

**Franklin Conservation Commission
Regular Meeting Agenda
August 14, 2018
City Hall basement – 7:30 pm**

Call to Order

- Approval of the June 12, 2018 meeting minutes.

Old Business

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New Business

- UMLAC August 12, 2018 Meeting Agenda
- Shoreland Permit Application (RSA 483-B); NHDES File Number: 2018-01998, Subject Property: 15 Tannery St., Franklin, Tax Map #97, lot #72
- Wetlands File #2017-02402, Subject Property: Eversource Energy Utility ROW, Tilton, Franklin, Belmont, Laconia Tax Map/Lot No. ROW/ROW
- NH Association of Conservation Commissions – Legislative Update

Adjournment

FRANKLIN CONSERVATION COMMISSION

Meeting Minutes

June 12, 2018

Present: Glenn Morrill, Nita Tomaszewski, Bob Morin, Roy Gilbreth

Next meeting: July 10, 2018 - 7:30 pm, City Hall Basement

Meeting called to order by Nita at 7:30 PM

Minutes of the May 8, 2018 meeting were distributed for review. Glenn moved and Bob seconded the motion to approve the meeting minutes. The motion passed.

I Old Business

Update on proposed Shaw Brook wildlife rehabilitation – The commission is waiting to hear from the city forester and UNH wildlife biologist regarding a site visit date.

II New Business

Wetlands Permit Application, Seasonal Dock, 41 Riverview Drive, Franklin – After review and discussion about the subject permit application, Bob moved and Roy seconded the motion to authorize the commission chair to sign the application. The motion passed

Informational discussion on proposed dog park – Representatives of the dog park group briefed the commission on proposed plans to develop a park somewhere in Franklin. A discussion of possible locations ensued.

NH Association of Conservation Commission Legislative Update – Information about proposed legislation of interest to the commission was distributed.

III Other Business

Adjournment

The meeting adjourned at 8:40 PM.



Boscawen
Bow
Canterbury
Concord
Franklin
Northfield

PO Box 3019 | Denacook, NH 03303

MEETING AGENDA

August 13, 2018 at 7:00 PM

City Council Chambers, City Hall/Opera House, Franklin, NH

Consent agenda

- A. Approve July 9, 2018 meeting summary*
- B. The next UMRAC regular meeting is proposed for October 15, 2018 in Northfield
- C. UMRAC Event and Activity Matrix posted on documents site*

Action agenda

- 1. Welcome and introductions – Michele L. Tremblay, Chair, and everyone (one minute)
- 2. Membership updates – everyone (two minutes)
- 3. Review previous meeting action items in table in meeting summary – everyone (two minutes)
- 4. Treasurer's report – Krista Crowell, Treasurer (two minutes)
- 5. UMRAC bylaws revision draft for approval at November annual meeting* – everyone (five minutes)
- 6. Brownfields Advisory Committee – Michael Hansen, UMRAC representative to the BAC (five minutes)
- 7. FERC licensing and re-licensing updates* – Gary Lemay, lead (ten minutes)
- 8. Upper Merrimack Monitoring Program – Steve Landry and Michele (five minutes)
- 9. Rivers Management and Protection Program 30th anniversary local observances including paddle trip – Krista and Gary (fifteen minutes)
- 10. MerrimackRiver.org – web revision team (ten minutes)
- 11. Agenda setting including currently planned educational presentations – everyone (five minutes)
- 12. Categorical exclusion proposal for project proposals review and comment process: reference <https://www.merrimackriver.org/documents/webFiles/download.php?f=../files/UMRLAC+permit+application+review+guidance.pdf> – Michele (ten minutes)
- 13. Project proposals review*: new and follow-up on past projects – Steve, discussion lead, with other reviewers (time as required)
- 14. Correspondence and notices – everyone (time as required)
- 15. Other business – all (time as required)
- 16. "Around the Watershed" – everyone (as time allows)

*Denotes discussion documents posted at www.MerrimackRiver.org with permit review and other files on www.MerrimackRiver.org/documents/

MerrimackRiver.org

Please call Michele Tremblay, Chair, at 603.796.2615 or email at UMRLAC@MerrimackRiver.org at least 48 hours in advance if you are unable to attend this meeting. As a courtesy to guests, speakers, and other representatives, this notice will allow for the meeting to be rescheduled if a critical mass is not possible or insufficient to justify guests or other representatives to attend the meeting. At any meeting, the UMRAC may enter into non-public session as defined within [RSA 91-A:3](#). Thank you.



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

**NOTICE OF ACCEPTANCE OF PERMIT APPLICATION
LAND RESOURCES MANAGEMENT
SHORELAND PROGRAM**

July 05, 2018

FRANKLIN MUNICIPAL CLERK/CON COM
316 CENTRAL ST
FRANKLIN NH 03235

Re: Shoreland Permit Application (RSA 483-B); NHDES File Number: 2018-01998
Subject Property: 15 Tannery St., Franklin, Tax Map #97, Lot #72

Dear Sir or Madam:

Pursuant to RSA 541-A:39, please be advised that the New Hampshire Department of Environmental Services (NHDES) accepted an application on **July 05, 2018** for the permit program and subject property referenced above.

The application requests a permit for impacts to jurisdictional shoreland at the subject property. A detailed technical review of the application package will be completed within the applicable timeframe: 30 days of receipt of an application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9.

Pursuant to RSA 483-B:5-b, IV-a and Env-Wq 1406.13(a), the applicant is required to have notified the municipality by certified mail and provided a completed and signed copy of the permit application. If you have not received the required information, please contact the applicant or their agent at the following address:

NOBIS ENGINEERING INC
C/O J CHRIS NADEAU
18 CHENELL DR
CONCORD NH 03301

Please provide a copy of this notice to all interested departments, boards and commissions. Also note that under current state law and regulations, NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project; these must be addressed at the local level.

If you have any questions, please contact the NHDES Shoreland Program at (603) 271-2147.

Sincerely,

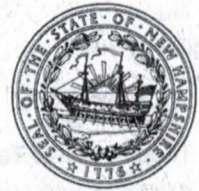
Shoreland Program
Land Resources Management

cc: Rob Pearlman, Mercantile Place, LLC
J. Chris Nadeau, Nobis Engineering, Inc.
William R. Bolton, Pemigewasset River Local Advisory Committee/NHDES Rivers Program



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 06, 2018

EVERSOURCE ENERGY
C/O WALTER BILYNSKY
13 LEGENDS DRIVE
HOOKSETT NH 03106

RE: Wetlands File #2017-02402

Subject Property: Eversource Energy Utility ROW, Tilton, Franklin, Belmont, Laconia Tax Map/Lot No. ROW/ROW

Dear Mr. Bilynsky:

Attached please find Amended Wetlands Permit #2017-02402 to Dredge and fill 1,526 square feet of palustrine scrub-shrub and emergent wetlands and temporarily impact 249,937 SF to reconstruct 138 utility poles, construct 2 new utility poles, perform maintenance work on 18 utility poles, and installation of a permanent access work pad and access way for 1 utility structure located within the L176 Transmission Line ROW. Compensatory mitigation for permanent and US Army Corps of Engineers impacts consists of a one-time payment of \$48,296.39 dollars into the Aquatic Resource Mitigation Fund ("ARM") and a contribution to the Belmont conservation project named Sanborn Family Trust for a conservation easement to be held by the Five Rivers Conservation Trust.

The decision to approve this application was based on the following findings:

1. This is a Major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant is undertaking this project in order to enhance the regional efficiency, safety, and reliability of the electrical infrastructure. The existing infrastructure is approximately 40 years old and structures have multiple deficiencies.
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. Project impacts have been limited by utilizing the existing ROW, the project has avoided wetland conversion of forested wetlands. The applicant has analyzed alternative structure replacement locations and access routes in order to minimize wetland impacts to the extent practicable. Impacts were avoided in numerous cited located and structure and anchor locations were placed in uplands to the greatest extent practicable. The project will utilize existing access roads.
4. The majority of the project wetland impacts are temporary. Permanent impacts total 1,526 square feet for the installation of utility structures and permanent access. The project requires 262,435 square feet of temporary wetland impact for temporary access to structures. Temporary impact areas consist of installation of temporary matting. Disturbed wetland and upland areas will be graded and seeded with an appropriate seed mix as necessary.
5. The applicant's agent has performed wetland delineation, wetland classification, and a wetland function-value assessment of the project area. The project area includes 117 wetlands primarily consisting of scrub-shrub and emergent wetland. Vernal pool criteria was identified at 13 locations. No temporary or permanent impacts are proposed to any documented or potential vernal pools as a result of the project.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

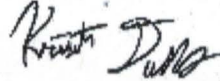
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

6. The Owner of Tax Map R15 Lot 5 has provided a written letter of authorization dated July 12, 2017 to access the property and construction of a 12-foot wide gravel access road and pad to access the utility structure labeled 3216-J4.
7. Stream crossings are proposed to be performed spanning bank to bank using the Typical Stream Crossing detail per plan sheet 2 dated July 31, 2017.
8. A Natural Heritage Bureau project review dated July 11, 2016 identified the bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*). An osprey nest is known to occur within the L176 Transmission line ROW on Structure 102 of the J125 Transmission line. Due to the amount of time lapse between original data collection and the submittal of the wetland application a second NHB review was requested. The review dated August 2, 2017 indicated the osprey had been down-graded from Special Concern status and no-longer require review by NHFG. However two additional bird species and one mussel species were added to the records since the 2016 NHB file review. The results and associated project conditions were coordinated with NHFG. The NHFG project recommendations have been included as permit conditions.
9. The applicant has provided an overview of the project to the Pemigewasset Local Advisory Committee (LAC) on July 25, 2017. The LAC requested that mowing be reduced near the river. The applicant has limited vegetation removal to hand-cutting, and not mechanical mowing, on the eastern side of the river, west of Structure 15, and has agreed to initiate dialog between the LAC and the City of Franklin Public Works Department for mowing along the western side of the river.
10. The Belmont Conservation Commission signed the wetland permit application on August 9, 2017.
11. The US EPA has reviewed the proposed project and determined the project is eligible as proposed under the NH Programmatic General Permit (PGP) per review sheet dated September 12, 2017.
12. An in-lieu fee payment in the amount of \$48,296.39 was contributed to the Aquatic Resource Mitigation (ARM) Fund, and a payment of \$42,495.80 will be contributed to the Sanborn Family Trust Conservation project in Belmont. The total in-lieu fee is \$90,792.19. The Sanborn Family Trust project includes the acquisition of two parcels (Tax Map 120, Lots 15 and 20) located adjacent to the Tioga River Wildlife and Conservation Area. A Conservation Easement Baseline Documentation Report was submitted with the permit application. If the conservation parcel cannot be completed by April 30, 2018, the remainder of the payment will be provided to the NHDES ARM Fund.
13. On August 01, 2018, the project agent contacted NHDES staff to request an amendment to the plans for revised access. The City of Laconia Public Works Department requested that the applicant avoid access from Lafayette Street (Revised Plan Page 25 of 25) and consider alternative access from Growth Road (Revised Plan Page 24 of 25), requiring an additional 1,262 square feet (SF) of temporary wetland impact. In addition, the contractor requested an additional 717 SF of temporary impact for access between Structure 114 and 115 (Revised Plan Page 18 of 25) due to safety concerns involving the line of sight and steep slopes along the originally proposed access route off of Union Road in Belmont that precludes safe access. Additionally, the project proposes to avoid/minimize temporary impacts for access in four wetlands by a total of 14,477 SF (Revised Plan Pages 10, 11, 21, 22, and 23) due to abutter permissions for temporary access that were granted. As a result, the proposed access changes will result in a net decrease of 12,498 SF of temporary impact for access. There will be no proposed changes to permanent wetland impact areas. Both proposed amendments are within existing ATV trails, in areas not containing vernal pools, known rare species, or archeological resources and are located immediately adjacent to previously permitted impact areas. For the reasons listed above, NHDES finds that this request does not meet the criteria for a "significant amendment" under RSA 482-A:3(XIV)(e) and a permit amendment can be granted.

Your permit must be signed, and a copy must be posted in a prominent location on site during construction.
If you have any questions, please contact our office at (603) 271-2147.

Sincerely,



Kristin L. Duclos
Wetlands Specialist
NHDES Wetlands Bureau

cc: Belmont Conservation Commission, Board of Selectmen, Municipal Clerk
Franklin Conservation Commission, Board of Selectmen, Municipal Clerk
Laconia Conservation Commission, Board of Selectmen, Municipal Clerk
Tilton Conservation Commission, Board of Selectmen, Municipal Clerk
GZA GeoEnvironmental Inc.
Pemigewasset River Local Advisory Committee



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

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WETLANDS AND NON-SITE SPECIFIC PERMIT 2017-02402

NOTE CONDITIONS

PERMITTEE: EVERSOURCE ENERGY
C/O WALTER BILYNSKY
13 LEGENDS DRIVE
HOOKSETT NH 03106

PROJECT LOCATION: EVERSOURCE ENERGY UTILITY ROW, TILTON, FRANKLIN, BELMONT, LACONIA
TAX MAP/LOT NO: ROW/ROW

WATERBODY: PEMIGEWASSET RIVER

AMENDMENT DATE: AUGUST 06, 2018
ORIGINAL APPROVAL DATE: OCTOBER 24, 2017
EXPIRATION DATE: OCTOBER 24, 2022

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Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued by the New Hampshire Department of Environmental Services (NHDES). This permit shall not be considered valid unless signed as specified below.

AMENDED PERMIT DESCRIPTION: Dredge and fill 1,526 square feet of palustrine scrub-shrub and emergent wetlands and temporarily impact 249,937 SF to reconstruct 138 utility poles, construct 2 new utility poles, perform maintenance work on 18 utility poles, and installation of a permanent access work pad and access way for 1 utility structure located within the L176 Transmission Line ROW. Compensatory mitigation for permanent and US Army Corps of Engineers impacts consists of a one-time payment of \$48,296.39 dollars into the Aquatic Resource Mitigation Fund ("ARM") and a contribution to the Belmont conservation project named Sanborn Family Trust for a conservation easement to be held by the Five Rivers Conservation Trust.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. for Eversource Energy, L176 Transmission Line Rebuild in Franklin, Tilton, Belmont, & Laconia, New Hampshire dated August 4, 2017, and revised through August 1, 2018, and August 2, 2018, as received by the NH Department of Environmental Services (NHDES) on August 02, 2018.
2. This permit is not valid until the applicant obtains construction easements on abutting parcels or written permission from abutting property owners if work is beyond the ROW. The permittee shall submit a copy of each recorded easement to the NHDES Wetlands Program prior to construction.
3. This approval is not valid until DES receives a one-time payment of \$48,296.39 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.
4. An in-lieu fee payment in the amount of \$42,495.80 shall be provided to the Sanborn Family Trust Conservation project in Belmont upon notification that the project has full funding and can be completed by April 30, 2018. The Sanborn Family Trust project includes the acquisition of two parcels (Tax Map 120, Lots 15 and 20) located adjacent to the Tioga River Wildlife and Conservation Area. If the parcel cannot be conserved through a conservation easement held by the Five Rivers Conservation Trust, the payment shall be provided to the NHDES ARM Fund to be disbursed in the Pemigewasset-Winnepesaukee River watershed.

www.des.nh.gov

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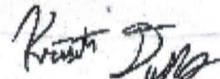
5. A copy of the payment to the Town of Belmont for the Sanborn Family Trust acquisition shall be submitted to NHDES.
6. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
7. The applicant shall coordinate the tree removal operations schedule with the U.S. Fish & Wildlife Service.
8. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the NHDES Wetlands Program within 60 days of final site stabilization.
9. The project monitor shall direct the contractor to avoid potential impacts to vernal pools and areas containing very poorly drained soils as available for temporary access. Prior to daily construction, timber matting will be reviewed for turtles and snakes. Observed turtles and snakes will be moved off of construction access roads to limit and prevent mortality to snakes and turtles during construction.
10. Prior to construction, the applicant will confirm with N.H Fish & Game whether seasonal avoidance is required at Structure 102 or elsewhere within the project area.
11. At the conclusion of the project, a summary report of any rare species observations shall be provided to the NHFG Nongame Program.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
13. Work shall be done during low flow/ low water conditions.
14. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.
15. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
16. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
17. The contractor responsible for completion of the work shall utilize techniques described in the Best Management Practices Manual for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in New Hampshire (January 2010).
18. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
19. The use of welded plastic or 'biodegradable plastic' erosion control netting should be avoided at the work site.
20. Stream crossings shall be installed per Typical Stream Crossing Detail, Plan Sheet 2 dated July 31, 2017.
21. Sediment and erosion control measures shall be removed following vegetative stabilization upon completion of construction.
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. Wetland temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
27. This approval includes the recordation of a conservation easement on approximately 100 acres on two parcels of land in Belmont (Tax Map 120, Lots 15 and 20).

28. Following permit issuance and prior to recording of the conservation easement deed, the natural resources existing on the conservation easement parcel shall not be removed, disturbed, or altered without prior written approval of DES and the easement holder.
29. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and all future property owners shall be subject to this easement.
30. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds for each lot that is subject to the easement. The permittee shall submit a copy of the recording from the County Registry of Deeds to the DES Wetlands Program.
31. The permittee/permittee's contractor shall notify the DES Wetlands Program when the easement monuments are placed, and coordinate an on-site review of their location prior to construction.
32. There shall be no placement of fill, construction of structures, or storage of vehicles or hazardous materials on the conservation parcel.
33. Activities in contravention of the conservation easement shall be deemed to be a violation of RSA 482-A, and shall be subject to enforcement under RSA 482-A.

GENERAL CONDITIONS THAT APPLY TO ALL NHDES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The NHDES Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;
6. This project has been screened for potential impacts to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species;
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED:



Kristin Duclos

Wetlands Bureau

Land Resources Management

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BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)