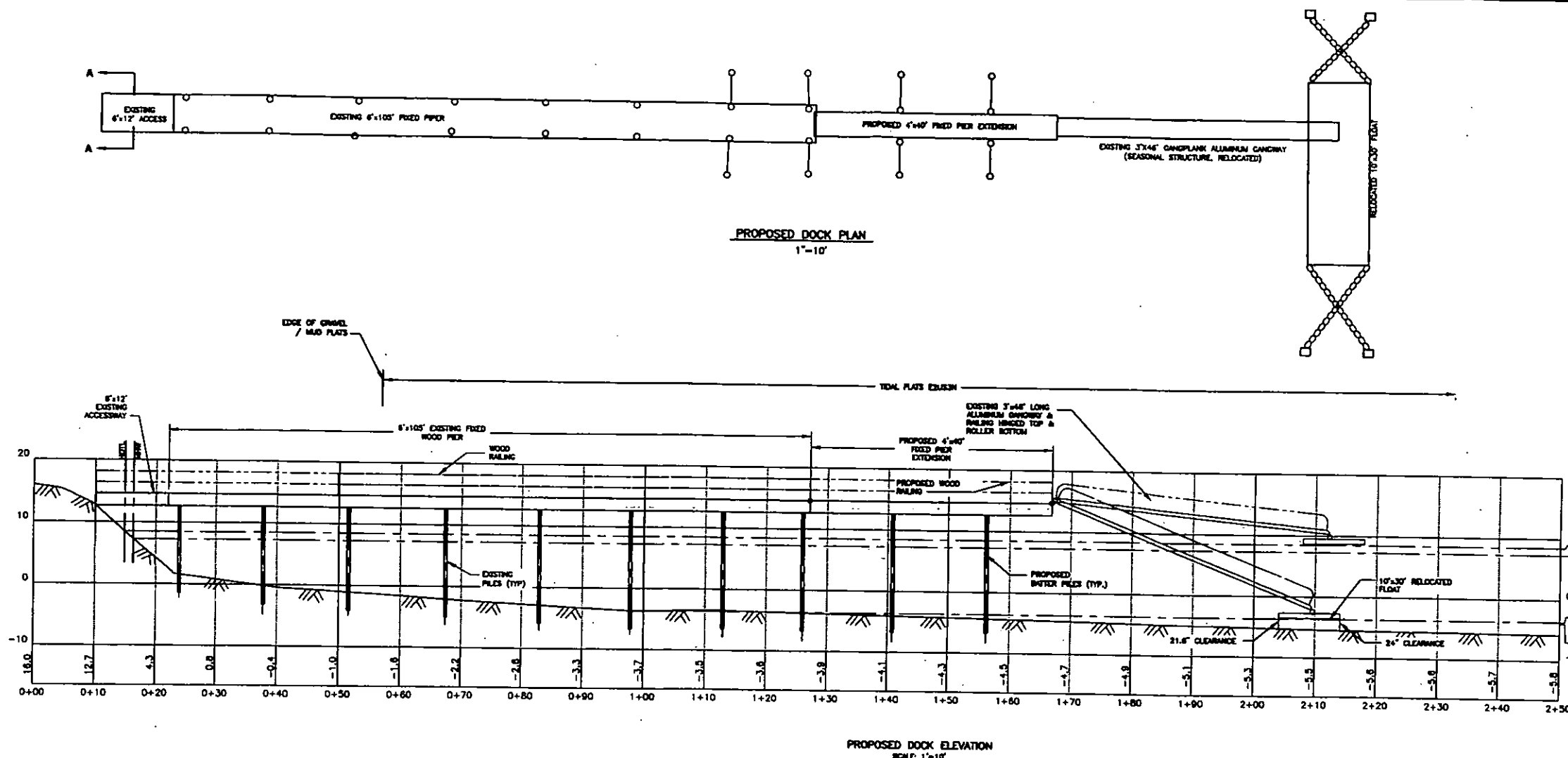
800 Griggs Road - Unit 3
Durham, N.H. 03824-1714
Tel (603) 430-6332
Fax (603) 430-6315

REVISED PER NHDES

DATE OF REVISION

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DGS SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION." (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 8 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.



SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SHED, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SHIP TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILING WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILING. PILING ARE DRIVEN TO REFUSAL.
- 7) PILING ARE CUT AND BEAM CAPS ARE INSTALLED AND THE SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 8) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

DISCHARGES, AVOIDANCE, MINIMIZATION AND MITIGATION

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORP AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACE AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

UNLESS SPECIFICALLY AUTHORIZED USACE AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

HEAVY EQUIPMENT IN FRESH WATER WETLANDS

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONDUIT ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

TIME OF YEAR WORK WINDOW AND NOISE RESTRICTIONS

- I. PILES INSTALLED IN-THE-DRY DURING LOW WATER OR IN-WATER BETWEEN NOV. 8TH - APR. 9TH, OR
- II. MUST BE DRILLED AND PINNED TO LEDGE, OR
- III. VIBRATORY HAMMERS USED TO INSTALL ANY SIZE AND QUANTITY OF WOOD, CONCRETE OR STEEL PILES, OR
- IV. IMPACT HAMMERS LIMITED TO ONE HAMMER AND <50 PILES INSTALLED/DAY WITH THE FOLLOWING: WOOD PILES OF ANY SIZE, CONCRETE PILES (18-INCHES DIAMETER, STEEL PILES 12-INCHES DIAMETER IF THE HAMMER IS 3000 LBS. AND A WOOD CUSHION IS USED BETWEEN THE HAMMER AND STEEL PILE.

FOR 8-11 AM ABOVE:

- I. IN-WATER NOISE LEVELS SHALL NOT >157dB SEL RE IMP@ 204dB PEAK RE IMP@ AT A DISTANCE >10M FROM THE PILE BEING INSTALLED, AND
- II. IN-WATER NOISE LEVELS >155dB PEAK RE IMP@ SHALL NOT EXCEED 12 CONSECUTIVE HOURS ON ANY GIVEN DAY AND A 12 HOUR RECOVERY PERIOD (I.E., IN-WATER NOISE BELOW 155dB PEAK RE IMP@) MUST BE PROVIDED BETWEEN WORK DAYS.

WORK SITE RESTORATION

- UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MAY BE PLANTED ONLY PLANT SPECIES NATIVE TO NEW ENGLAND.
- THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED.
 - IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA, UNLESS OTHERWISE AUTHORIZED.
 - WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS OTHERWISE AUTHORIZED.

SEDIMENTATION AND EROSION CONTROL

ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, VEGETATED FILTER STRIPS, GEOTEXTILE SALT FENCES, STORMWATER DETENTION AND INFILTRATION SYSTEMS, SEDIMENT DETENTION BASINS, OR OTHER DEVICES SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION, OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS, AND OF FILTERING FINE SEDIMENT. THE DISTURBED AREAS SHALL BE STABILIZED AND THESE DEVICES SHALL BE REMOVED UPON COMPLETION OF WORK. THE SEDIMENT COLLECTED BY THESE DEVICES SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION, IN A MANNER THAT WILL PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

SPAWNING AREAS

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., FTH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMFS WEBSITE AT: WWW.NMFS.NMMA.GOV/HCD.

STORAGE OF SEASONAL STRUCTURES

COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF HOTL.

ENVIRONMENTAL FUNCTIONS AND VALUES

THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT [HTTP://WWW.NAE.USACE.ARMY.MIL/REGULATORY/CONTROL METHODS](http://WWW.NAE.USACE.ARMY.MIL/REGULATORY/CONTROL METHODS).

INSPECTIONS

THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK.

CLEARY RESIDENCE 26 CEDAR POINT ROAD DURHAM, N.H.

NO.	DESCRIPTION	DATE
1	REVISED PER NHDES	10/24/18
0	ISSUED FOR COMMENT	6/8/18

REVISIONS



SCALE: AS SHOWN

JANUARY 2018

NHDES PERMIT
DOCK DETAILS

C3