



# WETLANDS RULE WAIVER OR DWELLING OVER WATER WAIVER REQUEST FORM

WATER DIVISION/LAND RESOURCES MANAGEMENT  
WETLANDS BUREAU



**RSA/Rule:** RSA 482-A/ Env-Wt 204

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard for existing dwellings over water pursuant to RSA 482-A:26, III (b).

<b>SECTION 1 - PROJECT LOCATION INFORMATION (Env-Wt 204.03(c))</b>			
ADDRESS:	TOWN/CITY:	STATE: NH	ZIP CODE:
TAX MAP/LOT NUMBER:			
<b>SECTION 2 - WAIVER REQUESTOR INFORMATION (Env-Wt 204.03(a))</b>			
LAST NAME, FIRST NAME, M.I.:			
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL ADDRESS (if available): or if not FAX NUMBER:		DAYTIME PHONE NUMBER:	
<b>SECTION 3 - APPLICANT INFORMATION (Env-Wt 204.03(b))</b>			
If request is being made on behalf of someone else, include the following information regarding the person being represented. If requestor is the applicant, check the following box and proceed to Section 4.			
<input type="checkbox"/> Requestor is the applicant.			
LAST NAME, FIRST NAME, M.I.:			
MAILING ADDRESS:			
TOWN/CITY:		STATE: <input style="width: 20px;" type="text"/>	ZIP CODE: <input style="width: 40px;" type="text"/>
EMAIL ADDRESS (if available): or if not FAX NUMBER:		DAYTIME PHONE NUMBER:	

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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<b>SECTION 4 - WAIVER INFORMATION</b>
<b>SECTION 4A - WAIVER TO RULE Env-Wt 100-900</b> <input type="checkbox"/> N/A - If you are not requesting a rule waiver, check this box and proceed to Section 4b
Provide the number of the specific section of each rule for which a waiver is sought (Env-Wt 204.03(d)): Env-Wt
Provide a complete explanation of why a waiver is being requested, including an explanation of the operational and economic consequences of complying with the requirement and, if the requested waiver would extend the duration of a permit, the reason(s) why the permit holder was not able to complete the project within the specified time (Env-Wt 204.03(f)(1)):
If applicable, provide a complete explanation of the alternative that is proposed to be substituted for the requirement in Env-Wt, including written documentation or data, or both, to support the alternative (Env-Wt 204.03(g)):
<b>SECTION 4B – DWELLING OVER WATERS WAIVER UNDER RSA 482-A:26, III(b).</b> <input type="checkbox"/> N/A - If you are not requesting a standard waiver, check this box and proceed to Section 5)
Identify the specific standard to which a waiver is being requested (Env-Wt 204.03(e)): RSA 482-A:
Provide a complete explanation of why a waiver is being requested, including a complete explanation of how the statutory criteria of RSA 482-A:26, III(b) will be met (Env-Wt 204.03(f)(2)):

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**SECTION 5 - ADDITIONAL WAIVER INFORMATION (Env-Wt 204.03(h); Env-Wt 204.03(i))**  
 (applicable to Waivers of Rules *and* Standards under RSA 482-A:26, III(b))

Indicate whether the waiver is needed for a limited duration and, if so, an estimate of when the waiver will no longer be needed (Env-Wt 204.03(h)):

Provide a complete explanation of why the applicant believes that having the waiver granted will meet the criteria in Env-Wt 204.05 or 204.06, as applicable (Env-Wt 204.03(i)):

**SECTION 6 - REQUIRED CERTIFICATIONS (Env-Wt 204.04)**

**Initial each box and sign below to certify:**

Initials:	The information provided is true, complete, and not misleading to the knowledge and belief of the signer.
Initials:	The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation; and

**SECTION 7 - REQUESTOR SIGNATURE (Env-Wt 204.04)**

SIGNATURE (APPLICANT): *	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (REQUESTOR):	PRINT NAME LEGIBLY:	DATE:

\*In lieu of an applicant signature, you may include a separate signed and dated authorization for the requestor to act on the person's behalf in connection with the request.



WETLANDS RULE WAIVER OR DWELLING OVER WATER WAIVER REQUEST FORM CRITERIA/DECISION



WATER DIVISION/LAND RESOURCES MANAGEMENT WETLANDS BUREAU

(Keep this sheet for your reference; do not submit it with your application)

RSA/Rule: RSA 482-A/ Env-Wt 204

SECTION 1 - WAIVER CRITERIA

SECTION 1A - CRITERIA FOR WAIVERS TO RULES (Env-Wt 204.05)

(a) In addition to the requirements of any other applicable rule or law, the department shall grant a waiver of a rule if it determines that:

(1) Granting the waiver will not result in:

- a. An adverse effect on public safety or the environment that is greater than following the rule; and
b. An adverse impact on abutting properties that is more significant than that which would result from complying with the rule;

(2) The purposes and intent of RSA 482-A will be met if the waiver is granted; and

(3) Granting the waiver will not have the effect of waiving or modifying a statutory requirement.

(b) If the department determines that an applicant is unable to meet the standard in (a)(1), the department shall grant a waiver of a rule if it determines that:

- (1) Due to the special and unique conditions of the property that distinguish it from other properties in the area, application of the rule to the property creates a significant unnecessary hardship on the applicant;
(2) Any adverse effect or impact is minimized to the maximum extent practicable; and
(3) The requirements in (a)(2) and (3) are met.

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**SECTION 1B - CRITERIA FOR WAIVERS UNDER RSA 482-A:26, III(b) (Env-Wt 204.05)**

The Department shall grant a waiver under RSA 482-A:26, III(b) if the following criteria from RSA 482-A:26, III(b) are met:

- (1) The effect of the requested repair or reconstruction represents greater protection of public water or the environment;
- (2) Such repair or reconstruction does not change a recreational, water-based activity to a land-based, residential or commercial activity;
- (3) There will be no expansion of the existing footprint, outside dimensions, or square footage of floor space; and
- (4) There will be a net reduction in the total square footage of kitchen, bathroom, shower, and toilet facilities.

**SECTION 2 – DECISION (Env-Wt 204.07)**

- (a) The Department shall notify the requestor of the decision in writing. If the request is denied, the Department shall identify the specific reason(s) for the denial.
- (b) If a waiver is granted, the Department shall impose such conditions, including time limitations, as the Department deems necessary to ensure that the activities conducted pursuant to the waiver will be consistent with the applicable criteria.