

### The State of New Hampshire

### DEPARTMENT OF ENVIRONMENTAL SERVICES



### Thomas S. Burack, Commissioner

September 6, 2013

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

## REQUESTED ACTION

Approve Emerald Lake Village District's request to perform the following work on Gould Pond, in Hillsborough. File # 2013-00176. This project will not have significant impact on or adversely affect the values of Gould Pond.

Dredge 1,900 cu. yds. of material to restore 17,800 sq. ft. of the lakebed of Gould Pond, in Hillsborough.

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

- 1. All work shall be in accordance with plans by Rogers Engineering Solutions revision dated July 16, 2013, as received by the NH Department of Environmental Services (DES) on July 17, 2013.
- 2. In order to avoid adverse impacts to Wood Turtles every attempt shall be made to complete work by September 15th. No work shall be conducted after October 1st.
- 3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
- 4. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 5. All temporary impacts shall be completely restored to prior conditions. Any modifications to the bank or bed shall require an amendment or additional permits from the Department.
- 6. 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 the water at the work site has returned to normal clarity.
- 7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 8. Work shall be done during drawdown.
- 9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- 10. Faulty equipment shall be repaired prior to entering jurisdictional areas.

Her Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 2

- 11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 12. All refueling of equipment shall occur outside of surface waters or wetlands.
- 13. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

#### **EXPLANATION**

The DES Wetlands Bureau approved this project on August 7, 2013. DES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cu. yds. of rock, gravel, sand, mud, or other material from public waters.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Gould Pond.
- 6. The sediment to be removed was deposited as the result of nearby culvert failures.

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.

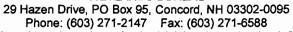
Thomas S. Burack
Commissioner

TSB/CGA/emk

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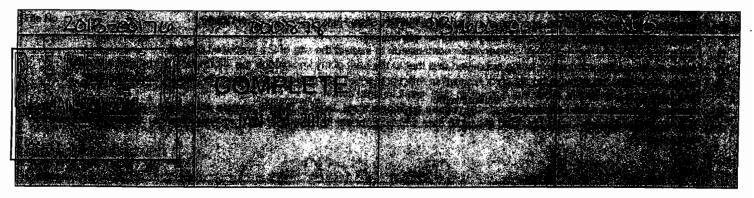
#### THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU





Website: http://des.nh.gov/organization/divisions/water/wetlands/index.htm Permit Application Status: <a href="http://des.nh.gov/onestop/index.htm">http://des.nh.gov/onestop/index.htm</a>

# WETLANDS PERMIT APPLICATION



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|--|---|--|---|---|---|--|--|
| Standard Review (Minimum, Minor  |   |  | Expedited Review (Minimum Impact)                     |   |   |  |  |
| Z PROJECT LOGATIONS, Ventrale si   | isani promina   | जीतात्रकी सहस्रक Will र  | vo. T   |   |   |  |  |
| ADDRESS: Red Fox Crossing  |   |  |   | TOWN/CITY:  | Hillsborough                                |  |  |
| TAX MAP: 16  | BLOCK:  |  | LOT: <b>51</b>  |   | UNIT:                                       |  |  |
| US GEOLOGICAL SURVEY TOPO MAP WATE   | RBODY NAME:   | LOCATION   | ATION COORDINATES (If known): 236484 ft N 923733 ft E |   |   |  |  |
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| NAME: Emerald Lake Village District,   | Attn: Jim Coffey  | ·  |   |   |   |  |  |
| MAILING ADDRESS: 5 West Main Street F  | PO Box 2217   |  |   |   |   |  |  |
| TOWN/CITY: Hillsborough  |   | STATE: NH  | ZIP CODE: 03244                                       |   |   |  |  |
| EMAIL or FAX: admin-elvd@comcast.net PHONE: 603 464 3128   |   |  |   |   |   |  |  |
| By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b):  |   |  |   |   |   |  |  |
| A CHAPT INFORMATION OF A CAREER  |   |  |   |   |   |  |  |
| NAME: Edward L Rogers COMPAN   |   |  | NY:Rogers Engineering Solutions, LLC                  |   |   |  |  |
| MAILING ADDRESS: 296 Poor Farm Road  |   |  |   |   |   |  |  |
| TOWN/CITY: New Ipswich   |   |  |   | STATE: NH   | ZIP CODE: 03071                             |  |  |
| EMAIL or FAX: erogers@res37.com PHONE  |   |  |   | DNE: 603 878 0814   |   |  |  |
| By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b): <u>ELR</u>   |   |  |   |   |   |  |  |

\* Complete this page last.

# PROPERTY OWNER AUTHORIZED APPLICANT NAUTHORIZED AGENT/SIGNATURE: Alletter chantion zanominor and the chantion of the company o

By signing the application, I am certifying that:

- 1. 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.
- 3. 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 101.44.
- I have submitted a copy of the application materials to the NH State Historic Preservation Officer. Link: http://www.nh.gov/nhdhr/review/ (Copy link to your web browser)
- 6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
- 7. 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 DES correspondence. DES will not forward returned mail.

Property Owner/ Applicant / Bush

Print name legibly

Date

Jopenty Owner Applicant / James 20

Conservation Commission's signature;

- APPLICATION SUBILITIAN DIRECTIONS AND ASSESSMENT OF STATE OF STATE
- Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

1. The Conservation Commission signature is ONLY required for Expedited Review; Standard Review applications do NOT require the

As equired 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 abouters identified by the applicant.

Town/City Clerk

Print name legibly

Date

Town/City

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#### TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

THIS SECTION IS TO DE COMPLETED DIFFER DIFFERENCE TOWN ON A SERVE TO THE SECTION OF THE SECTION

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

- For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (Standard Review Applications do NOT require the Conservation Commission's signature).
- Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper hotice;
- 3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,I).
- immediately sign the original application and four copies in the signature space provided in the space above;
- ട്ട് Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to
- Immediately distribute a copy of the application with attachments to 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
- TO IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS), the original application materials and filling feet by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

#### CONSERVATION COMMISSION SIGNATURE FOR 4EXPEDITED REVIEW ONLY.

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application shall be reviewed in the standard review time.

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

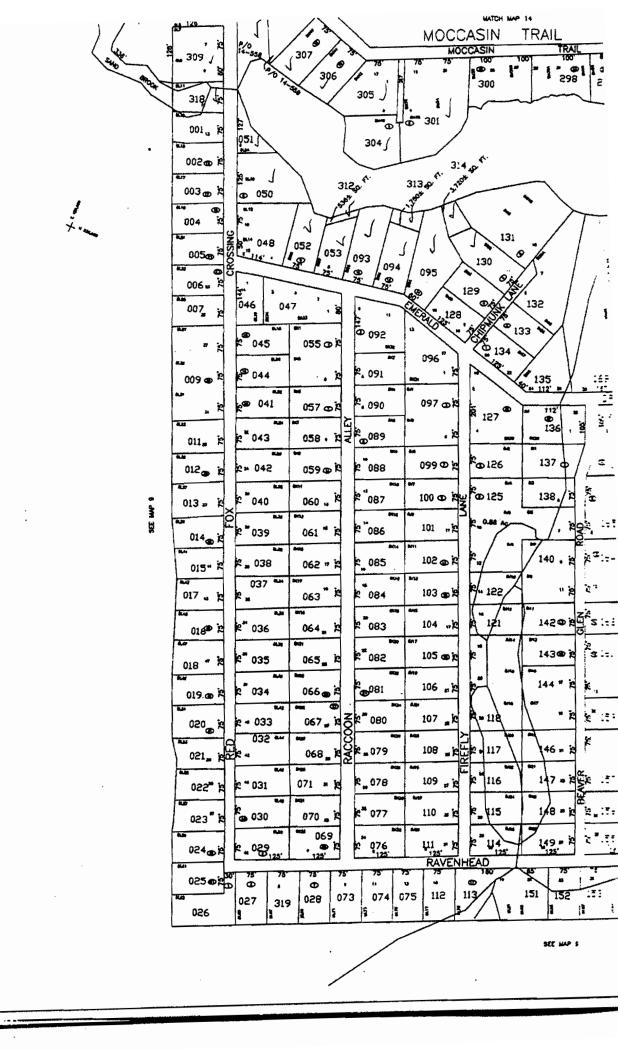
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| t | he<br>app       | the last decade where Sandy Brook enters the inlet of Gould Pond in Hillsborou approximately 17,800 sf. Temporary impacts of approximately 200 sf are proposed dredged. All proposed work lies within the present limits of what is known as G   | gh, NH. The area of dredging is sed to access the area to be  |
| 1 |                 | The SPPCION ON RECILINATIVE YES. The abolication on the admitted to sold future solution as a finite context of the context of | with this water. I mover now come of the  |
| × | <b>A</b> .      | <ul> <li>A. 1. Is the project within a ¼ mile of a designated river? ☐ Y ☒ N  Designated river list and map link: <a href="http://des.nh.gov/organization/divisions/water/wmb">http://des.nh.gov/organization/divisions/water/wmb</a></li> <li>2. If yes: Indicate river:</li> <li>3. As required by RSA 482-A:3,I(d)(2), I have notified the Local River Advisory Committee</li> </ul>  |   |
|   |                 | <ul> <li>☑ B. Property Owner or <u>Authorized</u> Applicant/Agent and Town/City Clerk signatures, no.'s 5 &amp; 505.01(I))</li> <li>☑ C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) &amp; 505.01(I))</li> </ul>   | 6 on pg. 2 of this form (Env-Wt 501.02(a) &   |
|   |                 | ☑ D. Documentation from the Department of Resources and Economic Development's Natural NHB has reviewed your project. Documentation can be obtained online at: <a href="https://www2.phone">https://www2.phone</a> (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided.  | des.state.nh.us/nhb_datacheck/ or by  |
| × | E.              | E. A copy of a U. S. Geological Survey topographic map upon which the property lines and p<br>(surveyed property boundaries not required). The map must be at an <u>unaltered</u> scale of 1<br>metric map). (Env-Wt 501.02(a)(4) & 505.01(g))<br>Topographic Map Links: <a href="http://des.nh.gov/organization/divisions/water/wetlands/categorie">http://des.nh.gov/organization/divisions/water/wetlands/categorie</a>   | :24,000 or 1" = 2,000 feet (1:25,000  |
| X | F.              | F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be<br>impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01  |   |
| X | G.              | ☑ G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data req<br>& 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.  | uirements listed in Env-Wt 501.02(a)(2)   |
| Ø | H.              | H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic Genera<br>Information and Corps Secondary Impact Checklist: <a href="http://www.nae.usace.army.mil/Requ">http://www.nae.usace.army.mil/Requ</a><br>29 of 34 to reach Appendix B).  |   |
|   |                 |  |   |

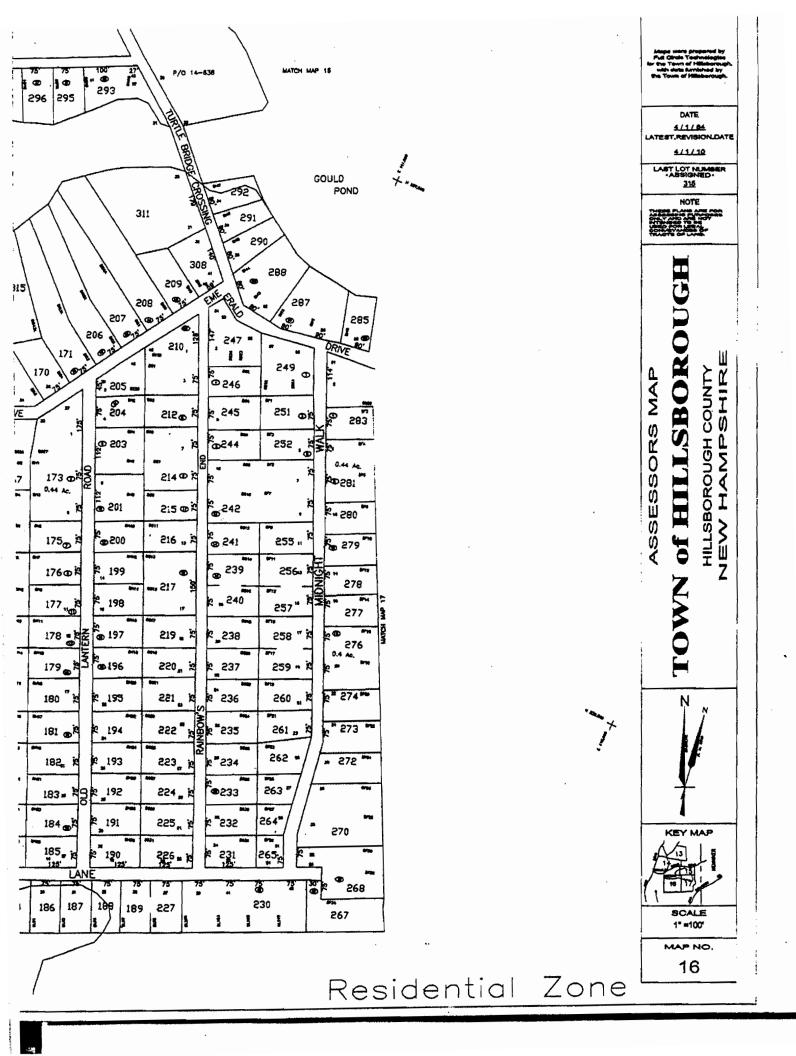
# TO APPLICATION RECUIREMENTS CONTINUED AND APPLICATION RECUIREMENTS CONTINUED. I. Attach the application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,I & Env-Wt 505.01(c)) Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 OR • Minor or Major Impact (Standard Review): Complete the minor & major application fee table below. MINOT YOUR APPLICATION TEEL TO AND A CONTROL TO A CONTRO Permanent impacts (non-docking): 17800 sq. ft. X \$0.20 = 3560 Temporary impacts (non-docking): 200 sq. ft. X \$ 0.20 = Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \_\_\_\_ Permanent docking structure: sq. ft. X \$2.00 = Projects proposing shoreline structures add \$200 = Total = 3600 The Application Fee is the above calculated Total or \$200, whichever is greater = ☑ J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)). 2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& Abutter Notification Exceptions see Env-Wt 501.01(c). - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects. Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and 2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR Minor & Major: Attach a response to guestions outlined in Wetland Rule Env-Wt 302.04(a)

L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?

Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation\_form.doc

Y N If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)



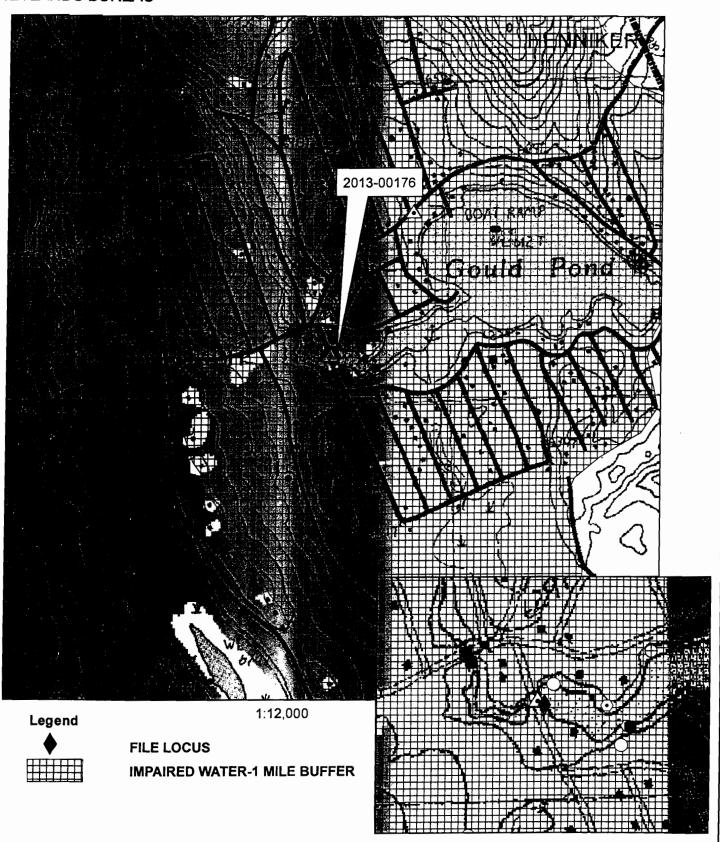




# FILE 2013-00176 14 JANUARY, 2013



# WETLANDS BUREAU





# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

To: Kathleen Rogers, Rogers Engineering Solutions, LLC

296 Poor Farm Road

New Ipswich, NH 03071

From: NH Natural Heritage Bureau

Date: 1/8/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 1/2/2013

NHB File ID: NHB13-0048 Applicant: Emerald Lake Village

District

Location: Hillsborough

Tax Mars: N/A

Project

Description: Approximately 1,900 cy of sediment is proposed to be dredged from

an 18,000 shares of Gould Pond inlet. This material has accumulated from upstream washouts during storm events from the last 10 years.

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 1/2/2013, and cannot be used for any other project.



# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

### MAP OF PROJECT BOUNDARIES FOR: NHB13-0048

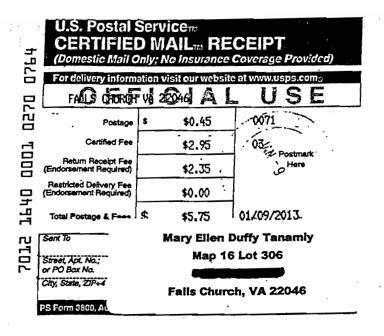
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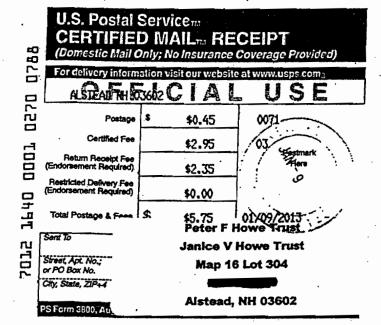




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Valid for one year from this date: 08 Jan 2013







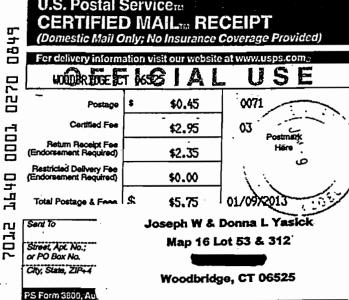
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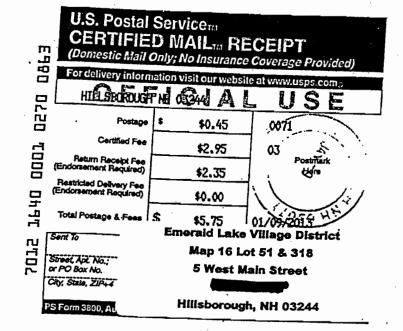


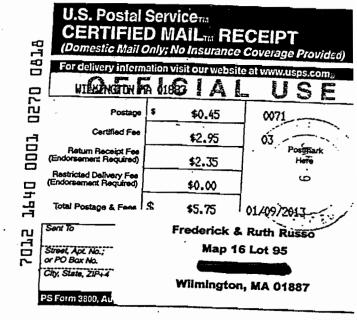




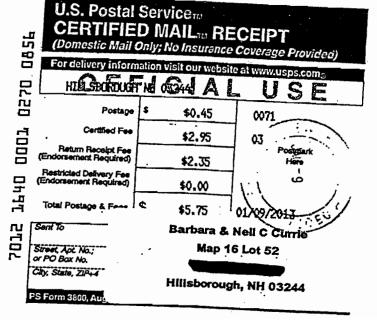










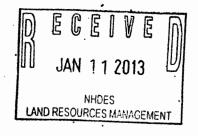


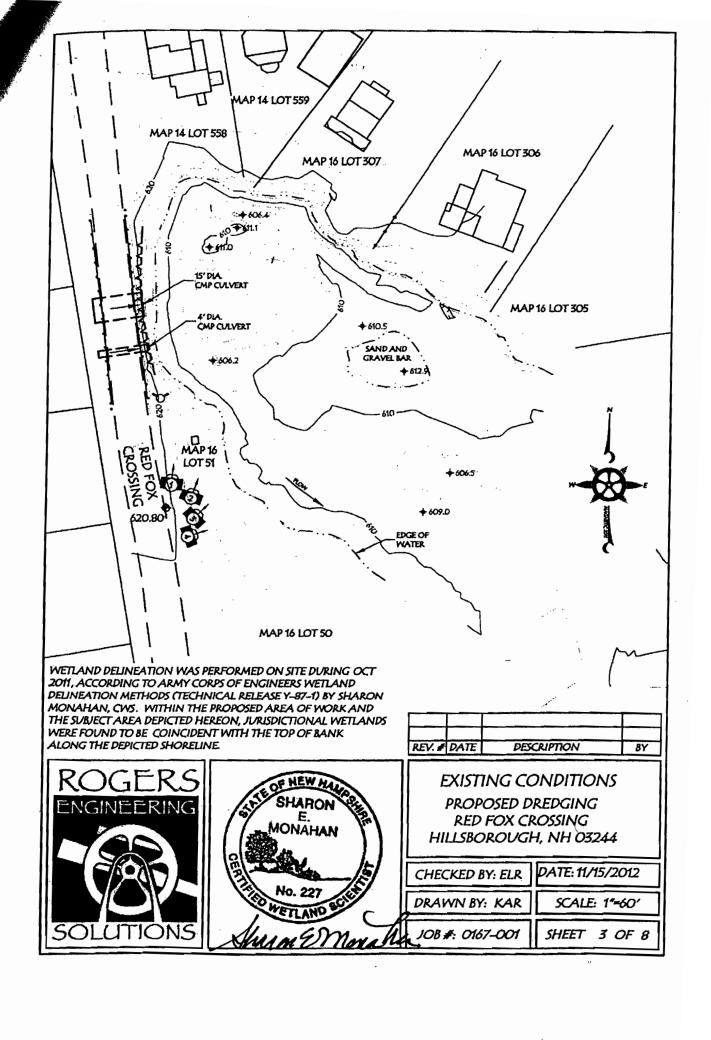
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 088 HILLSECKOUGE NO 032440 A 0270 \$0.45 0071 Postage Certified Fee \$2.95 Return Receipt Fee (Endorsement Required) \$2.35 Restricted Delivery Fee (Endorsement Required) \$0.00 1640 Total Postage & Face | \$ \$5.75 01/09/2013 Sent To Ian A. R. Boyd ru 707 Map 14 Lot 559 & Map 16 Lot 307 Street, Apt. No.; or PO Box No. City, State, ZIP+4 Hillsborough, NH 03244

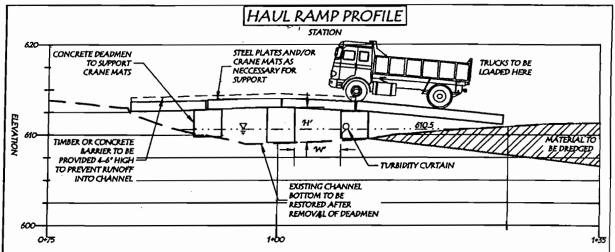
PS Form 3800, AL





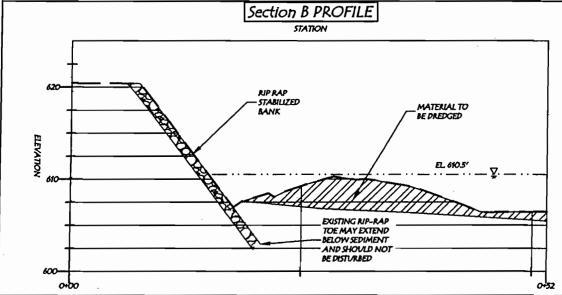


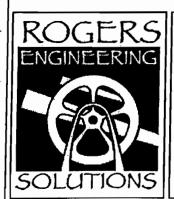


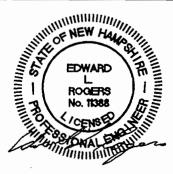


#### NOTES:

- 1. CHANNEL FLOW MUST BE MAINTAINED DURING ACCESS TO DREDGING AREAS WITH ONE OF TWO OPTIONS TO BE CHOSEN BY THE CONTRACTOR:
  - (A) TWO SPANS, EACH WITH MINIMUM DIMENSIONS 'H'=4' AND 'W'=6'-6" OR -
  - (B) A SINGLE SPAN WITH MINIMUM DIMENSIONS 'H'-4' AND W-10'-10" (SEE PROFILE ABOVE)
- 2. CONTRACTOR IS RESPONSIBLE FOR PROPER SIZING OF SUPPORTS. NO STRUCTURAL ANALYSIS HAS BEEN PERFORMED IN CONJUNCTION WITH THIS PERMIT APPLICATION.







| REV. 1 | 6-14-13 | ADDED SECTION B | ELR |
|--------|---------|-----------------|-----|
|        |         |                 |     |
| REV. # | DATE    | DESCRIPTION     | BY  |

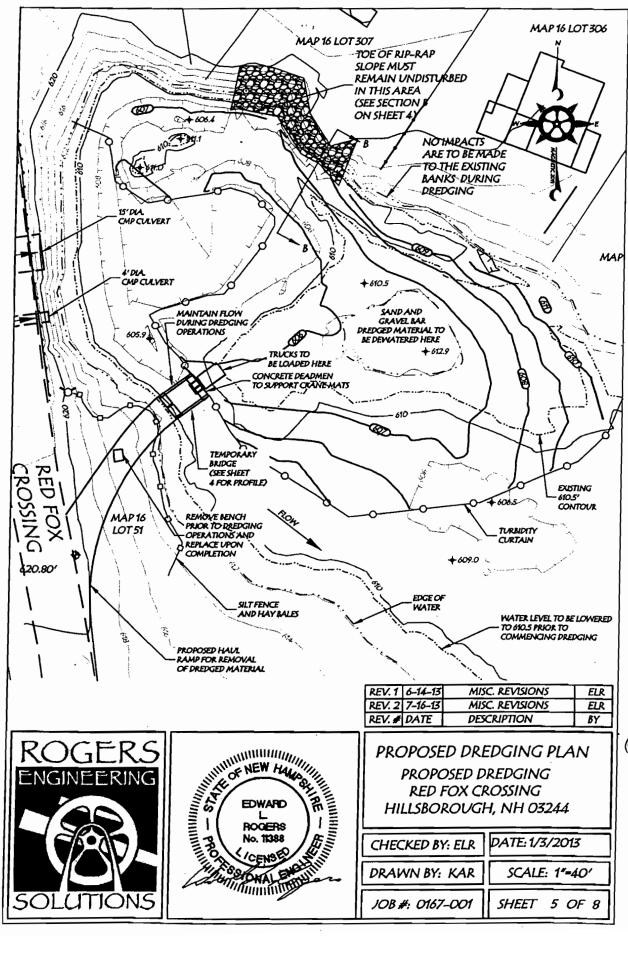
TEMPORARY IMPACT DETAILS

PROPOSED DREDGING

RED FOX CROSSING

HILLSBOROUGH, NH 03244

| CHECKED BY: ELR | DATE: 1 / 3 / 2013 |  |  |
|-----------------|--------------------|--|--|
| DRAWN BY: KAR   | SCALE: 1"=10"      |  |  |
| JOB #: 0167-001 | SHEET 4 OF 8       |  |  |



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