



The State of New Hampshire  
Department of Environmental Services

Robert R. Scott, Commissioner



WILLIAM REGAN  
119 MILL ROAD  
DURHAM NH 03824

March 12, 2019

RECEIVED  
Town of Durham

MAR 15 2019

Planning, Assessing  
and Zoning

RE: NHDES Wetlands File #2017-00831, 119 Mill Road, Durham Tax Map/Lot #7/1-70

Dear Mr. Regan:

Based upon review of the above referenced application, in accordance with RSA 482-A, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau is hereby approving your after-the-fact request to retain 400 square feet of forested wetland to install a wooden trail bridge and path. .

This approval is subject to the following project specific conditions:

1. All work shall be in accordance with plans by West Environmental, Inc. as received by the NH Department of Environmental Services (NHDES) on March 5, 2019.
2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

It is also subject to the following general conditions:

1. This after-the-fact approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
2. This after-the-fact approval does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required.

The decision to approve this after-the-fact request was based on the following findings:

1. This is a Minimum impact project per New Hampshire Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet in swamps and wet meadows.
2. In or around 2016, the applicant impacted a total of 1,734 square feet of wetlands without a permit or authorization from NHDES. The applicant has since restored 1,334 square feet of the unauthorized wetland impacts at this site.
3. Pursuant to New Hampshire Administrative Rule Env-Wt 302.03(a)(1), the applicant has demonstrated through techniques demonstrated in its narrative and design that the potential impacts have been avoided to the maximum extent practicable and any unavoidable impacts have been minimized.
4. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NH Natural Heritage Bureau (NHB) has record of sensitive species present within the vicinity of the project area, but NHB does not expect impacts to the species.
6. The Durham Conservation Commission did not submit comments to NHDES.

[www.des.nh.gov](http://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

Any person aggrieved by this decision may appeal to the New Hampshire Wetlands Council (the 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 NHDES Public Information Center at (603) 271-2975.

If you have any questions regarding the intent of this approval do not hesitate to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Price". The signature is fluid and cursive, with the first name "David" and last name "Price" clearly distinguishable.

Wetlands Inspector  
NHDES Wetlands Bureau

cc: Durham Conservation Commission  
Durham Code Enforcement  
West Environmental, Inc.



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**NOTICE TO RECIPIENTS OF  
MINIMUM IMPACT NH WETLANDS PERMITS**

Your permit was approved by the New Hampshire Wetlands Bureau as a minimum impact project, and your project is automatically approved under the Army Corp's New Hampshire Programmatic General Permit.

For the purpose of the NH PGP, Minimum Impact Projects do not include new construction of:

- Dams;
- Dikes;
- Water withdrawal or diversion projects which require fill in wetlands or surface waters;
- Wetlands restoration projects, or any projects which involve work in other than low flow conditions (July 1 – September 30);
- Any projects involving more than 3,000 square feet of a water body or wetland fill and secondary impacts.

Also, not included under Minimum Impact Projects are those projects that include the reconstruction or replacement of currently unserviceable structures/fills. The projects must be reviewed through the screening procedures of minor impact projects. The activities in section 10 waters not regulated by the Wetlands Bureau formerly authorized under the Nationwide Permit Program and listed in Appendix A of this document are designated non-reporting activities.

These approvals do not relieve you from obtaining any necessary local permits that may be required by your town.

If you have any questions, feel free to give us a call at 603-271-2147.

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This notice was sent with minimum impact permit.

