



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2024-01320

NOTE CONDITIONS

PERMITTEE: NHDOT
7 HAZEN DRIVE
CONCORD NH 03301

PROJECT LOCATION: INTERSECTION OF NH RT 108, AMESBURY RD, & MAPLE AV, NEWTON
Tax Map/Block/Lot(s): ROW/no block/ROW

WATERBODY: UNNAMED TIER 2 STREAM UNDER AMESBURY RD

APPROVAL DATE: JUNE 24, 2024

EXPIRATION DATE: JUNE 24, 2029

Based upon review of permit application 2024-01320 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

PERMIT DESCRIPTION:

Dredge and fill a total of 5,923 square feet/270 linear feet of palustrine and riverine (Unnamed Stream, Tier 2) wetlands and banks for the reconstruction of the intersection along NH Rte.108 with Amesbury Rd and Maple Ave in the Town of Newton, NH. Wetland impacts for this project are for associated road widening, intersection work, construction of a stormwater treatment swale and replacement of a failing culvert. The culvert will be replaced with a 60-inch reinforced concrete pipe and a 36-inch reinforced concrete overflow pipe.

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. All work shall be done in accordance with the Wetlands plans and sequence for NHDOT Project No. 29617, X-A004(206), NH Route 108, Town of Newton, NH, dated March 8, 2024, stamped May 2, 2024, as received by NHDES on May 13, 2024.
2. In addition to complying with all applicable conditions in Env-Wt 307, the permit shall be contingent on review and approval by the department of final stream diversion plan with cofferdams, and temporary support system, and that detail the timing and method of stream flow diversion during construction, show temporary siltation and turbidity control measures to be implemented.
3. The permittee shall notify the department in writing at least one week prior to commencing any work under the permit.
4. To prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
5. Blanding's Turtle (State endangered) and Spotted Turtle (State threatened) occur within the vicinity of the project area. Site operators shall be informed of the potential presence of these species and shall be provided flyers that help to identify these species along with NHFG contact information.
6. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be communicated during the project's preconstruction meeting prior to work and rare species flyers shall be included on the project's bulletin board. The rare species commitments shall be included in the project's Summary of Environmental Issues and the rare species flyers shall be included in the project's contract.
7. Turtles may be attracted to disturbed ground during nesting season (May 15th - June 30th). All turtle species nests are protected by NH laws. If a nest is observed or suspected, operators shall contact Melissa Winters (603- 479-1129) or Josh Megyesy (978-578-0802) at NHFG immediately for further consultation.

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

8. Sightings of Blanding's Turtle and Spotted Turtle shall be reported immediately to NHFG wildlife biologists Melissa Winters (603-479-1129) or Josh Megyesy (978-578-0802). Immediate reporting of observations is critical as NHFG biologists will need to collect data on the individual.
9. Catch basin grate size shall be reduced to 2.5" by 2.5" within the project area.
10. Wetland impacts shall be minimized and buffers to wetlands are encouraged to be included in project designs when possible.
11. No vertical granite curb shall be used in the project limits. In the areas with guardrail sloped bituminous curbing will be utilized. In areas without guardrail where curbing is planned, sloped granite curbing will be used.
12. Improvements to the existing drainage shall incorporate equally sized or larger culverts than currently exist on site. CMP's, RCP's, or box culverts shall be utilized in place of HDPE culverts to facilitate the passage of small fish, amphibians, or turtles.
13. All manufactured erosion and sediment control products, with the exception of turf reinforcement mats, utilized for, but not limited to, slope protection, runoff diversion, slope interruption, perimeter control, inlet protection, check dams, and sediment traps shall not contain plastic, or multifilament or monofilament polypropylene netting or mesh with an opening size of greater than 1/8 inches;
14. All observations of threatened or endangered species on the project site shall be reported immediately to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at NHFGreview@wildlife.nh.gov, with the email subject line containing the NHB DataCheck tool results letter assigned number, the project name, and the term Wildlife Species Observation;
15. Photographs of the observed species and nearby elements of habitat or areas of land disturbance shall be provided to NHFG in digital format at the above email address for verification, as feasible;
16. In the event a threatened or endangered species is observed on the project site during the term of the permit, the species shall not be disturbed, handled, or harmed in any way prior to consultation with NHFG and implementation of corrective actions recommended by NHFG, if any, to assure the project does not appreciably jeopardize the continued existence of threatened and endangered species as defined in Fis 1002.04; and
17. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit. NHFG shall contact the NHDOT's Contract Administrator or Environmental Coordinator for the project to coordinate access to the site. In the case of an emergency need for immediate access, NHFG shall contact Kevin Nyhan at 603-271-3226.
18. Wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation conditions.
19. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; or any provision of RSA 485-A, RSA 483-B, or Env-Wq 1400 that protects water quality.
20. All manufactured erosion and sediment control products, with the exception of turf reinforcement mats, utilized for, but not limited to, slope protection, runoff diversion, slope interruption, perimeter control, inlet protection, check dams, and sediment traps shall not contain plastic, or multifilament or monofilament polypropylene netting or mesh with an opening size of greater than 1/8 inches.
21. Water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
22. Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
23. Water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
24. Water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
25. Any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland.

26. Temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
27. Equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
28. If any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
29. Within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.
30. If any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
31. The person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
32. The person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
33. The person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
34. All exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, 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. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Karl D. Benedict
Public Works Supervisor, Wetlands Bureau
Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)