



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



**Robert R. Scott, Commissioner**

**REQUEST FOR MORE INFORMATION**

August 5, 2020

Mr. Justin Dunn  
Hillwood Enterprises, L.P.  
5050 W. Tilgham Street, Suite 435  
Allentown, PA 18104  
(Via Email: justin.dunn@hillwood.com)

RE: Alteration of Terrain Permit Application #200630-092  
Tax Maps 234, 239, Lots 5,34,35;1 – Hudson, NH

Dear Mr. Dunn:

The Department of Environmental Services (DES) is in receipt of an application and supporting plans and information, for an Alteration of Terrain Permit for the above referenced project. After review of the information submitted, the following items need to be addressed in order for DES to make a **final determination** on the application for a permit:

1. In order to align Alteration of Terrain administrative rule Env-Wq 1503.19(h) with statutory requirements of RSA 212-A:9, III, the NHDES adopted a rule amendment effective June 2, 2020. The department shall not issue an AOT permit unless the applicant demonstrates that all of the following criteria are met: As required by RSA 212-A:9, III, the project has been designed in a manner that will not “jeopardize the continued existence of [state- or federally-listed threatened or endangered] species or result in the destruction or modification of habitat of such species which is determined by the executive director [of the New Hampshire fish and game department (NHF&G)] to be critical”, as demonstrated by the report of a study of the proposed project site that is performed by a wildlife biologist who has education and experience in performing property surveys for threatened or endangered species, using an accepted process such as that established in EPA’s ecological risk assessment methodologies (<https://www.epa.gov/ecobox>), that is:
  - a. Submitted to the department with the application and which demonstrates that:
    - i. No threatened or endangered species, designated critical habitat for threatened or endangered species, or travel corridors for threatened or endangered species is present on the site or potentially impacted by the project; or
    - ii. If any threatened or endangered species, designated critical habitat for threatened or endangered species, or travel corridors for threatened or endangered species is present on the site or potentially impacted by the project, the applicant has coordinated with NHF&G on potential impacts of the proposed project thereon, such that the proposed project, including any conservation measures recommended by NHF&G to the benefit of the affected species, cannot reasonably be expected to jeopardize the continued existence of such species or result in the destruction or modification of designated critical habitat; and
  - b. Reviewed by the department in consultation with NHF&G.

**It is highly recommended that you contact NHFG to discuss the scope of the study required for this site and proposed project.**

2. Please provide construction details for all stormwater BMP's.
3. Please provide field data for stormwater BMP's (test pit logs, seasonal high water, infiltration rates)
4. An Infiltration Feasibility Report is required pursuant to Env-Wq 1504.13. The infiltration feasibility report must include copies of the data sheets for measurement of infiltration rates.
5. The Project Site has a Flood Zone A located in the south eastern corner of the project. Was a flood elevation determined for this zone as per Env-Wq 1503.09(c)(2) to determine if there are any impacts.
6. The Natural Heritage Bureau (NHB) identified threatened and/or endangered (T&E) species with the datacheck tool. Follow up with the NHB and NH Fish & Game Dept. as necessary to address concerns associated with T&E species, and how the requirements of Env-Wq 1503.19(h) can be met. Summarize how their comments are being addressed, and provide copies of correspondence to NHDES.
7. Some of the storms distributions were run as Type II. Please correct these to Type III storms and resubmit analysis.
8. It has been indicated that changes are being made to the plans based on comments received from Wetlands Application. Please provide any changes with the resubmission.
9. For all the BMP Worksheets please provide all the geotechnical information for determining SHWT and depth to bedrock. Because of this information not being provided a complete evaluation of the stormwater systems has not been done.
10. Please provide information how the infiltration ponds were sized without infiltration rates being provided.
11. Please address the comments and concerns raised by the Lower Merrimack River Local Advisory Committee.
12. Please provide how an exfiltration rate of 1.5 (by contour) was determined.
13. Please provide the BMP worksheet for the Groundwater Recharge Volume (GRV) and on the BMP worksheet for the Groundwater Recharge Volume (GRV), indicate where the recharge will occur and calculate the volume which can be recharged at each practice. As a simplified check on recharge volume, the discarded flow during 1-year or 2-year storm can be referenced.
14. It doesn't appear that riprap sizing calculations were provided (Env-Wq 1504.09(d)).
15. After any necessary revisions to the drainage analysis, submit a revised summary table of the 2-year, 10-year and 50-year pre- and post-development flows, as well as the 2-year pre- and post-development runoff volumes or 1-year flow (pre) as necessary to show compliance with the requirements of Env-Wq 1507.059(b). Also, include a revision date on the analysis, such as in the file name or in the Project Notes screen.
16. When project activities are located within 50 feet of a water body or wetland, please show a double row of perimeter controls on the plans.
17. Pursuant to *Env-Wq 1507.08, Long-Term Maintenance*, provide the following with the Inspection and Maintenance Manual:
  - a. the names of the responsible party or parties who will implement the required inspections and reporting;
  - b. an I&M log to document each I&M inspection and/or maintenance activity, (This is different than the inspection checklists. It is a table allowing for listing dates of inspections and by whom.);
  - c. a deicing log;

- d. a plan clearly showing the locations of all the stormwater practices described in the I&M manual (8.5" x 11" or 11" x 17" sheet is recommended);
  - e. actions to be taken if any invasive species grow in the stormwater management practices;
  - f. although not required by Env-Wq 1500, please also include a note indicating that inspection and maintenance records must be provided to DES upon request.
18. On the grading plan, show the location of a temporary construction exit, and call out that catch basin inlet protection and erosion control blankets are required.
19. Construction Entrance Detail:
- a. Pursuant to Env-Wq 1506.09, the entrance must be 75 feet in length unless a 3 inch to 6 inch berm is installed.
  - b. The stone size must be a minimum of 3".
20. Env-Wq 1503.21(c) requires that that the permit holder and a qualified engineer certify that the project was completed in accordance with the approved plans, or that deviations were made which did not require an amended or new permit. A permit condition will require this certification.
21. Please include a sediment trap detail in accordance with Env-Wq 1506.10.
22. Please add/or edit the following notes to your plans:
- Runoff must be directed to temporary practices until stormwater BMPs are stabilized.
  - Stormwater ponds, infiltration basins and swales must be stabilized prior to directing runoff to them.
  - Limit the area of disturbance to less than 5 acres at anytime.
  - Stabilized means:
    - In areas to be paved, base course gravels meeting the requirements of NHDOT Standard for Road and Bridge Construction, 2016, Item 304.2 have been installed.
- a. For Infiltration Basin:
- Do not traffic exposed soil surface with construction equipment. If feasible, perform excavations with equipment positioned outside the limits of the infiltration system.
  - After the infiltration system area is excavated to the final design elevation, the floor should be deeply tilled with a rotary tiller or disc harrow to restore infiltration rates, followed by a pass with a leveling drag.
  - Do not place infiltration systems into service until the contributing areas have been fully stabilized.
23. Pursuant to Env-Wq 1503.15(b), changes to the revised plans are to be called out and a revision date must be added to each page that has been changed. Graphical revision call-outs should be included on the plans. If any changes to the plans or the hydrologic/hydraulic analysis were made other than those identified above, please indicate what additional changes were made in your response letter. Please only send copies of revised plan sheets.

In addition, please be prepared to submit a CD within one week after the permit approval. The CD needs to contain all of the information submitted to the department for a permit approval, including the application, the approved plans, etc; all in PDF format. A hard copy of the *revised* plan sheets and drainage report are still needed for approval.

Please be aware that pursuant to RSA 485-A:17, **all of the information requested above must be provided in a single and complete response within the next 120 days, by December 3, 2020, or your application will be denied.** Please

include the file number on your response to this request, as well as a narration of the changes from the current application. If you have any questions, please call me at (603) 426-8787 or email at: [michael.hansen@des.nh.gov](mailto:michael.hansen@des.nh.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael H.", followed by a long horizontal line extending to the right.

Michael Hansen, P.E.  
Alteration of Terrain Bureau

cc: Hudson Planning Board (via email)  
Nathan Kirschner, Langan Engineering & Environmental Service (via email)  
Gene Porter, LMRLAC (via email)