



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 James and Karen Duffy's request to perform the following work on the Piscataqua River, in Dover. File # 2016-02219. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Construct a tidal docking structure consisting of a 4 ft. wide x 70 ft. long permanent pier with an attached 3 ft. wide x 35 ft. long ramp connected to a 6 ft. x 24 ft. float and a 40 ft. x 10 ft. float in a "T" configuration, overall structure length from highest observable tide into the tidal resource is 136 ft., providing one slip on 832 ft. of frontage on the Piscataqua River.

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 December 23, 2016, as received by the NH Department of Environmental Services (NHDES) on December 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 70 ft. long permanent pier with an attached 3 ft. wide x 35 ft. long ramp connected to a 6 ft. x 24 ft. float and a 40 ft. x 10 ft. float in a "T" configuration, overall structure length from highest observable tide into the tidal resource is 136 ft., providing one slip on 832 ft. of frontage on the Piscataqua River shall be the only dock structure on this water frontage, and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
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.
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.

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

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.
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:

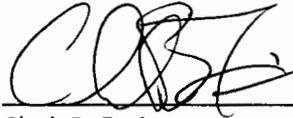
1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. There 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 full tide access at mean low water at this location, to a water depth which will prevent the float and vessel 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.
 - a. There were no species of concern reported by the NH Natural Heritage Bureau ("NHB") as occurring within the vicinity of the project.
 - 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 and, per letter dated August 29, 2016, determined that the project would have no negative effect on navigation in the channel.
5. The Dover Conservation Commission recommended approval.

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6. This dock is consistent with other tidal dock approvals in the seacoast.
7. The NHDES staff field inspection on January 27, 2017 found that plans accurately reflect field conditions, and that the proposed design will not obstruct near-shore navigation in the cove.

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.



Clark B. Freise
Assistant Commissioner

CDF/CGA/coemk



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

			File No: 2016-02219
			Check No: 7941
			Amount: 9,449.00
			Initials: Emk

1. REVIEW TIME:
Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact only)

2. PROJECT LOCATION:
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **536 Middle Road** TOWN/CITY: **Dover**

TAX MAP: **M** BLOCK: LOT: **56** UNIT:

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

LOCATION COORDINATES (If known): **X: 1,206,566.22 Y: 239,534.42**
Latitude/Longitude UTM State Plane

3. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

The project proposes 949 sq. ft. of permanent impact to jurisdictional tidal wetland for construction of a docking structure that consists of a 4' x 75' wood pier, 3' x 35' aluminum gangplank, a 6' x 24' landing float and a 10' x 40' main float (overall structure length 144') providing one undersized slip on 950 feet of frontage along the Piscataqua River.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **950 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...

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 **16** - **1255**

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

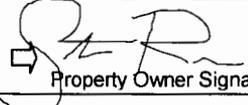


b. Designated River the project is in ¼ miles of: _____; and
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___
 NA

7. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Duffy, James P. & Karen B.			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: Dover		STATE: NH	ZIP CODE: 03820
EMAIL or FAX: [REDACTED]		PHONE: [REDACTED]	
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 <u>SR</u> , 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

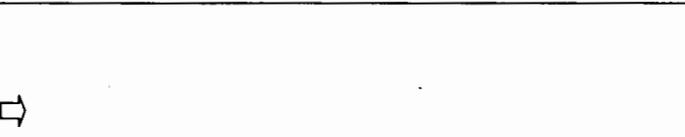
 Property Owner Signature	Agent-See Authorization	Steven D. Riker Print name legibly	8 / 1 / 2016 Date
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MUNICIPAL SIGNATURES

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	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	Karen S. Laurito Print name legibly	Dover Town/City	8/1/16 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	949	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	949 /		/

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 = \$ _____

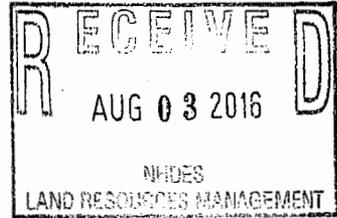
Temporary (seasonal) docking structure: **649** sq. ft. X \$1.00 = **\$ 649.00**

Permanent docking structure: **300** sq. ft. X \$2.00 = **\$ 600.00**

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

Total = **\$ 1,449.00**

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



20 April, 2016

To Whom It May Concern

RE: New Hampshire DES Wetlands Board Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for James P. & Karen B. Duffy, 536 Middle Road, Dover, NH.

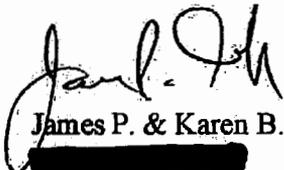
This letter is to inform the New Hampshire DES and the City of Dover in accordance with State Law that the following entities:

Ambit Engineering, Inc.

Is individually authorized to represent us as our agent in the approval process.

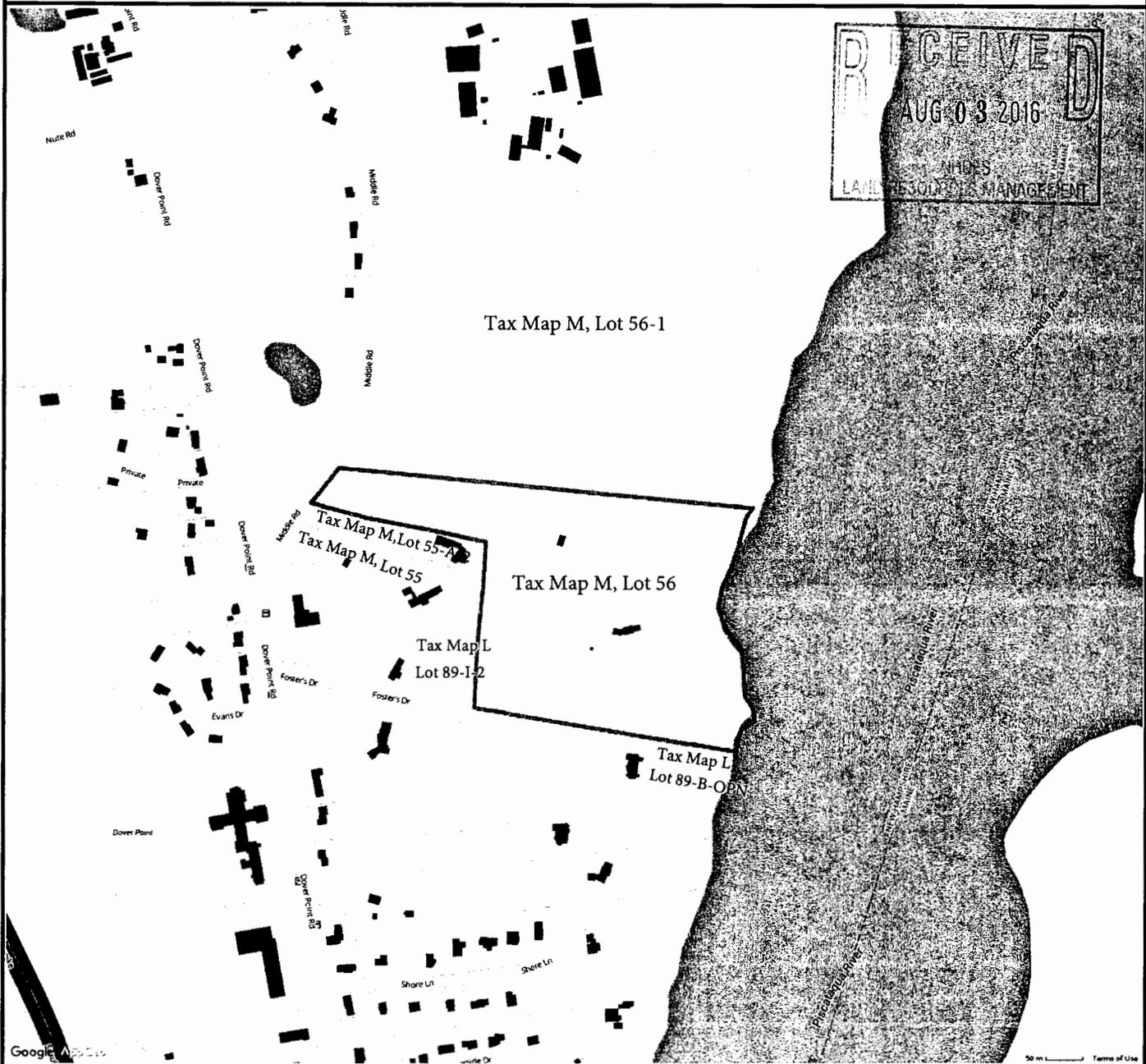
Please feel free to call me if there is any question regarding this authorization.

Sincerely,


James P. & Karen B. Duffy

Dover, NH 03820

536 Middle Road, Dover, NH



Property Information

Property ID M0056-000000
Location 536 MIDDLE RD
Owner DUFFY JAMES P &



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

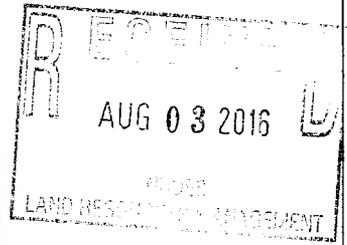
City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Map by NH GRANIT



Legend

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



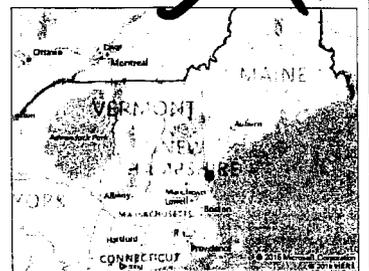
Map Scale
1: 38,505



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Map Generated: 4/26/2016

Notes

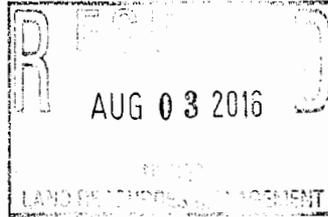
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New Hampshire Natural Heritage Bureau

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



Date: 4/25/2016

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 4/25/2016

NHB File ID: NHB16-1255

Applicant: James P. & Karen B. Duffy

Location: Tax Map(s)/Lot(s): Tax Map M, Lot 56
Dover

Project Description: The project proposes a docking structure on the lot.

The NH Natural Heritage database has been checked 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. We currently have no recorded occurrences for sensitive species near this project area.

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.

This report is valid through 4/24/2017.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB16-1255



ABUTTER'S LIST

JN 1822.01

James P. & Karen B. Duffy
536 Middle Road
Dover, NH

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
M	56-1	James P. & Karen B. Duffy		[REDACTED]	Dover, NH 03820
M	55-A-2	Hobson Family Rev. Living Trust Christopher & Mary Hobson Trustees		[REDACTED]	Dover, NH 03820
M	55	Karen C. Fisher		[REDACTED]	Dover, NH 03820
L	89-1-2	Christine A. Estes		[REDACTED]	Dover, NH 03820
L	89-B-OPN	Fosters Way Homeowners Assoc.		[REDACTED]	Dover, NH 03820
Engineer		Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applicant/Owner	M 56	James P. & Karen B. Duffy		[REDACTED]	Dover, NH 03820

