



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

June 29, 2015

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

**REQUESTED ACTION**

Approve Robert Banker and Charity Brown's requests to perform the following work on Thorndike Pond, in Jaffrey. File # 2014-02037. This project will not have significant impact on or adversely affect the values of Thorndike Pond.

Dredge 1,058 cubic yards from 9,363 sq. ft. within a previously existing man-made basin, restoring the basin to its original depth. This man-made basin is constructed on the applicant's property and is connected to Thorndike Pond, in Jaffrey.

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

1. All work shall be in accordance with plans by Richard P. Drew, LLC, revision dated May 15, 2015, as received by the NH Department of Environmental Services (DES) on May 15, 2015.
2. Work shall be done during drawdown.
3. 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.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. 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.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

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

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

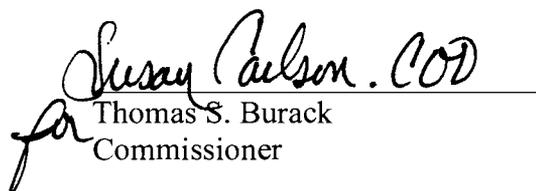
### EXPLANATION

The DES Wetlands Bureau approved this project on May 26, 2015. 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 cubic yards 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 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. 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 the lacustrine resource, as identified under RSA 482-A:1.
6. The proposed dredge in to a previous depth within a man-made basin within land of the applicant.

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.

  
Thomas S. Burack  
Commissioner



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

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

## PERMIT APPLICATION

	<b>COMPLETE</b> JUL 29 2014	2014-02037
		206
		\$2309.40
		CMB

### 1. REVIEW TIME:

Indicate your Review Time below. Refer to Guidance Document A for instructions.

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

### 2. PROJECT LOCATION:

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 453 Thorndike Pond Road

TOWN/CITY: Jaffrey

TAX MAP: 234

BLOCK:

LOT: 13

UNIT:

USGS TOPO MAP WATERBODY NAME: Thorndike Pond

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known):

Latitude/Longitude

UTM

State Plane

### 3. PROJECT DESCRIPTION:

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

The proposed project is the restoration of a lagoon inlet associated with Thorndike Pond, and the removal of accumulated sediment from an upgradient sedimentation basin that attenuates the discharge of sediment from storm water runoff. The lagoon and basin are man-made features. The lagoon and basin have filled in over time with sediment, but more recently (since 2011 or earlier) have been significantly impacted by the addition of large amounts of sediment resulting from a change in drainage from Thorndike Pond road. Please see attached description of existing and proposed conditions for more specific information.

### 4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...

Shoreland Permit

**5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**

See the Instructions &amp; Required Attachments document for instructions to complete a &amp; b below.

a. Natural Heritage Bureau File ID: NHB 13 - 2935b.  Designated River the project is in ¼ miles of: \_\_\_\_\_; and  
date a copy of the application was sent to Local River Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_ NA**6. APPLICANT INFORMATION (Desired permit holder)**

LAST NAME, FIRST NAME, M.I.: Banker, Robert and Brown, Charity

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Cambridge

STATE: MA

ZIP CODE: 02138

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: \_\_\_\_\_, I hereby authorize DES to communicate all matters relative to this application electronically

**7. PROPERTY OWNER INFORMATION (If different than applicant)**

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_, I hereby authorize DES to communicate all matters relative to this application electronically

**8. AUTHORIZED AGENT INFORMATION**

LAST NAME, FIRST NAME, M.I.: Fiorillo, Adele F.

COMPANY NAME: Normandeau Associates, Inc.

MAILING ADDRESS: 30 International Drive, Suite 6

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL or FAX: afiorillo@normandeau.com

PHONE: 603-319-5303

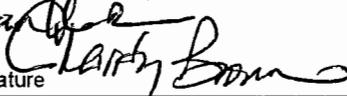
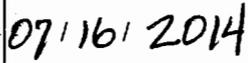
ELECTRONIC COMMUNICATION: By initialing here AF, I hereby authorize DES to communicate all matters relative to this application electronically

**9. PROPERTY OWNER SIGNATURE:**

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

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

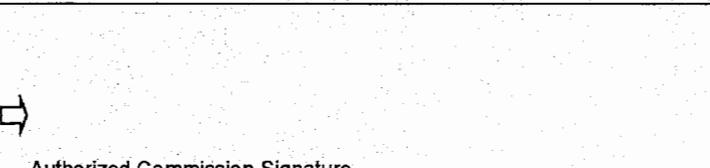
 Property Owner Signature	 Print name legibly	  Print name legibly	 Date
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**MUNICIPAL SIGNATURES**

**10. CONSERVATION COMMISSION SIGNATURE**

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

 Authorized Commission Signature	 Print name legibly	 Date
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**DIRECTIONS FOR CONSERVATION COMMISSION**

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

**11. TOWN / CITY CLERK SIGNATURE**

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

 Town/City Clerk Signature	Kelly Rollins Print name legibly	Jaffrey Town/City	7/24/14 Date
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**DIRECTIONS FOR TOWN/CITY CLERK:**

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

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

**12. IMPACT AREA:**

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

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

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

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

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Scrub-shrub wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Emergent wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Wet meadow		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Intermittent stream		<input type="checkbox"/> ATF	834/60	<input type="checkbox"/> ATF
Perennial Stream / River	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Lake / Pond	/	<input type="checkbox"/> ATF	9,363 / 0	<input type="checkbox"/> ATF
Bank - Intermittent stream	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF

Bank - Perennial stream / River	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Lake / Pond	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Tidal water	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Salt marsh		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Sand dune		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland buffer		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Previously-developed upland in TBZ		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Lake / Pond		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - River		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Tidal Water		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
<b>TOTAL</b>	/		10,197 / 60	

**13. APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 10,197 sq. ft. X \$0.20 = \$ 2,039.40

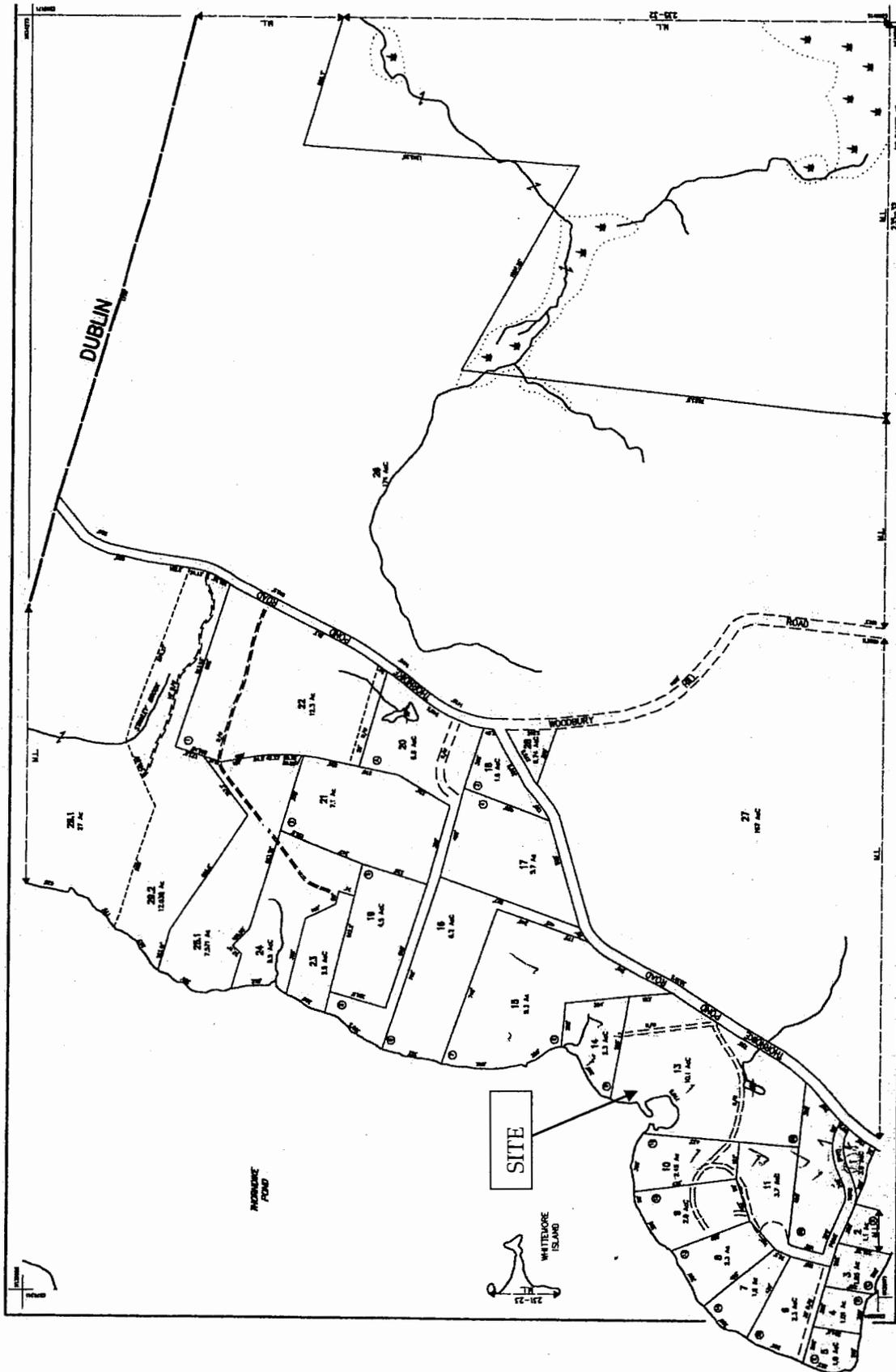
Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \$ \_\_\_\_\_

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

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

Total = \$ 166.80

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 2,309.40



THE STATE OF NEW YORK COUNTY OF ALBANY CITY OF ALBANY MAP NO. 234 INDEX DIAGRAM 1981 2000 2000 2000	PROPERTY MAP <b>JAFFEY</b> NEW HAVEN, CT	SCALE 1" = 200' FEET METERS REVISIONS TO:	LEGEND AREA CALCULATED COUNTY PROPERTY CITY PROPERTY STATE PROPERTY UNDEVELOPED WETLANDS REVISIONS TO:	PRODUCED BY <b>CARTOGRAPHIC ASSOCIATES, INC.</b> MANAGERIAL - MAPPING - CONSULTANTS 11 PLAZA STREET, UPTON, NY 14881	THE STATE OF NEW YORK COUNTY OF ALBANY CITY OF ALBANY MAP NO. 234 INDEX DIAGRAM 1981 2000 2000 2000
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Path: J:\Projects\ThorndikePond\MXD\TP\_USGS.mxd

**Memo**



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** CARL HAGSTROM  
P.O. BOX 536  
FITZWILLIAM, NH 03447

**From:** Melissa Coppola, NH Natural Heritage Bureau

**Date:** 10/4/2013 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau

NHB File ID: NHB13-2935      Town: Jaffrey

Description: REMOVE SILT FROM LAGOON AND SILT POND

**cc:** Kim Tuttle

Location: Tax Maps: TAX MAP: 234, LOT: 13

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments:**

**Vertebrate species**

	State <sup>1</sup>	Federal	Notes
Common Loon ( <i>Gavia immer</i> )	T	--	Contact the NH Fish & Game Dept (see below).

<sup>1</sup>Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

*Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.*

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

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Department of Resources and Economic Development  
Division of Forests and Lands  
(603) 271-2214 fax: 271-6488

DRED/NHB  
PO Box 1856  
Concord NH 03302-1856





Map	Lot	Name
234	13 Applicant	Thorndike Trust c/o Robert Banker ██████████ Cambridge, MA 02138
234	✓ 14	James Munger Banghart III Eve Martin Banghart ██████████ 0 Jaffrey, NH 03452
234	✓ 15	Monadnock LLC Dykema & Cabot Foster 101 Arch Street Boston, MA 02110-1122 0
234	✓ 11	Thorndike Pond Point Rd LLC c/o Robert Melzer 61 Monmouth Street Brookline, MA 02446 0
234	✓ 1	Robert M Mezler ██████████ Brookline, MA 02446
	Licensed Land Surveyor	Richard P. Drew, LLS 266 Tully Brook Road Richmond, NH 03470