



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



80

March 20, 2024

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

REQUESTED ACTION

Approve Anita/John Oidtman's request to perform the following work in Durham pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-03268, and in accordance with RSA 482-A:3. No comments were submitted by the Durham Conservation Commission regarding the project as proposed.

Impact a total of 899 square feet of tidal resources to include 836 square feet of tidal waters and 63 square feet of previously-developed 100-foot tidal buffer zone in order to construct a new 6 foot x 65 foot pier, a 4 foot x 32 foot ramp, and a 10 foot x 40 foot float with an overall structure length seaward of the highest observable tide line of 95 feet on 512 linear feet of frontage along the Oyster River.

NHDES imposed the following conditions as part of this approval:

1. All work shall be done in accordance with the approved plans by TF Moran, Inc. dated September 8, 2023, and received by the NH Department of Environmental Services (NHDES) on December 19, 2023, in accordance with Env-Wt 307.16.
2. This permit shall not be effective until the permittee records this permit at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the NHDES with a copy of the permit stamped by the registry with the book and page and date of receipt, in accordance with RSA 482-A:3, II and Env-Wt 314.02(b) and (c).
3. Pile installation shall occur between November 15 and March 15, in order to protect anadromous fish, in accordance with Env-Wt 307.10(i) and Env-Wt 311.06(g).
4. The ramp and float portions of residential tidal docks shall be seasonal and removed from the water during the non-boating season, in accordance with Env-Wt 606.06(b).
5. Tidal docking installation shall be done by barge or upland to prevent the driving of construction equipment in or through tidal waters/wetlands or on the bottom of the inter-tidal zone, in accordance with Env-Wt 606.05(b).
6. Heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit, in accordance with Env-Wt 307.15(a).
7. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas and in accordance with Env-Wt 307.15.
8. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

9. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
10. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.

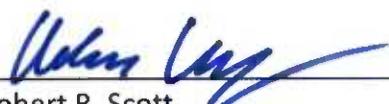
EXPLANATION

NHDES approved this project on February 06, 2024. NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 606.17(a)(1), for all new overwater structure construction in tidal waters/wetlands.
2. The approval has been conditioned that the work be performed during the federal dredge window between November 15 - March 15 in accordance with NHF&G recommendations relayed in correspondence dated November 16, 2023 and the requirements of RSA 212-A.
3. The Department finds that this permit for work to dredge or fill will not 'infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners' and would not be prohibited by RSA 482-A:11, II.
4. No comments were received by NHDES from the Durham Conservation Commission about this application.
5. The Department finds the location, design, and method of construction for this proposed residential tidal dock has been based on the results of the coastal functional assessment, is the least environmentally-impacting practicable alternative, has been certified by a professional engineer as having sufficient structural integrity based on the results of the vulnerability assessment, and will not impede the passage of non-motorized watercraft to a degree that a reasonable person would find objectionable, therefore, the requirements of Rule Env-Wt 606.06(e) have been met.
6. The applicant obtained a statement from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage stating, "[w]e examined the proposed site and found that the structure will have no negative effect on safe navigation in the channel."
7. NHDES finds that the requirements for a public hearing, as established in RSA 482-A, do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, and, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.

NHDES Wetlands Bureau permit #2023-03268 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.


FOR Robert R. Scott
Commissioner



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division / Land Resources Management



-Check the Status of your Application

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

APPLICANT'S NAME: John and Anita Oldman

TOWN NAME: Durham

		Administrative Use Only	File No.: 2023-03268
			Check No.: 1019
			Amount: 3014
			Initials:

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the [Waiver Request Form](#).

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2)) Please use the Wetland Permit Planning Tool (WPPT) , the Natural Heritage Bureau (NHB) DataCheck Tool , the Aquatic Restoration Mapper , or other sources to assist in identifying key features such as: Priority Resource Areas (PRAs) , protected species or habitats , coastal areas, designated rivers, or designated prime wetlands.	
Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Protected species or habitat? <ul style="list-style-type: none"> If yes, species or habitat name(s): Sparsely vegetated intertidal system, Subtidal system, Atlantic Sturgeon, and Shortnose Sturgeon NHB Project ID #: NHB23-1652 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Name of Local River Management Advisory Committee (LAC): A copy of the application was sent to the LAC on Month: Day: Year: 	

lrn@des.nh.gov or (603) 271-2147
 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
des.nh.gov

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))		
If the applicant is a trust or a company, then complete with the trust or company information.		
NAME: John Oldtman and Anita Oldtman		
MAILING ADDRESS: [REDACTED]		
TOWN/CITY: [REDACTED]	STATE: [REDACTED]	ZIP CODE: [REDACTED]
EMAIL ADDRESS: Private		
FAX: Private	PHONE: Private	
ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.		
SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))		
<input type="checkbox"/> N/A		
LAST NAME, FIRST NAME, M.I.: Brigagliano, Vincent, P.		
COMPANY NAME: TFMoran, INC.		
MAILING ADDRESS: 170 Commerce Way, Suite #102		
TOWN/CITY: Portsmouth	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: vbrigagliano@tfmoran.com		
FAX: N/A	PHONE: 603-431-2222	
ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.		
SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))		
If the owner is a trust or a company, then complete with the trust or company information.		
<input checked="" type="checkbox"/> Same as applicant		
NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.		

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Please see the attached supplemental document entitled, "SECTION 7 – Resource Specific Criteria."

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). * Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation fact sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: I confirm submittal.

N/A – Compensatory mitigation is not required

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.

For perennial streams/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

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

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			2			2
	Scrub-shrub Wetland			2			2
	Emergent Wetland			1			1
	Wet Meadow			1			1
	Vernal Pool			1			1
	Designated Prime Wetland			1			1
	Duly-established 100-foot Prime Wetland Buffer			2			2
Surface Water	Intermittent / Ephemeral Stream			1			1
	Perennial Stream or River			1			1
	Lake / Pond			2			2
	Docking - Lake / Pond			2			2
	Docking - River			2			2
Banks	Bank - Intermittent Stream			1			1
	Bank - Perennial Stream / River			1			1
	Bank / Shoreline - Lake / Pond			2			2
Tidal	Tidal Waters	836		2			2
	Tidal Marsh			4			4
	Sand Dune			3			3
	Undeveloped Tidal Buffer Zone (TBZ)			2			2
	Previously-developed TBZ	63		1			1
	Docking - Tidal Water			1			1
TOTAL		899					

SECTION 12 - APPLICATION FEE (RSA 482-A:3, 1)

MINIMUM IMPACT FEE: Flat fee of \$400.

NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

Permanent and temporary (non-docking):	SF	x \$0.40 = \$
Seasonal docking structure:	491 SF	x \$2.00 = \$ 982
Permanent docking structure:	408 SF	x \$4.00 = \$ 1,632
Projects proposing shoreline structures (including docks) add \$400 =		\$ 400
Total =		\$ 3,014

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 3,014

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)		
Indicate the project classification.		
<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)		
Initial each box below to certify:		
Initials: go VB	To the best of the signer's knowledge and belief, all required notifications have been provided.	
Initials: go VB	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.	
Initials: go VB	The signer understands that: <ul style="list-style-type: none"> • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. 	
Initials: go VB	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER): 	PRINT NAME LEGIBLY:	DATE: 12/11/2023
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): <i>Vincent Brigagliano</i>	PRINT NAME LEGIBLY: Vincent Brigagliano	DATE: 12/04/2023
SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env-Wt 311.04(f))		
As required by RSA 482-A:3, I(a)(1), 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: <i>Rachel Deane</i>	PRINT NAME LEGIBLY: Rachel Deane	DATE: 12/13/23
TOWN/CITY: Durham		

DIRECTIONS FOR TOWN/CITY CLERK:

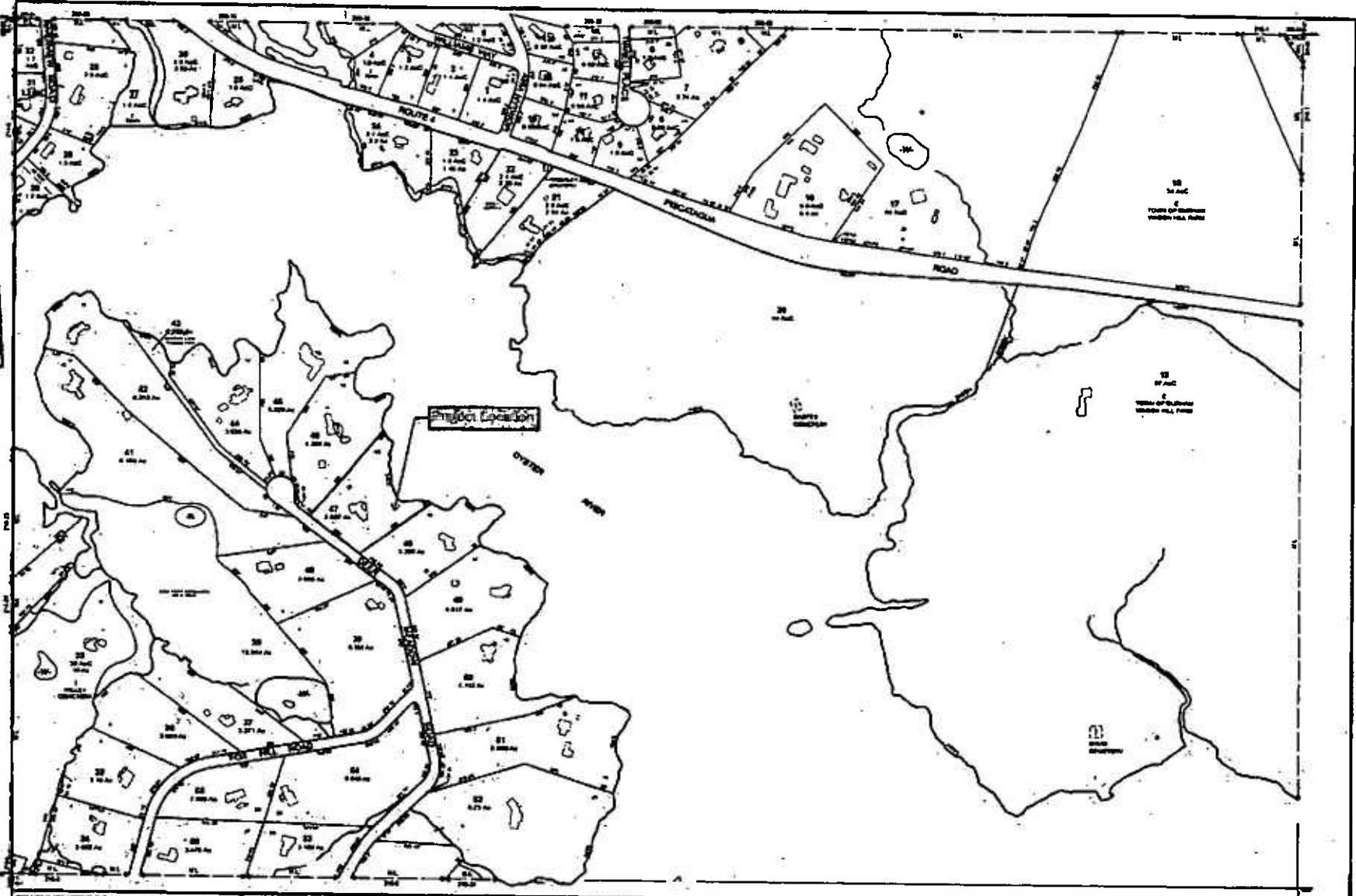
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. 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.
3. 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.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

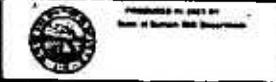
DIRECTIONS FOR APPLICANT:

Submit the 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 at the address at the bottom of this page. Make check or money order payable to "Treasurer – State of NH".

DECISION
 DEC 19 2023
 NHDES
 LAND RESOURCES MANAGEMENT



THIS MAP IS THE SUBSTANTIVE INSTRUMENT OF THE LAND RESOURCES MANAGEMENT PLAN AND IS THE ONLY COPY OF THE PLAN THAT SHALL BE USED FOR THE PURPOSES OF THE PLAN. THE PLAN IS THE PROPERTY OF THE STATE OF NEW HAMPSHIRE AND IS LOANED TO YOU BY THE STATE OF NEW HAMPSHIRE. IT IS TO BE RETURNED TO THE STATE OF NEW HAMPSHIRE UPON REQUEST.



Produced by NHDES
 State of New Hampshire



PROPERTY MAPS
DURHAM
 NEW HAMPSHIRE



MAP NO
215

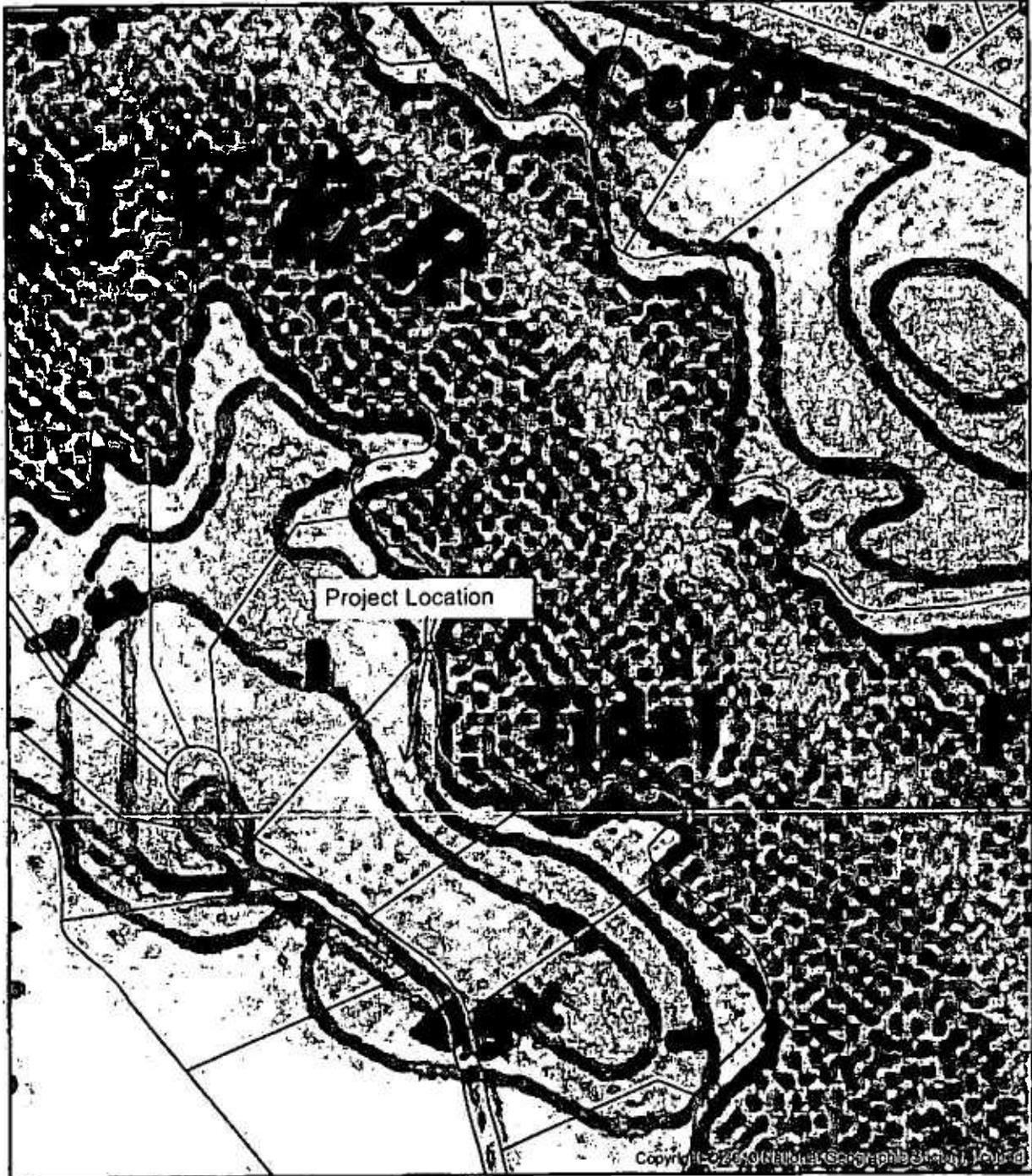
USGS Maps - Project Location

Scale 1:24,000



USGS Maps - Project Location

Scale 1:5,000



0 250 500 1,000 1,500 2,000 Feet



RECEIVED
DEC 19 2023
NHDES
LAND RESOURCES MANAGEMENT



The State of New Hampshire
**Department of Environmental
Services**



Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Courtney Lockwood, Land Resources Management Program Attorney, NH Department of Environmental Services, at: courtney.l.lockwood@des.nh.gov, or (603) 271-8614.



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

Abutters List

Oidtman
22 Deer Meadow Road, Durham, NH
May 15, 2023
47538.00

Assessors Map		Abutter Name	Mailing Address
Map	Lot		
215	48	ESPOSITO TRUST, MARY ANN.	[REDACTED]
215	46	LAWSON, JAMES E	[REDACTED]
Civil Engineers / Surveyor		TFMoran, Inc.	170 Commerce Way - Suite 102 Portsmouth, NH 03801
Environmental / Wetlands Scientist			
Architect			

