



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

July 31, 2024

GRANITE STATE LANDFILL LLC
1855 VERMONT RTE 100
HYDE PARK VT 05655

Re: Approved Shoreland Standard Permit Application (RSA 483-B)
NHDES File Number: 2024-00766
Subject Property: NH Route 116, Bethlehem, Tax Map #ROW, Lot #ROW

Dear Applicant:

On July 18, 2024, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program approved the above-referenced Shoreland Standard Permit Application. Enclosed please find Shoreland Permit # 2024-00766 to impact 24,983 square feet of protected shoreland in order to construct safety improvements entirely within New Hampshire Department of Transportation right-of-way.

This approval is based on the following findings:

1. The proposed impacts consist exclusively of safety improvements to a public road entirely within the New Hampshire Department of Transportation right-of-way and, pursuant to RSA 483-B:9, Minimum Shoreland Protection Standards, IV-b, shall be permitted as consistent with the intent and purpose of RSA 483-B, rather than the strict requirements of RSA 483-B:9, V(g) and RSA 483-B:9, V(b).
2. Pursuant to RSA 483-B:2, Minimum Standards Required, I, the development standards provided in this chapter shall be the minimum standards necessary to protect the public waters of the state of New Hampshire and these standards shall serve to further the maintenance of safe and healthful conditions.
3. Pursuant to RSA 483-B:2, Minimum Standards Required, XVI, the development standards provided in this chapter shall be the minimum standards necessary to protect the public waters of the state of New Hampshire and these standards shall serve to provide for economic development in proximity to waters.
4. Proposed tree clearing within the woodland buffer is necessary to expand the road surface to improve safety for vehicles accessing adjacent commercial properties and to protect overhead electrical utility lines and is thus in keeping with purposes of RSA 483-B as described in RSA 483-B:2.
5. Strict application of the stormwater treatment requirements of RSA 483-B:9, V(g) to public highway projects within the limited areas of public rights of way would preclude the majority of public highway improvements, and therefore, because this project is found to be in keeping with RSA 483-B:2, I and XVI it has been reviewed and approved pursuant to RSA 483-B:9, IV-b.
6. The Department received a letter dated April 18, 2024, from the Ammonoosuc River Local Advisory Committee (ARLAC) outlining concerns related to use of land, proximity to a drinking water source, drainage flow, aesthetic consequence, increased truck traffic affecting erosion, public safety, noise, fumes, spill of leachate, wildlife road crossing risks, and increased litter, related to the proposed project.
7. The proposed project authorized by this approval is limited to safety improvements to a public road. The concerns put forward by ARLAC pertain to a private land development project to be located on an adjacent property located outside of protected shorelands, and therefore, the issues of concern identified by ARLAC are outside the jurisdiction and scope of the Shoreland Water Quality Protection Act, RSA 483-B.

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

8. Additional ARLAC concerns related to the Applicant's failure to complete sections of the application have been addressed through the Applicant's completed response to the Department's April 24, 2024, Request for More Information Letter.

In accordance with RSA 483-B:14, RSA 21-O:14, and Rules Ec-Wet 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, July 18, 2024.** Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal. Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at <https://www.nhec.nh.gov/wetlands-council/about>. For appeal related issues, contact the Council Appeals Clerk at (603) 271-3650.

If you have any questions, please contact me at Calvin.Diessner@des.nh.gov or (603) 271-4067.

Sincerely,



Calvin G. Diessner
Shoreland Section Supervisor, Wetlands Bureau
Land Resources Management, Water Division

Enclosure

Copied: Municipal Clerk/Conservation Commission
Assistant Wetlands Bureau Administrator