

Atkinson Conservation Commission Minutes
Monday, December 3, 2018
Atkinson Town Hall

Approved 1/7/2019

Members:

Denise Legault, Vice Chair
Peter McVay, Secretary
Dan Kimball
Scott Kukshel
Dennis Krause
Peter Bradshaw, Alternate
Jeff Nenart, Alternate

Others Present:

1) Call to order, attendance

Vice Chair Legault called the meeting to order at 7:31 PM, Monday, December 3, 2018, and declared she would be chairing the meeting in place of Chair Wainwright, who was away. She took attendance, and noted that a quorum was present: Vice Chair Denise Legault, Secretary Pete McVay, Dan Kimball, Scott Kukshel, Dennis Krause, Alternate Peter Bradshaw (voting) and Alternate Jeff Nenart (voting).

2) Review and approval of minutes: November 5, 2018

Vice Chair Legault requested a motion to approve the minutes of the November 5 public meeting of the Atkinson Conservation Commission as amended.

Member Kimball made a motion to approve the minutes of the November 5, 2018 public session of the Atkinson Conservation Commission as amended. Alternate Nenart seconded the motion. Six members of the Atkinson Conservation Commission present at the November 5, 2018 meeting voted in favor with Member McVay abstaining. Vote: 6/0/1.

3) Treasurer's report and 2019 budget:

Vice Chair Legault reviewed the Treasurer's Report, a copy of which is attached to these minutes. Except for the December recording clerk's invoice, all outstanding invoices have been submitted and paid. Dan Kimball reported that he purchased an electric pole saw to replace Tim Dziechowski's gas-powered saw, which we have been using. The cost was \$499.95, as shown in the Treasurer's Report. Any funds left for FY18 will be rolled into the general fund.

4) Page Farm update: Prime Wetland boundary & buffer encroachment:

The Commission reviewed the plan showing the questionable Prime Wetland boundary, and the new proposal to cut into the 100 foot perimeter buffer to allow for additional backyard space for several of the proposed seven additional homes. Copies of these plans are attached to these minutes.

Chair Legault read the following sections from the draft minutes of the November 2018 Planning Board minutes concerning the prime wetland boundary and buffer encroachment:

“The applicant is proposing a dead-end roadway leading to seven more units. It abuts the Town of Atkinson land. ...The roadway is a dead end with a “T” turnaround for large vehicles. ...The roadway avoids the wetlands but goes through the landscape buffer after receiving a variance. ...The variance has not been received yet. ...After speaking with the Conservation Commission, the easement between units 34 and 35 will be moved to the end of the proposed roadway giving better trail access to Town lands.”

Alternate Nenart explained that the easement has not been moved to the end of the roadway, just to a different location on the roadway, not between two units.

“The applicant chose to go through the landscape buffer because there would be less impact to the environment. It only impacts the upland and there are no residential abutters affected.”

Vice Chair Legault commented that there is one abutter – the Town of Atkinson’s Town Forest. Member McVay asked if the soil and the nature of the wetlands was discussed.

Vice Chair Legault also read:

... “he also stated that the abutter is Town land and claimed that a buffer zone is not really needed.”

Then, Chair Wainwright spoke, and stated that he is concerned about erosion. (It is lots 62, 63 and 64.) Mr. Keach informed him that it is a 3-1 slope and that there will be planting. Chair Wainwright explained that he is also concerned about the wetlands around the property which is known as the western part of Sawmill Swamp. He believes that it is one of the most gorgeous, pristine wetlands around. This will be the first development near the wetland. Chair Wainwright spoke to Mr. Jim Gove, wetlands scientist, before the Planning Board meeting concerning two issues. One is, he would like more detail about the prime wetland boundary and the connectivity between the prime wetland and the other wetlands. Mr. Wainwright suspects that they are all connected, but he would like it to be shown on the plan. He and Mr. Gove agreed that a GPS rendering of the prime wetland boundary would be accepted. A complete survey

would not be necessary. He would like everybody to be able to understand what is wetland and what is prime wetland.”

The other issue is what defines the boundary of a prime wetland. Chair Wainwright has had many discussions with Mr. Eben Lewis, DES who states that it is the first upland boundary. Mr. Gove stated that it is a 50-foot rule. After Mr. Gove gets the details, Chair Wainwright will meet with Mr. Lewis to discuss the definition of prime wetland boundary. Mr. Coronati, consultant for the applicant, agreed to a GPS survey. Mr. Gove left before the meeting started.

Chair Wainwright stated as a recap, more work is needed as well as a conversation with Mr. Lewis about the 50-foot rule.”

The Commission discussed buffer rules for wetlands and the buffer for the proposed development. Vice Chair Legault explained that the 50-foot rule is a State rule. Alternate Bradshaw pointed out that a 100-foot landscape buffer is shown on the map. Member Kukshel informed the Commission that the State has no buffer rule other than protected shorelines, lakes of 10 acres or more and four quarter streams. The Town of Atkinson has a 100-foot buffer rule from any wetlands.

Vice Chair Legault stated that Chair Wainwright would like the Conservation Commission input. Member McVay would like to do a site walk and will send an email depending on schedules. A number of questions, one is the soil, another is the 3-1 slope. Alternate Nenart informed him that 3-1 slope is very steep and is the maximum slope that can be stabilized with vegetation. Anything steeper requires a riprap slope.

Member Kukshel read from the NH wetlands law. It states that the State does not have a setback rule, but many municipalities do. It also states that buffer zones for different municipalities can be found using the prime wetlands web tool on the State website. He believes that any wetlands in Atkinson needs at least a 100-foot buffer based on local zoning. He also believes that the developer is pressing too close to the wetlands. He also agrees with Chair Wainwright that the Conservation Commission needs to investigate whether the wetlands on their property are connected to the prime wetland. Member Legault pointed out that the roads are private and the developer planned to salt.

The Conservation Commission agreed that they are concerned about the wetlands buffer and the landscaping buffer. Alternate Bradshaw remarked that Chair Wainwright also stated that the previous survey was only preliminary. Alternate Nenart pointed out that the prime wetlands boundary needs to be ground verified. Member Legault stated Chair Wainwright will return the week of December 17, 2018 and is hoping the Commission can set up a site walk that week.

5) Multi-Town Conservation News – Brent Ebner: Not present

6) Ebner Driveway Update

Nearly completed and the parking area is ready for use. Alternate Bradshaw has walked through it. He says it looks nice.

7) GPS trail mapping progress report – Peter Bradshaw:

Alternate Bradshaw informed the Commission that most of the GPS mapping has been completed but he has not yet uploaded the information. Peter and Pete need to figure out how to make the files useful as trail maps. They will do a report in January.

8) Web Content: Proposed Updates – Pete McVay

Vice Chair Legault reported that Chair Wainwright has been keeping a running list of possible web links as he comes across them. His current list is attached to these minutes.

Member McVay stated that Chair Wainwright wanted Stage One (content) and Stage Two (design) completed. Member McVay stated everyone should have gotten the memo on Stage One. There is a list of links attached to the email regarding possible web content. The second stage is web design. Member Nenart suggested the New Hampshire Land Trust Coalition (nhltc.org) as a link. It lists every land trust in the state.

The Commission discussed how to design the web site and who would design it. Member McVay has discussed with the Town webmaster whether it would be part of the Town website or linked to it. Member Kukshel pointed out that Chair Wainwright would prefer that the Commission use its Facebook page for current content and just use the Town web page as a link.

Member McVay stated that he has a stack of books from UNH and other sources regarding conservation and would like a shelf designated specifically for Conservation material. Member Kukshel gave a stack of books to Chair Wainwright. Member McVay donated some material to the Library previously but it disappeared in the stacks. One solution would be to mark the books donated.

9) Brief Reports & Other Business:

a. Chadwick Town Forest proposed timber cut:

Chair Wainwright spoke to Mr. Moreno and there will be a site walk in January or February. It will be in conjunction with a clearing for a new field.

b. Kutzelman conservation easement recorded (Bk 5960 Pg. 2756):

Vice Chair Legault reported that Chair Wainwright wrote a thankyou letter to the Kutzelmans. The letter is attached to these minutes.

Member McVay informed the Commission that he is looking into easements and rights of way on abutting lands.

c. Field mowing report & proposal for 2019 - Dan Kimball

All three fields have been mowed. Next year, Sawyer [Bonin] and 4H fields need to be mowed. The Orr Field could be skipped if we wanted to use that money for other things, for example a gate to the Robie Lane entrance. The chain is too hard to get back up. Member Kimball had to use a tractor. If the Commission members install it, they can afford a decent gate.

The fields need cutting overhead branches around the edges. The 4H field has a lot of internal growth that needs chain saw cutting. The electric pole saw will help.

In addition to better blazing, branches overhanging the Orr trail from the Community Center to the field needs to be cut also. The Commission discussed if the Boy Scouts could do it, and Member McVay expressed concern about them using the pole saw.

One other issue is the Orr food plot, Member Kimball has limed it and fertilized it but not much grass will grow. Milkweed seems to do well. Trees too.

There are also several branches that need to be removed at the entrance to the Bonin field. Member Kimball will try to get it done. Vice Chair Legault suggested asking Ted Stewart to help.

For future consideration: Member McVay would like to pursue trail grants especially for handicap trails. Slade Town Forest would be a good place. The area is relatively flat and short. There are already trails and minimal roots. Grant money is available. The Sawyer land needs much more work.

d. December Planning Board - Foley Subdivision:

Chair Wainwright filed a complaint with DES concerning the unpermitted wetland crossing and dock, a copy of which is attached to these minutes. The applicant is requesting a subdivision. The dock in question was built several years ago and is apparently on Conservation Land. A survey showing the property line with the town's Conservation land, which is between the Foley's property and Big Island Pond, needs to be done. It was discussed at the site walk. Vice Chair Legault has not heard anything.

e. Dock repairs still needed – no parts yet

Chair Wainwright spoke to Mr. Stewart, the Road Agent, who informed him that he would pull out the dock for repairs.

f. Annual report: please suggest topics to be included

Chair Wainwright would like input on what to put in. The theme is "Did You Know." Alternate Nenart suggested mentioning the new gate at the back of Sawyer. Member

Kukshtel suggested mentioning the new members and the Kutzelman Conservation Easement which was given to the Town. The tri-town forest work is another item.

10) Warrant Articles: Ms. Snicer, Assistant Town Administrator, requested warrant articles.

Alternate Nenart suggested hunting regulations. The issue is that hunting must be allowed on land purchased with federal funds, and some Conservation land has been designated no hunting even though it was purchased with Federal money. Another issue is increase population density surrounding Town land. The Orr forest is one example. Member McVay informed the Commission that a deer was poached within fifty feet of housing on either side. The Commission agreed that posting is necessary.

11) Next Meeting:

Vice Chair Legault asked if there was any new business. There was no more discussion.

The next meetings will be January 7, 2019 and February 4, 2019.

12) Adjournment

Vice Chair Legault requested a motion to adjourn.

Member Kukshtel made a motion to adjourn the December 3, 2018 public meeting of the Atkinson Conservation Commission at 8:34 PM. Alternate Bradshaw seconded the motion. All members of the Atkinson Conservation Commission present voted in favor. Vote: 7/0/0.

Attachments:

- Treasurer's Report
- Page Farm Prime Wetland boundary
- Page Farm 100 foot buffer encroachment
- Possible Web Content Links
- Letter to Kutzelmans
- Complaint Form - Foley - Atkinson Map 22 Lot 12

Town of Atkinson Conservation Commission 2018 Budget Tracking and 2019 Projection

Account number	Description	TM-approved Budget	Encumbered from 2017	Available as of 1/1/2018	Overexpenditures Approved 11/26/2018	Available Budget as of 11/26/2018	YTD 11/1	Spent Since 11/1	Unspent in 2018	Spent in 2018	Proposed 2019
40.46111.110.00	RECORDING CLERK	\$ 600.00		\$ 600.00	\$ 263.00	\$ 863.00	\$ 757.50	Karen: Nov - sub'd 11/11 \$ 45.00 Karen: Dec - estimate \$ 60.00 \$ 105.00	\$ 0.50	\$ 862.50	\$ 1,000.00
40.46111.390.00	OTHER PROF SERVICES	\$ 2,500.00		\$ 2,500.00	\$ 350.00	\$ 2,850.00	\$ 2,150.00	actual Lavelle - lot consolidation \$ 700.00 \$ 700.00	\$ -	\$ 2,850.00	\$ 2,500.00
40.46111.550.00	PRINTING AND BINDING	\$ 100.00		\$ 100.00	\$ (100.00)	\$ -	\$ -		\$ -	\$ -	\$ 1.00
40.46111.560.00	DUES/SUBS/MEMBERSHIPS	\$ 400.00		\$ 400.00	\$ 388.00	\$ 788.00	\$ 363.00	actual NH Ass'n of CC 2019 dues \$ 425.00 \$ 425.00	\$ -	\$ 788.00	\$ 400.00
40.46111.620.00	OFFICE SUPPLIES	\$ 100.00		\$ 100.00	\$ 18.00	\$ 118.00	\$ 118.00		\$ -	\$ 118.00	\$ 1.00
40.46111.625.00	POSTAGE	\$ 1.00		\$ 1.00	\$ 6.00	\$ 7.00	\$ -	Mail Cons Easement Deed \$ 6.70 \$ 6.70	\$ 0.30	\$ 6.70	\$ 1.00
40.46111.650.00	CARE OF GROUNDS	\$ 3,000.00	\$ 900.00	\$ 3,900.00	\$ (871.00)	\$ 3,029.00	\$ 2,070.16	actual Posts and post supports \$ 51.09 actual Mowing - sub'd 11/12 \$ 900.00 \$ 951.09 Dock Repair Parts \$ -	\$ 7.75	\$ 3,021.25	\$ 3,000.00
40.46111.740.00	NEW EQUIPMENT	\$ 500.00		\$ 500.00	\$ 490.00	\$ 990.00	\$ 489.98	actual New Pole Saw (Dan) \$ 499.95 \$ 499.95	\$ 0.07	\$ 989.93	\$ 300.00
40.46111.820.00	MILEAGE	\$ 1.00		\$ 1.00	\$ (1.00)	\$ -			\$ -	\$ -	\$ 74.00
40.46111.840.00	SPECIAL PROGRAMS	\$ 1,225.00		\$ 1,225.00	\$ (1,225.00)	\$ -		Eagle Scout Project \$ - \$ -	\$ -	\$ -	\$ 1,000.00
40.46111.850.00	EDUCATION & CONFERENCES	\$ 100.00		\$ 100.00	\$ 97.00	\$ 197.00	\$ 60.00	Handbooks (3) \$ 30.00 \$ 30.00 Mileage t/f Pembroke \$ 46.78 Nov. 3 in Pembroke \$ 60.00 \$ 106.78	\$ 0.22	\$ 196.78	\$ 250.00
40.46111.875.00	SIGNS	\$ 500.00		\$ 500.00	\$ 585.00	\$ 1,085.00	\$ 1,065.66	Home Depot - sign brackets \$ 9.30 Home Depot - sign brackets \$ 9.30	\$ 0.74	\$ 1,084.26	\$ 500.00
TOTALS		\$ 9,027.00	\$ 900.00	\$ 9,927.00	\$ -	\$ 9,927.00	\$ 7,074.30	\$ 2,843.12	\$ 9.58	\$ 9,917.42	\$ 9,027.00

Jim Gove says this was not actually ground-truthed

Need to show how the wetlands on the plan connect with the West Sawmill Swamp
Prine Wetland

TAX MAP 18 LOT 78
N/F TOWN OF ATKINSON
BACKLAND-MAPLE AVENUE
ATKINSON, NH 03811
BK 2542 PG. 1320

?

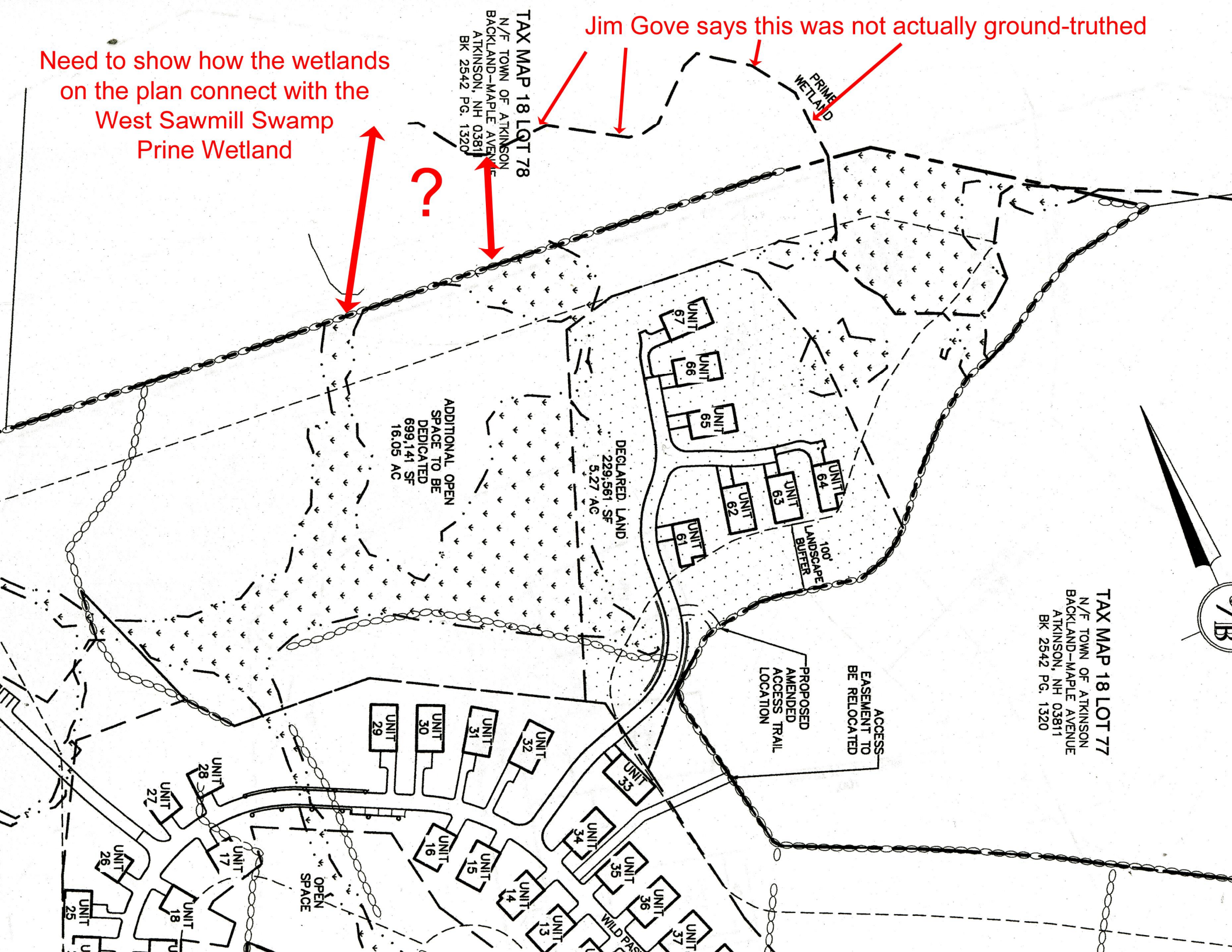
PRIME WETLAND

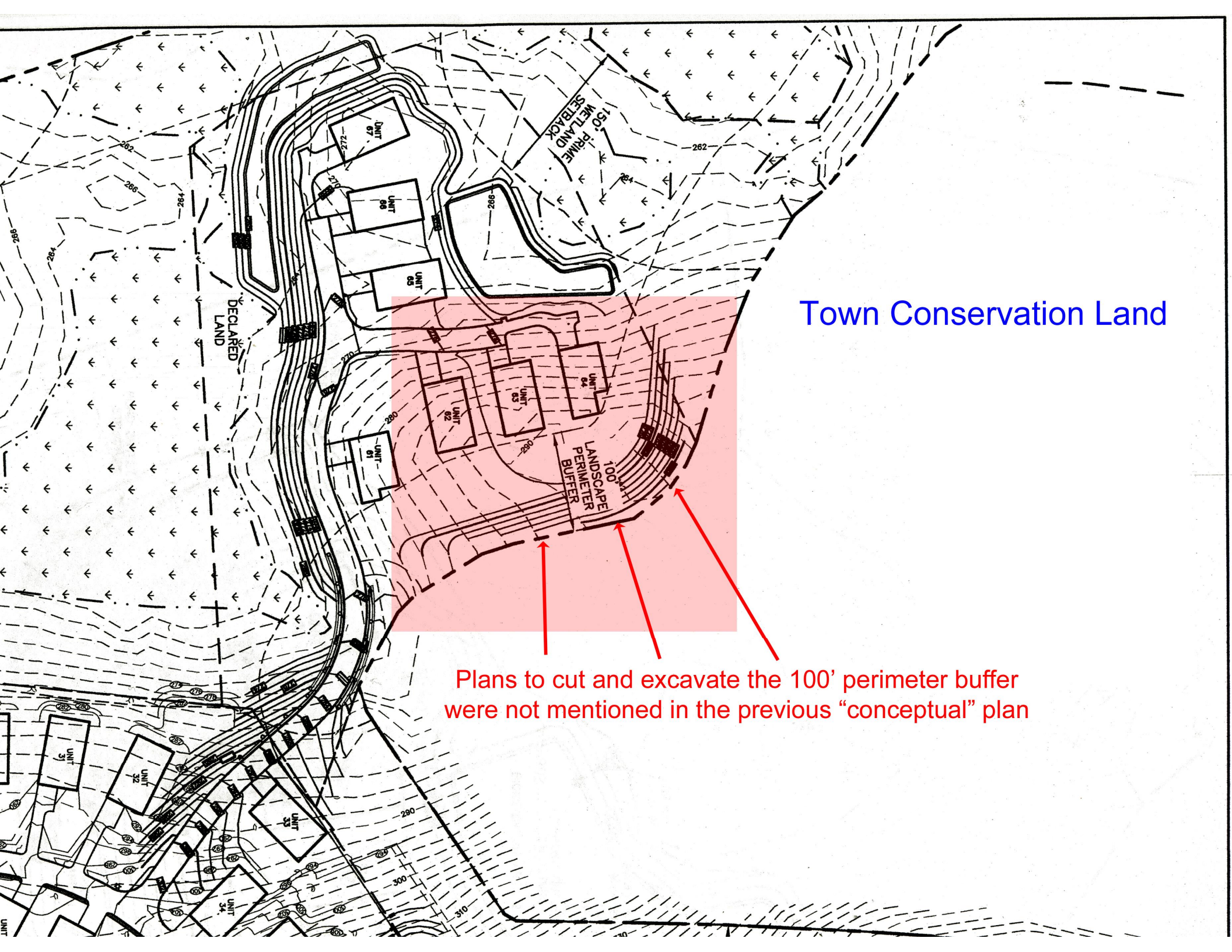
ADDITIONAL OPEN SPACE TO BE DEDICATED
699,141 SF
16.05 AC

DECLARED LAND
299,561 SF
5.27 AC

ACCESS EASEMENT TO BE RELOCATED
PROPOSED AMENDED ACCESS TRAIL LOCATION

TAX MAP 18 LOT 77
N/F TOWN OF ATKINSON
BACKLAND-MAPLE AVENUE
ATKINSON, NH 03811
BK 2542 PG. 1320





Town Conservation Land

Plans to cut and excavate the 100' perimeter buffer were not mentioned in the previous "conceptual" plan

From Greg Jordan 2018_08_03: NH Cooperative Extension's invasive plant information:

<https://extension.unh.edu/resource/invasive-plants>

There's lot of great information on this page (including lots of identification help).

From Greg Jordan 2018_08_03: The Invasives Academy is a 2-Day workshop that will be held at Odiorne Point State Park.

<https://extension.unh.edu/blog/nh-invasives-academy>

From Pete McVay 2018_08_14: Dirt, Trees, and Wildlife

<https://dirttreeswildlife.org/>

DTW Mapper is an online tool that facilitates exploration of the relationships between soils, forests, and wildlife.

Homeowners Guide to Stormwater Management (from Denise Legault 10/1/2018)

<https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-11-11.pdf>

Info about SEALCOATING: (from Denise – paper – 10/11/2018) – posted on FB 10/17/2018

<https://tx.usgs.gov/sealcoat.html>

From Denise (paper) 10/11/2018 - Integrated Pest Management: an Alternative to Pesticides

<https://www.des.nh.gov/organization/commissioner/pip/factsheets/sp/documents/sp-3.pdf>

From Denise (paper) 10/11/2018 - Proper Lawn Care within the Protected Shoreland

<https://www.des.nh.gov/organization/commissioner/pip/factsheets/sp/documents/sp-2.pdf>

From Denise (email) 10/29/18 – Managing Food Waste

<http://secure.campaigner.com/csb/Public/show/dz98-uher9--ijqo7-a4jip9m3>

From Pete (email) 11/27/18 – DES Guide to Groundwater Protection

<https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-07-29.pdf>

TOWN OF ATKINSON CONSERVATION COMMISSION
21 Academy Avenue
Atkinson, New Hampshire 03811

November 28, 2018

Mr. & Mrs. George Kutzelman
P.O. Box 1208
Atkinson, NH 03811

Dear George and Lyn –

On behalf of the Atkinson Conservation Commission, I want to extend my sincere thanks for your very generous gift to the Town of a conservation easement on your property located on Maple Avenue, Tax Map 9 Lot 40. Your desire to protect this nearly 10-acre parcel from future development is exemplary, and will insure this important piece of land in the heart of the town will remain as a wooded open space for future generations of Atkinson residents to enjoy. Thank you!

Sincerely,



Paul Wainwright, Chair, Atkinson Conservation Commission

email: conservation@atkinson-nh.gov

Copy to :

Board of Selectmen, Town of Atkinson



LAND RESOURCES MANAGEMENT PROGRAM COMPLAINT FORM



Water Division / Land Resources Management Program

This complaint form is a means for the general public to report violations of New Hampshire environmental laws falling under the jurisdiction of the New Hampshire Department of Environmental Services' Land Resources Management Program (LRMP) (Alteration of Terrain, Shoreland, Subsurface, Wetlands). Due to the vast amounts of complaints submitted, LRMP relies on the public to provide thorough and accurate information. Before completing this form, please visit the [Land Resources Management Complaints webpage](#) and Page 3 of this form, "Frequently Asked Questions Relative to Submitting and Following Up on a Complaint." **Please type or print neatly and answer all questions as completely as possible; incomplete forms and anonymous complaints are not investigated.**

1. LOCATION OF ALLEGED VIOLATION			
ADDRESS: 5 Chase Island Road		MUNICIPALITY: Atkinson	
WATERBODY: Big Island Pond, and adjacent wetland		TAX MAP: 22	LOT NUMBER: 12
2. ALLEGED VIOLATOR CONTACT INFORMATION			
Who is responsible for the alleged violation(s)? <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Forester <input type="checkbox"/> Logger <input type="checkbox"/> Designer <input type="checkbox"/> Installer <input type="checkbox"/> Other: _____			
CONTACT NAME:		COMPANY NAME:	
ADDRESS:	CITY:	STATE:	ZIP:
PHONE:	EMAIL:		
3. PROPERTY OWNER CONTACT INFORMATION (IF DIFFERENT FROM ALLEGED VIOLATOR)			
NAME: Mr. & Mrs. James Foley		PHONE:	EMAIL:
ADDRESS: 5 Chase Island Road	CITY: Atkinson	STATE: NH	ZIP: 03811
4. COMPLAINANT CONTACT INFORMATION (YOU MUST COMPLETE THIS INFORMATION, ALTHOUGH YOU CAN CHOOSE TO REMAIN CONFIDENTIAL TO PARTIES OUTSIDE OF NHDES)			
NAME: Paul Wainwright, Chair, Town of Atkinson Conservation Commission			
ADDRESS: 21 Academy Avenue		CITY: Atkinson	STATE: NH ZIP: 03811
TAX MAP:	LOT NUMBER:	PHONE: (603) 362-6589	EMAIL: conservation@atkinson-nh.gov
Would you like your information to remain confidential? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. IMPACTED RESOURCE			
<input checked="" type="checkbox"/> Lake/Pond <input type="checkbox"/> River/Stream <input checked="" type="checkbox"/> Non-Tidal Wetland <input type="checkbox"/> Saltmarsh <input type="checkbox"/> Tidal Buffer Zone <input type="checkbox"/> Sand Dunes <input type="checkbox"/> Protected Shoreland (Disturbance within 250 feet of a public waterbody) <input type="checkbox"/> Upland (Land disturbance of $\geq 100,000\text{ft}^2$ or $\geq 50,000\text{ft}^2$ if within the Protected Shoreland) <input type="checkbox"/> Septic System			
6. THE ALLEGED VIOLATION (ALL INFORMATION MUST BE OBTAINED WITHOUT TRESPASS)			
Date Activity Began: / /		Date Activity Ended: / / <input checked="" type="checkbox"/> Ongoing	
RSA 482-A: NH Wetlands Law			
<input checked="" type="checkbox"/> Dredge, fill, or construction in any wetland, in or adjacent to a tidal buffer zone, or sand dune. <input type="checkbox"/> Impacting the bed or bank of a waterbody without a permit from NHDES (for example installation of a culvert or retaining wall). <input type="checkbox"/> Adding sand to a beach or constructing a new beach adjacent to any surface water without a permit from NHDES. <input checked="" type="checkbox"/> Installing a dock, wharf, or pier in any surface water or their banks without a permit from NHDES. <input type="checkbox"/> Failure to install or maintain appropriate erosion and sediment controls. <input checked="" type="checkbox"/> Description: Filling of wetland, with culvert, for a gravel drive, and installation of a dock on Big Island Pond			

shoreland@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

RSA 483-B: Shoreland Water Quality Protection Act (Disturbance within 250 feet of a public waterbody*)

* **Only IF** the subject waterbody of the alleged violation is listed on the [NHDES Consolidated List of Waterbodies Subject to the Shoreland Water Quality Protection Act](#), should one or more of the boxes below be checked.

- Vegetation removal beyond permissible limits of Waterfront Buffer (0-50 feet) or Natural Woodland Buffer (50-150 feet).
- New construction or expansion of an existing footprint or impervious surface.
- Using mechanized equipment to excavate, re-grade, or remove soil.
- Using mechanized equipment to fill any areas with rocks, soil, gravel, or sand.
- Failure to install or maintain appropriate erosion and sediment controls.
- Description:**

RSA 485-A: Alteration of Terrain

- Land disturbance activities that results in a temporary or permanent disturbance of an area that is more than 2,500 square feet in size, is within 50 feet of any surface water, and has a flow path of 50 feet or greater disturbing a grade of 25% or greater, measured at 2 foot intervals.
- Land disturbance (grading, filling, dredging, mining, excavating, blasting, construction, removal of topsoil, removal of stumps, or any activity that results in a change to the preexisting ground conditions) that has disturbed a total contiguous area \geq 50,000 ft² within the Protected Shoreland.
- Land disturbance (grading, filling, dredging, mining, excavating, blasting, construction, removal of topsoil, removal of stumps, or any activity that results in a change to the preexisting ground conditions) that has disturbed a total contiguous area \geq to 100,000 ft² (2.30 acres).
- Failure to install or maintain appropriate erosion and sediment controls.
- Description:**

RSA 485-A: Water Pollution & Waste Disposal

- Installation of a new septic system without a permit or replacement of an existing septic system without approval from NHDES.
- Failing septic system.
- Discharge of wastewater to surface to the ground or to surface water.
- Description:**

7. ADDITIONAL ATTACHMENTS

Please submit the following with this complaint form:

- Tax card and tax map of the property relative to the complaint.
- Photographs of the alleged violation(s) identifying the date the photos were taken and a description of what they depict.

8. OTHER INFORMATION

Have you contacted your local town conservation commission, health or code enforcement officer, or any other municipal or state official regarding this matter? Yes No **IF YES:**

Town Official's Name: Self Title: Phone:

What, if any, action has been taken?

9. SIGNATURE

I understand that I am providing the information in this complaint to NHDES, a state agency with the authority to investigate and take legal action for certain violations of the law. I understand that any information I provide in this complaint must be true and accurate to the best of my knowledge.

SIGNATURE: Signed Electronically	PRINT NAME LEGIBLY: Paul Wainwright	DATE: 11 / 06 / 2018
-----------------------------------------	--------------------------------------------	-----------------------------

FREQUENTLY ASKED QUESTIONS RELATIVE TO SUBMITTING AND FOLLOWING UP ON A COMPLAINT

For your records. Please do not submit with the complaint form.

- **Can I be an “anonymous” complainant?** The Land Resources Management Program *does not* process “anonymous” complaints where the complainant does not provide their name and contact information on the complaint form. Complainants *can* elect to be a “confidential complainant.”
- **What is a “confidential complainant”?** A complainant may elect to be a “confidential complainant” on the Land Resources Management Complaint Form, but the complainant’s name and contact information must be included on the complaint form. This information is redacted within the public file and is not disclosed to the public. In the event a compliance case requires adjudication within the NH Court System, the defendant and / or their legal counsel has the right to know the name and contact information of the complainant.
- **How do I find the tax card and tax map?** Tax cards and tax maps can typically be found on the town’s assessing webpage or online via websites such as [Vision Government Solutions](#) or [Avitar Associates of New England](#). Tax maps can typically be found on the town’s assessing webpage or through a call to the town assessor’s office.
- **What happens after a complaint is received?** Once a completed complaint form and additional attachments are received by the Land Resources Management Program, the information is entered into an internal database within 1-3 business days and the file is assigned a nine-digit number (For example: 2017-01234). The file is then given to the [regional compliance inspector](#). Next, a letter is issued to the “alleged violator” notifying them of the nature of the complaint, providing them 20 days to respond in writing, and informing them that the case has been added to our inspection list. The Land Resources Management Program will assess environmental harm. Complaints alleging an immediate or ongoing threat to water quality, an immediate or ongoing threat to public health, and / or an immediate or ongoing threat that has the potential for irreversible harm to the environment are given a high priority. Complaints alleging a violation involving docks are given a low priority. Other complaints are given a medium priority.
- **What happens if a violation is observed and documented?** If a violation of NHDES Land Resources Management laws or administrative rules is discovered during the complaint investigation process, the Land Resources Management Program will determine an appropriate compliance action that is the most likely to achieve compliance, and, if necessary, provide remediation to the environment. Typically, the Land Resources Management Program begins by requesting the property owner and / or contractor restore unauthorized impacts to regulated resources. The Land Resources Management Program can use a variety of compliance actions, including, but not limited to: Letters of Deficiency, Administrative Orders, Administrative Fines, and referral to the NH Attorney General’s Office. Each of these compliance actions are described in detail within the [NHDES Compliance Assurance Response Policy](#) (CARP).
- **How can I get an update on the status of my complaint?** While you will not be copied on correspondence and contents of the file you may contact the [NHDES Public Information and Permitting Unit](#) at any time to either perform a file review, or obtain a copy of the file (at cost). Please call (603) 271-8808 to schedule a file review or have copies of the file made. Additionally, you may contact the regional inspector with questions. It is recommended you contact the inspector no more than every 20-30 days. The [regional compliance inspectors](#) have high workloads, especially during the summer and fall. Please be patient as they work through your complaint along with many others.

For more information, please visit [Complaints Filed under the Land Resources Management Program](#)

[What constitutes a violation and warrants a formal complaint?](#)

[What complaints are not addressed by the Land Resources Management Program?](#)

[What activities require a permit from the Land Resources Management Program?](#)

[What activities do not require a permit from the Land Resources Management Program?](#)

[How can I determine if the activity has been permitted?](#)

[What do I do if the activity has not been permitted?](#)

shoreland@des.nh.gov or (603) 271-2147

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