

RATH
YOUNG
PIGNATELLI
INSIGHT MATTERS

James J. Steinkrauss
Attorney-At-Law
jjs@rathlaw.com
Please reply to: Concord Office

March 17, 2025

VIA ELECTRONIC MAIL
& FIRST CLASS MAIL

appeals@des.nh.gov

Wetlands Council
Attn: Appeals Clerk
NH Department of Justice
1 Granite Place South
Concord, NH 03301

**RE: Notice of Appeal of the Sagamore Landing Condominium Association
Docket No. 24-06 WtC**

Dear Ms. Doucette,

Enclosed please find the Assented-to Motion to Intervene submitted behalf of Jon and Joan Dickinson pursuant to Ec-Wet 203.08 in the above-referenced matter. This letter and motion are filed in accordance with Ec-Wet 201.03(c),(d). A paper copy will be mailed to the attention of the Appeal Clerk within five (5) days of this filing.

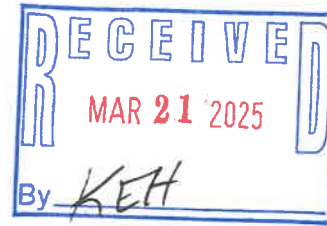
Please feel free to contact me with any questions. Thank you for your attention to this matter.

Sincerely,



James J. Steinkrauss

Enc.



One Capital Plaza
Concord, NH 03302-1500
T (603) 226-2600
F (603) 226-2700

20 Trafalgar Square
Suite 307
Nashua, NH 03063
T (603) 889-9952
F (603) 595-7489

37 Walnut Street
Suite 110
Wellesley, MA 02481
T (617) 523-8080
F (603) 226-2700

26 State Street
Suite 9
Montpelier, VT 05602
T (802) 552-4037
F (603) 226-2700

573 Pine Street
Manchester, NH 03104
T (603) 226-2600
F (603) 226-2700



INSIGHT MATTERS

Michelle Doucette, Appeals Clerk
Wetlands Council
Page 2 of 2

Nathan W. Kenison-Marvin, Esq., Asst. Attorney General
(via email at Nathan.W.Kenison-Marvin@doj.nh.gov)

David and Margaret Witham and Sagamore Landing Condominium Association
through their counsel (via email at jturner@sheehan.com)

John-Mark Turner, Esq. (via email at jturner@sheehan.com)

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)

Mary Ann Tilton, Wetlands Assistant Bureau Administrator, NHDES
(via email at keely.lovato@doj.nh.gov)

Rene Pelletier, Director of Water Division
Wetlands Bureau Administrator (via email at keely.lovato@doj.nh.gov)

Portsmouth Municipal Clerk (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Portsmouth Conservation Commission (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Martin & Cristina Kurowski (via mail)
212 Walker Bungalow Road
Portsmouth NH 03801

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

MOTION TO INTERVENE

Now comes, Jon and Joan Dickinson, owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire (“Permittees”) who applied for the New Hampshire Department of Environmental Services (“NHDES”) Wetlands Permit No. 2018-03677, as amended on February 21, 2024, which is the subject of the above-referenced appeal. The Permittees hereby move to be added as an intervening party pursuant to Ec-Wet 203.08(a) and NH RSA 541-A:32. The Permittees state the following in support of its motion:

1. Jon and Joan Dickinson are owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire, at Tax Map 223, Lot 30 and referred to in the warranty deed to Jon and Joan Dickinson dated September 24, 2017, recorded October 30, 2017 at the Rockingham County Registry of Deeds at Book 5866, Page 1780¹ (hereinafter the “Property”).

2. On February 16, 2023, the Permittees, through their engineers, Ambit Engineering, Inc., filed an amended application to NHDES Wetlands Permit No. 2018-03677 for a permanent tidal docking structure at the Property. A copy of which is attached hereto as Exhibit A.

¹ See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Part D at 2.

3. On February 23, 2024, NHDES issued amended Wetlands Permit No. 2018-03677 (hereinafter the “Decision”).²

4. On March 24, 2024, the Appellants, Sagamore Landing Condominium Association and David and Margaret Witham filed the Notice of Appeal in the above-referenced docket challenging the Decision. On December 20, 2024, the Appellants filed a revised Notice of Appeal in the above referenced docket challenging the Decision.

5. As applicants for the amended Wetlands Permit No. 2018-03677, owners of the property, and their Property and rights being directly impacted by the Decision, the Permittees have a substantial right and interest that will be directly affected by the outcome of the pending appeal in Docket No. 24-06 WtC.

6. The Permittees, having substantial rights and interests and being directly affected by the outcome of the pending appeal of the Decision, are proper parties to be added and intervene in this appeal pursuant to RSA 482-A:10, V-a.

7. The Permittees, are proper parties to the appeal with substantial interests impacted by the outcome of the appeal file demonstrated by their ownership of the Property, Exhibit A, and the Decision, and they file this motion to intervene more than three (3) days prior to the hearing. See RSA 541-A:32, I(a),(b).

8. Granting this motion to add the Permittees as a party to this appeal would be in the interest of justice and serve to further the orderly and prompt conduct of these proceedings. See RSA 541-A:32, I(c).

² See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Exhibit A, at 10-13.

9. The Permittees contacted counsel for the parties and gained assent to this motion by both the Appellants and NHDES.

WHEREFORE, the Permittees request that the Wetlands Council and Hearing Officer grant this motion to intervene to add the Permittees as parties.


Respectfully submitted,

JON AND JOAN DICKINSON

By Their Attorney,

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: March 17, 2025

By: 
James J. Steinkrauss, Esq.
(NH Bar #273631)
One Capital Plaza
Concord, NH 03302
(603) 226-2600
jjs@rathalw.com

With Assent:

Appellants, Sagamore Landing Condominium Assoc. &
David and Margaret Witham

Dated: March 17, 2025

By: /s/ John Mark Turner
John Mark Turner
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8143; jturner@sheehan.com

Appellee, New Hampshire Department of Environmental Services

Dated: March 17, 2025 By: /s/Keely Lovato
Keely Lovato
Office of the Attorney General
Environmental Protection Bureau
1 Granit Place South
Concord, NH 03302
(603) 271-3679; keely.lovato@doj.nh.gov

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing Motion to Intervene was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on March 10, 2025 to counsel and parties of record listed below:

John Mark Turner, Esq. (via email at jturner@sheehan.com)
(Counsel for Sagamore Landing Condominium Assoc. & David and Margaret Witham)
Sheehan Phinney Bass & Green, P.A.
1000 Elm Street, PO Box 3701
Manchester, NH 03105

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at jturner@sheehan.com)
238 Walker Bungalow Road
Portsmouth, NH 03801

Jon and Joan Dickinson (through counsel via email at jjs@rathlaw.com)
1242 Ocean Boulevard

Rye, NH 03870

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at keely.lovato@doj.nh.gov)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at keely.lovato@doj.nh.gov)
Wetlands Bureau Administrator
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Michelle A. Doucette, Appeals Clerk (via email at appeals@des.nh.gov)
New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at Nathan.W.Kenison-Marvin@doj.nh.gov)
Assistant Attorney General
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place – South
Concord, NH 03301

Sagamore Landing Condominium Assoc. (through counsel via email to jturner@sheehan.com)
c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: March 17, 2025

By: /s/ James J. Steinkrauss
James J. Steinkrauss

EXHIBIT A

Permittees Motion to Intervene

February 16, 2023 Amended Application



LETTER OF TRANSMITTAL

TO: NH DES Wetlands Bureau
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH 03801

FROM:
AMBIT ENGINEERING, INC.
Civil Engineers and Land Surveyors
200 Griffin Road, Unit 3
Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

DATE:	2/16/2023	JOB NO.	2552.38
ATTENTION:	David Price		
RE:	DES File: 2018-03677		
	220 Walker Bungalow Road, Portsmouth, NH		

WE ARE SENDING YOU ☒ ATTACHED ☐ UNDER SEPARATE COVER VIA
☐ SHOP DRAWING ☐ COPY OF LETTER ☐ PRINTS
☒ PLANS ☐ CHANGE ORDER ☐ SPECIFICATIONS
☐ SAMPLES ☒ OTHER Amendment Request Form

COPIES	DATE	REVISION	DESCRIPTION
1	2/16/23		Amendment Request Form and Attachments
1	2/13/23		Revised Plans (full size)

THESE ARE TRANSMITTED AS CHECKED BELOW

☒ FOR YOUR APPROVAL ☐ FOR YOUR USE ☐ AS REQUESTED
☐ FOR BIDS DUE
☐ FOR REVIEW AND COMMENT ☐ RETURNED AFTER LOAN TO US

REMARKS

COPY TO John Bosen, Client

If enclosures are not as noted, kindly notify us at once.

NHDES-W-06-081



AMENDMENT REQUEST FORM
FOR A WETLANDS APPLICATION OR PERMIT
Water Division/Land Resources Management
Wetlands Bureau



RSA/Rule: RSA 482-A:3, XIV(e)/ Env-Wt 311.13; Env-Wt 314.07

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

Any request for an amendment to a wetlands application or permit must be submitted to the Department on this form. An applicant may request an amendment to a pending permit application or an existing permit, provided the proposed change does not constitute a “significant amendment.” A “significant amendment” means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, includes a prime wetland, or elevates the project’s impact classification. This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the Department (RSA 482-A:3, XIV(e)).

SECTION 1 - REQUESTED AMENDMENT TYPE AND AMENDMENT CRITERIA

Does the proposed change constitute a “significant amendment” as provided in RSA 482-A:3, XIV(e) and described above? ☐ Yes ☒ No

If you answered “yes” to the previous question, then you cannot request an amendment using this form and must file a new permit application.

☒ AMENDMENT TO PENDING PERMIT APPLICATION, NHDES FILE NUMBER: 2018-03677 (proceed to Section 2)

☐ AMENDMENT TO EXISTING PERMIT NUMBER: (proceed to Section 3)

SECTION 2 - AMENDMENT TO A PENDING PERMIT APPLICATION

☐ Not applicable

To request an amendment to a pending permit application, the applicant must:

- Submit the information required by Env-Wt 311.03, showing the changes prior to the Department’s issuance of a final decision on the application, including but not limited to, a revised set of plans and revised application fees for any additional square footage of impacts calculated pursuant to RSA 482-A:3, I(b) or (c) as applicable, and
- Provide notice to each person to whom notice of the original application was sent prior to filing the amended application with the Department (Env-Wt 311.13).

☒ By checking this box, you confirm that you have provided all information required pursuant to Env-Wt 311.03 to the Department and provided the required notice(s) as described above.

NHDES-W-06-081

SECTION 3 - AMENDMENT TO AN EXISTING PERMIT

☐ Not applicable

To request an amendment to an existing permit, the permittee must:

- Submit the information required and filed with the original permit application, including but not limited to a revised set of plans, and revised application fees for any additional square footage of impacts calculated pursuant to RSA 482-A:3, I(b) or (c) as applicable, and
- Provide notice to all who received notice of the original application prior to filing the amended application with the Department (Env-Wt 314.07).

☐ By checking this box, you confirm that you have provided all necessary information to the Department and provided the required notice(s) as described above.

6095 0410 0002 6196 5609

7022 0410 0002 6196 5609

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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Portsmouth, NH 03801

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
Total Postage and Fees	\$8.13

Sent To
Markin Kurawski, & Cristina Galli
Street and Apt. No., or PO Box No.
212 Walker Bungalow Road
City, State, ZIP+4®
Portsmouth, NH, 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

PORTSMOUTH NH 03801
FEB 15 2023
Postmark Here
02/15/2023

6655 0410 0002 6196 5593

7022 0410 0002 6196 5593

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Portsmouth, NH 03801

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.63
Total Postage and Fees	\$8.13

Sent To
Sagamore Landing Condominium Association
Street and Apt. No., or PO Box No.
241 Walker Bungalow Road
City, State, ZIP+4®
Portsmouth, NH, 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

PORTSMOUTH NH 03801
FEB 15 2023
Postmark Here
02/15/2023



15 February, 2023

Sagamore Landing Condominium Association
241 Walker Bungalow Road
Portsmouth, NH 03801

RE: New Hampshire DES Wetland Application for proposed tidal docking structure for Jon & Joan Dickinson, 220 Walker Bungalow Road, Portsmouth, NH.

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for a tidal docking structure**, on behalf of your abutter, **Jon & Joan Dickinson**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Jon & Joan Dickinson** proposes a project that requires construction in the previously developed 100' Tidal Buffer Zone, and jurisdictional wetlands.

Please note that you are **receiving this notification for a second time as plans for the proposed project have been revised, dated February 13, 2023**. NH DES requires notification when an amendment for a pending Wetland Permit Application is submitted.

Plans are on file at this office, and once the application is filed, plans that show the proposed project and jurisdictional impacts will be available for viewing during normal business hours at the office of the **Portsmouth clerk, Portsmouth City offices**, or once received by DES, at the offices of the DES Wetlands Bureau, (8 a.m. to 4 p.m.) (603) 271-2147. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

CERTIFIED MAIL/Return Receipt Requested





15 February, 2023

Martin Kurowski & Cristina Galli
212 Walker Bungalow Road
Portsmouth, NH 03801

RE: New Hampshire DES Wetland Application for proposed tidal docking structure for Jon & Joan Dickinson, 220 Walker Bungalow Road, Portsmouth, NH.

Dear Property Owner,

Under NH RSA 482-A this letter is to inform you in accordance with State Law that a Wetlands Permit will be filed with the New Hampshire Department of Environmental Services (DES) Wetlands Bureau for a permit to **impact the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for a tidal docking structure**, on behalf of your abutter, **Jon & Joan Dickinson**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Jon & Joan Dickinson** proposes a project that requires construction in the previously developed 100' Tidal Buffer Zone, and jurisdictional wetlands.

Please note that you are receiving this notification for a second time as plans for the proposed project have been revised, dated **February 13, 2023**. NH DES requires notification when an amendment for a pending Wetland Permit Application is submitted.

Plans are on file at this office, and once the application is filed, plans that show the proposed project and jurisdictional impacts will be available for viewing during normal business hours at the office of the **Portsmouth clerk, Portsmouth City offices, or once received by DES**, at the offices of the DES Wetlands Bureau, (8 a.m. to 4 p.m.) (603) 271-2147. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Sincerely,

Steve Riker, CWS
Project Scientist/Project Manager
sriker@haleyward.com

CERTIFIED MAIL/Return Receipt Requested



24 August, 2022

Martin F. Kurowski & Cristina Galli
212 Walker Bungalow Road
Portsmouth, NH 03801

**RE: New Hampshire Wetland Application for construction of a tidal docking structure for
Jon & Joan Dickinson, 220 Walker Bungalow Road, Portsmouth, NH.**

This letter is to inform the New Hampshire Department of Environmental Services (DES) Wetlands Bureau, in accordance with State Law that our abutter, **Jon & Joan Dickinson** has shown us plans (dated 8/12/22) depicting the proposed tidal docking structure on their property (Tax Map 223, Lot 20) prepared by Ambit Engineering, Inc. We are aware that the proposed structure and any boat attached to the proposed float, may extend beyond the 20 foot setback from the property line extended that we share with the **Jon & Joan Dickinson**.

In accordance with DES rules, we hereby sign this letter to indicate our acceptance of the proposed structure and any boat attached to the proposed float that may extend beyond the 20 foot setback of the property line extended that we share with the **Jon & Joan Dickinson**. Specifically, we sign this letter with the understanding (as shown by plan) that **no part of the proposed docking structure will extend beyond or be allowed within 10 feet of the property line** that we share with Tax Map 223, Lot 20; this includes fixed or floating structures, docked vessels, or any permanent or temporary attachments.

Sincerely,

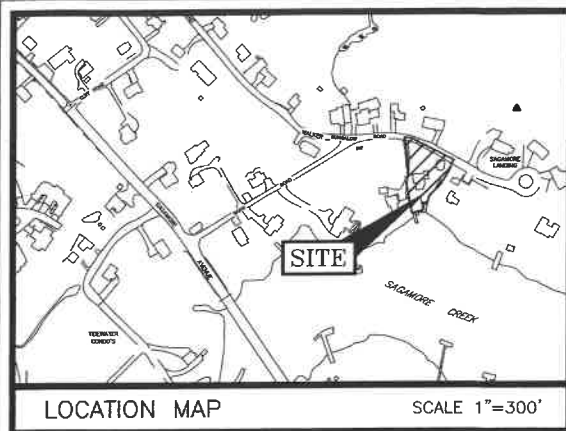
Martin F. Kurowski & Cristina Galli
212 Walker Bungalow Road
Portsmouth, NH 03801
Tax Map 223, Lot 21

By: CRISTINA GALLI / [Signature]
Printed Name & Title

Martin Kurowski / [Signature]

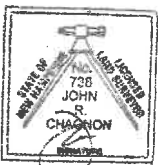
Notarized by
Sarah J. Pendleton
on 9/9/2022

SARAH J. PENDLETON
Notary Public, State of New Hampshire
My Commission Expires Aug. 18, 2026



LEGEND:

EXISTING	NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
N/F	RAILROAD SPIKE FOUND/SET
RP	IRON ROD FOUND/SET
RCRD	IRON PIPE FOUND/SET
(11/27)	DRILL HOLE FOUND/SET
RR SPK FND	NH/DOT BOUND FOUND
IR FND	TOWN BOUND FOUND
IP FND	BOUND w/ DRILL HOLE
DH FND	STONE BOUND w/DRILL HOLE
NH/HB FND	
TB FND	
BND w/DH	
ST BND w/DH	
MEAN HIGH WATER LINE	
HIGHEST OBSERVABLE TIDE LINE	
STORM DRAIN	
UNDERGROUND ELECTRIC	
OVERHEAD ELECTRIC/WIRES	
CONTOUR	
SPOT ELEVATION	
EDGE OF PAVEMENT (EP)	
WOODS / TREE LINE	
UTILITY POLE (w/ GUY)	
WATER SHUT OFF/CURB STOP	
GATE VALVE	
HYDRANT	
METER (GAS, WATER, ELECTRIC)	
CATCH BASIN	
TEST PIT	
EDGE OF WETLAND FLAGGING	
EL.	ELEVATION
EP	EDGE OF PAVEMENT
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

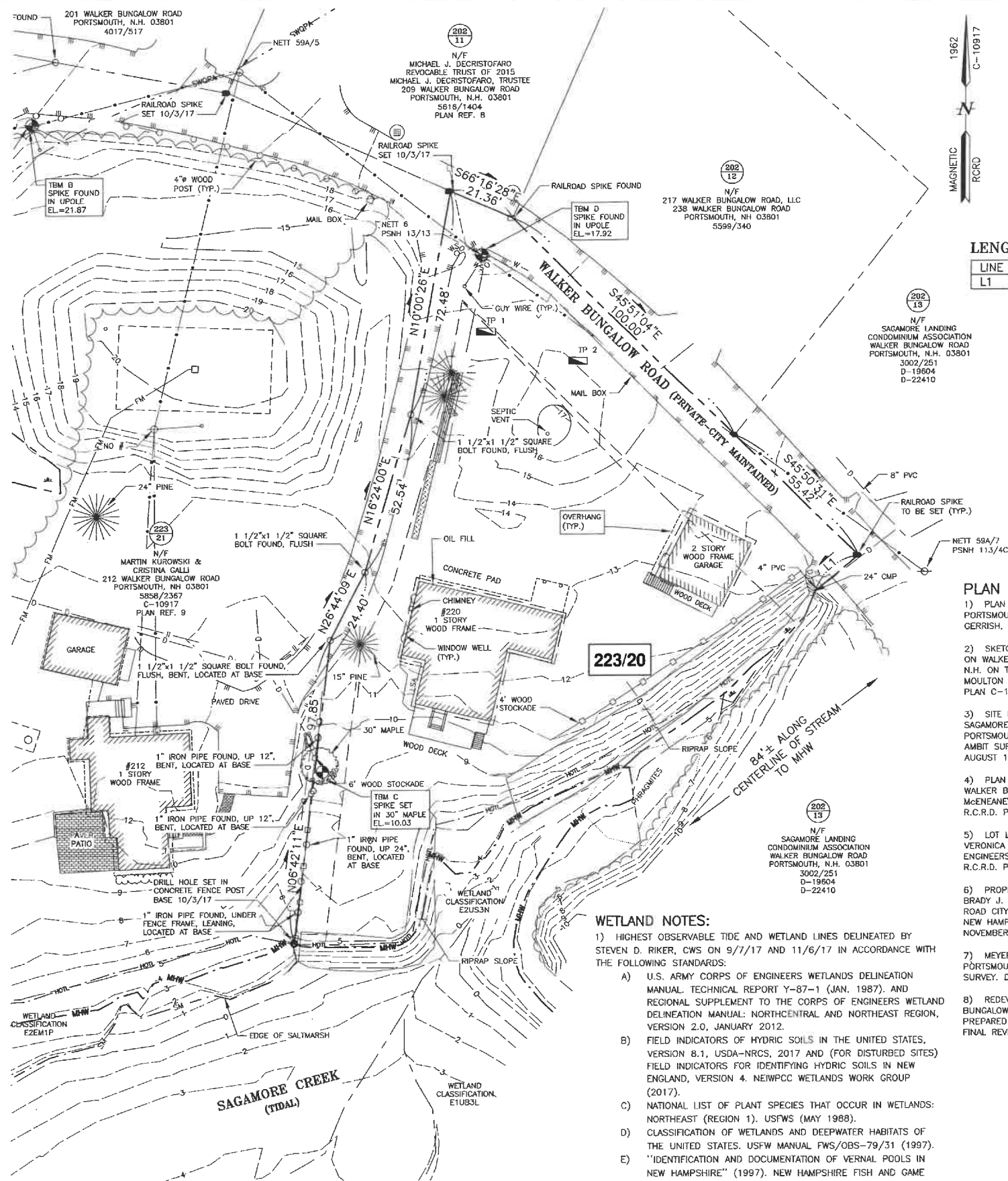


I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

JOHN R. CHAGNON, L.L.S. #738

8.12.22
DATE



LENGTH TABLE

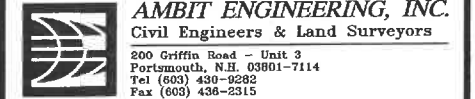
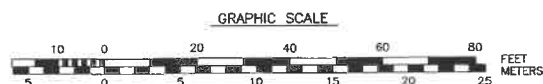
LINE	BEARING	DISTANCE
L1	S50°23'25"W	18.09'

PLAN REFERENCES:

- 1) PLAN OF LOT FOR MR. & MRS. LAWRENCE CIOTTI PORTSMOUTH, ROCKINGHAM CO., N.H. PREPARED BY C.S. GERRISH, CE. DATED NOVEMBER 1963. NOT RECORDED.
- 2) SKETCH SHOWING PROPERTY OF GORDON F. YOUNG LOCATED ON WALKER BUNGALOW RD. PORTSMOUTH, ROCKINGHAM COUNTY, N.H. ON THE SHORE OF SAGAMORE CREEK. PREPARED BY MOULTON ENGINEERING CO. INC. DATED JUNE 18, 1962. R.C.R.D. PLAN C-10917.
- 3) SITE PLANS SAGAMORE LANDING CONDOMINIUM FOR SAGAMORE LANDING TRUST WALKER BUNGALOW ROAD PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM. PREPARED BY AMBIT ENGINEERING CO. INC. DATED JULY 1993. FINAL REVISION DATE 20 AUGUST 1993. R.C.R.D. PLAN D-22410.
- 4) PLAN OF LAND FOR MARILYN I. & DONALD D. BRODY 238 WALKER BUNGALOW RD. PORTSMOUTH, N.H. PREPARED BY McENEANEY SURVEY ASSOCIATES. DATED AUGUST 2, 1989. R.C.R.D. PLAN D-19604.
- 5) LOT LINE REVISION PORTSMOUTH, N.H. FOR JAMES & VERONICA VAROTSIS. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS PROFESSIONAL ASSOCIATION. DATED NOVEMBER 1976. R.C.R.D. PLAN C-6463.
- 6) PROPERTY STAKEOUT SKETCH OWNER: BRIAN NESTE & BRADY J. BYRD PROPERTY LOCATION: 184 WALKER BUNGALOW ROAD CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 11, 2009. NOT RECORDED.
- 7) MEYER RESIDENCE 209 WALKER BUNGALOW ROAD PORTSMOUTH, N.H. EXISTING CONDITIONS. PREPARED BY AMBIT SURVEY. DATED JANUARY 8, 1999. NOT RECORDED.
- 8) REDEVELOPMENT PLAN KUROWSKI RESIDENCE 212 WALKER BUNGALOW ROAD PORTSMOUTH, N.H. EXISTING CONDITIONS PLAN. PREPARED BY AMBIT ENGINEERING, INC. DATED SEPTEMBER 2017. FINAL REVISION DATE OCTOBER 4, 2017. NOT RECORDED.

WETLAND NOTES:

- 1) HIGHEST OBSERVABLE TIDE AND WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 9/7/17 AND 11/6/17 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWIPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 223 AS LOT 20.
- 2) OWNER OF RECORD:
JON DICKINSON & JOAN DICKINSON
220 WALKER BUNGALOW ROAD
PORTSMOUTH, N.H. 03801
5866/1780
PLAN REF. 1
- 3) PARCEL IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA, ZONE AE (EL 9) AS SHOWN ON FIRM PANEL 33015C0286E, EFFECTIVE MAY 17, 2005.
- 4) EXISTING LOT AREA: (TO MEAN HIGH WATER)
22,108± S.F.
0.5075± AC
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 15,000 S.F.
FRONTAGE: 100 FT.
SETBACKS: FRONT: 30 FT.
SIDE: 10 FT.
REAR: 30 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM BUILDING COVERAGE: 20%
MINIMUM OPEN SPACE: 40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULT OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 223, LOT 20 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS NH DOT DISC 397-0990.
- 9) WESTERLY BOUNDARY LINE OF THE PARCEL IS REFERRED TO AS A PRIVATE ROAD IN PRECEDING DEEDS FOR THE PROPERTY TO THE WEST (SEE 1024/241). THE DEED FOR THE SUBJECT PARCEL REFERS TO THIS LINE AS A PRIVATE ROAD (SEE 5866/1780). EASTERLY BOUNDARY LINE IS REFERRED TO AS THE CENTERLINE OF A DITCH OR SMALL STREAM LEADING NORTHERLY FROM SAGAMORE CREEK. OWNERSHIP ONLY EXTENDS TO THE CENTERLINE OF THE CREEK IN THE AREA ABOVE MEAN HIGH WATER.
- 10) UPDATED SITE CONSTRUCTION ON TAX MAP 223 LOTS 20 & 21 IS NOT SHOWN HEREON.

DICKINSON DOCK
220 WALKER
BUNGALOW ROAD
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	UPDATED TOPO	8/12/22
0	ISSUED FOR COMMENT	11/16/17



SCALE: 1" = 20' NOVEMBER 2017

EXISTING CONDITIONS
PLAN

C1



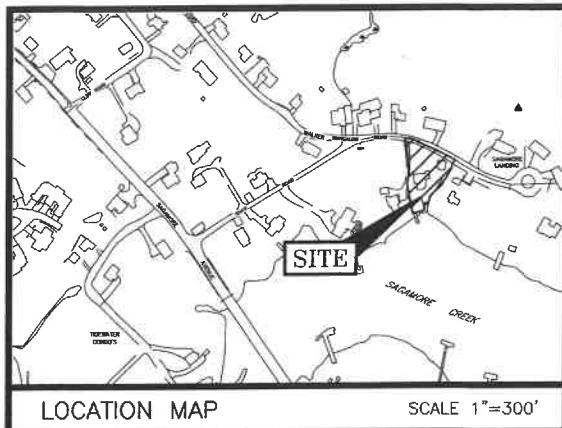
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-8282
Fax (603) 430-2315

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 223 AS LOT 20.
- 2) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 3) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 4) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 5) THE LIMIT OF WORK IS TO BE CLEARLY UNDERSTOOD WITHIN THE JURISDICTIONAL AREAS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED DOCK ON MAP 223 LOT 20 IN THE CITY OF PORTSMOUTH.
- 7) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW), BASIS OF VERTICAL DATUM IS NH DOT DISC 397-0990, REDUCTION FROM NAVD83 TO MLLW BASED ON NOAA STATION 8419870, SEAVEY ISLAND. MLLW BEING 4.62' LOWER THAN 0.00 NAVD83. MHW LINE AS SHOWN IS AT ELEV. 8.43 MLLW.
- 8) WESTERLY BOUNDARY LINE OF THE PARCEL IS REFERRED TO AS A PRIVATE ROAD IN PRECEDING DEEDS FOR THE PROPERTY TO THE WEST (SEE 1024/241). THE DEED FOR THE SUBJECT PARCEL REFERS TO THIS LINE AS A PRIVATE ROAD (SEE 5866/1780). EASTERLY BOUNDARY LINE IS REFERRED TO AS THE CENTERLINE OF A DITCH OR SMALL STREAM LEADING NORTHERLY FROM SAGAMORE CREEK. OWNERSHIP ONLY EXTENDS TO THE CENTERLINE OF THE CREEK IN THE AREA ABOVE MEAN HIGH WATER.
- 9) UPDATED SITE CONSTRUCTION ON TAX MAP 223 LOTS 20 & 21 IS NOT SHOWN HEREON.

WETLAND NOTES:

- 1) HIGHEST OBSERVABLE TIDE AND WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 9/7/17 AND 11/6/17 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEAST AND NORTHWEST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH & GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.



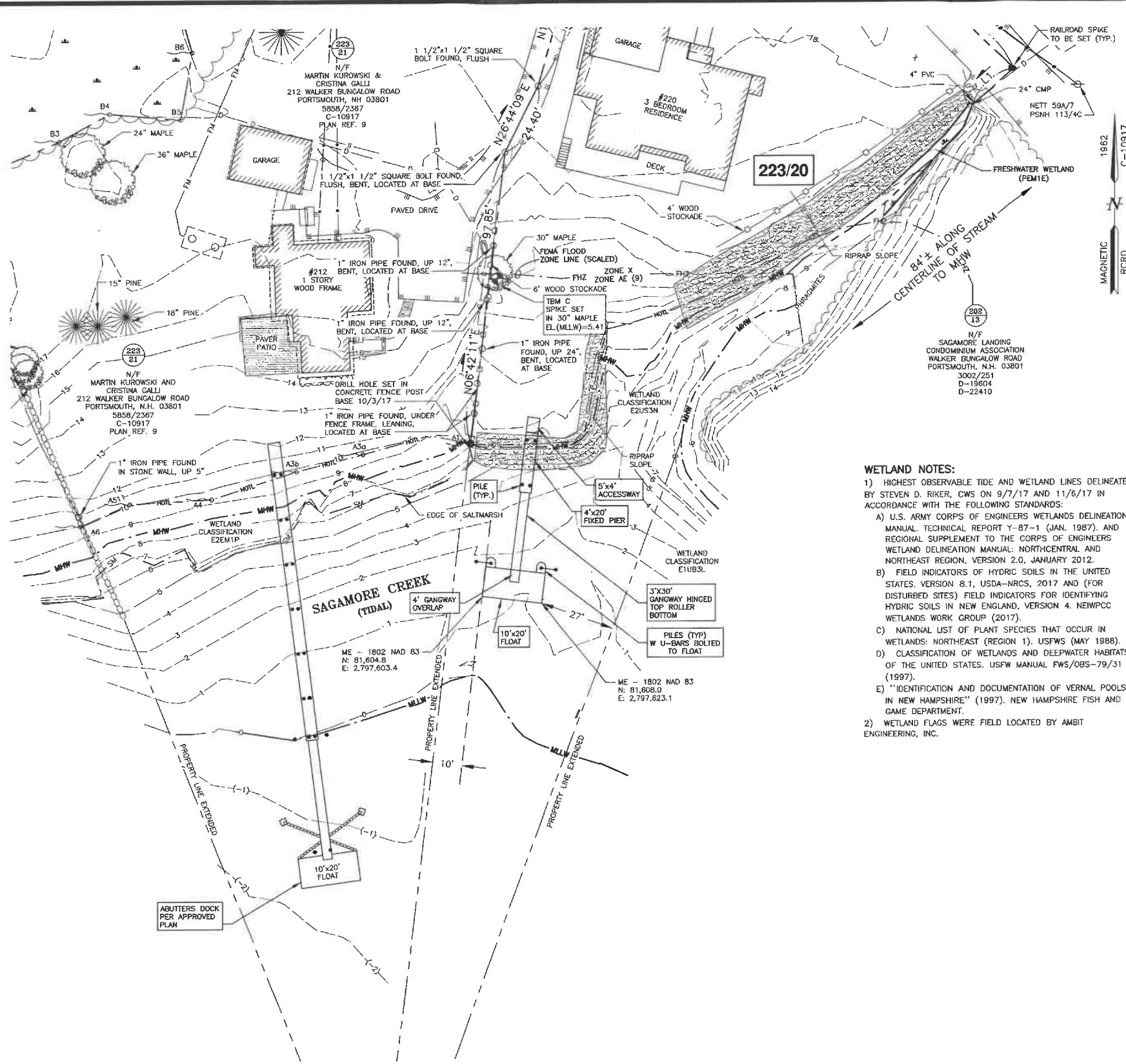
LEGEND:

EXISTING

- | | |
|---|--|
| N/F
RP
RCRD | NOW OR FORMERLY
RECORD OF PROBATE
ROCKINGHAM COUNTY
REGISTRY OF DEEDS
MAP 11 / LOT 21 |
| RR SPK FND
OR FND
IP FND
DH FND
NHFB FND
TB FND
BND w/DH
ST BND w/DH | RAILROAD SPIKE FOUND/SET
IRON ROD FOUND/SET
IRON PIPE FOUND/SET
DRILL HOLE FOUND/SET
NHFB FOUND
TOWN BOUND FOUND
BOUND w/ DRILL HOLE
STONE BOUND w/DRILL HOLE |
| RR SPK SET
IR SET
IP SET
DH SET | |
| BND w/DH
ST BND w/DH | UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC WIRES
CONTOUR
EDGE OF PAVEMENT (EP)
WOODS / TREE LINE |

PREVIOUS DES PERMIT APPROVALS:

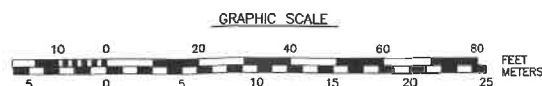
NH DES WETLANDS: 93-01664
NH DES WETLANDS: 2010-03326
NH DES WETLANDS: 2018-02479
NH DES SHORELAND: 2018-01656



I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

JOHN R. CHAGNON, LLS #738

2-13-23
DATE



DICKINSON DOCK 220 WALKER BUNGALOW ROAD PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
3	SHORTEN DOCK LENGTH	2/13/23
2	DOCK LAYOUT	8/12/22
1	ADD NOTE 8	2/19/19
0	ISSUED FOR COMMENT	12/7/18

REVISIONS



SCALE 1"=20'

AUGUST 2022

NHDES DOCK
PERMIT PLAN

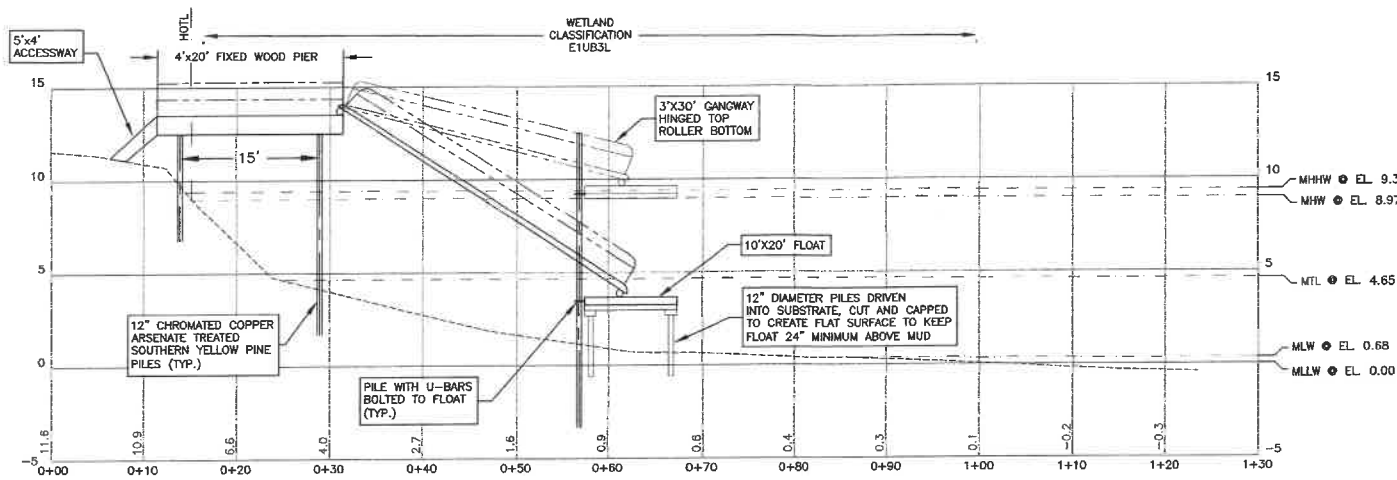
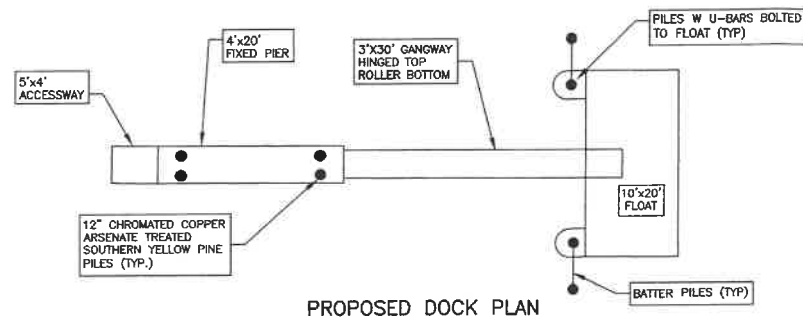
C2



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-0282
Fax (603) 436-2315

NOTES:

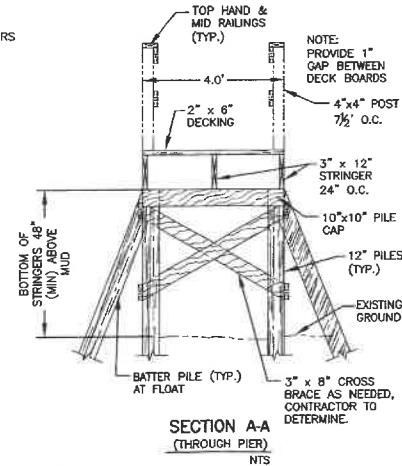
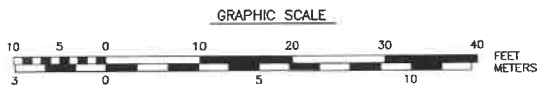
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) NUMBER OF PILES TO BE DRIVEN FOR DOCKING STRUCTURE NOT TO EXCEED 12 AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES
- 5) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS NH DOT DISC 397-0990, REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870, SEAVEY ISLAND. MLLW BEING 4.62' LOWER THAN 0.00 NAVD88. MHW LINE AS SHOWN IS AT ELEV. 8.43 MLLW.



PROPOSED DOCK ELEVATION

PROPOSED PIER, GANGWAY & FLOAT w/ PILES

SCALE: 1" = 10' (HOR.)
1" = 5' (VERT.)



ENVIRONMENTAL FUNCTIONS AND VALUES

THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT [HTTP://WWW.NAE.USACE.ARMY.MIL/REGULATORY/](http://www.nae.usace.army.mil/regulatory/) FOR CONTROL METHODS.

INSPECTIONS

THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK, AND POST-DREDGING SURVEY DRAWINGS FOR ANY DREDGING WORK.

SEDIMENTATION AND EROSION CONTROL

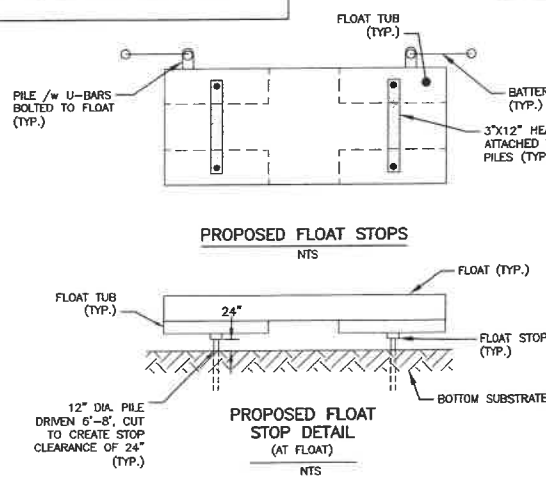
ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES, PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, STORMWATER DETENTION AND INFILTRATION SYSTEMS, SEDIMENT DETENTION BASINS, OR OTHER DEVICES SHALL BE INSTALLED AND PROPERLY MAINTAINED TO REDUCE EROSION AND RETAIN SEDIMENT ON-SITE DURING AND AFTER CONSTRUCTION. THEY SHALL BE CAPABLE OF PREVENTING EROSION, OF COLLECTING SEDIMENT, SUSPENDED AND FLOATING MATERIALS, AND OF FILTERING FINE SEDIMENT. THE DISTURBED AREAS SHALL BE STABILIZED BY THESE DEVICES SHALL BE REMOVED UPON COMPLETION OF WORK. THE SEDIMENT COLLECTED BY THESE DEVICES SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION, IN A MANNER THAT WILL PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT THE EARLIEST PRACTICABLE DATE.

SPAWNING AREAS

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., EFH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMFS WEBSITE AT: WWW.NERO.NOAA.GOV/HCD.

STORAGE OF SEASONAL STRUCTURES

COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF MHW.



SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A CRANE BARGE, PUSH BOAT, WORK SKIFF, MATERIALS AND PREFABRICATED COMPONENTS SUCH AS THE GANGWAY AND FLOAT TO THE SITE VIA APPROVED ACCESS.
- 2) MOBILIZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE NEW DOCK AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS.
- 4) INSTALLATION OF THE SUB STRUCTURE WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.
- 6) PILING WILL BE MECHANICALLY DRIVEN BY A CRANE ELIMINATING ANY EXCAVATION FOR INSTALLATION OF THE PILING. PILING ARE DRIVEN TO REFUSAL.
- 7) PILING ARE CUT AND BEAM CAPS ARE INSTALLED AND THE SUPER STRUCTURE OF THE PIER IS BUILT. MATERIALS ARE LIFTED FROM THE BARGE AND SET INTO POSITION BY THE CRANE.
- 8) ONCE THE PIER IS COMPLETE, THE GANGWAY AND FLOAT ARE BROUGHT INTO POSITION AND INSTALLED.

DISCHARGES, AVOIDANCE, MINIMIZATION AND MITIGATION

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORP AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACE AND AND NHDES, ANY UNAUTHORIZED FILL OR 'SECONDARY' IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

* UNLESS SPECIFICALLY AUTHORIZED USACE AND AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

HEAVY EQUIPMENT IN WETLANDS

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR

OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONDUITY ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

TIME OF YEAR WORK WINDOW AND NOISE RESTRICTIONS

- A. PILES INSTALLED IN-THE-DRY DURING LOW WATER OR IN-WATER BETWEEN NOV. 8TH - APR. 9TH, OR
- II. MUST BE DRILLED AND PINNED TO LEDGE, OR
- III. VIBRATORY HAMMERS USED TO INSTALL ANY SIZE AND QUANTITY OF WOOD, CONCRETE OR STEEL PILES, OR
- IV. IMPACT HAMMERS LIMITED TO ONE HAMMER AND <50 PILES INSTALLED/DAY WITH THE FOLLOWING: WOOD PILES OF ANY SIZE, CONCRETE PILES <18-INCHES DIAMETER, STEEL PILES 12-INCHES DIAMETER IF THE HAMMER IS <3000 LBS. AND A WOOD CUSHION IS USED BETWEEN THE HAMMER AND STEEL PILE.

FOR II-IV ABOVE:

- I. IN-WATER NOISE LEVELS SHALL NOT >187dB SEL RE (wPa) OR 206dB PEAK RE (wPa) AT A DISTANCE >10M FROM THE PILE BEING INSTALLED, AND
- II. IN-WATER NOISE LEVELS >155dB PEAK RE (wPa) SHALL NOT EXCEED 12 CONSECUTIVE HOURS ON ANY GIVEN DAY AND A 12 HOUR RECOVERY PERIOD (I.E., IN-WATER NOISE BELOW 155dB PEAK RE (wPa) MUST BE PROVIDED BETWEEN WORK DAYS.

WORK SITE RESTORATION

- I. UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MIX SHALL CONTAIN ONLY PLANT SPECIES NATIVE TO NEW ENGLAND.
- II. THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED.
- III. IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA, UNLESS OTHERWISE AUTHORIZED.
- IV. WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS OTHERWISE AUTHORIZED.

DICKINSON DOCK
220 WALKER
BUNGALOW ROAD
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
3	SHORTEN DOCK LENGTH	2/13/23
2	DOCK, GANGWAY	8/12/22
1	RECONFIGURE DOCK	2/18/20
0	ISSUED FOR COMMENT	12/07/18
REVISIONS		



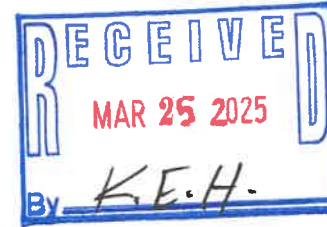
SCALE: AS SHOWN

DECEMBER 2018

**NHDES DOCK
DETAILS**

C3

THE STATE OF NEW HAMPSHIRE
WETLANDS COUNCIL



APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION AND DAVID AND
MARGARET WITHAM

NOTICE OF APPEARANCE
(NHDES Wetlands Permit No 2018-03677)

Docket No. 24-06 WtC

A. Name and Address of Appellants

Sagamore Landing Condominium Association for itself and as agent for all the unit owners of
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c/o Danielle Megliola, President
284 Walker Bungalow Road
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(917) 940-6604
danielle.megliola@gmail.com

David and Margaret Witham, Individually and as Trustees of the David C. Witham Revocable
Trust of 2009
238 Walker Bungalow Road
Portsmouth, NH 03801
(603) 498-9084
withamarchitecture@gmail.com

B. Counsel for Appellants

Nicolas H.U. Harris, N.H. Bar #278783
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Manchester, NH 03101
(603) 627-8237
nharris@sheehan.com

Respectfully submitted,

**SAGAMORE LANDING CONDOMINIUM
ASSOCIATION AND
DAVID AND MARGARET WITHAM**

By Its Attorneys,

SHEEHAN PHINNEY BASS & GREEN, PA

Dated: March 20, 2025

By: /s/ Nicolas H.U. Harris
Nicolas H.U. Harris (NH Bar #278783)
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8237; nharris@sheehan.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on March 20, 2025 to counsel and parties of record listed below:

John Mark Turner, Esq. (via email - jturner@sheehan.com)
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(Counsel for the New Hampshire Department of Environmental Protection)
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Concord, NH 03301

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Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
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Jon and Joan Dickinson (through counsel via email at jjis@rathlaw.com)
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C/O New Hampshire Wetlands Council
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Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: March 20, 2025

By: /s/ Nicolas H.U. Harris
Nicolas H.U. Harris