



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

**REQUEST FOR MORE INFORMATION**

September 14, 2020

Mr. Paul Kneeland  
Commett, LLC  
355 Middlesex Ave, Suite 7  
Wilmington, MA 01887  
(sent via email to: pkneeland@channelbuilding.com)

RE: Alteration of Terrain Permit Application #200724-108  
Tax Map 35, Lots 4-1 and 4-2 – Warner

Dear Mr. Kneeland:

The Department of Environmental Services (DES) is in receipt of an application and supporting plans and information, for an Alteration of Terrain Permit for the above referenced project. After review of the information submitted, the following items need to be addressed in order for DES to make a **final determination** on the application for a permit:

1. Respond to each of the Warner River Local Advisory Committee's questions and comments included in their August 28, 2020 letter, and provide a copy to the LAC.
2. The Site-Specific Soil Map and report must identify the disturbed soils in accordance with the Soil Scientist Society of Northern New England's New Hampshire Supplement for Disturbed Soil Mapping Units in Publication No. 3.
3. The plan that includes the wetlands delineations should reference the U.S. Army Corps of Engineers 1987 manual, if the wetlands were delineated using that technical guidance.
4. Google Earth aerial imagery shows a dark area of soil about 150 feet from Route 9, that appears could be wetlands. Please have your soil scientist/wetland scientist comment on this area which is just below the existing drive location.
5. The project is located in groundwater protection area (in an area of groundwater classified as GA2 and within a wellhead protection area. Both BMPs must provide additional protection for groundwater. Review the requirements of Env-Wq 1508.07(i).
6. In order to align Alteration of Terrain administrative rule Env-Wq 1503.19(h) with statutory requirements of RSA 212-A:9, III, the NHDES adopted a rule amendment effective June 2, 2020. The department shall not issue an AOT permit unless the applicant demonstrates that all of the following criteria are met:

*As required by RSA 212-A:9, III, the project has been designed in a manner that will not "jeopardize the continued existence of [state- or federally-listed threatened or endangered] species or result in the destruction or modification of habitat of such species which is determined by the executive director [of the New Hampshire fish and game department (NHF&G)] to be critical", as demonstrated by the report of a study of the proposed project site that is performed by a wildlife biologist who has education and experience in performing property surveys for threatened or endangered species, using an accepted process*

such as that established in EPA's ecological risk assessment methodologies (<https://www.epa.gov/ecobox>), that is:

- a. *Submitted to the department with the application and which demonstrates that:*
  - i. *No threatened or endangered species, designated critical habitat for threatened or endangered species, or travel corridors for threatened or endangered species is present on the site or potentially impacted by the project; or*
  - ii. *If any threatened or endangered species, designated critical habitat for threatened or endangered species is present on the site or potentially impacted by the project, the applicant has coordinated with NHF&G on potential impacts of the proposed project thereon, such that the proposed project, including any conservation measures recommended by NHF&G to the benefit of the affected species, cannot reasonably be expected to jeopardize the continued existence of such species or result in the destruction or modification of designated critical habitat; and*
- b. *Reviewed by the department in consultation with NHF&G.*

It is highly recommended that you contact NHFG to discuss the scope of the study required for this site and proposed project.

7. The Natural Heritage Bureau (NHB) identified threatened and/or endangered (T&E) species with the datacheck tool. Follow up with the NHB and NH Fish & Game Dept. to address concerns associated with T&E species, and how the requirements of Env-Wq 1503.19(h) can be met. Summarize how their comments are being addressed, and provide copies of correspondence to NHDES. It may be helpful to provide a drawing of the layout overlain on aerial photography, with locations of catch basins and the pond outlet structure. Also include a detail of the surface pond outlet structure, if not already provided.
8. Stormwater Pond P-1 (surface sand filter):
  - a. An infiltration rate of 1 in/hr was used in the hydrologic analysis. Filter media has a much higher infiltration rate. We recommend using a design rate of 10 in/hr. Using a reduced infiltration rate would miscalculate the timing of the peak inflow into the underground system.
  - b. A 12" culvert is modeled in the outlet structure at elevation 423.0, but the size of the outlet pipe doesn't appear to be shown on the plans.
  - c. On the BMP worksheet, indicate the method of pre-treatment being provided.
  - d. The BMP worksheet includes an incorrect entry for the elevation of the WQV. Since the regulations only require that this system contain 75% of the WQV, it appears that an elevation of 426.5 +/- should be entered.
  - e. Attach a stage/discharge table to confirm the  $Q_{75\%WQV}$ .
9. Stormwater Pond P-2 (subsurface gallery): It appears the intent is to provide treatment through a treatment filter geotextile. DES regulations do not permit this type of treatment. When soils have infiltration rates greater than 10%, filter media meeting the requirement of Env-Wq 1508.06(k) must be utilized, or the soil can be amended. If the soil is to be amended, infiltration testing is required to confirm the assumed infiltration rate, which must be less than 10 in/hr. The plans should include the requirement to test the soils in accordance with Env-Wq 1504.14. That regulation stipulates that 6 test locations would be required, with the required number of tests at each location (e.g. a Guelph permeameter requires a minimum of 3 observations at each location, or a total of 18 tests). If the soil is to be amended, add the note that the soil must be tested by a CPESC, certified

soil scientist, professional geologist or professional engineer in accordance with Env-Wq 1504.14 to confirm the assumed rate.

10. Check the entries in the hydrologic analysis summary table. Some of them are incorrect.
11. When project activities are located within 50 feet of a water body or wetland, please show a double row of perimeter controls on the plans.
12. One of the LAC's concerns was the introduction of chloride into the Warner River. Please consider whether you will agree to require winter maintenance by a certified Snow Pro Salt Applicator, and provide a salt minimization plan, to provide additional protection to this designated river. If so, this will be a permit condition, and the requirements should be reflected in the Inspection and Maintenance Manual. Additional information on salt reduction initiatives can be obtained at:  
<https://www.des.nh.gov/organization/divisions/water/wmb/was/salt-reduction-initiative/documents/wmb-26.pdf>.
13. Pursuant to *Env-Wq 1507.08, Long-Term Maintenance*, provide the following with the Inspection and Maintenance Manual:
  - a. a deicing log;
  - b. a plan clearly showing the locations of all the stormwater practices described in the I&M manual (8.5" x 11" or 11" x 17" sheet is recommended);
  - c. actions to be taken if any invasive species grow in the stormwater management practices;
  - d. information as required in response to the above comment;
  - e. although not required by Env-Wq 1500, please also include a note indicating that inspection and maintenance records must be provided to DES upon request.
14. On the grading plan, please show areas where erosion control blankets are required (slopes of 3:1 or steeper).
15. Env-Wq 1503.21(c) requires that that the permit holder and a qualified engineer certify that the project was completed in accordance with the approved plans, or that deviations were made which did not require an amended or new permit. (This is offered as informational only. No reply required.)
16. Add or revise the following details:
  - a. include a sediment trap detail in accordance with Env-Wq 1506.10;
  - b. add a detail for a level spreader in accordance with Env-Wq 1508.08.
  - c. the mulch berm specification must be in accordance with Env-Wq 1506.05.
  - d. the check dam detail should include a profile view to show the relationship of the crest of a check dam to the toe of an upstream check dam.
17. Please add the following notes to your plans (Env-Wq 1504.16):
  - Stormwater ponds, infiltration basins and swales must be installed before rough grading the site.
  - Limit the length of exposure of unstabilized soil to 45 days or less. (see Note 16 on your plans.)
  - Roadways and parking areas must be stabilized within 72 hours of achieving finished grade.
  - Add temporary seeding specifications.

For Infiltration Basin:

- Do not traffic exposed soil surface with construction equipment. If feasible, perform

- excavations with equipment positioned outside the limits of the infiltration system.
- After the infiltration system area is excavated to the final design elevation, the floor should be deeply tilled with a rotary tiller or disc harrow to restore infiltration rates, followed by a pass with a leveling drag.
- Do not place infiltration systems into service until the contributing areas have been fully stabilized.

18. Pursuant to Env-Wq 1503.15(b), changes to the revised plans are to be called out and a revision date must be added to each page that has been changed. Graphical revision call-outs should be included on the plans. If any changes to the plans or the hydrologic/hydraulic analysis were made other than those identified above, please indicate what additional changes were made in your response letter. Please only send copies of revised plan sheets.

In addition, please be prepared to submit a CD within one week after the permit approval. The CD needs to contain all of the information submitted to the department for a permit approval, including the application, the approved plans, etc; all in PDF format. A hard copy of the *revised* plan sheets and drainage report are still needed for approval.

Please be aware that pursuant to RSA 485-A:17, **all of the information requested above must be provided in a single and complete response within the next 120 days, by January 12, 2021, or your application will be denied.** Please include the file number on your response to this request, as well as a narration of the changes from the current application. If you have any questions, please call me at (603) 271-3568 or email at: [bethann.mccarthy@des.nh.gov](mailto:bethann.mccarthy@des.nh.gov).

Sincerely,



Bethann McCarthy, P.E.  
Alteration of Terrain Bureau

cc: Warner Planning Board (via email: [landuse@warner.nh.us](mailto:landuse@warner.nh.us))  
Warner River Local Advisory Committee (via email: [kmilender@millerengandtesting.com](mailto:kmilender@millerengandtesting.com))  
Benjamin Osgood, Jr., P.E. (via email)