

Tamworth Conservation Commission

George & Noreen Saco
47 Mills Avenue
Revere, MA 02151

October 22, 2009

Re: Advisory information regarding wetlands regulations pertinent to your activities

George:

Back in the summer, we spoke twice about your plans to install a culvert in a small stream feeding into the pond at your property along Chinook Trail. I advised you that you likely need a permit from the NH Dept. of Environmental Services Wetlands Bureau (DES). In addition, I said the Tamworth wetlands ordinance prohibits work in wetlands or within 25 feet of wetlands without a Special Use Permit and/or buffer waiver.

I appreciate that, upon my speaking with you the first time, you stopped work on your project and you have taken no further action.

Now, however, more than a month has passed since we last spoke, and I am not aware that you have submitted any permit applications, either at the state or local level.

When I last spoke with you, you explained to me that the NH wetlands regulations allow for maintenance of fire ponds without a permit, under specific circumstances. You are correct. I spoke today with a staff person at DES, and she confirmed this. However, you told me you are intending to place a culvert in the stream feeding the pond so that you can have access to a presumed upland area in back of the pond for parking vehicles. This likely does *not* qualify as maintenance of a fire pond. Therefore, you likely need to file a permit application with DES. A Permit-by-Notification Type #1 for culverts may be a possible option; otherwise a standard minimum impact dredge & fill permit would likely be required. You would have to consult with NH DES staff on this; they can be reached at 271-2147.

Regarding the local wetlands permit process: You should have had a Special Use Permit (SUP) for this work, prior to starting it. The local ordinance says this about SUPs:

Special Use Permits may be issued by the Board(*), after proper public notice and public hearing, for undertaking the following uses in the Wetlands Conservation District...

(a) Streets, roads, and other access ways, utility right-of-way easements, including power lines and pipe lines, if so located and constructed as to minimize any detrimental impact to such uses upon the wetland....

I think it is possible that you could be granted an SUP for this project. You may want to consult with the Planning Board and/or Conservation Commission to get a sense of the permissibility of what you propose, prior to spending time and money on the application process.

Lastly, the removal of the tree stump that you completed at this site is likely subject to the state's Comprehensive Shoreland Protection Act (CSPA). Your property lies entirely within the protected shoreland, which extends 250 feet from the Swift River. Within 50 to 150 feet of the river, trees may be removed, but, according to the DES fact sheet on the topic: "Within the natural woodland buffer [50 - 150 feet from the river], if trees are removed their stumps may be removed as well. However, if mechanized equipment is necessary for stump removal, this activity is considered excavation and requires a shoreland permit." The DES shoreland program can be reached at the same phone number as the wetlands program.

As noted, you are possibly in violation of three state and local regulations. You may need as many as three permits to proceed.

This letter is only advisory. The Conservation Commission is only advisory.

Because I am a neighbor of yours, I will necessarily recuse myself from any formal discussion of these matters or any decision-making regarding them.

Sincerely,



Ned Beecher, Chair
Tamworth Conservation Commission
84 Main Street
Tamworth, NH 03886

cc. Tamworth Selectmen

~~Tamworth Planning Board~~
NH Dept. of Environmental Services, Wetland Bureau