



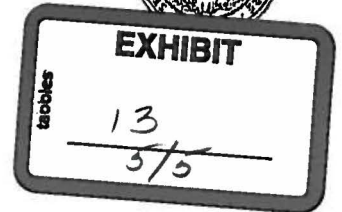
The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

June 24, 2014

RESTORATION PLAN APPROVAL

Exhibit \_\_\_\_\_



James Champion  
44 S Main St  
Hanover, NH 03755

RE: File # 2011-00925, Etna Road, Lebanon  
Tax Map/Lot #26/17

Dear Mr. Champion:

On June 18, 2014, the Department of Environmental Services ("DES") received a proposed site restoration plan (the "Restoration Plan") for your property located at Etna Road, more specifically referenced on Town of Lebanon Tax Map 26 as Lot 17 (the "Property"). This site has been the subject of DES enforcement action for filling approximately 10,640 square feet of wetlands without a permit. DES hereby approves the Restoration Plan as submitted, subject to the following specific conditions. If there is a conflict between the Restoration Plan and this Restoration Plan Approval, the Restoration Plan Approval will control.

1. By August 30, 2014, approximately 10,640 square feet of wetlands shall be restored and/or created, constructed, monitored and managed in accordance with the Restoration Plan and all project descriptive details submitted to DES on June 18, 2014, by Holden Engineering and Surveying, Inc.
2. The construction/restoration shall be done according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.
4. Construction design and intent for the proposed detention pond #8 and associated structures are contingent on final approval by the DES Alteration of Terrain Bureau.
5. The construction and installation of the outlet structure and associated rip-rap channel for

*Restoration Plan Approval*  
*File #2011-00925*

detention pond #8, located on property identified as Lot 10 on Tax Map 50, is contingent upon approval from the affected abutter.

6. A qualified environmental consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.
7. Siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All steps shall be taken during the construction/restoration necessary to ensure that no water quality violations occur on the Property.
9. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
10. No machinery shall be used within undisturbed DES jurisdictional areas on the Property during the restoration
11. All material removed during restoration activities shall be placed out of DES's jurisdiction.
12. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
13. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other invasive species shall not be used in the wetland restoration site.
14. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and glossy buckthorn (*Frangula alnus* Mill.) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
15. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.
16. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES.
17. The qualified environmental consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 14 days of the restoration. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

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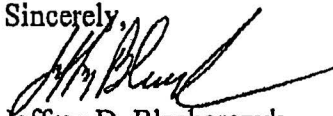
18. Subsequent monitoring reports shall be submitted to DES by **June 15, 2015** and **June 15, 2016** to document the success of the restoration and outline a schedule for remedial actions if necessary. Such reports shall be submitted to DES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions and conducting follow up inspections.
19. Remedial actions may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.
20. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
21. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state or federal permits that may be required.
22. Transfer of ownership of the Property shall require notification to DES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

DES personnel may conduct another inspection at a later date to determine compliance with the provisions of the approved restoration plan and all other applicable DES statutes and rules.

Following completion of the restoration work, monitoring reports should reference DES File Number 2011-00925, and should be addressed as follows:

Jeffrey D. Blecharczyk, Compliance inspector  
Department of Environmental Services  
Land Resource Management Program  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

If you have any questions concerning the contents of this Restoration Plan Approval letter, please contact me at (603)271-6876 or via e-mail at [Jeffrey.blecharczyk@des.nh.gov](mailto:Jeffrey.blecharczyk@des.nh.gov).

Sincerely,  
  
Jeffrey D. Blecharczyk  
Compliance Inspector  
DES Land Resource Management Program

cc: Lebanon Conservation Commission  
Lebanon Board of Selectmen  
Holden Engineering and Surveying, Inc.