



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-03076 PAGE 1 OF 4**

**NOTE CONDITIONS**

**PERMITTEE:** EXETER ROSE FARM LLC  
C/O TODD BAKER  
24 OAK ST EXT  
EXETER NH 03833

**PROJECT LOCATION:** OAK STREET EXT AND FOREST ST, EXETER TAX MAP 54/63 LOT #5, 6,  
7/205

**WATERBODY:** NORRIS BROOK/SQUAMSCOTT RIVER

**APPROVAL DATE:** JULY 08, 2022

**EXPIRATION DATE:** JULY 08, 2027

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Based upon review of permit application 2021-03076 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:** Impact 6,876 square feet of jurisdictional area including 891 square feet of permanent impact (1,748 square feet of temporary impact) to palustrine forested wetland, 2,224 square feet of permanent impact (313 square feet of temporary impact) to a palustrine scrub-shrub wetland, temporarily impact 857 square feet of palustrine wet meadow, permanently impact 335 linear feet of intermittent stream, and 485 linear feet of temporary impact to intermittent and perennial stream, (Norris Brook, Tier 3), to construct an access roadway for a 41-lot residential subdivision. Compensatory mitigation in the form of restoration of 257 square feet impacts within the bed and bank of Norris Brook for the removal of a concrete weir shall be performed to improve aquatic organism passage.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the following plans received by the NH Department of Environmental Services (NHDES) on September 22, 2021:
  - a. Plans by Ross Engineering, LLC dated and revised on August 24, 2021; and,
  - b. Plans by TF Moran, Inc. dated August 15, 2017, and revised through February 9, 2021.
2. In accordance with Env-Wt 524.03(b), permits for subdivisions of 4 or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department.
3. In accordance with Env-Wt 524.05(a), residential, commercial, or industrial development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.
4. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
5. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
6. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.

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

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

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

7. In accordance with Env-Wt 307.03(g)(1), 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.
8. In accordance with Env-Wt 307.03(g)(3) and (4), 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.
9. In accordance with Env-Wt 307.03(g)(2), 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.
10. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
11. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials if erosion control blankets are utilized as requested by the NH Fish and Game Department (NHF&G).
12. In accordance with Env-Wt 307.03(c)(3), 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.
13. In accordance with Env-Wt 307.10(b), work shall be done during low flow or in the dry unless a dredge dewatering, diversion, or cofferdam plan has been approved as part of the project.
14. In accordance with Env-Wt 307.10(f), dredged materials to be stockpiled in uplands shall be dewatered in sedimentation basins that are contained within turbidity controls that prevent turbid water from leaving the basins; and located outside of any jurisdictional area.
15. In accordance with Env-Wt 307.10(d), dredged materials shall be disposed of out of jurisdictional areas, unless other disposition is specifically permitted pursuant to Env-Wt 307.10(e).
16. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use.
17. In accordance with Env-Wt 307.12(h), any trees cut in an area of authorized temporary impacts shall be cut at ground level with the shrub and tree roots left intact, to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area.
18. In accordance with Env-Wt 307.12(b), upon completion of construction, all disturbed wetland areas shall be stabilized with wetland seed mix containing non-invasive plant species only.
19. In accordance with Env-Wt 307.12(c), any seed mix used shall not contain exotic aquatic weed species.
20. In accordance with Env-Wt 307.12(a), 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.
21. In accordance with Env-Wt 307.12(f), 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.

**MITIGATION:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the 'Weir Removal Sequence of Construction' plan by TF Moran, Inc. dated January 28, 2022, and revised through April 12, 2022, as received by the NH Department of Environmental Services (NHDES) on April 14, 2022.
2. In accordance with Env-Wt 807.03(a), within 60 days of completing a mitigation project that included restoration, enhancement, or creation of wetlands or the restoration or enhancement of a stream, or both, the applicant shall submit a signed letter specifying the date of completion and the anticipated dates of submittal of the annual monitoring reports.
3. In accordance with Env-Wt 807.03(b), within 60 days of completing a mitigation project that included restoration, enhancement, or creation of wetlands or the restoration or enhancement of a stream, or both, the applicant shall submit a post-construction monitoring report, documenting the conditions of the restored, enhanced, or constructed wetland or restored or enhanced stream.
4. In accordance with Env-Wt 807.04(a), the permittee responsible for a mitigation project shall submit monitoring reports to the department as specified in the mitigation monitoring plan required by Env-Wt 803.04.
5. In accordance with Env-Wt 803.04(b)(1), mitigation project monitoring shall span no fewer than 5 growing seasons for any mitigation project that includes plantings.


6. In accordance with Env-Wt 803.08(c), as this project requires a federal permit from the US Army Corps of Engineers (US ACE) under section 404 of the Clean Water Act, the applicant shall consult with the US ACE relative to whether additional mitigation items will be required in order to satisfy federal mitigation requirements.
7. In accordance with Env-Wt 807.02(a), prior to the conservation interest being recorded, the natural resources existing on the conservation parcel shall not be removed, disturbed, or altered without prior written approval of the department.
8. In accordance with Env-Wt 807.02(b)(1), prior to work commencing on a project for which the mitigation plan requires conservation restrictions, the permittee shall obtain the signature of the grantee on the document conveying the interest for each parcel to be preserved.
9. In accordance with Env-Wt 807.02(b)(2) and (3), the permittee shall record each document that conveys a conservation interest for each parcel to be preserved at the registry of deeds for the county in which the parcel is located; and submit a copy of each recorded document to the department.
10. In accordance with Env-Wt 807.02(b)(4), prior to work commencing on a project for which the mitigation plan requires a conservation interest to be acquired, the permittee shall submit a digitized polygon file, if available, to be incorporated into the department's geographic information system (GIS) conservation lands layer for the location of compensatory mitigation parcels.
11. In accordance with Env-Wt 807.02(c), within 60 days after issuance of the permit, the permittee shall submit verification that the compensatory mitigation area has been marked by permanent monuments and signs indicating the location of the area.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

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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:



Eben M. Lewis  
Southeast Region Supervisor, Wetlands Bureau  
Land Resources Management, Water Division

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

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PERMITTEE SIGNATURE (required)

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PRINCIPAL CONTRACTOR SIGNATURE (required)