



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



**Thomas S. Burack, Commissioner**

August 8, 2016

Matt Urban  
NH Dept. of Transportation  
PO Box 483  
Concord, NH 03302-0483

RE: NH Dept. of Transportation - File # 2016-00603 – Hampton, Hampton Falls  
US Route 1

Dear Mr. Urban:

The Department of Environmental Services (DES) Wetlands Bureau has reviewed and approved the above referenced application to: Rehabilitate pavement, bridge deck maintenance and joint repairs; guardrail upgrades; slope stabilization for a single slope failure; and one 60 inch culvert with an inlet headwall repair and outlet headwall replacement impacting 19,880 sq. ft. (17,752 sq. ft. temporary) of estuarine, riverine and palustrine wetlands and 344,920 sq. ft. (330,530 sq. ft. temporary) of buffer zones. NHDOT project #40424

Mitigation for the proposed impacts is through a payment into the Aquatic Resource Mitigation Fund.

Any person aggrieved by this decision may appeal to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

Because of the type and classification of this project, the application must also be approved by the Governor and Executive Council. Upon completion of the appeal period, a copy of the file will be forwarded to the Governor and Executive Council for their consideration.

Sincerely,

Gino Infascelli, CWS  
Public Works Supervisor  
Wetlands Bureau

Enclosure: copy of decision

cc: Hampton Conservation Commission  
Hampton Board of Selectmen  
Hampton Falls Conservation Commission  
Hampton Falls Board of Selectmen

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) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

DECISION DATE: 08/08/2016

DECISION:

Rehabilitate pavement, bridge deck maintenance and joint repairs; guardrail upgrades; slope stabilization for a single slope failure; and one 60 inch culvert with an inlet headwall repair and outlet headwall replacement impacting 19,880 sq. ft. (17,752 sq. ft. temporary) of estuarine, riverine and palustrine wetlands and 344,920 sq. ft. (330,530 sq. ft. temporary) of buffer zones. NHDOT project #40424

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CONDITIONS:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, dated 7/16 as received by the NH Department of Environmental Services (DES) on August 1, 2016.
2. This approval is not valid until DES receives a one-time payment of \$20,545.07 to the DES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or other mutually agreed upon location to review the conditions of this wetlands permit.
4. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
6. Construction monitoring reports shall be provided to the Wetlands Bureau file.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. 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.
18. 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.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Conservation Commissions shall be notified in writing of the beginning and end of the project.

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21. No work shall be conducted in tidal water between April 15 and June 30.
22. The NHDOT shall commit to the recommendations provided by the Natural Heritage Bureau.
23. Prior to commencing work the NHDOT shall submit to the file the subsequent coordination e-mail / commitments with the Natural Heritage Bureau and shall adhere to those commitments.

FINDINGS:

1. This is a major impact project per Administrative Rules Env-Wt 303.02(a), projects in tidal wetlands and Env-Wt 303.02(f), projects in and adjacent to prime wetlands designated under RSA 482-A:15.
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. The DES has determined the applicant has met the purpose of the current stream rules relative to not causing damage upstream or downstream and not impeding aquatic organisms.
6. Natural Resource Agency meetings were held at the NH Dept. of Transportation (NHDOT) on October 21, 2015 and January 20, 2016 to coordinate the review and permitting of the project.
7. In accordance with Env-Wt 703.01, the department finds that the applicant has shown with clear and convincing evidence there will be no significant loss of value set forth in RSA 482-A:1; the project is consistent with the purpose specified in RSA 482-A:1; the project could not be relocated to avoid impacts reducing the public value of the project or negatively affecting public safety; and there is no practical location to compensate for impacts on site.
8. The DES is waiving Rule Env-Wt 703.03, Public Hearing requirement for work in or adjacent to Prime Wetlands as a public hearing is unlikely to provide significant information in addition to that contained in the file.
9. The revised plans received on August 1, 2016 adjusts the location of the Highest Observable Tide Line to be at the furthest extent of the tidal wetlands and modifies the Designated Prime Wetlands to be only those wetlands included and adopted in the zoning ordinances for both towns.
10. The remaining mapping errors showing pavement and adjacent areas as Designated Prime Wetland is the result of plotting the map for the zoning ordinance.

Mitigation Findings:

11. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
12. The payment calculated for the proposed wetland loss equals \$20,545.07.
13. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).