



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

June 18, 2018

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

REQUESTED ACTION

Approve George A. Smith Trust's request to perform the following work on Little Island Pond, in Pelham. File # 2017-02674. This project will not have significant impact on or adversely affect the values of Little Island Pond.

Impact 466 square feet of bank along 85 linear feet of shoreline in order to remove five existing seasonal piers, two existing 4 foot x 4 foot concrete pads, and concrete debris, reset existing rocks along the waterline and install three 4 foot x 40 foot seasonal piers on an average of 170 feet of frontage along Little Island Pond, in Pelham.

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 as received by the NHDES on September 26, 2017 and March 27, 2018.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
6. All construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
7. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation (Elev. 145).
10. All seasonal structures shall be removed for the non-boating season.
11. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
12. Only those rocks already present of the frontage shall be used for the repairs. No additional rocks shall be brought to the site.

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

13. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
14. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

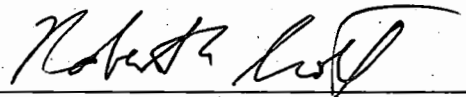
EXPLANATION

The NHDES Wetlands Bureau approved this project on May 16, 2018. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), modification or construction of docking structures providing 5 or more boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 170 feet of shoreline frontage along Little Island Pond.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. Two of the five existing piers to be removed were not legally installed.
8. Three of the piers to be removed were legally installed and provided 6 slips on the frontage.
9. The proposed docking structures will continue to provide 6 slips as defined per RSA 482-A:2, VIII but in a manner that improves boater safety and navigation.
10. The applicant has filed a request for a rule waiver which meets the requirements of Part Env-Wt 204, Waivers, therefore, a waiver of Rule Env-Wt 402.21, Modification of Existing Structures, has been granted.
11. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Little Island Pond a public hearing under RSA 482-A:8 is not required.

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.



Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management



Check the status of your application: www.des.nh.gov/onestop

RSA/Rule: RSA 482-A/Env. WL 489-900

| | | | |
|--|---|--|--|
| <div style="border: 2px solid black; padding: 5px; font-size: 2em; font-weight: bold; letter-spacing: 5px;">RECEIVED</div> <p style="font-size: 1.2em; font-weight: bold;">SEP 06 2017</p> <p style="font-size: 0.8em;">Only NHDES LAND RESOURCES MANAGEMENT</p> | <p style="font-size: 1.5em; font-weight: bold;">COMPLETE</p> <p style="font-size: 0.8em;">Administrative Use Only</p> <p style="font-size: 1.2em; font-weight: bold;">SEP 06 2017</p> | <p style="font-size: 0.8em;">Administrative Use Only</p> | <p style="font-size: 0.8em;">File No: 2017-02674</p> <p style="font-size: 0.8em;">Check No: 2600</p> <p style="font-size: 0.8em;">Amount: \$ 720.00</p> <p style="font-size: 0.8em;">Initials: EMK</p> |
|--|---|--|--|

1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.

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

2. MITIGATION REQUIREMENT:
If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the Determine if Mitigation is Required Frequently Asked Question.

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

N/A - Mitigation is not required

3. PROJECT LOCATION:
Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: **South Shore Drive** TOWN/CITY: _____

TAX MAP: **31** BLOCK: _____ LOT: **11-233** UNIT: _____

USGS TOPO MAP WATERBODY NAME: **Little Island Pond** NA STREAM WATERSHED SIZE: _____ NA

LOCATION COORDINATES (If known): **x 1087389 y 81577** Latitude/Longitude UTM

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

The proposed project involves repairing a dry laid stone support wall along the shore of Little Island Pond owned by a private association. The work consist of utilizing the existing native stones and skillfully re-establish a small dry laid stone wall to support the bank along a portion of the shoreline frontage (details attached). The existing five separate docks will be reduced to only three and spaced appropriately (details attached). Anchor post will be (cont)

5. SHORELINE FRONTAGE:

NA This does not have shoreline frontage. SHORELINE FRONTAGE: **170ft**

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:
Please indicate if any of the following permit applications are required and, if required, the status of the application.
To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

| Permit Type | Permit Required | File Number | Permit Application Status |
|---|---|-------------|---|
| Alteration of Terrain Permit Per RSA 485-A:17 | <input type="checkbox"/> YES <input type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Individual Sewerage Disposal per RSA 485-A:2 | <input type="checkbox"/> YES <input type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Subdivision Approval Per RSA 485-A | <input type="checkbox"/> YES <input type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Shoreland Permit Per RSA 483-B | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> DENIED |

7. 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 17 - 2302

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

N/A

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Trustees of George A. Smith Trust**

TRUST / COMPANY NAME: **George A. Smith Trust** MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Pelham** STATE: **NH** ZIP CODE: **03076**

EMAIL or FAX: [REDACTED] PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: **sm**, I hereby authorize NHDES to communicate all matters relative to this application electronically.

9. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME: MAILING ADDRESS:

TOWN/CITY: STATE: ZIP CODE:

EMAIL or FAX: PHONE:

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Geiger, Daniel H.** COMPANY NAME: **oak Hill Environmental Services**

MAILING ADDRESS: **7370 Oak Hill Road**

TOWN/CITY: **Loudon** STATE: **NH** ZIP CODE: **03307**

EMAIL or FAX: **dgeiger017@comcast.net** PHONE: **603 226 0420**

ELECTRONIC COMMUNICATION: By initialing here **dg**, I hereby authorize NHDES to communicate all matters relative to this application electronically.

11. PROPERTY OWNER SIGNATURE:

See the Instructions & Required Attachments document for clarification of the below statements.

- By signing the application, I am certifying that:
- 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.
 - I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment 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.
 - 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 (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.
 - 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.
 - I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
 - The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail.

[Signature] Property Owner Signature

STEPHEN C. MORIN
Leanne E. Withrow
JOHN J. RICARD Print name legibly

8/16/17
8/16/17
8/15/17 Date

MUNICIPAL SIGNATURES

12. 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.

| | | |
|---|--------------------|------|
| <input style="width: 100%; height: 100%;" type="text"/> | Print name legibly | Date |
|---|--------------------|------|

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

| | | | |
|---|--------------------|-----------|----------|
| <input style="width: 100%; height: 100%;" type="text"/> | Dorothy A. MARSDEN | PELHAM | 9/1/2017 |
| Town/City Clerk Signature | Print name legibly | Town/City | Date |

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

14. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

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

| JURISDICTIONAL AREA | PERMANENT Sq. Ft. / Lin. Ft. | TEMPORARY Sq. Ft. / Lin. Ft. |
|-------------------------------------|--|--------------------------------------|
| Forested wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Scrub-shrub wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Emergent wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Wet meadow | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Intermittent stream | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Perennial Stream / River | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Intermittent stream | / <input type="checkbox"/> ATF | 28 / 14 <input type="checkbox"/> ATF |
| Bank - Perennial stream / River | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Lake / Pond | 200 / 100 <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 | 3x160=480 <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 | / | / |

15. 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) 200 sq. ft. X \$0.20 = \$ 40.00

Temporary (seasonal) docking structure: 3x160=480 sq. ft. X \$1.00 = \$ 480.00

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

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

Total = \$ 720.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 720.00

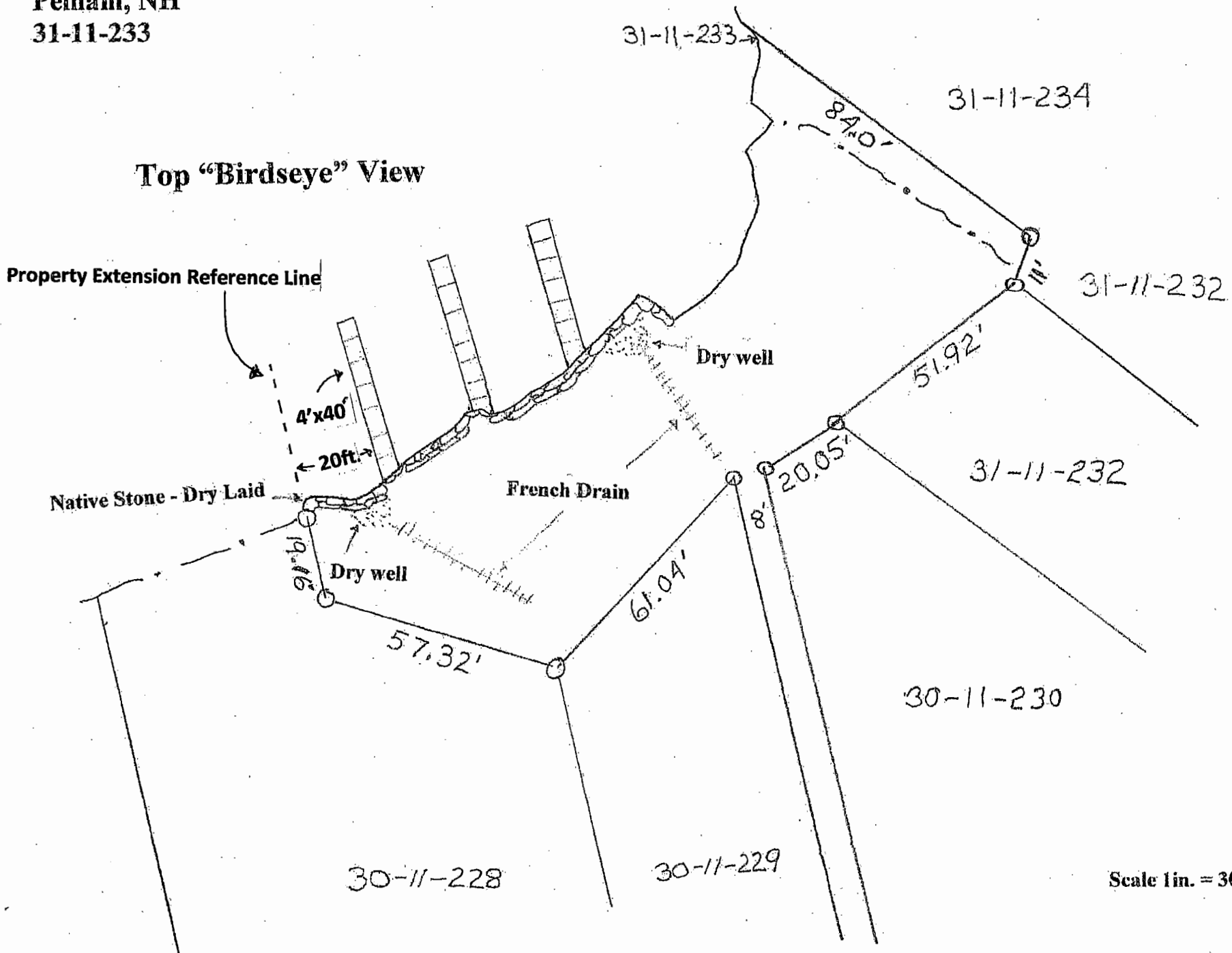
TAX MAP

Received DES
September 26, 201
DF

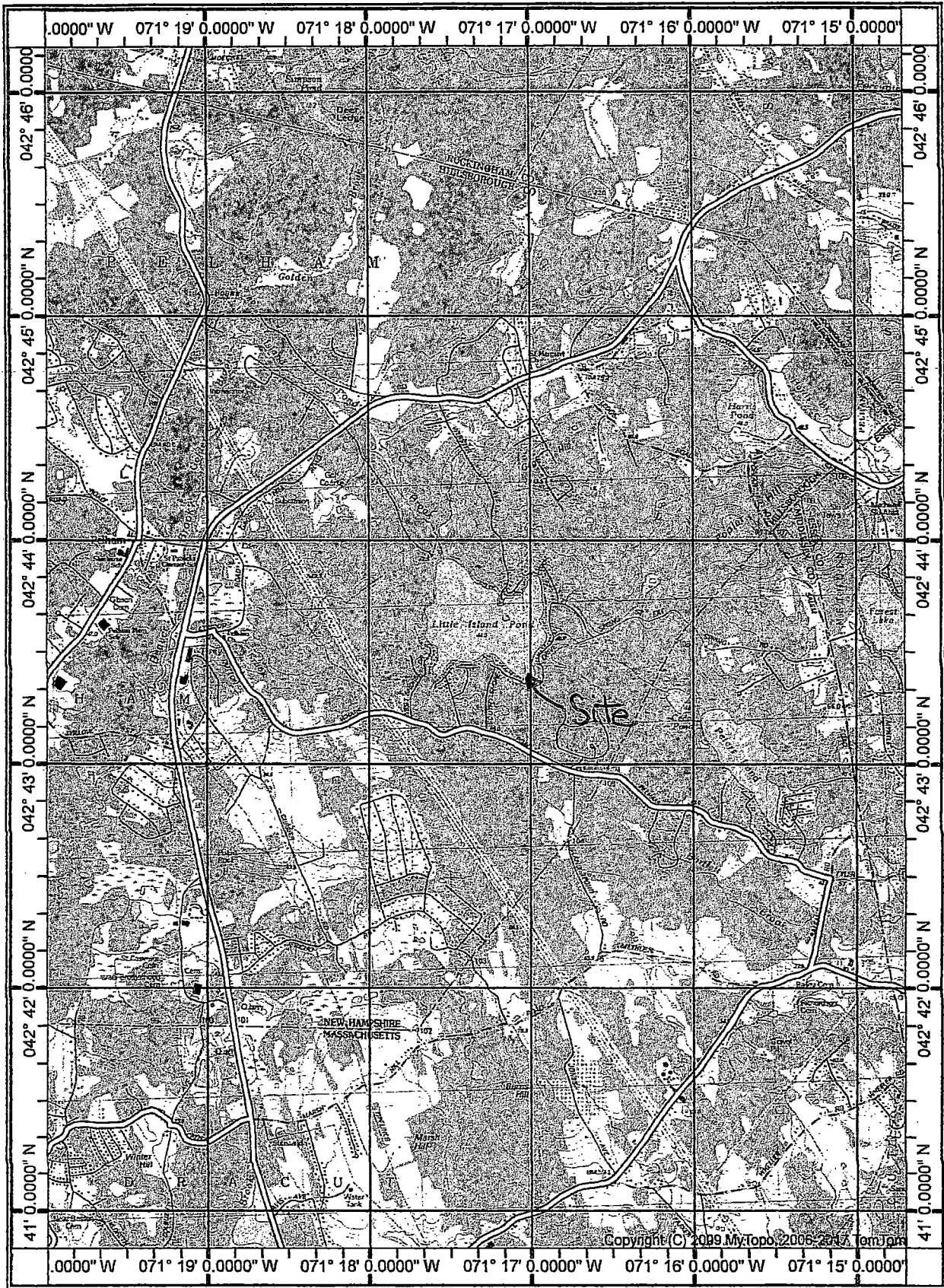
Little Island Pond
Pelham, NH
31-11-233

Top "Birdseye" View

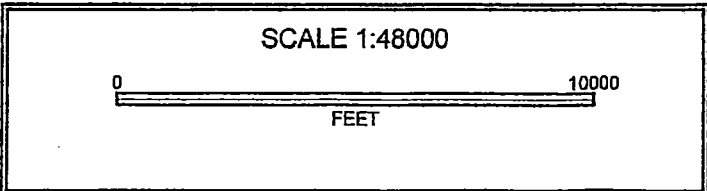
Property Extension Reference Line



Scale 1in. = 30ft.



12



Little Island Pond
 155 ac.
 145 elevation



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Daniel Geiger, Oak Hill Environmental Services
7370 Oak Hill Road
Loudon, NH 03307

From: NH Natural Heritage Bureau

Date: 7/31/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 7/24/2017

NHB File ID: NHB17-2302

Applicant: Daniel Geiger

Location: Pelham
Tax Maps: 31-11-233

Project Description: Repair a dried laid stone wall (12-16in. high/125ft long) along shore-land frontage. Involves work below the Top of Bank and ordinary high water. Placement of French Drainage Pipe with dry well 35ft from Top of Bank.

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.

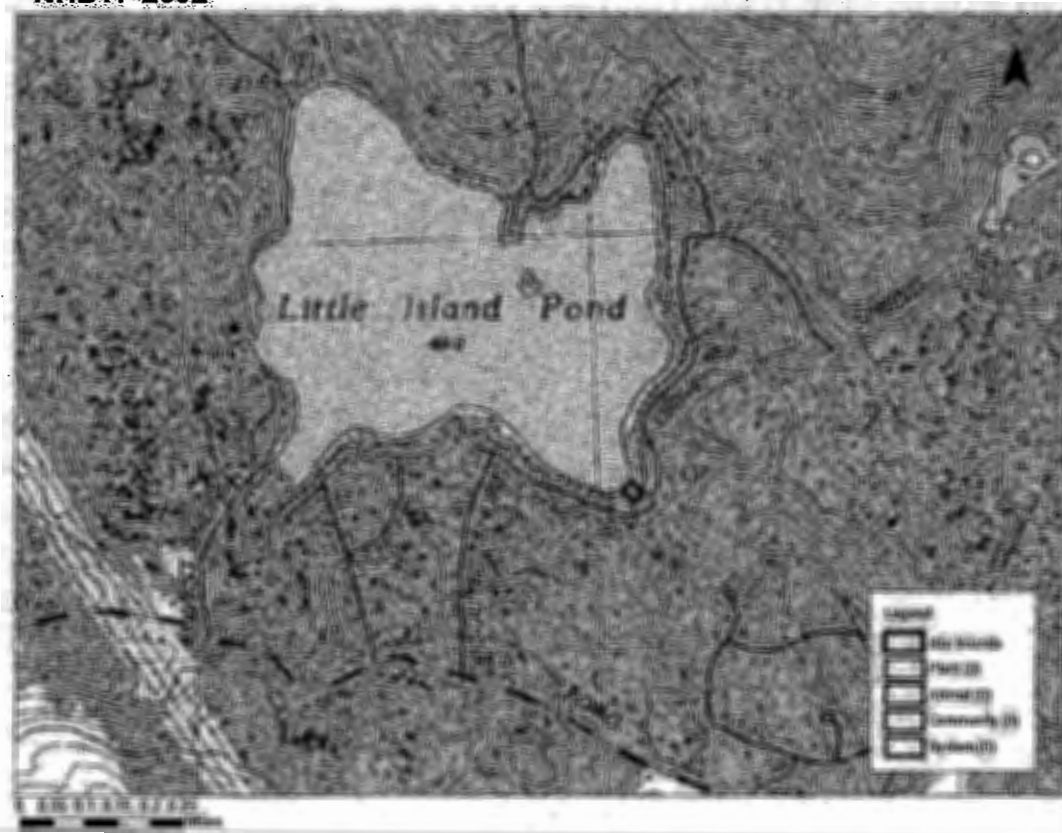
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/24/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-2302

NHB17-2302



Abutter Notification

**David & Colleen Picard
Map 31, Lot 11-232,231**

**[REDACTED]
Pelham, NH 03076**

**Joanne E Picard
Map 31, Lot 11-234**

**[REDACTED]
Pelham, NH 03076**

**Willett, Kathleen
Map 31, Lot 11-228**

**[REDACTED]
Pelham, NH 03076**

**Marguerite H. McNeil, Irrev. Trust
Map 30-11-229**

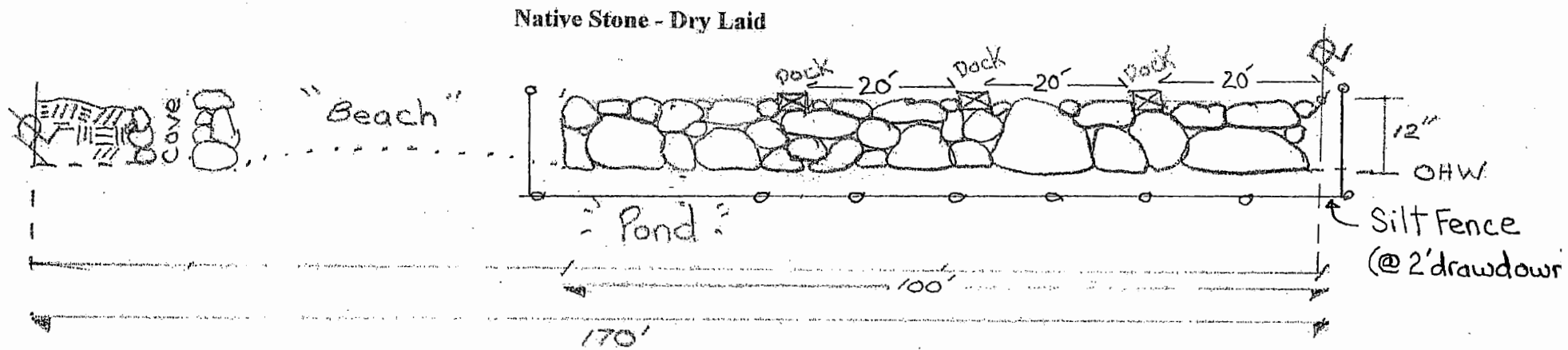
**[REDACTED]
Pelham, NH 03076**

Little Island Pond
Pelham, NH
31-11-233

Received NH PCS
September 26, 2017
DK

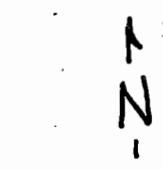


Front View



Scale 1in. = 20ft.

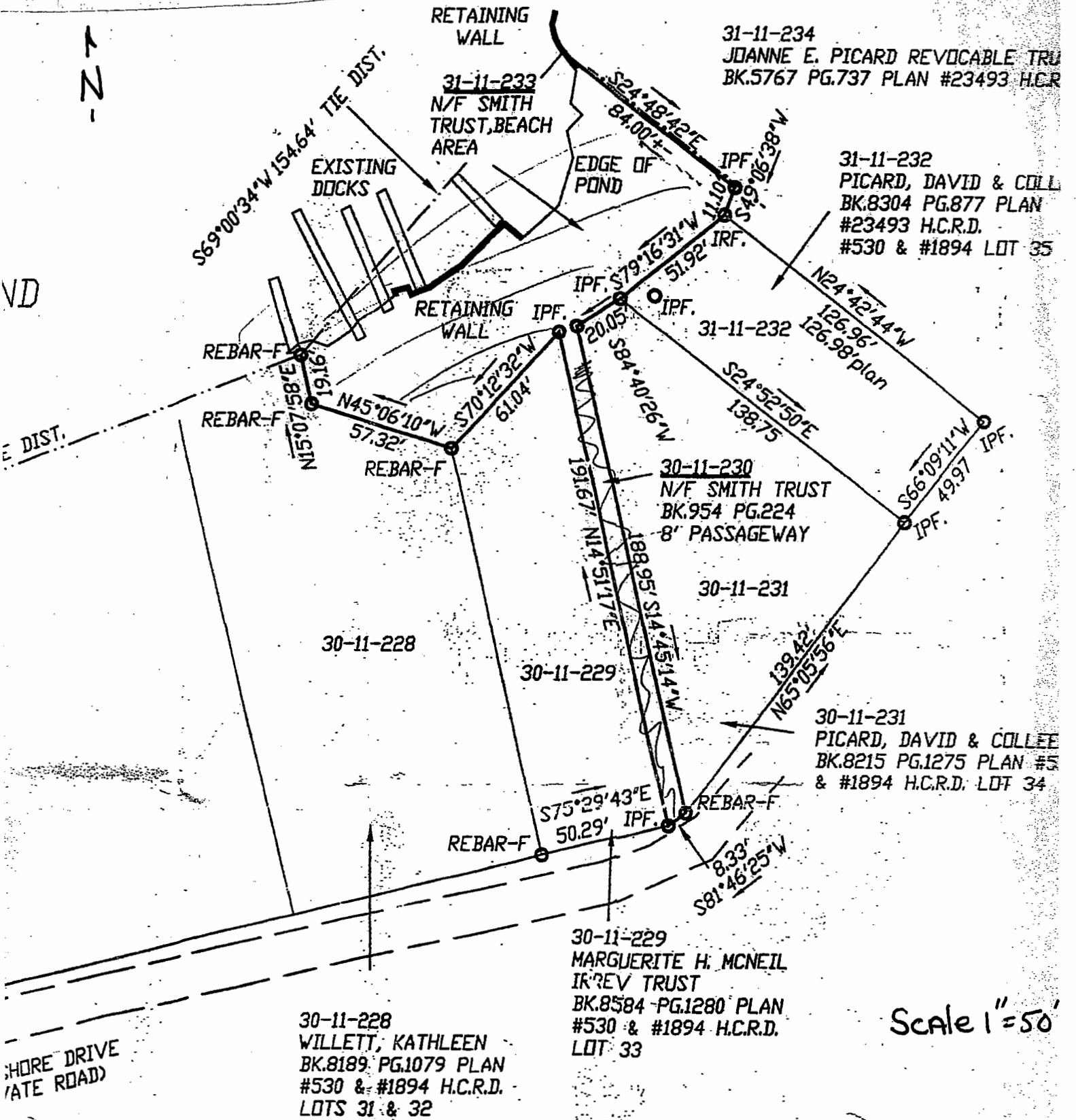
LITTLE ISLAND POND



VD

E DIST.

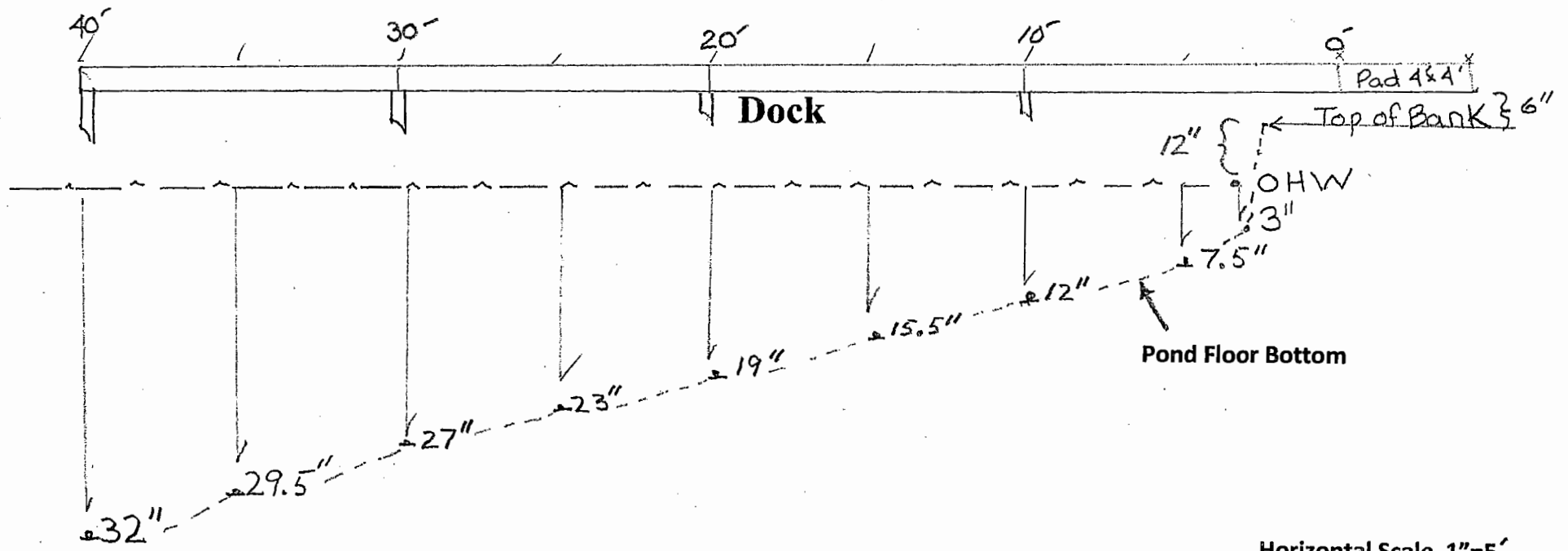
SHORE DRIVE
(ATE ROAD)



Scale 1"=50'

Little Island Pond
Pelham, NH
31-11-233

Water Depth Chart for Dock



Horizontal Scale 1"=5'
Vertical not to scale

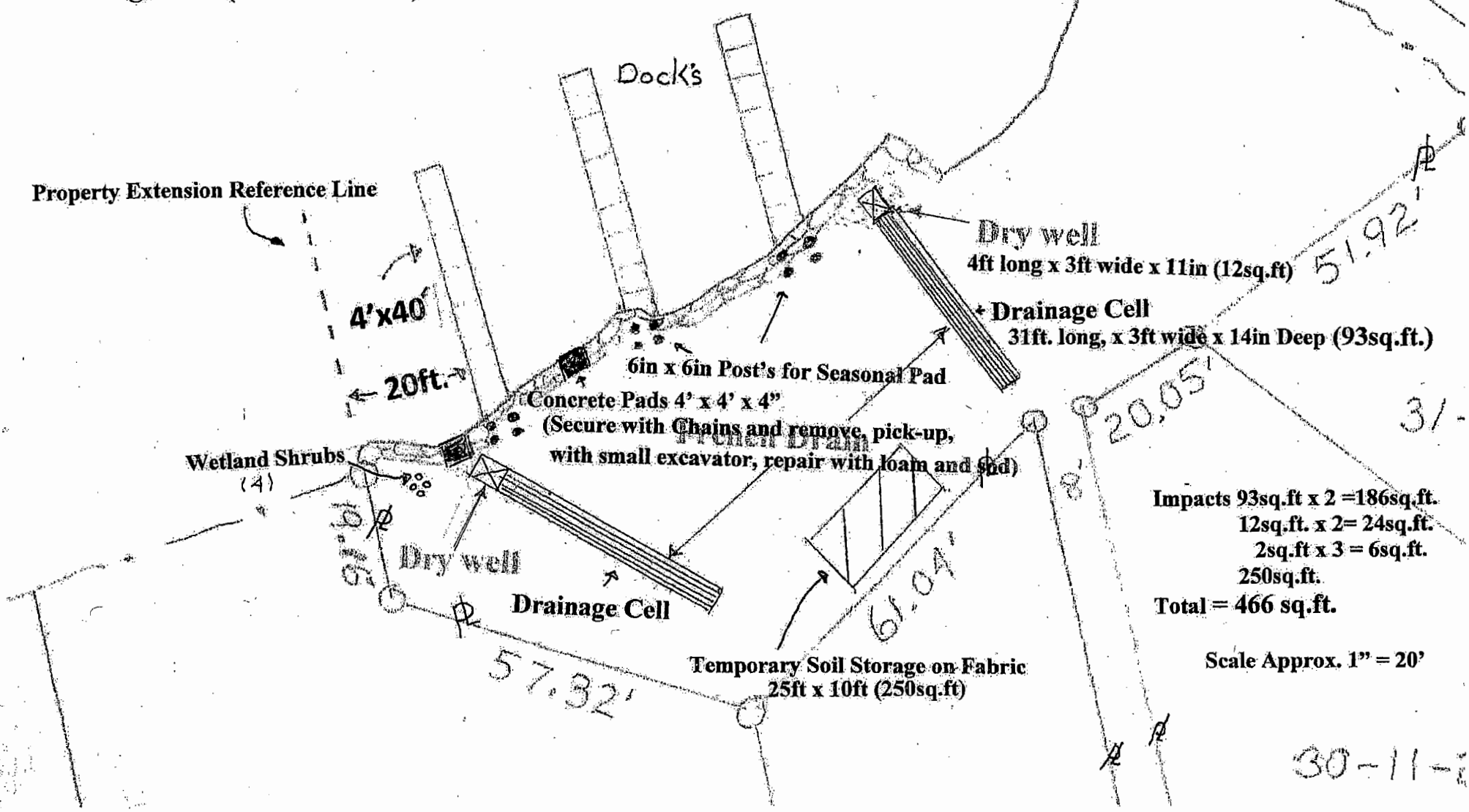
Little Island Pond, Pelham NH
 Map 31- Lot 11-233

Received NHDES
 March 27, 2018 Def 31-11-233



31-1

**Top "Birdseye" View
 Drainage Cell (French Drain) Detail -**



Impacts 93sq.ft x 2 = 186sq.ft.
 12sq.ft. x 2 = 24sq.ft.
 2sq.ft x 3 = 6sq.ft.
 250sq.ft.
Total = 466 sq.ft.

Scale Approx. 1" = 20'

30-11-2