



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 17, 2023

FIELDSTONE LAND CONSULTANTS PLLC
206 ELM ST
MILFORD NH 03055

**Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2022-03478
Subject Property: Barrett Hill Rd, Wilton, Tax Map #A, Lot #44-1**

Dear Applicant:

On February 17, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

- 1- In accordance with Env-Wt 306.06(a) and (b), the applicant must notify abutters prior to filing an application. As required by RSA 482-A:3, I(d)(1), please provide proof of receipt that the abutter at Lot A-38-1 has been notified.
- 2- A desktop review of the project site indicates that a watercourse may be present at or near the proposed wetland crossing site, as depicted by the watershed drainage area layer on the NHDES Wetlands Permit Planning Tool as well as USGS StreamStats. Per Env-Wt 306.05(a) and Env-Wt 311.06(b), to determine the appropriate impact classification and approval criteria of the project, please verify the resource classification type and submit additional photographs supporting this determination. If one or more streams are proposed to be impacted (e.g., an intermittent stream as defined in Env-Wt 103.21):
 - a. Indicate the location of jurisdictional areas delineated on revised project plans in accordance with Env-Wt 311.05(a)(13) and Env-Wt 406, including the ordinary high water line (OHW).
 - b. Determine the size of the watershed and stream tier, and illustrate watershed boundaries on a topographic map in accordance with Env-Wt 903.03(a).
 - c. Revise the impact areas on page 5 of the Standard Permit Application to reflect the length of impact to watercourse(s) in accordance with Env-Wt 407.03(c).
 - d. Provide photographs of the stream; dated, labeled, and printed in accordance with Env-Wt 311.06(b).
 - e. Address the applicable design criteria and application requirements of Env-Wt 900.
 - i. Note that the proposed crossing will need to accommodate flows pursuant to the applicable design storm (either 50-year or 100-year depending on stream tier), so documentation beyond what was already provided (relevant to a 25-year design storm) will be required.
 - ii. If work may be done while water is flowing, please include a dewatering/water bypass plan as required by Env-Wt 903.04(d).
- 3- Please revise the classification of the palustrine wetland area in the southwest part of the parcel currently labeled as "POW – palustrine open water" using the federal classification method in accordance with Env-Wt 406.06(a).

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

- 4- Please remove the permitting note on the plan that says "THIS PLAN IS FOR NHDES WETLAND PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE." In accordance with Env-Wt 307.16, all work on the project shall be done in accordance with the approved plans.
- 5- NHDES Wetlands Bureau is in receipt of several comments expressing concern that the wetlands delineation may not identify all jurisdictional areas present on the subject property. NHDES field inspection on February 16, 2023 included observations of these areas though did not include full data collection to verify the delineation. In accordance with Env-Wt 406.01 and the federal wetland delineation method, please provide paired US Army Corps of Engineers (USACE) data sheets for the upland and wetland boundaries from at least the following two locations:
 - a. The area between the isolated wetland northwest of the proposed impact area and the larger wetland complex that includes the impact area; and
 - b. The area in the northwest corner of the property where the wetland enters the site from the property to the north.

Please include a location map showing where each plot was sampled for the USACE data sheets and provide data sheets from any additional plots that may have been sampled to support the delineation across the site.

- 6- Please verify whether the site was assessed for the presence of vernal pools, per Env-Wt 406.01(d). Please provide completed vernal pool documentation forms for any documented vernal pools. Confirmation as a vernal pool could impact NH Fish and Game Department (NHF&G) recommendations and federal agency review. If a vernal pool is confirmed, please initiate coordination with the US Army Corps of Engineers (USACE) by providing completed Vernal Pool Characterization Forms, to the USACE, attn. Lindsey Lefebvre (mail to: Lindsey.E.Lefebvre@usace.army.mil). Forms must be completed for each vernal pool for both pre- and post-construction conditions. The form is in Appendix L of the [USACE New England District Compensatory Mitigation SOP](#). Impacts within vernal pool envelopes may require federal mitigation, which would be specified in the NHDES Wetlands Permit.
- 7- In accordance with RSA 482-A:11, II and Env-Wt 313.01(a)(5)b., please provide additional information to demonstrate that the proposed work will not result in any observable change in offsite water levels or flows.
 - a. A full HydroCAD output from the stormwater report provided with the original submittal (including the source(s) of data used for model inputs) and a map depicting the catchment areas modeled relative to the areas delineated and the proposed crossing would be helpful.
 - b. The NHDES Wetlands Bureau is in receipt of a public comment expressing concern about the potential redirection of stormwater flows in the northwest portion of the subject parcel onto the abutting property directly to the north due to the proposed driveway configuration. The plans submitted indicate a drainage swale to be installed along the north edge of the driveway, but it appears to be interrupted by a vegetated visibility screen before it reaches the catchment area/basin ("IB-1"). Please address this specific concern by verifying the continuity and capacity of this proposed drainage swale and ensuring that stormwater north of the driveway will not be directed offsite.
- 8- NHDES has been informed of recent logging activity on the subject parcel which may have resulted in impacts to jurisdictional areas for access. Please verify whether any jurisdictional impacts from recent forestry activities have occurred and, if so:
 - a. Calculate the impact areas and add to total project impacts;
 - b. Provide documentation regarding the permitting history of these impacts;
 - c. For any unpermitted impacts, provide the information required by Env-Wt 311.12, including a plan for restoration or request for impacts to be retained; and

- d. Show these impacts on revised project plans, clearly symbolized to indicate that they are existing/after-the-fact impacts, whether they are permanent or temporary, and which areas are proposed to be retained or restored, in accordance with Env-Wt 311.05(a)(18) and Env-Wt 311.12(a).
- 9- The NHDES Wetlands Bureau is in receipt of multiple public comments expressing concern relative to the proposed project. Please see the documentation attached and address all items that pertain to the jurisdiction of RSA 482-A.
- 10- In accordance with Env-Wt 311.06(j), if the applicant is seeking to be covered by the state general permits, provide a statement of whether comments have been received from any federal agency and, if so, how the applicant has addressed the comments.
- 11- Please be advised that any future projects with jurisdictional impacts on the subject parcel may be considered in the aggregate in accordance with RSA 482-A:11, V.

Please submit the required information as soon as practicable. Pursuant to RSA 482-A:3, XIV(a)(2), **the required information must be received by NHDES Wetlands Bureau within 60 days of the date of this request (no later than April 18, 2023), or the Application will be denied.** Should additional time be necessary to submit the required information, an extension of the 60-day time period may be requested. Requests for additional time must be received prior to the deadline in order to be approved. In accordance with applicable statutes and regulations, the applicant is also expected to provide copies of the required information to the municipal clerk and all other interested parties.

Based on NHDES review your project may result in discharge of dredge or fill material within a vernal pool depression. To ensure that you obtain permitting under the Clean Water Act, please contact the U.S. Army Corps of Engineers (USACE) at 1-978-318-8832, 1-978-318-8295, or by email at cenae-r-nh@usace.army.mil to see if additional mitigation may be required from the USACE.

Pursuant to RSA 482-A:3, XIV(a)(3), NHDES Wetlands Bureau will approve or deny the Application within 30 days of receipt of all required information, or schedule a public hearing, if required by RSA 482-A or associated rules.

If you have any questions, please contact me at Jessica.L.Schulz@des.nh.gov or (603) 271-4188.

Sincerely,



Jessica Schulz
Wetlands Specialist, Wetlands Bureau
Land Resources Management, Water Division

cc: Kenneth M. Robinson, Fieldstone Land Consultants, PLLC
New Ipswich Municipal Clerk/Conservation Commission