



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



November 30, 2014

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Nancy M. Bulkley's request to perform the following work on Great Bay, in Durham. File # 2014-00820. This project will not have significant impact on or adversely affect the values of Great Bay.

Modify an existing tidal docking structure consisting of a 6 ft. x 30 ft. permanent pier connecting to a 3 ft. x 40 ft. ramp connecting to a 20 ft. x 10 ft. float to include installing a helix anchor beneath the float with bungee style cords attached to the float to prevent it from resting on the mud, overall structure length 77 ft., providing one slip, on 518 ft. of frontage on Great Bay.

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

1. All work shall be in accordance with plans by Custom Float Services, Inc., dated August 20, 2014, as received by the Department on August 27, 2014.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
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 DES Wetlands Bureau prior to construction.
4. 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.
5. 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.
6. Construction of this tidal docking structure consisting of a 6 ft. x 30 ft. permanent pier connecting to a 3 ft. x 40 ft. ramp connecting to a 20 ft. x 10 ft. float with a helix anchor beneath the float with bungee style cords attached to the float to prevent it from resting on the mud, overall structure length 77 ft., providing one slip, on 518 ft. of frontage on Great Bay, in Durham, Tax Map 20, Lot 4, Block 3 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.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

EXPLANATION

The DES Wetlands Bureau approved this project on October 30, 2014. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The previous approval, Wetlands Permit #2008-01249, required float stops to be installed to prevent the float from resting on the mudflats at low tide. The current proposal consists of installing a helix anchor beneath the float with bungee style cords attached to the float to prevent it from resting on the mudflat at low tide.
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 Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource and the previously existing stone crib area. The ramp and floats are seasonal, and are consistent with or shorter than docks approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau ("NHB") has record of a sensitive species within the project vicinity, but NHB does not expect impacts to the sensitive species by the project.
6. The Durham Conservation Commission did not submit comments to DES on the application.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on October 27, 2014 found that the site is accurately represented in the application.

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.


Thomas S. Burack
Commissioner



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588
http://des.nh.gov/organization/divisions/water/wetlands



PERMIT APPLICATION

<p>Administrative APR 09 2014 Only</p>	<p>INCOMPLETE Administrative APR 09 2014 Only</p>	<p>COMPLETE Administrative APR 17 2014 Only</p>	<p>File No: 2014-00820 Check No: 0623 Amount: 404.00 Initials: DO</p>
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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)

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

ADDRESS: **569 Bay Rd** TOWN/CITY: **Durham**

TAX MAP: **20** BLOCK: **3** LOT: **4** UNIT:

USGS TOPO MAP WATERBODY NAME: **Great Bay** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): 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.

This application is for competing a previously permitted project in which the permit has expired (Permit 2008-01249). The originally permitted project consisted of a 6' X 30' fixed pier (completed prior to applicants purchasing the property) attached to a 3'X 40' aluminum gangway attached to a 10'X20-' floating dock. The applicants are seeking a permit for the installation of the seasonal gangway and floating dock. The float will have water at all tides and will be secured using helix anchors outboard and inboard will be pinned to existing eyebolts in rock crib to prevent dragging. Please reference attached drawing.

4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...
Wetlands and Non Site Specific Permit 2008-01249
NE Corps of Engineers Permit NAE-2008-02842.

5. 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 14 - 1045

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

NA

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Bulkley Nancy, M			
TRUST / COMPANY NAME:		MAILING ADDRESS: 569 Bay Rd	
TOWN/CITY: Durham		STATE: NH	ZIP CODE: 03824
EMAIL or FAX: nmbulkley@gmail.com		PHONE: 6039576585	
ELECTRONIC COMMUNICATION: By initialing here: NMB , I hereby authorize DES to communicate all matters relative to this application electronically			

7. 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 DES to communicate all matters relative to this application electronically			

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.:		COMPANY NAME:	
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			

9. 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 copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES 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 DES correspondence. DES will not forward returned mail.

	Nancy Menelly Bulkley	4 / 1 / 2014
Property Owner Signature	Print name legibly	Date

MUNICIPAL SIGNATURES

10. 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.

 Authorized Commission Signature	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. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
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.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

 Town/City Clerk Signature	Lerne Pitt Print name legibly	Durham Town/City	4/8/14 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(d):

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3, I).
4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. 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 in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. 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.

After-the-fact (ATF) work completed prior to receipt of this application by DES. Check box to indicate ATF.

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

13. 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) 120 sq. ft. X \$0.20 = \$ 24

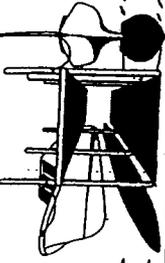
Temporary (seasonal) docking structure: 200 sq. ft. X \$1.00 = \$ 200

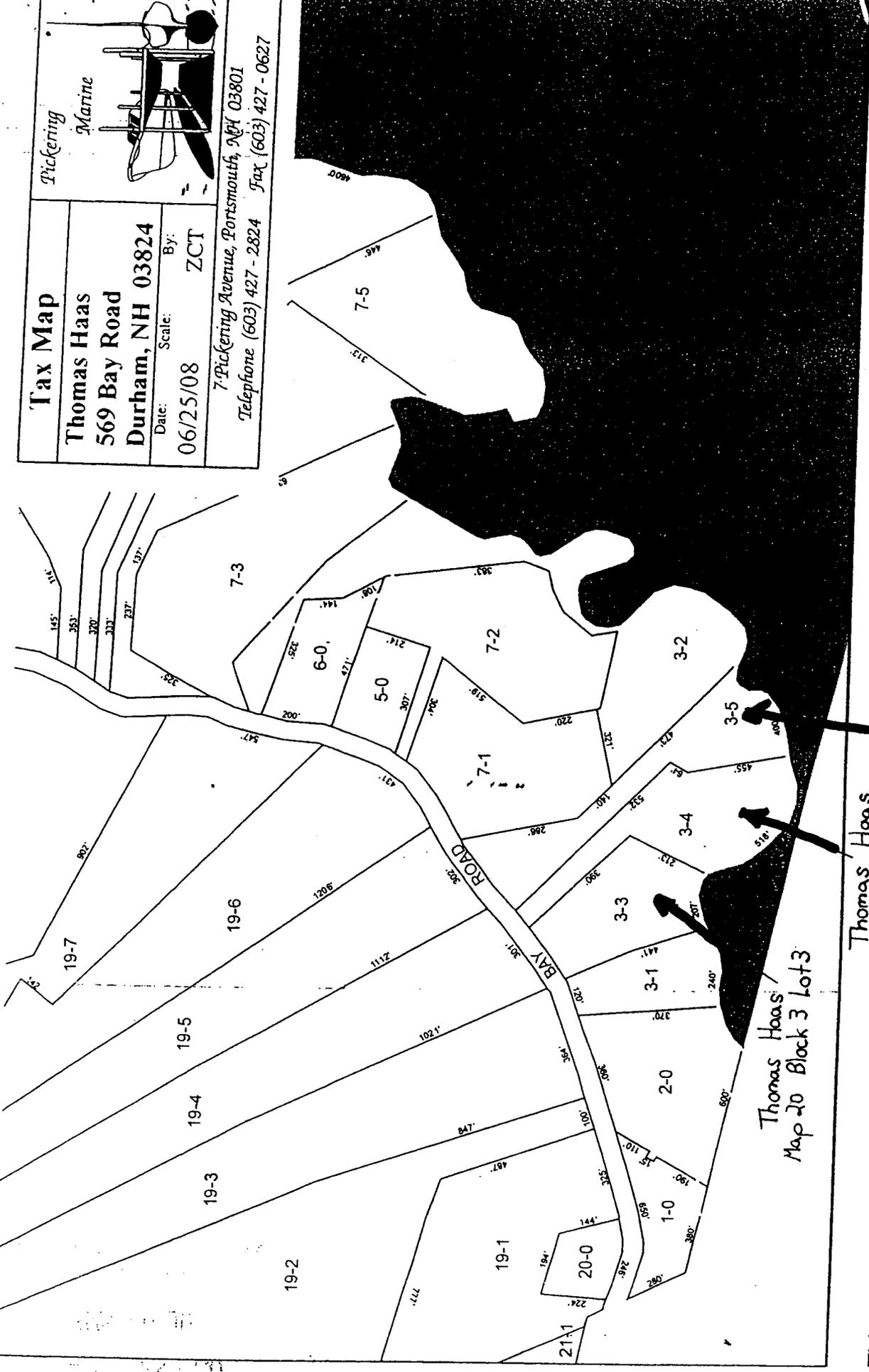
Permanent docking structure: sq. ft. X \$2.00 = \$

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

Total = \$ 424

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 424

Tax Map		<i>Pickering Marine</i>
Thomas Haas 569 Bay Road Durham, NH 03824		
Date: 06/25/08	Scale: ZCT	
7 Pickering Avenue, Portsmouth, NH 03801 Telephone (603) 427-2824 Fax (603) 427-0627		



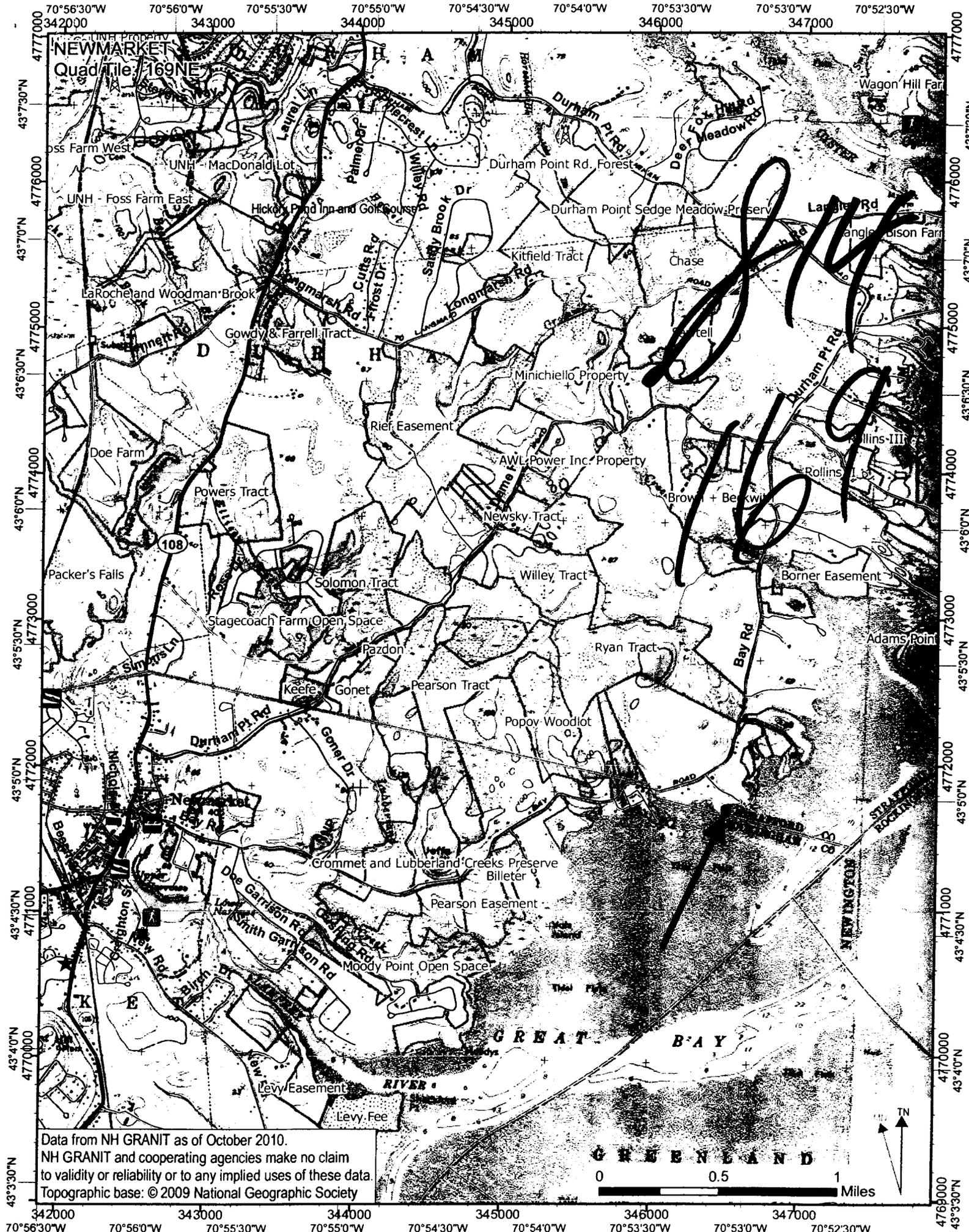
This map was originally produced by
Strafford Regional Planning
Commission in October 2004,
and was updated by the
Town of Durham in June 2007.

Thomas Haas
Map 20 Block 3 Lot 4

David Lemieux
Map 20 Block 3 Lot 5

Legend

-  Adjacent Map Sheets
-  Current Map Sheet



Data from NH GRANIT as of October 2010.
 NH GRANIT and cooperating agencies make no claim
 to validity or reliability or to any implied uses of these data.
 Topographic base: © 2009 National Geographic Society

GREENLAND
 0 0.5 1 Miles



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: NANCY BULKLEY
569 BAY RD
DURHAM , NH 03824

From: NH Natural Heritage Bureau

Date: 3/24/2014 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/19/2014

NHB File ID: NHB14-1045 Applicant: NANCY BULKLEY

Location: durham
Tax Maps: map 20, block 3 lot 3

Project Description: Current project consists of completing earlier permitted plan by finishing gangway and floating dock on previously installed existing dock structure. Plan is being resubmitted with minor modification to previous permitted plan which has expired. Ref. Wetlands and Non-Site Specific Permit 2008-01249. App 9/3/2008, Exp. 9/3/2013.

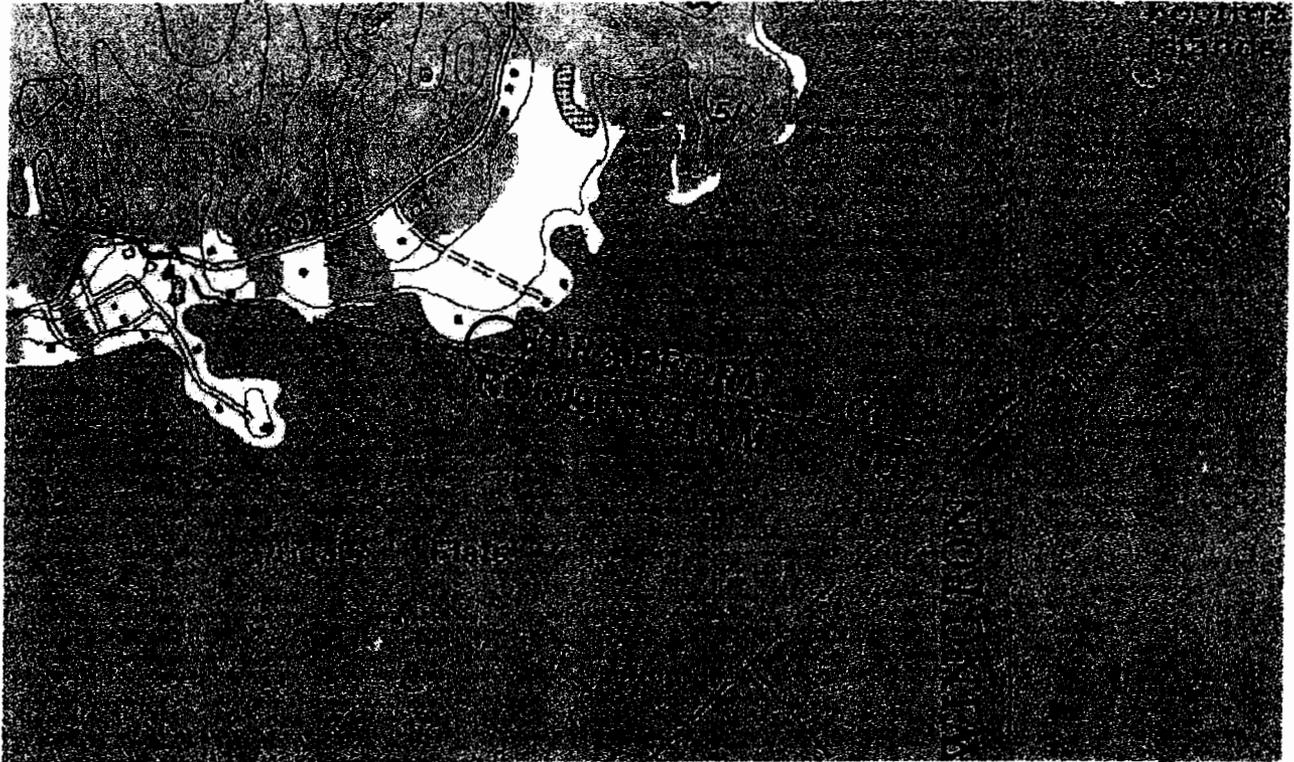
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 3/19/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB14-1045



Abutter Notification

April 1, 2014

Meissner
[REDACTED]

Durham NH 03824

Dear Francoise and Joachen,

We are writing to inform you of our plans to complete the 3' X 40' gangway and 10'X20' floating dock on our property at 569 Bay Rd. The original permit timed out and we are resubmitting a NH Dept. of Environmental Services permit application to complete the work. The plans remain very similar to those Pickering designed in the original permit. However, we will anchor the dock with pyramid or helix anchors rather than the pilings as originally planned. We are advised that the helix anchors are less disruptive to the rock bed and shoreline.

The NH DES application will be available for your review at the Durham Town Clerk's office.

Warmest regards,

Nancy and Ben Bulkley

7014 0150 0000 8112 4073

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL™



7014 0150 0000 8112 4073
7014 0150 0000 8112 4073

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Street, Apt. No.,
or PO Box No. [REDACTED]
City, State, ZIP+4 Durham NH 03824

Abutter Notification

April 1, 2014

Haas

Durham NH 03824

Dear Tom,

We are writing to inform you of our plans to complete the 3' X 40' gangway and 10'X20' floating dock on our property at 569 Bay Rd. The original permit timed out and we are resubmitting a NH Dept. of Environmental Services permit application to complete the work. The plans remain very similar to those Pickering designed in the original permit. However, we will anchor the dock with pyramid or helix anchors rather than the pilings as originally planned. We are advised that the helix anchors are less disruptive to the rock bed and shoreline.

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Warmest regards,

Nancy Bulkley

Nancy and Ben Bulkley

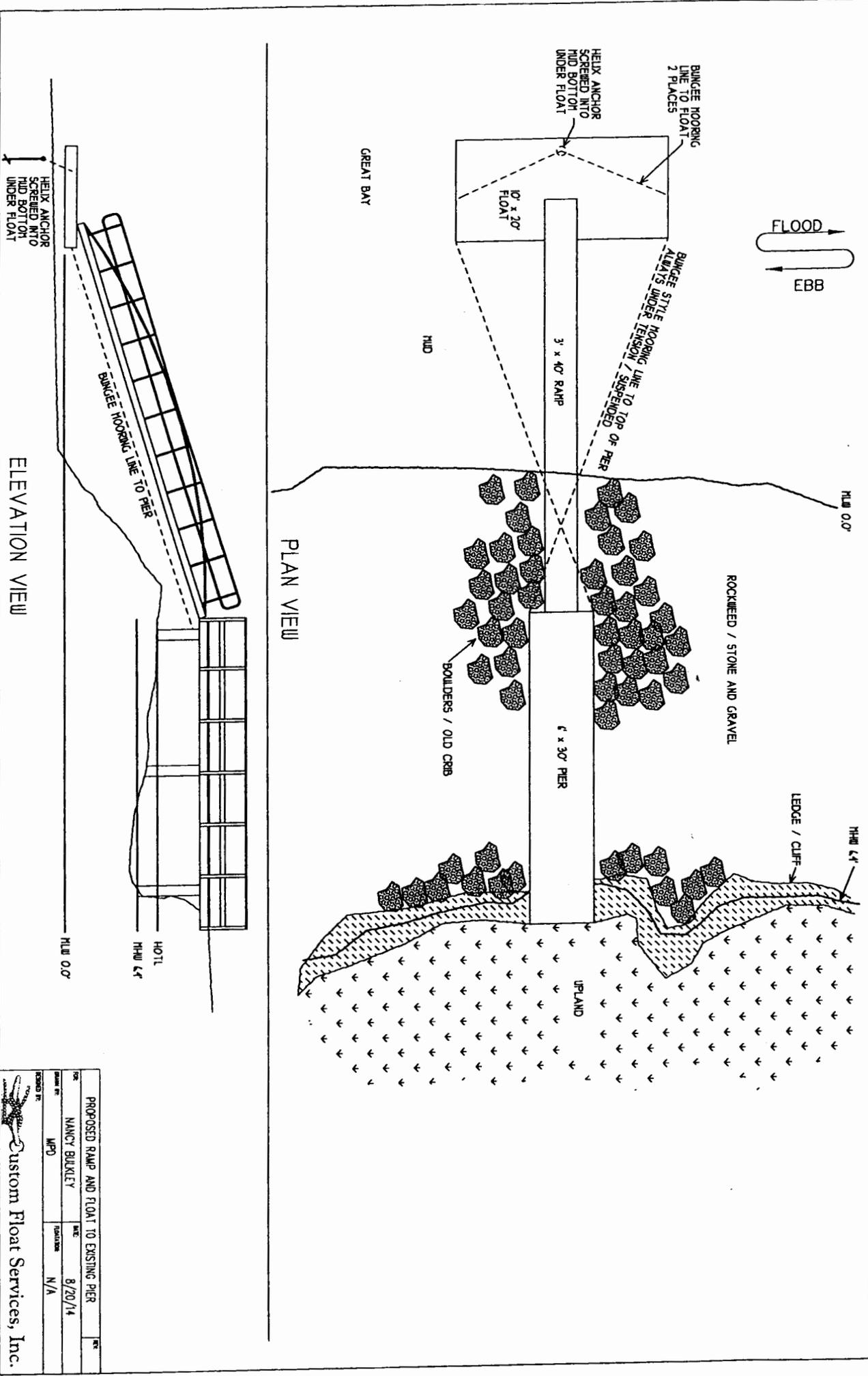
7014 0150 0000 8112 4080
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



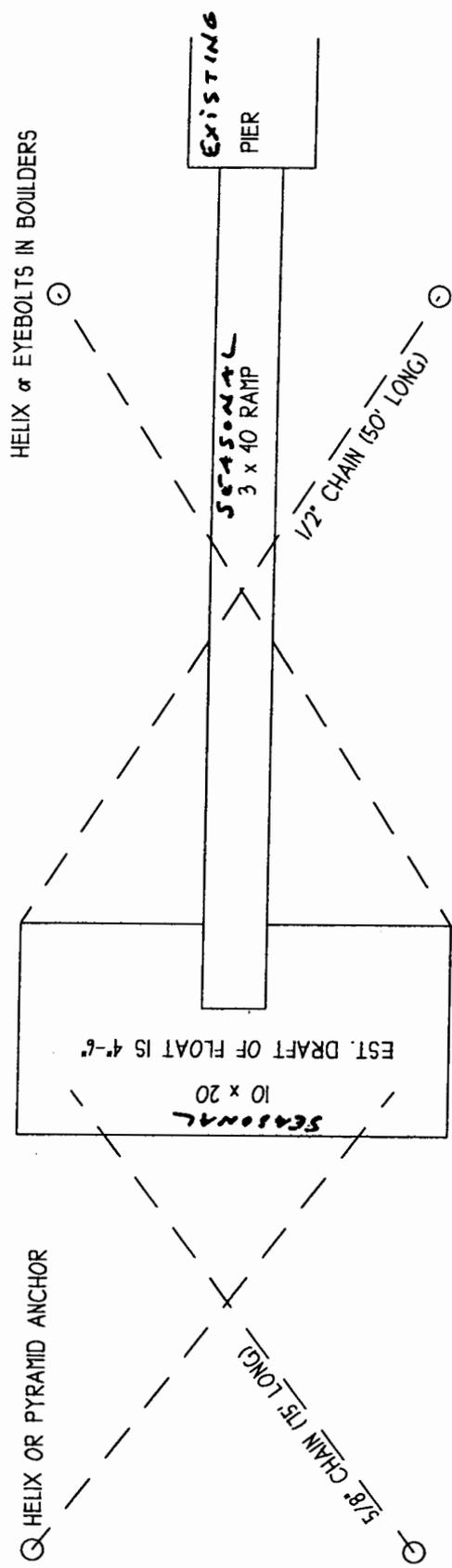
7014 0150 0000 8112 4080
7014 0150 0000 8112 4080

U.S. Postal Service	
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<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To: T HAAS	
Street, Apt. No., or PO Box No. [REDACTED]	
City, State, ZIP+4 DURHAM NH 03824	
PS Form 3800, August 2005 See Reverse for Instructions	

REVISIONS
 519 BAY RD, DUDMAN NH
 LOT # 20/4 ROCKS



PROPOSED RAMP AND FLOAT TO EXISTING PIER			
DATE	BY	DATE	BY
8/20/14	NANCY BURKLEY		
MPD		N/A	
Custom Float Services, Inc.			



BULKLEY
 579 247 RD
 DURHAM, 03824