

**Franklin Conservation Commission
Regular Meeting Agenda
August 11, 2020
City Hall Basement – 7:30 pm**

By phone: 1-603-759-0769

Call to Order

- Approval of the June 9, 2020 meeting minutes

Old Business

- BioBlitz Update – Rescheduled for 2021 - Digitizing Great Gains Trails

New Business

- Review of Wetlands Permit-by-Notification, 339 Webster Lake Road, Tax Map 34 Lot 38
- New Hampshire Association of Conservation Commissions – July News Update

Other Business

Adjournment

FRANKLIN CONSERVATION COMMISSION

Meeting Minutes

June 9, 2020

Present: Nita Tomaszewski (via Zoom), Roy Gilbreth (via Zoom), Glenn Morrill (via Zoom), Timothy Stangroom (via Phone), Bob Morin (via Zoom)

Absent: Mike Mullavey

Next meeting: July 14, 2019 - 7:30 pm, City Hall Basement

Meeting called to order by Nita at 7:32 pm

Minutes of the March 10, 2020 meeting were distributed for review. Roy moved and seconded the motion to approve the meeting minutes.

I Old Business

BioBlitz Program Update – Bob briefed the Commission on plans for implementing the BioBlitz program. September 19th will be maintained as the program date unless, in light of pandemic, rescheduling is found to be necessary. Bob will touch base with UNH to determine if a change of plans is recommended.

Great Gains Mountain Biking Trails – Glenn reported that Jim Jones, president of the Franklin Outing Club, informed him that work on trails is underway.

II New Business

Montgomery Road – Glenn volunteered to contact Brian Sullivan to discuss the possibility of gating Montgomery Road near Flaghole Road following the powerline work taking place.

III Other Business

Adjournment

The meeting adjourned at 7:55 pm.



WETLANDS PERMIT-BY-NOTIFICATION (PBN)

Water Division/Land Resources Management

Wetlands Bureau

Check the Status of your Notification



RSA/Rule: RSA 482-A/ Env-Wt 100-900

APPLICANT'S NAME: Denis and Lisa Duquette

TOWN NAME: Franklin

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

To ensure that your project is eligible for a Permit-by-Notification (PBN) and includes all required information, please review all sections of this application form and the "Permit-by-Notification: Attachment Checklist & Additional Instructions". The project-specific activity checklist that corresponds to the PBN you are applying for may also be used to facilitate submission.

Terms in **bold font** are defined on the attached Definition of Terms page.

SECTION 1 - GENERAL CRITERIA

- | | |
|--|---|
| a. Is the proposed project a minimum impact project which deviates from the standards and conditions specified in Env-Wt 307 or deviates from the applicable provisions of Env-Wt 500, Env-Wt 600, or Env-Wt 900 (Env-Wt 309.06(b))? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. Does the project include activities that are prohibited under RSA 482-A (Env-Wt 306.02(a)(2))? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| c. Does the project include activities that do not follow or meet the applicable best management practices (Env-Wt 306.02(a)(3))? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Does the proposed project involve work in any jurisdictional area that was commenced prior to obtaining the applicable approval (Env-Wt 306.02(b)) (i.e. after-the-fact work)? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Is the proposed project located in a priority resource area other than a documented occurrence of <u>protected species or habitat</u> (Env-Wt 309.01(b)(3))? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered "Yes" to any of the above questions, you cannot use this form and must file a Standard Permit Application (NHDES-W-06-012). If you answered "No" to all of the above questions, proceed to Section 2.

lrn@des.nh.gov or (603) 271-2147

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

www.des.nh.gov

SECTION 2 - PROJECT SPECIFIC CRITERIA (Env-Wt 309.06)

The following project types *may* be eligible for a PBN. If your project is not listed below, you cannot use this form. To confirm eligibility, please refer to the project-specific checklist that corresponds to the PBN project type selected.

† Pursuant to Env-Wt 309.07(h), these projects are exempt from obtaining a conservation commission signature in order to qualify for expedited review.

#Pursuant to Env-Wt 309.07(i), these projects consist of routine roadway maintenance activities that may require LAC signature if the project is within **LAC jurisdiction** as defined in Env-Wt 103.27 in order to qualify for expedited review.

<input type="checkbox"/> Exotic aquatic weed control activities not exceeding one acre that comply with Env-Wt 510.08(a)	<input checked="" type="checkbox"/> Repair or replacement of an existing legal wall that complies with Env-Wt 514.07(a)(3) †	<input type="checkbox"/> Agricultural activities that comply with Env-Wt 522.06(a)
<input type="checkbox"/> Replenishment of an existing legal beach that complies with Env-Wt 511.07(a) †	<input type="checkbox"/> Maintenance or repair of an existing legal boathouse that complies with Env-Wt 515.07(a) †	<input checked="" type="checkbox"/> A temporary coffer dam that complies with Env-Wt 526.06(f)
<input checked="" type="checkbox"/> Repair or replacement of an existing legal deck or patio that complies with Env-Wt 511.08(a) †	<input type="checkbox"/> Repair or replacement of a boat launch under Env-Wt 518	<input type="checkbox"/> Maintenance of an existing legal tidal docking structure that complies with Env-Wt 606.17(b) †
<input type="checkbox"/> Installation of a new seasonal dock that is not eligible for an SPN and complies with Env-Wt 513.24(a)	<input type="checkbox"/> Installation of a dry hydrant that complies with Env-Wt 518.07(a)	<input type="checkbox"/> Repair of an existing legal tier 1 or tier 2 stream crossing that complies with Env-Wt 903.01(e)(2) †#
<input checked="" type="checkbox"/> Repair or replacement of an existing legal docking structure that complies with Env-Wt 513.24(a) †	<input type="checkbox"/> Forestry activities that are not eligible for an SPN and comply with Env-Wt 520.05(a)	<input type="checkbox"/> Repair of an existing legal tier 3 stream crossing that complies with Env-Wt 903.01(e)(3) †#
<input type="checkbox"/> Installation of a dock anchoring pad that complies with Env-Wt 513.24(a)(1)c	<input type="checkbox"/> Utility activities that are not eligible for an SPN and comply with Env-Wt 521.06(a)	<input type="checkbox"/> Replacement of an existing legal tier 1 stream crossing that complies with Env-Wt 903.01(e)(4) †
<input type="checkbox"/> Installation of a watercraft lift that complies with Env-Wt 513.24(a)(1)a	<input type="checkbox"/> Installation of residential utilities to a single-family home that complies with Env-Wt 521.06(a)(7)	<input type="checkbox"/> Installation of a temporary tier 1 or tier 2 crossing that complies with Env-Wt 903.01(e)(5)
<input type="checkbox"/> Installation of a new canopy that complies with Env-Wt 513.27(a)		

SECTION 3 - PROJECT LOCATION (Env-Wt 309.07(b))

A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 339 Webster Lake Road	TOWN/CITY: Franklin
TAX MAP/LOT NUMBER: Tax Map 34 Lot 38	
NAME OF WATER BODY, WETLAND, OR OTHER JURISDICTIONAL AREA: Webster Lake	
LATITUDE (in decimal degrees to five decimal places): 43.46501	LONGITUDE (in decimal degrees to five decimal places): ---- -71.69499

lrn@des.nh.gov or (603) 271-2147

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SECTION 4 - PROJECT DESCRIPTION AND IMPACT AREA (Env-Wt 309.07(c))

Provide a description of the project, including a list of the work items to be performed and detailed dimensions of the size of the impacts in jurisdictional areas. Please identify the type of landform to be affected, including the type of **wetland** and type of soils.

The project consists primarily of repairs to an existing stone/mortar foundation retaining wall. The existing stone retaining/foundation wall supports part of the residence (main floor) and a timber deck, and the structure is supported on the wall with timber support columns. Currently there are drainage issues which have resulted in loose stones and grout in the retaining wall, putting the structure at risk. The project proposes to:

- Install silt fencing and, if necessary based on water levels, cofferdam and dewater work area in front of stone retaining wall.
- Remove existing stairs and landing from deck to dock.
- Remove existing timber planking from deck.
- Repair stone wall- remove and reset the loose stones and place a concrete cap along the top of the wall. The repairs will allow for distribution the structural loads and provide a level bearing support.
- During the repair of the existing stones, a single weep hole will be installed in the wall. Supplemental stones will be grouted in place as necessary.
- Repair existing block foundation pedestals with grout and anchored pins at the same time as wall repairs.
- Rehabilitate timber supports and replace timber columns.
- Replace timber porch.
- The adjacent Oak tree will be removed but with the stump left in place.
- Existing block steps down the east side of the porch will be removed and replaced with new granite steps and a landing on the east side of the porch, parallel with the house.
- Cofferdam and silt fence will be removed when in water work completed.

Construction is anticipated for early fall 2020 when the water level is low and work can be completed outside the waterline. If the water is higher a temporary cofferdam will be used to dewater the wall face for these repairs. Construction is estimated to begin in September or October and last approximately 6 weeks.

In 2021, the dock will be replaced with a timber and campsite deck, as noted on the plans. Work will include:

There will be 95 square feet of temporary impacts to Webster Lake for installation of a temporary cofferdam (if necessary) to complete the work, and repairs will occur along 25 linear feet of retaining wall.

IMPACT AREAS: Please fill out the table below, indicating square feet (SF) and/or linear feet (LF) of impacts, as applicable. Temporary impacts are impacts not intended to remain (and will be fully restored to pre-construction conditions) after the project is completed.

NOTE: For new seasonal dock projects, please enter the square footage of the proposed dock in the permanent impact column of the applicable resource.

Jurisdictional Area	Permanent (SF/LF)	Temporary (SF/LF)	Jurisdictional Area	Permanent (SF/LF)	Temporary (SF/LF)
Forested Wetland			Lake		95 SF / 25 LF
Emergent Wetland			Pond		
Wet Meadow			Tidal Water		
Intermittent Stream/			Previously-developed		

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Ephemeral Stream			Upland in Tidal Buffer Zone		
Perennial Stream / River	/	/	Other		

SECTION 5 - MINIMUM IMPACT PROJECT PROVISION (Env-Wt 309.07(c)(1))
Please identify the applicable minimum project provision in Env-Wt 500, Env-Wt 600, or Env-Wt 900, as applicable, and any required project-specific information. In lieu of a narrative for this section, the applicant may submit the applicable Project Specific Checklist.

MINIMUM IMPACT PROJECT PROVISION: Per Env-Wt 514.07(a), repair to the wall is less than 50 LF, will be done in the dry using a cofferdam (if necessary), will result in no change to the wall configuration and will not add more than 6" of width.

Per Env-Wt 526.06(f) the temporary cofferdam will not create permanent impacts to the surface water, bed or bank of Webster Lake.

Per 513.24(a) the existing dock is a legal structure and meets all applicable criteria.

SECTION 6 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 309.07(a))
If the applicant is a trust or a company, then the name of the trust or company should be written as the applicant's name.

NAME: Denis and Lisa Duquette

MAILING ADDRESS: 339 Webster Lake Road

TOWN/CITY: Franklin STATE: NH ZIP CODE: 03235

DAYTIME PHONE: 603.345.0546 EMAIL ADDRESS: dendug2@gmail.com

SECTION 7 - NATURAL HERITAGE BUREAU (Env-Wt 309.07(b)(6))
Include the results and identification number of the investigations required by Env-Wt 306.05. *Questions related to completing the DataCheck should be directed to the Natural Heritage Bureau (NHB).*

Natural Heritage Bureau Identification Number: NHB 20 - 2105

☒ Attach the results and identification number of the DataCheck query.

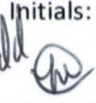
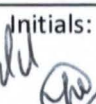
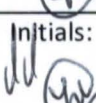
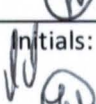
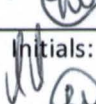
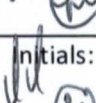

SECTION 8 - CONDITIONS FOR PBNs (Env-Wt 309.09)

Please check each box below to acknowledge that the project meets the following conditions:

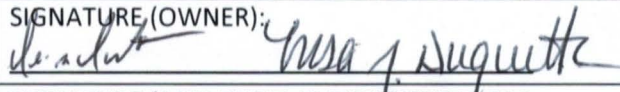
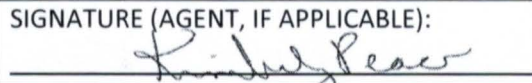
<input checked="" type="checkbox"/>	All work authorized by a PBN shall comply with all applicable conditions specified in Env-Wt 307 and the applicable provisions of Env-Wt 500, Env-Wt 600, or Env-Wt 900.
<input checked="" type="checkbox"/>	Subject to Env-Wt 309.10, after the completion of work authorized by a PBN no other work that would require any permit or other authorization under RSA 482-A or subtitle Env-Wt shall be undertaken on the subject property pursuant to another PBN or EXP, or pursuant to an SPN, for a period of 12 months from the date the PBN was issued.
<input checked="" type="checkbox"/>	Within 10 days following completion of the work covered by a PBN, the person responsible for the project shall submit to the department confirmation of completion of the project, either on paper or electronically.

SECTION 9 - REQUIRED CERTIFICATIONS (Env-Wt 309.07(d))

Initial each box below and sign the application to certify that:

Initials: 	The proposed project meets the conditions and limits of Env-Wt 307 and the applicable minimum impact project rule.
Initials: 	If the project is to repair or replace a docking structure, the docking structure is an existing legal structure.
Initials: 	The proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 311.10(c).
Initials: 	The applicant is aware of the limits of the PBN and understands and will comply with all conditions in the PBN and all applicable conditions in Env-Wt 307.
Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief
Initials: 	<p>The signer understands that:</p> <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. <p>The signature shall constitute authorization for the municipal conservation commission and the department to inspect the site of the proposed project, except for minimum impact trail projects, where the signature shall authorize only the department to inspect the site pursuant to RSA 482-A:6, II.</p>
Initials: N/A	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 10 - REQUIRED SIGNATURE (Env-Wt 309.07(d))

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: <i>Denis M Duquette</i>	DATE: <i>7-24-20</i>
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): _____	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Kimberly Peace	DATE: 7/17/2020

SECTION 11 - CONSERVATION COMMISSION SIGNATURE (Env-Wt 306.02(c); Env-Wt 309.07(h); Env-Wt 309.08(d))

With the exception of the project types specified in Env-Wt 309.07(h), the Conservation Commission signature is necessary for NHDES to process this PBN within 10 days of receipt of an administratively complete application. If the Conservation Commission does not sign this statement for any reason where it is necessary, NHDES will process this PBN within 25 days of receipt of an administratively complete application.

The signature below certifies that the municipal Conservation Commission or, if there is no conservation commission, the local governing body, has reviewed this application and waives its right to intervene per RSA 482-A:11.

AUTHORIZED COMMISSION SIGNATURE:

PRINT NAME LEGIBLY:

DATE:

SECTION 12 - LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE (LAC) SIGNATURE (Env-Wt 306.02(d); Env-Wt 309.07(i); Env-Wt 309.08(d))

If a PBN is sought for a routine roadway maintenance project that is within **LAC jurisdiction** and the application has not been signed by a legal representative of the LAC to indicate the right to intervene has been waived by the applicable LAC, NHDES will process this PBN within 25 days of receipt of an administratively complete application.

The signature below certifies that the LAC waives its right to intervene per RSA 482-A:11.

☒ **N/A** This project is *not* within a Designated River Corridor and/or is *not* within LAC jurisdiction)

AUTHORIZED LAC REPRESENTATIVE SIGNATURE:

PRINT NAME LEGIBLY:

DATE:

SECTION 13 - COUNTY CONSERVATION DISTRICT OR CERTIFIED WETLAND SCIENTIST SIGNATURE (Env-Wt 309.07(g))

ONLY for agriculture PBN projects under Env-Wt 522.06, please provide a signed statement by the county conservation district or certified wetland scientist (CWS) certifying compliance with all conditions of that rule (Env-Wt 522.06(a)(2)).

By signing below, the county conservation district or certified wetland scientist certifies compliance with all conditions of that rule.

AUTHORIZED COUNTY CONSERVATION DISTRICT OR CWS SIGNATURE:

PRINT NAME LEGIBLY:

DATE:

N/A

SECTION 14 - TOWN / CITY CLERK (RSA 482-A:3, I; Env-Wt 309.07(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four copies of the application including all attachments with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE:

PRINT NAME LEGIBLY:

TOWN/CITY:

DATE:

DIRECTIONS FOR TOWN/CITY CLERK (RSA 482-A:3, I(a), (1)):

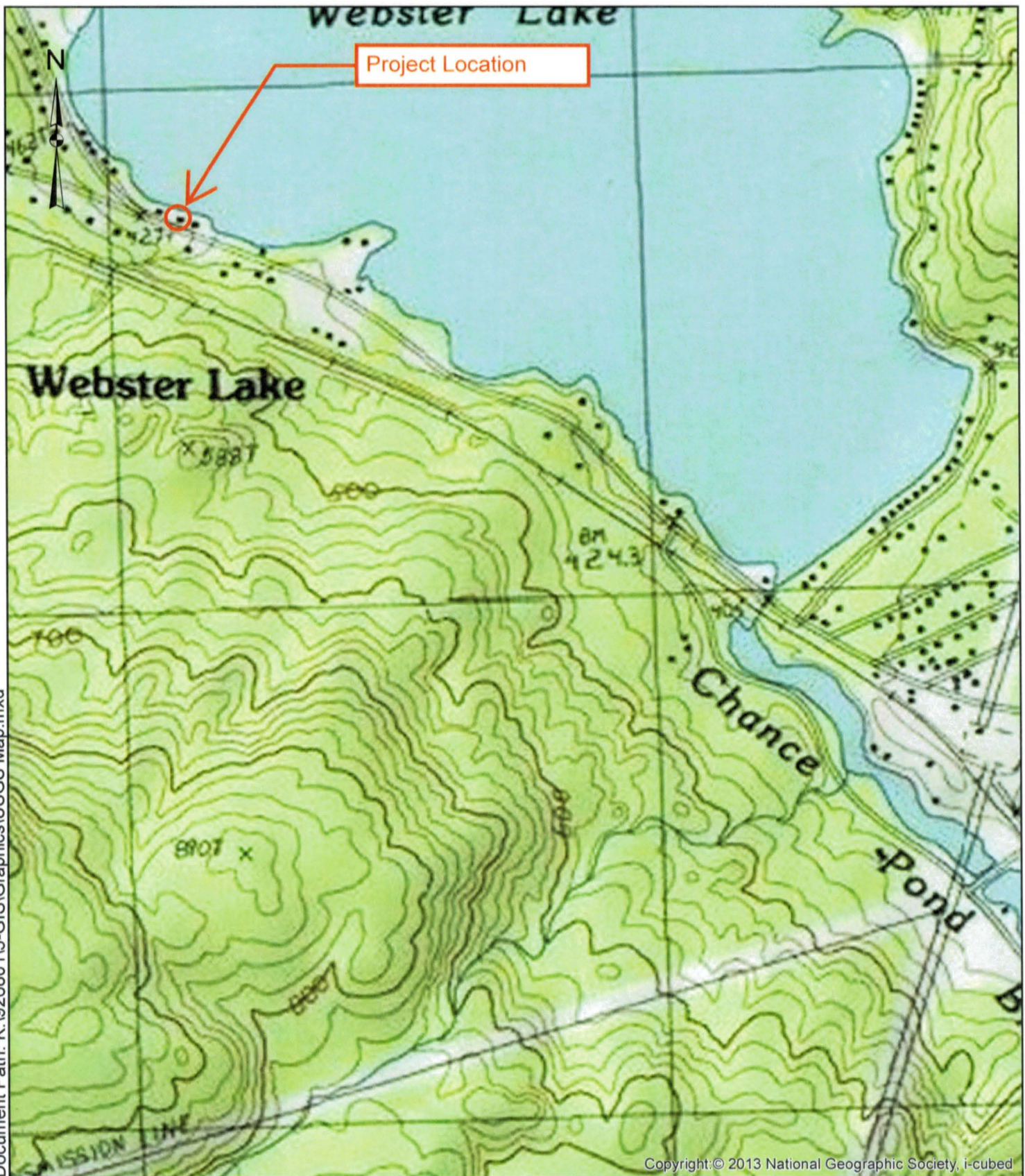
1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board. And
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

lrn@des.nh.gov or (603) 271-2147

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

www.des.nh.gov

Document Path: K:\926801\3-GIS\Graphics\USGS Map.mxd



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Hoyle, Tanner
& Associates, Inc.

150 Dow Street
Manchester, NH 03101-1227
Tel 603-669-5555
Fax 603-669-4168
Web Page www.hoyletanner.com

RETAINING WALL REPAIRS
339 WEBSTER LAKE ROAD
FRANKLIN, NH

APPENDIX

A

DR. BY
dlc

DATE
3/10/2020

SCALE
1 inch = 833 feet

PROJECT LOCATION MAP

Denis & Lisa Duquette
339 Webster Lake Road, Franklin, NH
Site Photos



Figure 1: Stone retaining wall to remain and be repointed as necessary. Landing, steps to dock and dock to be removed and replaced in existing location.



Figure 2: Loose wall to be reset with mortar, foundations of support posts to be replaced.

Denis & Lisa Duquette
339 Webster Lake Road, Franklin, NH
Site Photos



Figure 3: Area of wall to be resurfaced.



Figure 4: Concrete cap to be installed and timber post repaired.



New Hampshire Natural Heritage Bureau

To: Deb Coon
150 Dow Street
Manchester, NH 03101

Date: 7/16/2020

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 7/16/2020

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED APPLICATIONS SUBMITTED TO
THE NHDES WETLANDS BUREAU

NHB File ID: NHB20-2105

Applicant: Denis & Lisa Duquette

Location: Tax Map(s)/Lot(s): Map 34 Lot 38
Franklin

Project Description: Repairs to a Retaining Wall at 339 Webster Lake Road

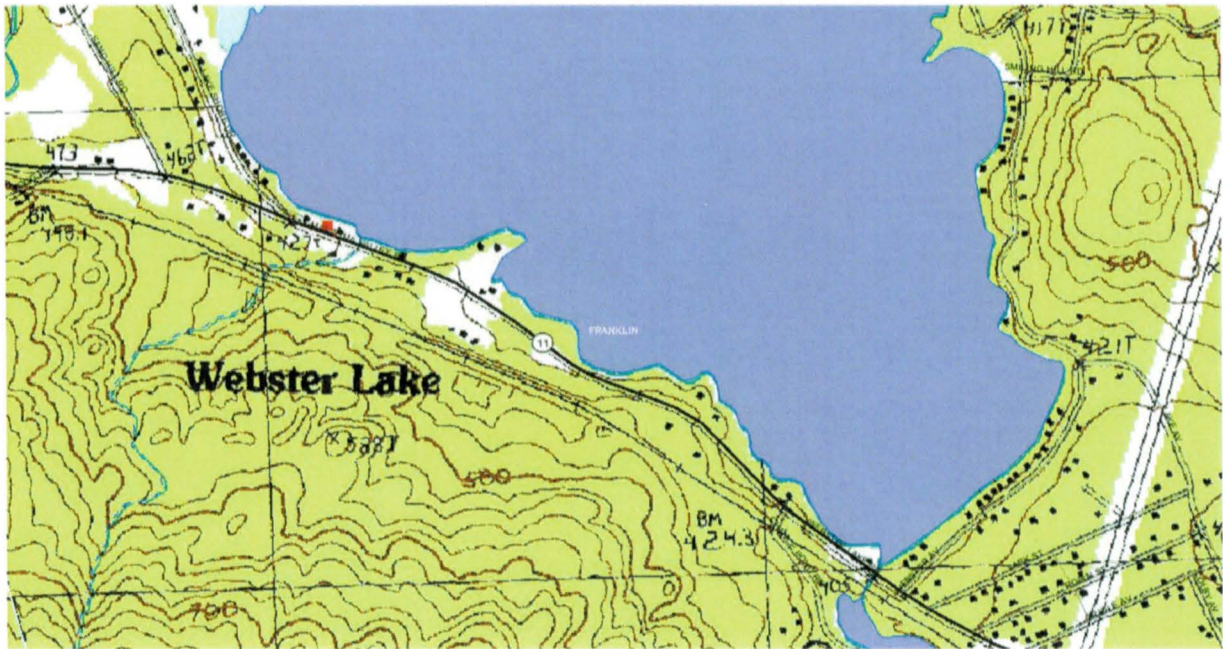
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 7/15/2021.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB20-2105



New Hampshire Association of Conservation Commissions

July 2020 News

Legislative Update

PBN Wetlands Rules Proposed Changes

DES has proposed new rules for permit by notification process (PBN), that would impact conservation commissions. The proposed changes show that nine projects will be allowed to go through the process without CC signature on the form. Most of the projects are replacement of existing docks or structures so commissions might not have any comments but NHACC believes it is important to keep commissions informed of projects that have the potential to impact local wetlands. We sent [comments to DES](#) to make sure that we will continue to be notified of through the PBN process.

See below for proposed Rules changes:

Env-Wt 309.07 (h) A signed statement from the conservation commission or, if there is no conservation commission, the local governing body, certifying that the municipality waives its right to intervene on the project; and, unless the PBN is for one of the following project types in which case **no review or signed statement shall be required:**

- (1) Replenishment of an existing legal beach that complies with Env-Wt 511.07(a);
- (2) Repair or replacement of an existing legal deck or patio that complies with Env-Wt 511.08;
- (3) Repair or replacement of an existing legal docking structure that complies with Env-Wt 513.24(a);
- (4) Repair or replacement of an existing legal wall that complies with Env-Wt 514.07(a)(3);
- (5) Maintenance or repair of an existing legal boathouse that complies with Env-Wt 515.07(a);
- (6) Maintenance of an existing legal tidal docking structure that complies with Env-Wt 606.17(b);
- (7) Repair of an existing legal tier 1 or tier 2 stream crossing that complies with Env-Wt 903.01(e)(2);

Text added to existing rules in bold italics Initial Proposal 04-30-20 6

Text deleted from existing rules shown struck through

Text in regular font introduced with "Adopt" is all new

- (8) Repair of an existing legal tier 3 stream crossing that complies with Env-Wt 903.01(e)(3);
- and

- (9) Replacement of an existing legal tier 1 stream crossing that complies with Env-Wt 903.01(e)(4); and