



The State of New Hampshire
Department of Environmental Services

Clark B. Freise, Assistant Commissioner



March 08, 2017

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

REQUESTED ACTION

Approve Robert & Brenda Ryan's request to perform the following work on Little Bay, in Durham. File # 2016-01933. This project will not have significant impact on or adversely affect the values of Little Bay.

Construct a tidal docking structure consisting of a 4 ft. wide x 10 ft. long permanent pier connecting to a 3 ft. wide x 30 ft. long ramp connected to an 8 ft. x 16 ft. float on float stops, overall structure length from highest observable tide into the tidal resource is 53 ft., providing one slip on 103 ft. of frontage on Little Bay.

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

1. All work shall be in accordance with revised plans by Ambit Engineering Inc. dated 12/26/2016, as received by the NH Department of Environmental Services (NHDES) on 12/27/2016.
2. This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau prior to the commencement of construction.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease District office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. Construction of this tidal docking structure consisting of a 4 ft. wide x 10 ft. long permanent pier connecting to a 3 ft. wide x 30 ft. long ramp connected to a 8 ft. x 16 ft. float on float stops, overall structure length from highest observable tide into the tidal resource is 53 ft., providing one slip on 103 ft. of frontage on Little Bay shall be the only structure on this 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.
5. 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. Float stop structures shall be constructed to provide at least 24 inches of clearance between the bottom of the float structure and the substrate.
6. The seasonal structures, including but not limited to the gangway and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
7. 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.
8. 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 Env-Wq 1700.

www.des.nh.gov

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

9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
10. Construction of the dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the salt marsh and intertidal zone.
11. Pile driving or pile removal work shall be done during low tide.
12. Pilings to be removed shall be cut level with the substrate rather than pulled, in order to limit the creation of turbidity.
13. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. All 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.
16. Within three days of final grading or temporary suspension of work in an area that is adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

EXPLANATION

The NHDES Wetlands Bureau approved this project on February 06, 2017. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. There is currently no dock present on the frontage.
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 Env-Wt 302.03. The dock is the minimum length necessary to provide partial tide access to the water at this location, and the design incorporates float stops to prevent the float from sitting on the mud at low tide.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau ("NHB") has record of sensitive species within the vicinity of the project, the marsh elder.
 - a. The applicant has conducted a survey of the area and coordinated with NHB. NHB does not expect impacts to the species.
 - b. With respect to the proposal's impact on navigation, the entire structure is located greater than 20 ft. off the abutting property lines or the imaginary extensions waterward thereof. The design has been reviewed by the Pease Development Authority, Division of Ports and Harbors, who, per letter dated October 10, 2016, determined that the project would have no negative effect on navigation in the channel.
5. The Durham Conservation Commission did not report.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. The NHDES staff field inspection on September 16, 2016 found that plans accurately reflect field conditions, and that the proposed design will not obstruct near-shore navigation in the cove.

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and The Honorable Council
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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.

A handwritten signature in black ink, appearing to read 'C. Freise', written over a horizontal line.

Clark B. Freise
Assistant Commissioner

CDF/CGA/IsI



WETLANDS PERMIT APPLICATION

**Water Division/ Wetlands Bureau
Land Resources Management**



Check the status of your application: www.des.nh.gov/onestop

RSA/Rule: RSA 482-A/ Env-Wt 100-900

<div style="border: 2px solid black; padding: 5px;"> <p style="font-size: 2em; letter-spacing: 0.5em;">R E C E I V E D</p> <p style="font-size: 0.8em;">Administrative Use Only JUL 07 2016</p> <p style="font-size: 0.7em;">NHDES LAND RESOURCES MANAGEMENT</p> </div>	<p style="font-size: 1.5em; font-weight: bold;">COMPLETE</p> <p style="font-size: 0.8em;">Administrative Use Only JUL 07 2016</p>	<p style="font-size: 0.8em;">Administrative Use Only</p>	<p>File No.: 2016-01933</p> <p>Check No.: 9295</p> <p>Amount: \$ 530.00</p> <p>Initials: LSL</p>
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1. REVIEW TIME:			
Indicate your Review Time below. Refer to Guidance Document A for instructions.			
<input checked="" type="checkbox"/> Standard Review (Minimum, Minor or Major Impact)		<input type="checkbox"/> Expedited Review (Minimum Impact only)	
2. PROJECT LOCATION:			
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.			
ADDRESS: 269 Durham Point Road			TOWN/CITY: Durham
TAX MAP: 20	BLOCK:	LOT: 16-1	UNIT:
USGS TOPO MAP WATERBODY NAME: Little Bay		<input type="checkbox"/> NA	STREAM WATERSHED SIZE: <input checked="" type="checkbox"/> NA
LOCATION COORDINATES (If known): X: 1,196,945.72 Y: 223,615.15			
Latitude/Longitude <input type="checkbox"/> UTM <input checked="" type="checkbox"/> 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.			
<p>The project proposes 56 sq. ft. of permanent impact and 218 sq. ft. of temporary impact to jurisdictional tidal wetland for construction of a docking structure that consists of a 4' x 4' wooden landing, a 4' x 10' fixed permanent wood pier, a 3' x 30' aluminum gangplank, and a 8' x 16' float located by mushroom moorings (overall structure length 52') providing one undersized slip on 102.9' feet of frontage along Little Bay.</p>			
4. SHORELINE FRONTAGE			
<input type="checkbox"/> NA This lot has no shoreline frontage.		SHORELINE FRONTAGE: 102.9 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...			
Shoreland: 2016-01761			
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 <u>16</u> - <u>1559</u>			

shoreland@des.nh.gov or (603) 271-2147
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

b. Designated River the project is in ¼ miles of: _____; and
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: __ Day: __ Year: __
 NA

7. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Ryan, Robert P. & Brenda C.**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: **14 Courthouse Road**

TOWN/CITY: **Amherst** STATE: **NH** ZIP CODE: **03031**

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**

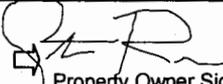
ELECTRONIC COMMUNICATION: By initialing here SR, I hereby authorize NHDES to communicate all matters relative to this application electronically

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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not

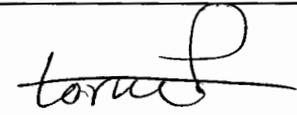
 Property Owner Signature	Agent-See Authorization Steven D. Riker Print name legibly	7 / 6 / 2016 Date
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MUNICIPAL SIGNATURES

11. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

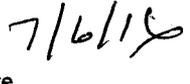
 Print name legibly	 Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

 Town/City Clerk Signature	 Print name legibly	 Town/City	 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

13. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Scrub-shrub wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Emergent wetland		<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	56	<input type="checkbox"/> ATF	218	<input type="checkbox"/> ATF
TOTAL	56 /		218 /	

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 = \$ _____

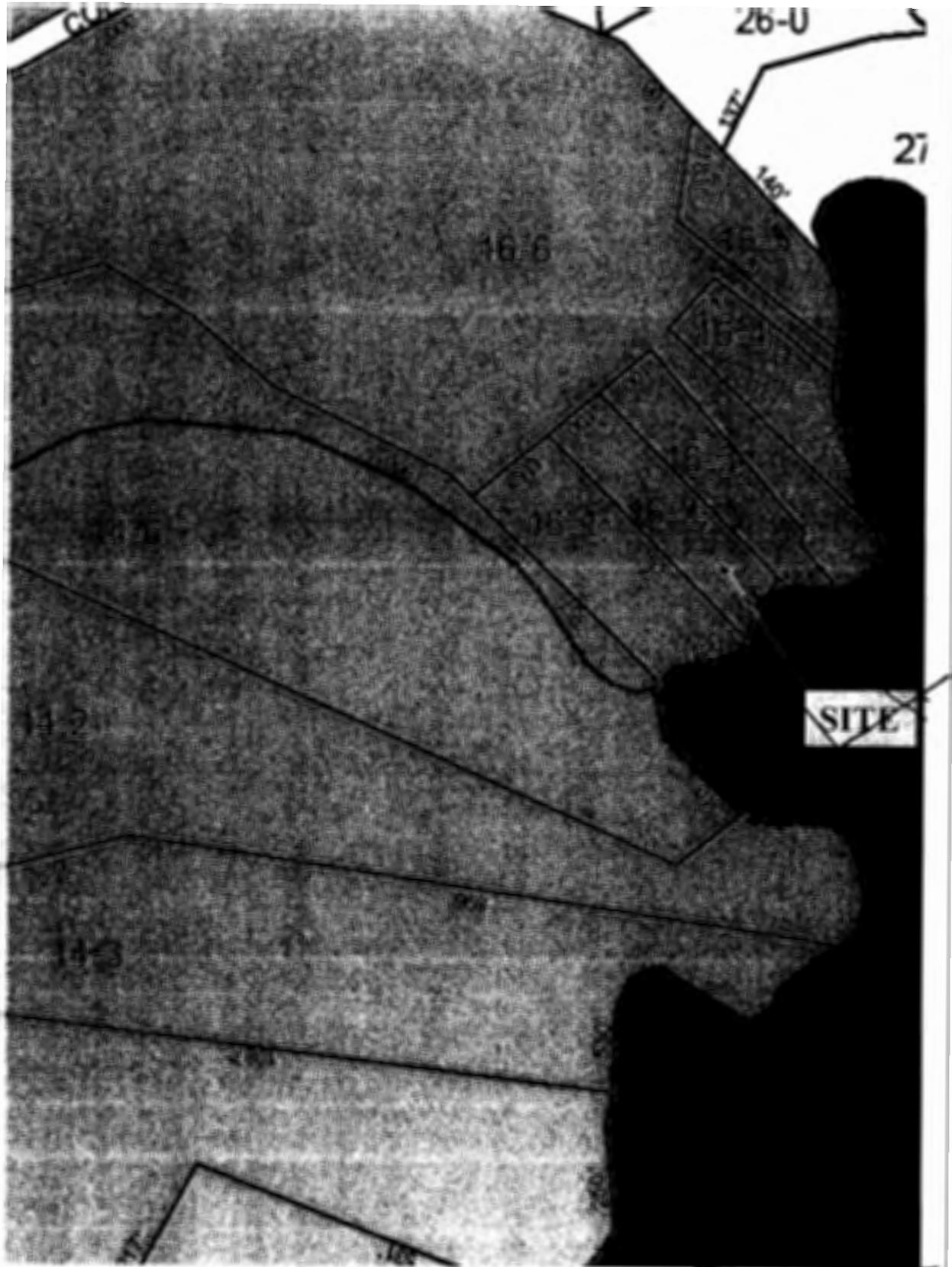
Temporary (seasonal) docking structure: **218** sq. ft. X \$1.00 = **\$ 218**

Permanent docking structure: **56** sq. ft. X \$2.00 = **\$ 112**

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**



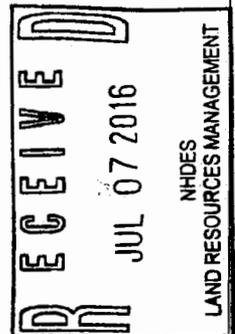
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JUN 07 2016

Map by NH GRANIT



Legend

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



Map Scale

1: 17,921

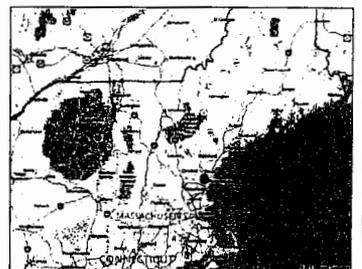


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Map Generated: 5/18/2016

Notes

215
170



Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: John Chagnon, Ambit Engineering Inc
200 Griffin Road
Unit 3
Portsmouth, NH 03801

From: Amy Lamb, NH Natural Heritage Bureau

Date: 5/25/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB16-1559

Town: Durham

Location: Tax Maps: Tax Map 20, Lot 16-2
Description: The project includes construction of a docking structure on the lot for boating access to Little Bay.

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results:

Comments: Please send site photos depicting the shoreline to be impacted. There is a record for the state threatened Marsh Elder just south of the project area, and there is a potential for the shrub to occur onsite. Please send the requested information to me at Amy.Lamb@dred.nh.gov.

Plant species

Marsh Elder (*Iva frutescens*)

State¹ Federal Notes

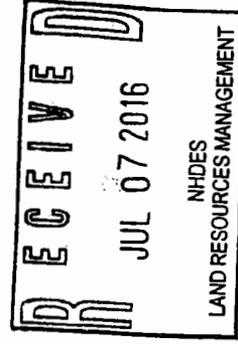
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Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

¹Codes: "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.

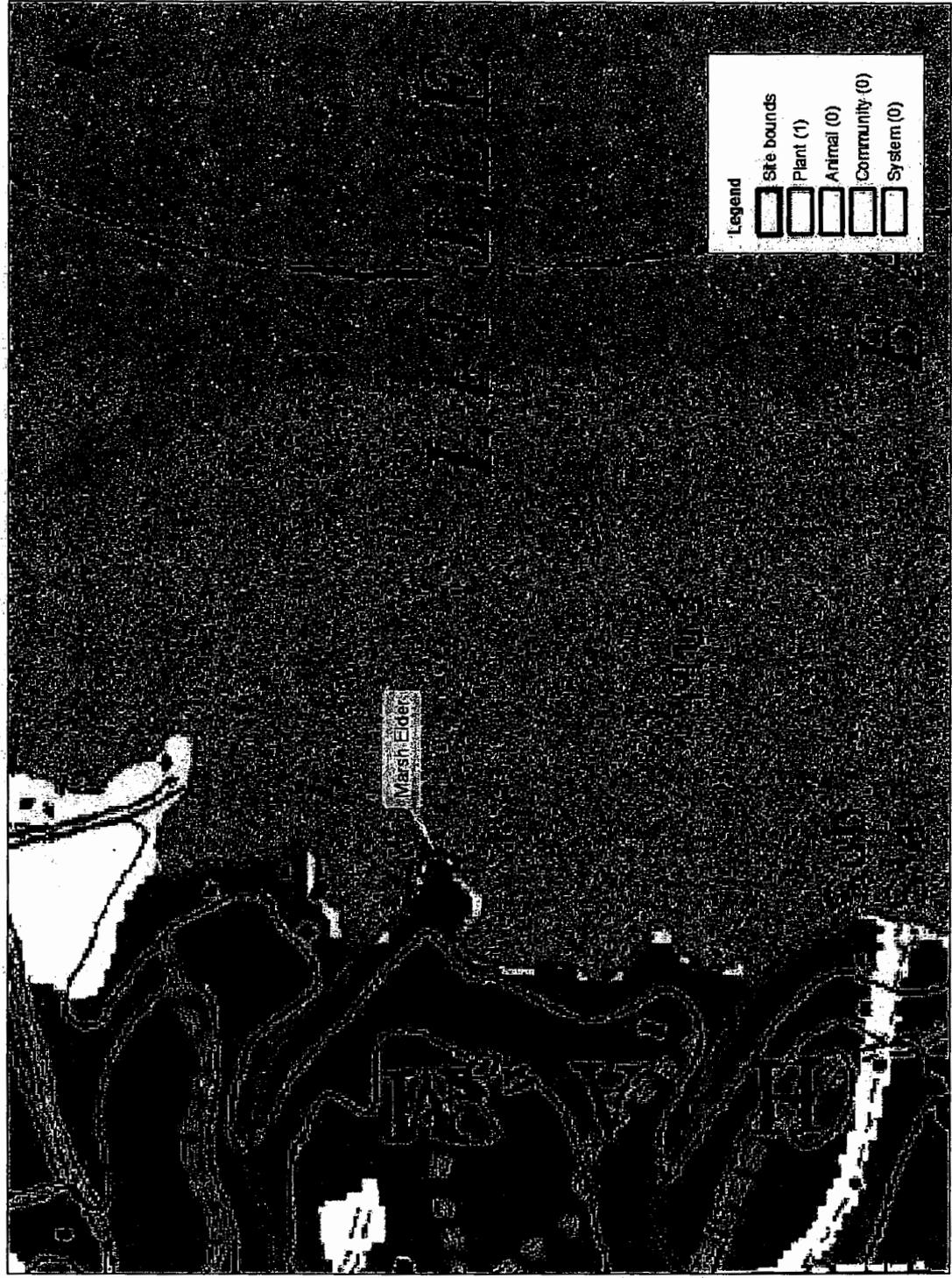
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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



Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
172 Pembroke Rd.
Concord, NH 03301

NHB16-1559



New Hampshire Natural Heritage Bureau - Plant Record

Marsh Elder (*Iva frutescens*)

Legal Status

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Fair quality, condition and/or landscape context ('C' on a scale of A-D).

Comments on Rank:

Detailed Description: 2004: 78 individual shrubs and seedlings counted. 40% mature and in bud and 60% immature. All plants of normal vigor. Dominant where it occurs on the edge of the point.
General Area: 2004: Exposed and crumbling rocky shoreline. Associated natural community is a fringing *low salt marsh*. Population is at the upland edge of the marsh. Associated species in the immediate vicinity include: *Limonium nashii* [*carolinianum*] (sea lavender), *Spartina alterniflora* (smooth cordgrass), *Salicornia* sp. (glasswort), *Atriplex patula* (narrow-leaved orach). Brackish water influence from bay.
General Comments: 2004: Surrounding upland moderately disturbed with boat storage, tree cutting, and road. Obvious hang-out place in the summer. Relatively small population with not a lot of ideal habitat. Plant is on unprotected land. Much of surrounding land is in a natural state, although immediate area is used for recreation and boat storage.

Management Comments:

Location

Survey Site Name: Little Bay - Colony Cove
Managed By:

County: Strafford
Town(s): Durham
Size: .0 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: Point of land at the end of road in the Colony Cove Community area.

Dates documented

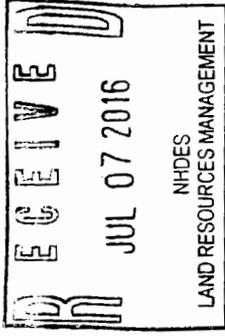
First reported: 2004-07-28

Last reported: 2004-07-28

ABUTTER'S LIST

JN 2552.02

Robert P. & Brenda C. Ryan
269 Durham Point Road
Durham, NH



MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
20	16-1	Chase Family Security Trust Edward E. Chase Trustee		[REDACTED]	Cohasset, MA 02025
20	16-3	Kleinmann Joint Revocable Trust Ralph A. & Elisabeth G. Kleinmann		[REDACTED]	Durham, NH 03824
20	16-6	Chase-Snow/Tregay/Kleinmann/ Crogetti/Ryan C/O Susan Chase		[REDACTED]	Cohasset, MA 02025
Engineer		Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applicant/Owner		Robert P. & Brenda C. Ryan		[REDACTED]	Amherst, NH 03031