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The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

April 5, 2021

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Ridgewood Association's request to perform work on Great Pond in Kingston as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2020-01476. This project will not have significant impact on, or adversely affect, the values of Great Pond.

Install a 4 foot x 30 foot seasonal pier to the east of all pre-existing docking structures on the frontage resulting in a 31 slip docking facility on an average of 2,287 feet of frontage along Great Pond in Kingston consisting of: five 4 foot x 30 foot seasonal piers, three 3 foot x 20 foot seasonal piers, two 3 foot x 30 foot seasonal piers, two 3 foot x 28 foot seasonal piers, one 4 foot x 24 foot seasonal pier, one 4 foot x 21 foot seasonal pier, one 4 foot x 20 foot seasonal pier, and one 3 foot x 26 foot seasonal pier.

The NHDES imposed the following conditions as part of this approval:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plan as received by the NH Department of Environmental Services (NHDES) on February 11, 2021.
2. This permit shall not be effective until it has been recorded in the Rockingham County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
4. As shown on the approved plan, no structure shall be placed within the wetlands located along the east portion of the property frontage as required per Env-Wt 513.22, (a).
5. Activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.

6. In accordance with Env-Wt 307.04(b), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to not discharge sediment to fish and shellfish spawning or nursery areas or to amphibian and migratory bird breeding areas during spawning or breeding seasons, as applicable, which could necessitate suspending the activities.
7. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
9. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
10. All seasonal structures shall be removed for the non-boating season as required per Env-Wt 513.22.
11. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
12. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, (2), and Env-Wt 513.03 (a).
13. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the wetland boundaries are not accurately depicted or structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

EXPLANATION

The NHDES approved this project on March 04, 2021. The NHDES supported its decision with the following findings:

1. This is classified as a major project per Rule Env-Wt 513.26(c), construction or modification of docking structures providing 5 or more slips.
2. The Applicant has an average of 2,287 feet of frontage along Great Pond in Kingston.
3. A maximum of 31 slips as defined per RSA 482-A:2, VIII may be permitted on 2,287 feet of frontage per Rule Env-Wt 513.12.
4. The combined existing and proposed docking facilities will provide 31 slips as defined per RSA 482-A:2, VIII and therefore meet the requirement of Rule Env-Wt 513.12.
5. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Great Pond a public hearing under RSA 482-A:8 is not required.
6. The Department finds that the project as depicted on the plan submitted and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

Application file documents are being forwarded to the Governor and the Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3, II(a), as it is a major project in public waters of the state.

We respectfully request your approval of this item.

Robert R. Scott
Commissioner

NHDES-W-06-012

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management

Wetlands Bureau

Check the Status of your Application

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

APPLICANT'S NAME: [redacted] **TOWN NAME:** [redacted]

RECEIVED Administrative Only JUN 26 2020 NHDES LAND RESOURCES MANAGEME	INCOMPLETE Administrative Only JUL 09 2020	Administrative Use Only	File No. 2020-01476
			Check No. 1212
			Amount $530
			Initials

*see last page for 3 cks

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard for existing dwellings over water pursuant to RSA 482-A:26, III (b). For more information, please consult the request form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Resource Mapper, or other sources to assist in identifying key features such as priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed? ☒ Yes ☐ No

Does the property contain a PRA? ☐ Yes ☒ No. If yes, provide the following information:

- Does the project qualify for an Impact Classification Adjustment or a Project-Type Exception (See Env-Wt 407.02 and Env-Wt 407.04)? ☐ Yes ☐ No
- Protected species or habitat? ☐ Yes ☐ No. If yes, species or habitat name(s): [redacted]
- NHB Project ID #: [redacted]
- Bog? ☐ Yes ☐ No
- Floodplain wetland contiguous to a tier 3 or higher watercourse? ☐ Yes ☐ No
- Designated Prime Wetland or duly-established 100-foot buffer? ☐ Yes ☐ No
- Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? ☐ Yes ☐ No

Is the property within a Designated River corridor? ☐ Yes ☒ No. If yes, provide the following information:

- Name of Local River Management Advisory Committee (LAC): [redacted]
- A copy of the application was sent to the LAC on Month: [redacted] Day: [redacted] Year: [redacted]

For stream crossing projects, provide watershed size: [redacted]

For dredging projects, is the subject property contaminated? ☐ Yes ☐ No
If yes, list contaminant: [redacted]

Is there potential to impact impaired waters, class A waters, or outstanding resource waters? ☐ Yes ☒ No

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))

Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached" in the space provided below.

Add 2 seasonal/removable dock structures with the following dimensions:
4 x 30
Total sq ft: 240

SECTION 3 - PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: Beach Drive	TOWN/CITY: Kingston
TAX MAP/BLOCK/LOT/UNIT: U12/Lot 77	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Great Pond/Kingston Lake ☒ N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	____° North ____° West

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Ridgewood Association, c/o Richard Russman (association president)		
MAILING ADDRESS: _____		
TOWN/CITY: _____	STATE: _____	ZIP CODE: _____
EMAIL ADDRESS _____	FAX: _____	PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here: RR, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

☒ N/A

LAST NAME, FIRST NAME, M.I.:		
COMPANY NAME:	MAILING ADDRESS:	
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:	FAX:	PHONE:

ELECTRONIC COMMUNICATION: By initialing here ____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

☒ Same as applicant

NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:	FAX:	PHONE:

ELECTRONIC COMMUNICATION: By initialing here , I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each Chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters).

The seasonal/removable docks are being added next to existing approved docks. The docks are not being placed near stream crossings or prime wetlands. The docks are being added on either side of our current seasonal dock structures, therefore, minimizing impact of the surrounding area.

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet.

Please refer to the application checklist to ensure that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). You can use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

(☒ N/A - Mitigation is not required)

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration? ☐ Yes ☐ No

(☒ N/A - Mitigation is not required)

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF, i.e. work was started or completed without required permitting).

For intermittent and ephemeral* streams, the linear footage of impact is measured along the thread of the channel. **Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g. changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland						
	Scrub-shrub Wetland						
	Emergent Wetland						
	Wet Meadow						
	Vernal Pool						
	Designated Prime Wetland						
	Duly-established 100-foot Prime Wetland Buffer						
Surface Water	Intermittent / Ephemeral* Stream						
	Perennial Stream or River						
	Lake / Pond				240		
	Docking - Lake / Pond						
	Docking – River						
Banks	Bank - Intermittent Stream						
	Bank - Perennial Stream / River						
	Bank/shoreline - Lake / Pond						
Tidal	Tidal Waters						
	Tidal Marsh						
	Sand Dune						
	Undeveloped Tidal Buffer Zone (TBZ)						
	Previously-developed TBZ						
	Docking - Tidal Water						
TOTAL					240		

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)			
☐ **MINIMUM IMPACT FEE:** Flat fee of $400			
☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of $400 (refer to RSA 482-A:3, 1(c) for restrictions)			
☒ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:			
Permanent and temporary (non-docking):	SF	× $0.40 =	$
Seasonal docking structure:	240 SF	× $2.00 =	$ 480.00
Permanent docking structure:	SF	× $4.00 =	$
Projects proposing shoreline structures (including docks) add $400 =			$ 400.00
Total =			$ 880.00
The application fee for minor or major impact is the above calculated total or $400, whichever is greater =			$ 880.00

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)		
Indicate the project classification:		
☐ Minimum Impact Project	☒ Minor Project	☐ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)	
Initial each box below to certify:	
Initials: RLR	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: RLR	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: RLR	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 1. Deny the application. 2. Revoke any approval that is granted based on the information. And 3. 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. • 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.
Initials: RLR	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 15 - REQUIRED SIGNATURE (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER):	PRINT NAME LEGIBLY: Ridgewood Association	DATE:
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): RLR	PRINT NAME LEGIBLY: Richard L Russman	DATE: 6/20/2020
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY:	DATE:

SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env-Wt 311.04(f))	
As required by RSA 482-A:3, I(a),(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.	
TOWN/CITY CLERK SIGNATURE: Tammy L. Baker	PRINT NAME LEGIBLY: Tammy L Baker
TOWN/CITY: Kingston	DATE: 6/23/2020

DIRECTIONS FOR TOWN/CITY CLERK:
Per 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.

DIRECTIONS FOR APPLICANT:
Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.

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JUN 26 2020
NHDES
LAND RESOURCES MANAGEMENT

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Little River
Little River
FARM RD
LITTLE RIVER RD
CHASE ST
CHURCH ST
NORTH RD
DEER RUN CIR
ELKINS RD
WOODLAND DR
Greenwood Pond
Kingston
DEPOT RD
ROCKRIMMON RD
BARTLETT ST
W MAIN ST
SCOTLAND RD
CLARK RD
BEACH DR
CAMP LINCOLN RD
BALL RD
Halfmoon Pond
Great Pond
GREAT POND RD
Powwow River
CHENEY RD
MAIN ST
SPOFFORD POINT RD
WADLEIGH PT
SMALL POX RD
Powwow Pond
NEW BOSTON RD
DANVILLE RD
DANVILLE RD
WINDSONG DR
PAGE RD
West Kingston
Powwow River
FOLLY BROOK TER
MADISON AVE
WASHINGTON AVE

NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Dan Thomas
7 Beach Drive

Kingston, NH 03848

From: NH Natural Heritage Bureau

Date: 7/15/2020 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 7/2/2020

NHB File ID: NHB20-1983 **Applicant:** Richard Russman

Location: Kingston
Tax Maps: U12/Lot 77

Project Description: Adding 2 docks to existing 14 docks in Association

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

It was determined that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/2/2020, and cannot be used for any other project.

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

MAP OF PROJECT BOUNDARIES FOR: **NHB20-1983**

NHB20-1983

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

Abutters + Mailing Addresses

	NAME	ADDRESS	TOWN	STATE	ZIP
U-11					
	70 Kathleen Walsh				
	73 Todd C and Deborah J Rich, Trustee				
	74 David A Taylor and Bonnie Price				
U-12					
	7 Town of Kingston				
	77				
	26 Town of Kingston				
	27 Town of Kingston				
	35 Franklin E and Jean M Ralph				
	36 Richard L Russman and Laura J Thibault				
	44 Christine T and Leon D'Amboise				
	68 John W II and Beverly Huckins				
	69 Michael A and Cecilia Termini				
	70 Gary D Tinker, Trustee				
	71 Mark R Thom, Trustee				
	72 Anthony J and Lorraine Digiovanni				
	73 Kevin V and Paula M Mahoney				
	74 Phillip R and Kevin P Brindle c/o/Twila Gagnon				
	75 Victoria Lee Smith				
	76 Scott and Kelley Halik				
	77 Ridgewood Association				
	78 Cynthia R and Douglas E Girard				
	79 Jenna A and Michael R Clements				
	80 Raymond J and Deborah M Quinn				
	81 Dale G and Donna L Winslow, Trustees				
	82 John A and Lynne B Merrill, Trustees				
	83 A David and Rosalie S Grenon				
	84 Christine M Menzies and Kathleen K Walsh				

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LAND RESOURCES MANAGEMENT