

The State of New Hampshire Department of Environmental Services



Robert R. Scott, Commissioner

October 01, 2018

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

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REQUESTED ACTION

Approve Kimberly A. Wesson Revocable Trust's request to perform the following work on Little Bay, in Dover. File # 2018-01848. This project will not have significant impact on or adversely affect the values of Little Bay.

Impact a total of 698 square feet, including 48 square feet of permanent impact to the previously developed upland tidal buffer zone and 650 square feet of permanent impact to tidal wetlands, to construct a new tidal docking structure. The structure consists of a 4 foot x 12 foot access way connecting to a 4 foot x 90 foot fixed pier, connecting to a 3 foot x 30 foot ramp, connecting to a 10 foot x 20 foot float. The overall structure length seaward of the highest observable tide line is 140 feet, providing two slips on 113 feet of frontage on the Bellamy River.

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

- 1. All work shall be in accordance with plans by Ambit Engineering, Inc., dated January 2018, and revised through June 08, 2018 last received by the NH Department of Environmental Services (NHDES) on June 20, 2018.
- 2. No less than five 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 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 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 4 foot x 12 foot access way connecting to a 4 foot x 90 foot fixed pier, connecting to a 3 foot x 30 foot ramp, connecting to a 10 foot x 20 foot float, providing two slips on 113 feet of frontage on the Bellamy River, shall be the only docking structure on this water frontage.
- 7. There shall be no removal of mature trees along the shoreline of the river on this property associated with the construction of the dock and access way.

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- 8. Construction of the dock shall occur from a barge equipped with a crane, at low tide, 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.

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- 11. 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.
- 12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 14. 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.
- 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 in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

EXPLANATION

The NHDES Wetlands Bureau approved this project on August 31, 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 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 project is located within 40 feet of an isolated patch of salt marsh. There is a larger salt marsh complex located greater than 50 feet eastward of the proposed structure. The proposed structure has been sited to avoid any direct impact to salt marsh vegetation.
- 4. 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.
- 5. 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 underlying salt marsh community.
- 6. 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.
- 7. 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.

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- 8. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB17-3540) 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.
- 9. Other NHDES permits associated with this site include 2017-00309 (issued February 16, 2017) for impacts to the protected shoreland in order to replace a garage and reconfigure the driveway, and; 2001-00513 (issued August 07, 2001) for riprap stabilization of the shoreline.
- 10. In accordance with RSA 482-A:8, 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.
- 11. The NHDES staff field inspection conducted on August 31, 2018 found that the existing site conditions are accurately represented in the application.
- 12. In correspondence dated July 17, 2018, the Pease Development Authority, Division of Ports and Harbors, determined that the project would have no negative effect on navigation in the channel.
- 13. In correspondence dated October 06, 2017, signed authorization was provided by the applicant to allow their agent to act on their behalf throughout the permitting process.
- 14. In correspondence dated July 18, 2018, the US Environmental Protection Agency found that the project is eligible, as proposed, for the NH Programmatic General Permit.

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.

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Robert R. Scott Commissioner

NEW HAMPSHIRE DEPARTMENT OF DEPARTMENT OF Services RSA/Rule: RSA 482-A/ Env-Wt	Wetla Check the status of your ap	rces Manageme Inds Bureau	ent		
TREVIEW, TIME 1	JUN 2.012018				<u>. 01482448</u> 11 <u>236</u> 31(1972440 E0122
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тах мар: 8	BLOCK:	LOT: 3			
USGS TOPO MAP WATERBODY NAME:	Little Bay		STREAM WATERSHED S		
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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

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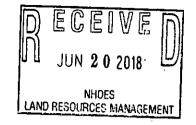
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7//APPLICANITINEORMATION (Designed permitting/der))						
LAST NAME, FIRST NAME, M.L.: Wesson, Kimberly, A.						
TRUST / COMPANY NAME:Kimberty A. Wesson Revocable Trust MAILING ADDRESS						
TOWN/CITY: Dover				STATE: NH	ZIP CODE: 03820	
EMAIL or FAX: (PHONE:			· · · · · · · · · · · · · · · · · · ·	
ELECTRONIC COMMUNICATION: By initialing here:, I hereby authorize NHDES to communicate all matters relative to this application electronically						
	ant)					
LAST NAME, FIRST NAME, M.I.:						
TRUST / COMPANY NAME:		MAILING ADD	RESS:		·····	
TOWN/CITY:			-	STATE:	ZIP CODE:	
EMAIL or FAX:			PHONE:			
ELECTRONIC COMMUNICATION: By initialing here, I hereby	authorize NHDE	5 to communi	cate all matters	relative to th	is application electronically	
SYAUTHORIZED/AGENTINFORMATION						
LAST NAME, FIRST NAME, M.I.: Riker, Steven, D.			COMPANY NA	ME:Ambit E	ingineering, Inc.	
MAILING ADDRESS: 200 Griffin Road, Unit 3				<u> </u>		
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 a	authorize NHDE	s to communi	cate all matters	relative to th	is application electronically	
100/PROPERTYOWNER/SIGNATURE: 1997	nication of th	e below stat	ements			
By signing the application, I am certifying that:						
1. I authorize the applicant and/or agent indicated on this request, supplemental information in support of this pe			the procession	ng of this ap	plication, and to furnish upon	
2. I have reviewed and submitted information & attachme				uired Attach	ment document.	
 All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. 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.						
 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. 						
 I have submitted a Request for Project Review (RPR) Form (<u>www.nh.gov/nhdhr/review</u>) 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. 						
agency for NHPA 106 compliance. 8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.						
 I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 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.						
Steven D. Riker 6/11/2017						
Property Owner Signature	Print name legi	bly			Date	
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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

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6 October, 2017

To Whom It May Concern:

RE: State of New Hampshire DES Wetlands Bureau Standard Dredge and Fill Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for <u>Kimberly A Wesson Revocable</u> <u>Trust of 2007 at 407 Dover Point Road Dover, NH 03820</u>

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

Riverside & Pickering Marine Contractors, Inc. Ambit Engineering, Inc.

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

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

Konbulg allen

Kimberly A Wesson Revocable Trust of 2007 Kimberly Wesson Harry Wesson

Dover, NH 03820

MUNICIPAL SIGNATURES

	11. CONSERVATION	COMMISSION	SIGNATURE		· · ·
ne signature below certifies that the m Waives its right to intervene per RSA Believes that the application and sub Has no objection to permitting the b	482-A:11; mitted plans accurately r	• •		·	
				•	· ·
), 		Print name legi	bly		Date
<u></u>	*	•			·
DIRECTIONS FOR CONSERVATION C	OMMISSION		•	- · ·	
1. Expedited review ONLY requires the	hat the conservation com	mission's signa	ature is obtained in	the space abo	ove.
2. Expedited review requires the Cor application to the Town/City Clerk fo		gnature be obt	ained prior to the	submittal of th	e original
3. The Conservation Commission ma reason, the application is not eligible					
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·	12. TOWN / CI				
s required by Chapter 482-A:3 (amend ans, and four USGS location maps with			cant has filed four a	application for	ms, four detailed
Kaw ILaur own/City Clerk Signature	Kaen S La Print name legibly	wh	DOVCC Town/City		6 11 18 Date
DIRECTIONS FOR TOWN/CITY CLERK Per RSA 482-A:3,I 1. For applications where "Expedit NHDES will accept the permit ap	ed Review" is checked or				ure is not present,
2. IMMEDIATELY sign the original a	application form and four	copies in the s	ignature space pro	vided above;	
3. Return the signed original applic application form and attachment			licant so that the a	pplicant may s	ubmit the
 IMMEDIATELY distribute a copy the municipal Conservation Con Planning Board; and 					
Retain one copy of the application public review.	on form and one complet	te set of attach	ments and make t	hem reasonabl	y accessible for
DIRECTIONS FOR APPLICANT:					
1. Submit the single, original per and the application fee to NHC			ure of the Town/ Ci	ity Clerk, additi	onal materials,
NHDES W	shoreland@des.nj /etlands Bureau, 29 Hazen D www.	<u>n.gov</u> or (603) 27 Jrive, PO Box 95, <u>des.nh.gov</u>	1-2147 Concord, NH 03302	2-0095	

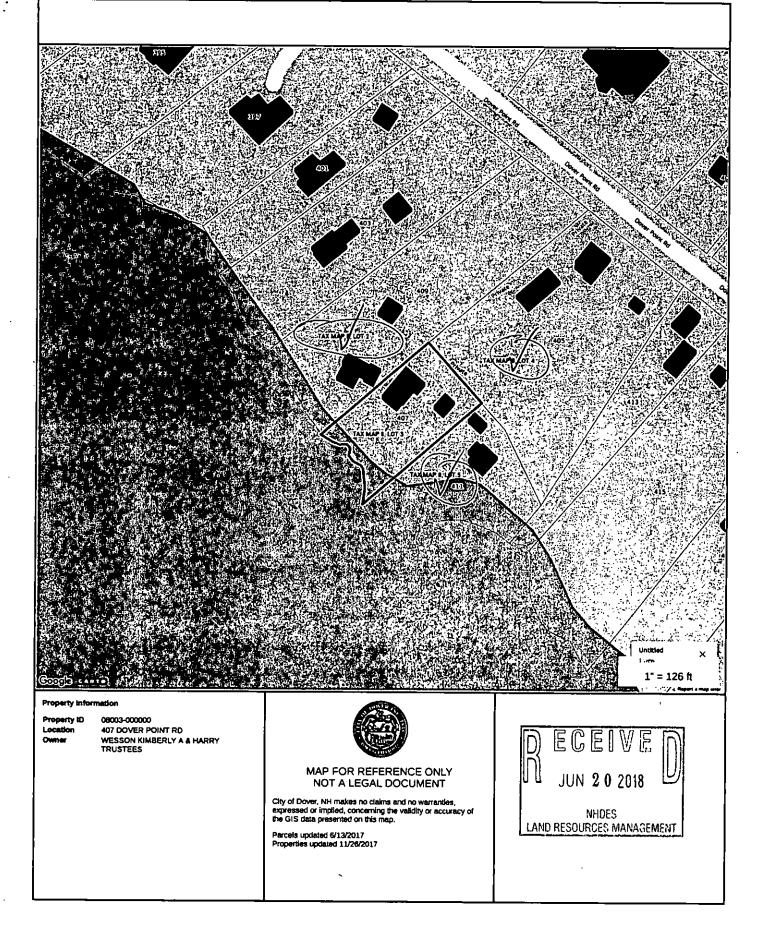
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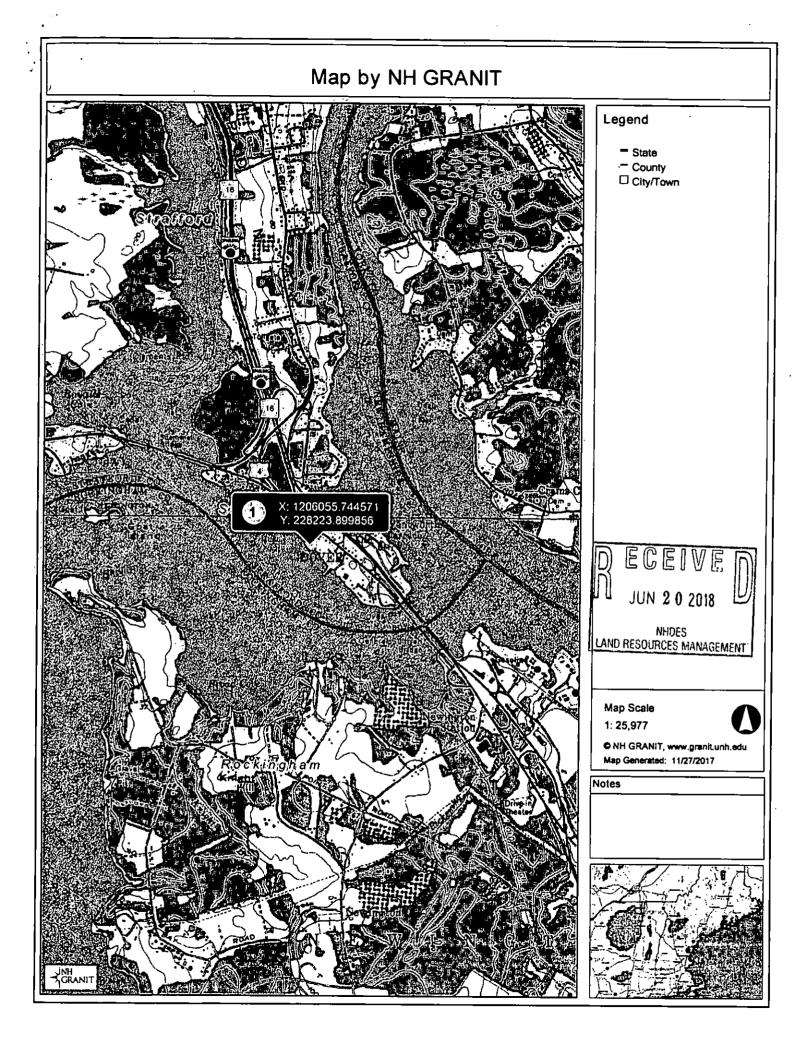
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JURISDICTIONAL AREA	emain'(and will be restored to pre-con PERMANENT Sq. Ft. / Lin. Ft.	struction condition	Scatterinebroiensi	TEMPORARY Sq. Ft. / Lin. Ft.			
Forested wetland			· · ·· ·				
Scrub-shrub wetland	· · · · · · · · · · · · · · · · · · ·						
Emergent wetland		ATF					
Wet meadow		ATF					
Intermittent stream		ATF					
Perennial Stream / River	N 1	. 🗌 ATF		1			
Lake / Pond	1			1			
Bank - Intermittent stream	1	ATF		/			
Bank - Perennial stream / River	1	ATF		1			
Bank - Lake / Pond	1	ATF		/	ATF		
Tidal water	1	ATF		/			
Salt marsh		ATF					
Sand dune				· · · · · · · · · · · · · · · · · · ·	ATF		
Prime wetland		ATF			ATF		
Prime wetland buffer		ATF		······································	ATF		
Undeveloped Tidal Buffer Zone (TBZ)		ATF					
Previously-developed upland in TBZ	48	ATF					
Docking - Lake / Pond							
Docking - River		ATF	- · · ·				
Docking - Tidal Water	650	ATF					
TOTAL	698 /						
14 / APPLICATION FEE: See the Instructions & Required Attachments document for further instruction							
Minimum Impact Fee: Flat fee of \$ 200							
🕅 Minor or Malor Impact Fee: Calculate using the below table below							
Perman	ent and Temporary (non-docking)	sq.	ft. X \$0.20 =	\$			
Tempo	\$ 290.00						
	ft. X \$2.00 =	\$ 816.00					
Projects proposing shoreline structures (including docks) add \$200 =\$ 200.00							
	\$ 1,319.40						
The J	ichever is greater =	\$]				

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NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
<u>www.des.nh.gov</u>

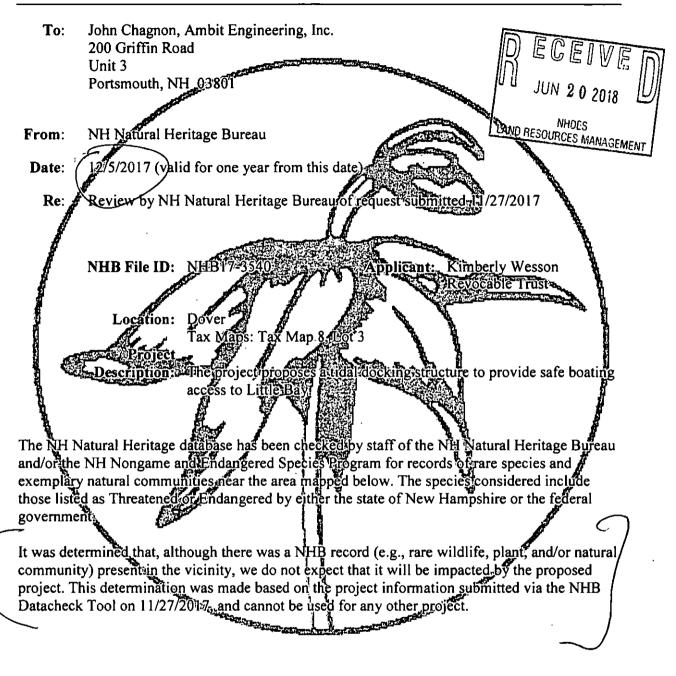
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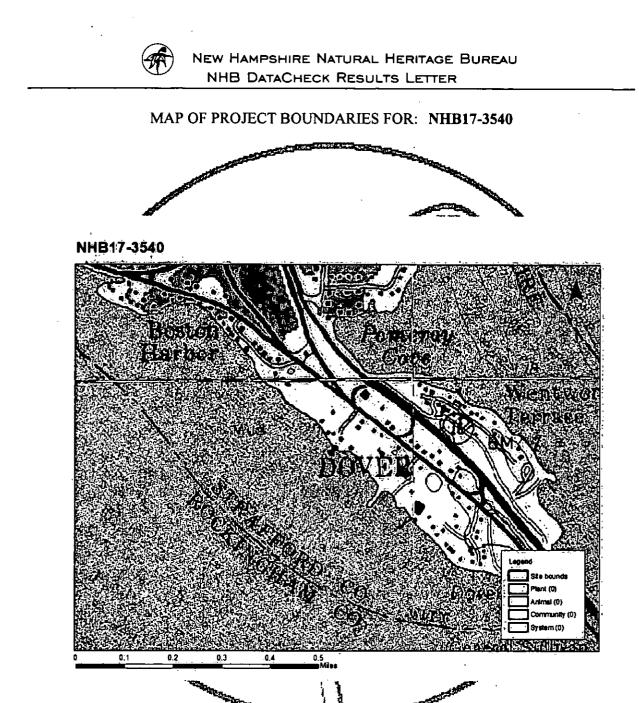




NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER



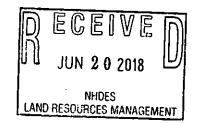
Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488 DNCR/NHB 172 Pembroke Rd. Concord, NH 03301



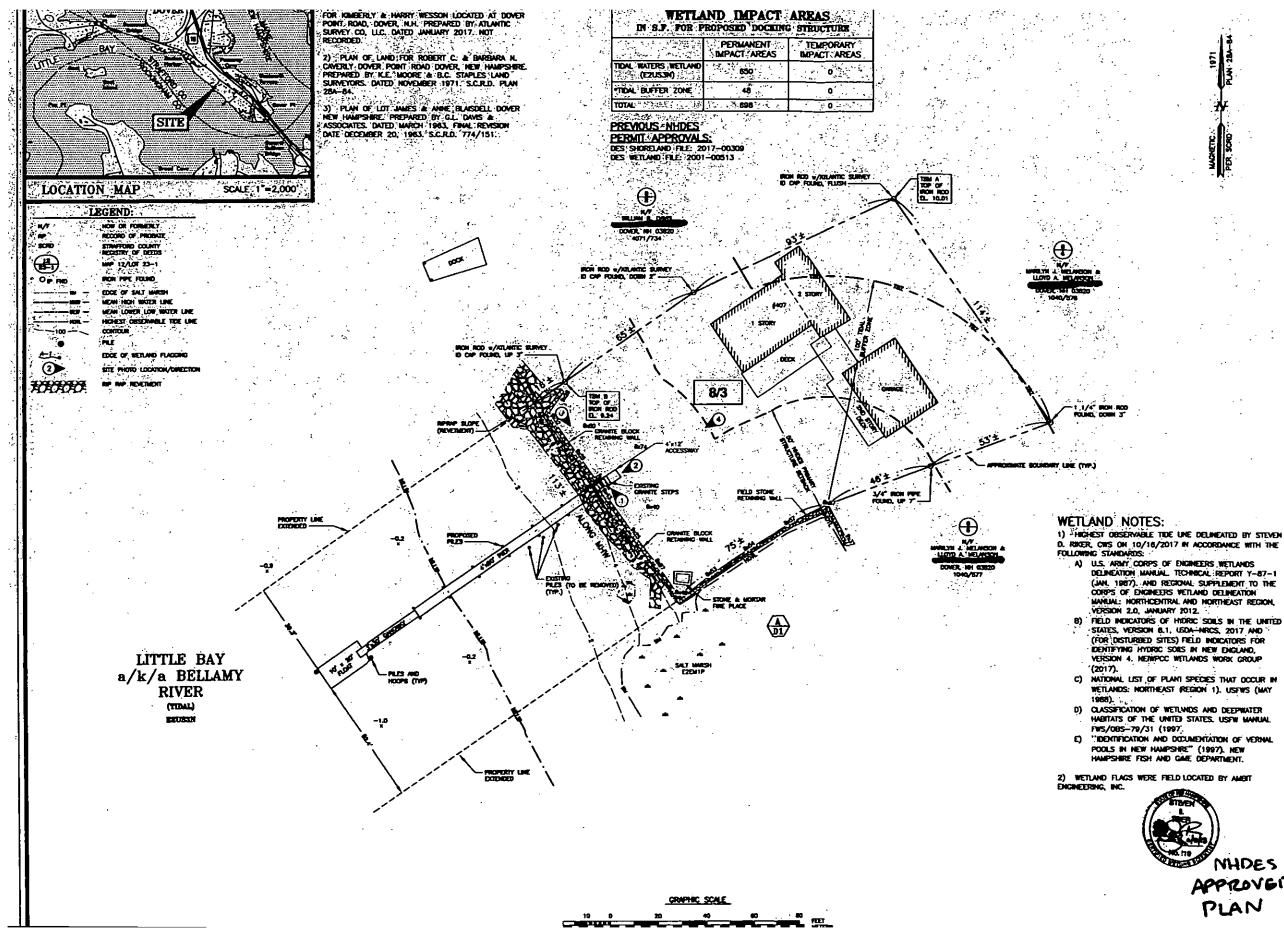
Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488 DNCR/NHB 172 Pembroke Rd. Concord, NH 03301

ABUTTER'S LIST JN 2552.17 Kimberly A. Wesson Revocable Trust 407 Dover Point Road Dover, NH

MAP	LOT	NAME(S)	PO BOX	STREET ADDRESS	CITY/STATE/ZIP
8	2	William R. Davis		·	Dover, NH 03820
8	4)	Lloyd A. & Marilyn Melanson		•	Dover, NH 03820
8	S	Lloyd A. & Marilyn Melanson			Dover, NH 03820
		~			
					. ,
Eng	ineer	Ambit Engineering, Inc. Civil Engineers & Land Surveyors		200 Griffin Road, Unit 3	Portsmouth, NH 03801
Applica 8	nt/Owner 3	Kimberly A. Wesson Revocable Trust			Dover, NH 03820



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NHDES APPROVED PLAN

8) PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE AE(6), AS SHOWN ON FRM PAREL 3301700405E, EFFECTIVE DATE SEPTEMBER 30, 2015. 9) VERTICAL DATUR MEAN LOWER LOW WATER (MILW).

7) THE LINE OF WORK IS TO BE CLEARLY UNDERSTOOD WITHIN THE JURISDICTIONAL AREAS PROR TO THE COMMENCEMENT OF CONSTRUCTION

DECEMBER 2008).

BASIS OF VERTICAL DATUM S REDUNDANT RTN CPS OBSERVATIONS (±0.5'), REDUCTION FROM NAVDEB TO MILLW

10) PROPOSED DOCKING STRUCTURE IS NOT LOCATED ADACENT.TO, OR IN PROGNITY OF A FEDERAL." NYMCATIONAL CHANNEL, AS ONE DOES NOT EQST IN THIS WATERBODY (LITTLE BAY).

WESSON RESIDENCE

407 DOVER POINT ROAD

ISSUED FOR COMMENT, I WO RESERVED WASHERED

DESCRIPTION

REVESIONS

O EVEIVE

R.D. 2 8 2018

.6/8/18

DATE

JANUARY 2018

DOVER, N.H.

SCALE 1"=20"

N.H.D.E.S. DOCK

BASED ON NOAA STATION , 8420411, DOVER, COCHECO

RWER MILLW BEING 3.93" LOWER THAN O NAVOSS.

BEST: WALABLE ENDERNE AND ARE NOT FIELD VERFIED. LOCATING AND PROTECTING ANY ABOVEDROUDD, OR STATU UNDERGROUND, UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER UTLING CONFLICTS 6) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL, MEASURES' IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMMATER (MANUAL VOLUME 3, EROSION AN SEDMENT CONTROLS DURING CONSTRUCTION. (NHDES

4) THE CONTRACTOR SHALL NOTEY OIG SAFE AT 1-688-DIG-SAFE (1-688-344-7233) AT LEAST 72 HOURS PROR TO COMMENCING ANY EXCANATION ON PUBLIC OR PRIVATE PROPERTY." 5) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON

OT AREA: 18,400± FT. SQ., 0.42± AC I) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF APPROPOSED DOCK ON TAX MAP & LOT 3

4403 / 570 ZONING DISTRICT: R=20 LOW DENSITY RESIDENTIAL DISTRICT BOUNDARY FROM REFERENCE PLAN 1

PARCEL LD_ TAX MAP IS 7 LOT 3 1 OWNERS OF RECORD. KINESERLY A WESSON REVOCABLE TRUST OF 2007

407 DOVER POINT ROAD DOVER, IN.H. 03820

NOTES: PROJECT LOCATION:

RIVERSIDE SPICERDIG

200 Griffin Band --- Datt : 3 Pertumenth: B.B. 03001-71

ARTURAL MARKETURE, 1110 Civil Engineers & Land Surveyors