



**TOWN of CENTER HARBOR
CONSERVATION COMMISSION
P.O. BOX 140
CENTER HARBOR, NH 03226**

Tel: 603-253-4561
Fax: 603-253-8420

May 12, 2021

Ms. Kristin L. Duclos, Wetland Specialist
Wetlands Bureau, Land Resources Management
Water Division, NH Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

RE: NHDES Dredge and Fill in Wetlands Application #2021-01076
TML 212-32 Kline Road, Center Harbor, NH 03226

Dear Ms. Duclos:

As you recall, the Center Harbor Conservation Commission met on April 20, 2021 and subsequently voted to notify the NHDES of its intention to investigate this application; notice of its intent was provided to you the same day.

On April 24, 2021, a site visit of the above referenced property was conducted following a significant rain event.

Based on the Commission's extensive review of this application and its supporting documentation, along with its site inspection, the Commission is uncertain what overall impact to this wetland complex would occur if construction proceeds as proposed. The Commission's uncertainty is based on the following factors: indeterminate degree of overall environmental impact and project scope involving TML 212-32, particularly in regards to water diversion and disbursement, along with a documented absence of plans for future possible development of TML 212-32 and related infrastructure requirements and specifics.

Moreover, even though the NHDES letter of administrative completeness of this application dated April 12, 2021 states that "NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project", it is incumbent on the Conservation Commission to alert the Center Harbor Board of Selectmen, the Code Enforcement Officer, and the Planning and Zoning Boards that the project application and its scope violates the "permitted uses" allowed by the Town's Water Resources Conservation Overlay District (Zoning Ordinance, Chapter 10). It is the Commission's belief that this project requires either a special exception or a variance from the Town's Zoning Board of Adjustment.

Respectfully submitted,

Maureen A. Criasia, Commissioner

Enc: Center Harbor Conservation Meeting Minutes dated April 20, 2021 (approved)
Center Harbor Conservation Commission Site Walk Minutes dated April 24, 2021 (approved)

cc: Center Harbor Board of Selectmen
Center Harbor Planning and Zoning Boards
Center Harbor Code Enforcement Officer
Municipal Attorney Christopher Boldt
Applicant of Record – Edwin Kline
Applicant’s Attorney – Eric Taussig