



NEW HAMPSHIRE
TURTLE RESCUE



New Hampshire Turtle Rescue, Inc.
P.O. Box 185
Nottingham, NH 03290

Greetings!

My name is Drew Stevens, and I am the President of New Hampshire Turtle Rescue in Nottingham, NH. I'm reaching out to you because spring has sprung and turtles have started crossing local roads as they migrate to their nesting habitats. If you encounter any injured or distressed turtles, we would be more than happy to assist in their rescue and rehabilitation.

Our clinic is the only facility in New Hampshire licensed to care for the four state-listed turtle species: Blanding's Turtle, Spotted Turtle, Wood Turtle, and Eastern Box Turtle. **If you encounter one of these species, please call or text us immediately at (603) 417-4944.** These species are slow to mature but live a very long time, leading to their populations relying heavily upon a relatively small number of reproductive individuals. Major threats to these populations include: car strikes, dog attacks, lawnmowers, and swallowed fishhooks.

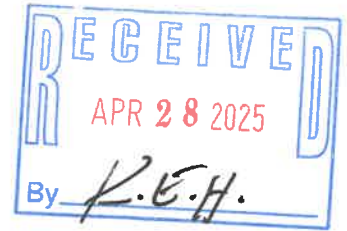
Our mission at New Hampshire Turtle Rescue is to provide comprehensive care for injured turtles, with the ultimate goal of releasing them back into their homes once they are fully recovered. We have a dedicated team that provides medical care, rehabilitation, and recovery support for injured turtles. You can view patient updates on the NH Turtle Rescue page on Facebook.

If you or any of your Commission members encounter an injured turtle I encourage you to call or text anytime at **(603) 417-4944**. I believe that by working together, we can make a positive impact for the imperiled populations of turtles in our community. And remember, if you encounter a turtle crossing a road, simply help them cross in the direction they are heading, and do not relocate. As an alternate member of the Nottingham Conservation Commission, I appreciate your dedication to conservation!

Sincerely,

Drew Stevens
President
New Hampshire Turtle Rescue

Dallas Huggins
Executive Director
New Hampshire Turtle Rescue



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

INTERVENOR'S MOTION TO DISMISS

Now comes, Jon and Joan Dickinson, through their counsel, Rath, Young and Pignatelli, P.C., owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire ("Intervenors"), who respectfully move that the New Hampshire Wetlands Council ("Wetlands Council") dismiss the appeal of the Sagamore Landing Condominium Association and David and Margaret Witham ("Appellants") with respect to the claim that issuance of Wetlands Permit No. 2018-03677, as amended on February 21, 2024, by the New Hampshire Department of Environmental Services ("NHDES") was contrary to RSA 482-A:3, XIII(a). The Intervenors hereby move that the appeal with respect to this claim by the Appellants be dismissed and file this motion pursuant to Ec-Wet 203.09(a), (b). The Intervenors state the following in support of its motion:

Procedural Background and Statement of Facts

1. Jon and Joan Dickinson are owners of property located at 220 Walker Bungalow Road, Portsmouth, New Hampshire, at Tax Map 223, Lot 30 and referred to in the warranty deed to Jon and Joan Dickinson dated September 24, 2017, recorded October 30, 2017 at the Rockingham County Registry of Deeds at Book 5866, Page 1780¹ (hereinafter the "Property").

2. On February 16, 2023, the Permittees, through their engineers, Ambit Engineering, Inc., filed an amended application to NHDES Wetlands Permit No. 2018-03677 for

¹ See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Part D at 2.

a permanent tidal docking structure at the Property. A copy of plan for the amended permit application is attached hereto as Exhibit A.

3. On February 23, 2024, NHDES issued amended Wetlands Permit No. 2018-03677 (hereinafter the “Decision”).²

4. On March 24, 2024, the Appellants, Sagamore Landing Condominium Association and David and Margaret Witham filed the Notice of Appeal in the above-referenced docket challenging the Decision. On December 20, 2024, the Appellants filed a revised Notice of Appeal in the above referenced docket challenging the Decision.

5. On March 17, 2025, the Intervenors filed a Motion to Intervene in the above-reference appeal in accordance with RSA 541-A:32, I(a),(b), and Ec-Wet 203.08.

6. On March 20, 2025, the parties met with the Hearing Officer at the pre-hearing conference, at which time the parties, including the Appellant agreed to narrow the appeal to two issues:

- a. The underlying permit decision was unreasonable or unlawful because the permitted docking structure violates RSA 482-A:3, XIII(a); and,
- b. The underlying permit decision was unreasonable or unlawful because the permitted docking structure violates RSA 482-A:3, XIII(b).

7. On March 25, 2025, the Wetlands Council through the Hearing Officer, granted the Motion to Intervene.

² See Revised Notice of Appeal of Sagamore Landing Condominium Association, Docket No. 24-06 WtC, Exhibit A, at 10-13.

8. On March 25, 2025, the Wetlands Council through the Hearing Officer, issued a Prehearing Order which included the Appellants will limit the appeal to the two issues listed above and waive all remaining additional claims.

9. On April 4, 2025, the Appellants and Intervenors filed a joint Notice of Stipulation³ that the shared property line is as follows:

The property line between the Intervenors' and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.

10. The amended plan attached as Exhibit A clearly shows that the permitted docking structure is more than twenty feet (20') from the abutting property line of the Appellants' which is the centerline of the unnamed brook that discharges to the Sagamore Creek.

Summary of Relieve Sought

11. The Permittees request that the Wetlands Council dismiss the Appeal of the Appellants with respect to the alleged errors by NHDES related to issuance of the amended permit in violation of RSA 482-A:3, XIII(a), because the proposed docking structure is more than twenty (20) feet from the abutting property line.

Argument in Support of the Motion to Dismiss:

12. One of the two claims sought by the Appellant alleges that the permitted dock violates RSA 482-A:3, XIII(a) which states the following:

- (a) All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters. See RSA 482-A:3, XIII(a)

³ A copy of the Notice of Stipulation is attached as Exhibit B.

13. Exhibit A which was submitted to NHDES on February 16, 2023 was relied upon by NHDES to issue its permitting decision to grant the dock permit on February 23, 2024.

14. In accordance with the stipulation agreed to by the Intervenors and Appellants, the agreed property boundary is the center-line of the unnamed creek that discharges to the Sagamore Creek. See Exhibit B.

15. The Wetlands Council has jurisdiction over appeals of department permitting decisions pursuant to RSA 21-O:5-a. The Wetlands Council therefore has jurisdiction to decide whether NHDES issued the permitting decision on February 23, 2024 that was either unlawful or unreasonable or in violation of RSA 482-A:3, XIII(a). See RSA 21-O:5-a, V, and RSA 21-0:14(a).

16. The NH Supreme Court in interpreting a statute or administrative rule, ascribes the plain and ordinary meanings to words used, looking at the rules or statutory scheme as a whole and not piecemeal. See *Appeal of New Hampshire Department of Environmental Services*, 173 N.H. 282, 292 (2020). Here the plain reading of the statute does not include the terms “shall not extend beyond the extension of the abutter’s property line” as set forth in RSA 482-A:3, XIII(b). Therefore, a plain and ordinary reading of RSA 482-A:3, XIII(a) required NHDES to measure the distance from the permitted docking structure from the abutter’s property line, or the centerline of the unnamed creek.

17. As shown in Exhibit A, and utilizing the scale provided for that plan, the permitted docking structure was more than 20 feet from the unnamed creek and Appellants’ property line, as agreed in the Notice of Stipulation attached as Exhibit B.

18. Given that the property line is not extended from the unnamed creek, NHDES made no error and did not issue the dock permit in violation of RSA 482-A:3, XIII(a).

19. Therefore, the Wetlands Council should dismiss the Appellants' appeal with respect to the claim of violation of RSA 482-A:3, XIII(a) because the Appellants' appeal cannot meet the burden of RSA 21-O:I-a(a) because it was neither unlawful or unreasonable.

WHEREFORE, the Intervenors request that the Wetlands Council and Hearing Officer grant this motion to dismiss.

Respectfully submitted,

JON AND JOAN DICKINSON

By Their Attorney,

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: April 24, 2025

By: 

James J. Steinkrauss, Esq.
(NH Bar #273631)
One Capital Plaza
Concord, NH 03302
(603) 226-2600
jjs@rathalw.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing Motion to Intervene was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 24, 2025 to counsel and parties of record listed below:

John Mark Turner, Esq. (via email at jturner@sheehan.com)
(Counsel for Sagamore Landing Condominium Assoc. & David and Margaret Witham)
Sheehan Phinney Bass & Green, P.A.
1000 Elm Street, PO Box 3701
Manchester, NH 03105

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at jturner@sheehan.com)
238 Walker Bungalow Road
Portsmouth, NH 03801

Jon and Joan Dickinson (through counsel via email at jjs@rathlaw.com)
1242 Ocean Boulevard
Rye, NH 03870

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at keely.lovato@doj.nh.gov)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at keely.lovato@doj.nh.gov)
Wetlands Bureau Administrator

NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Michelle A. Doucette, Appeals Clerk (via email at appeals@des.nh.gov)
New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at Nathan.W.Kenison-Marvin@doj.nh.gov)
Assistant Attorney General
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place – South
Concord, NH 03301

Sagamore Landing Condominium Assoc. (through counsel via email to jturner@sheehan.com)
c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 24, 2025

By: /s/ James J. Steinkrauss
James J. Steinkrauss

EXHIBIT A

EXHIBIT B

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

NOTICE OF STIPULATION

Pursuant to the Prehearing Order, the Appellants hereby notify the Council that the Appellants and the Intervenors have, for purposes of this Appeal, agreed on the following stipulation concerning their shared property line:

The property line between the Intervenors' and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.

The State does not join this Stipulation.

Respectfully submitted,

Appellants, Sagamore Landing Condominium Assoc. &
David and Margaret Witham

April 4, 2025

By: 

John Mark Turner
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8143; jturner@sheehan.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 4, 2025 to counsel and parties of record listed below:

James J. Steinkrauss, Esq. (via email at jjs@rathlaw.com)
(Counsel for the Intervenors – the Dickinsons)
Rath, Young and Pignatellie, P.C.
One Capital Plaza
Concord, NH 03302
(603) 226-2600

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)
(Counsel for the New Hampshire Department of Environmental Protection)
Office of the Attorney General
Environmental Protection Bureau
1 Granite Place South
Concord, NH 03301
(603) 271-3679

Portsmouth Municipal Clerk (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

Portsmouth Conservation Commission (via first class mail)
1 Junkins Avenue
Portsmouth, NH 03801

David and Margaret Witham (through counsel via email at jturner@sheehan.com)
238 Walker Bungalow Road
Portsmouth, NH 03801

Mary Ann Tilton, Wetlands Assistant Bureau Administrator (via email at keely.lovato@doj.nh.gov)
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Rene Pelletier, Director of Water Division (via email at keely.lovato@doj.nh.gov)
Wetlands Bureau Administrator
NH Department of Environmental Services
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New Hampshire Department of Justice
C/O New Hampshire Wetlands Council
1 Granite Place South
Concord, NH 03301

Nathan W. Kenison-Marvin, Esq. (via email at Nathan.W.Kenison-Marvin@doj.nh.gov)
Assistant Attorney General
New Hampshire Department of Justice
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1 Granite Place – South
Concord, NH 03301

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c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

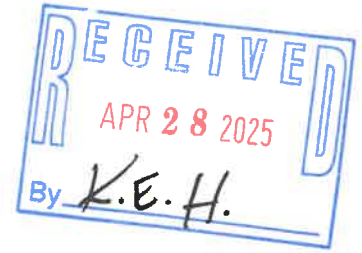
Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 4, 2025

By: 

John-Mark Turner

RATH
YOUNG
PIGNATELLI
INSIGHT MATTERS



James J. Steinkrauss
Attorney-At-Law
jjs@rathlaw.com
Please reply to: Concord Office

April 24, 2025

VIA ELECTRONIC MAIL
& FIRST CLASS MAIL

appeals@des.nh.gov

Wetlands Council
Attn: Appeals Clerk
NH Department of Justice
1 Granite Place South
Concord, NH 03301

**RE: Notice of Appeal of the Sagamore Landing Condominium Association
Docket No. 24-06 WtC**

Dear Ms. Doucette,

Enclosed please find the Motion to Dismiss submitted behalf of Intervenors, Jon and Joan Dickinson pursuant to Ec-Wet 203.09 in the above-referenced matter. This letter and motion are filed in accordance with Ec-Wet 201.03(c),(d). A paper copy will be mailed to the attention of the Appeal Clerk within five (5) days of this filing.

Please feel free to contact me with any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Steinkrauss".

James J. Steinkrauss

Enc.

One Capital Plaza
Concord, NH 03302-1500
T (603) 226-2600
F (603) 226-2700

20 Trafalgar Square
Suite 307
Nashua, NH 03063
T (603) 889-9952
F (603) 595-7489

37 Walnut Street
Suite 110
Wellesley, MA 02481
T (617) 523-8080
F (603) 226-2700

26 State Street
Suite 9
Montpelier, VT 05602
T (802) 552-4037
F (603) 226-2700

573 Pine Street
Manchester, NH 03104
T (603) 226-2600
F (603) 226-2700

RATH
YOUNG
PIGNATELLI

INSIGHT MATTERS

Michelle Doucette, Appeals Clerk
Wetlands Council
Page 2 of 2

Nathan W. Kenison-Marvin, Esq., Asst. Attorney General
(via email at Nathan.W.Kenison-Marvin@doj.nh.gov)

David and Margaret Witham and Sagamore Landing Condominium Association
through their counsel (via email at jturner@sheehan.com)

John-Mark Turner, Esq. (via email at jturner@sheehan.com)

Keely Lovato, Esq. (via email at keely.lovato@doj.nh.gov)

Mary Ann Tilton, Wetlands Assistant Bureau Administrator, NHDES
(via email at keely.lovato@doj.nh.gov)

Rene Pelletier, Director of Water Division
Wetlands Bureau Administrator (via email at keely.lovato@doj.nh.gov)

Portsmouth Municipal Clerk (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Portsmouth Conservation Commission (via mail)
1 Junkins Avenue, Portsmouth, NH 03801

Martin & Cristina Kurowski (via mail)
212 Walker Bungalow Road
Portsmouth NH 03801



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists



**PORTSMOUTH CONSERVATION COMMISSION NOTIFICATION FOR
 WETLANDS PERMIT AMENDMENT REQUEST**

VIA CERTIFIED MAIL

April 22, 2025

Kate Homet
 Portsmouth City Hall
 1 Junkins Ave, 3rd Floor
 Portsmouth, NH 03801

**RE: Rye Conservation Commission Notification for
 Wetlands Permit Amendment Request
 325 Little Harbor Road, Portsmouth, NH – Tax Map: 205, Lot: 2
 Project #47099.01**

To Whom It May Concern:

This letter is to inform you that a Wetland Permit Amendment Request will be filed with the NH Department of Environmental Services to amend NHDES Wetlands Permit 2022-00789 issued to the above-referenced property on August 29, 2023. Under NHDES Wetlands Bureau Administrative Rule Env-Wt 314.07, we are required to notify you of this permit amendment request.

Should you have any questions regarding this wetland permit amendment request, you're welcome to contact me anytime.

Sincerely,
TFMoran, Inc.

Olivia Boyer
 Environmental Permitting Specialist

cc: NHDES Wetlands Bureau

TFMoran, Inc.
 48 Constitution Drive, Bedford, NH 03110
 T (603) 472-4488 www.tfmoran.com



TFMoran, Inc. Seacoast Division
 170 Commerce Way–Suite 102, Portsmouth, NH 03801
 T (603) 431-2222



BLAST NOTIFICATION - 2nd NOTICE

April 18, 2025

Dear City of Portsmouth Official,

We at Maine Drilling & Blasting would like to take this opportunity to introduce you to our company and advise you that we have been hired to perform rock removal and blasting at the parking lot on Russell St & Deer St. in Portsmouth, NH. Work will commence in the Summer 2025. All abutters within a 500 ft radius have been notified and offered a pre-blast survey of their property.

The site will be well marked with highly visible signs that detail the whistle warning sequence that will be sounded prior to commencement of each blast. All blasting operations will be conducted during daylight hours and no explosives will be stored at the construction site overnight. The horn will blow in the following sequence:

- 3 Long Horns – 5 minutes before the blast
- 2 Long Horns – 2 minutes before the blast
- 1 Long Horn – All clear to proceed

If you happen to be in the building during the initiation of the blast, you may experience low levels of ground vibration. We will strive to minimize the amplitude of the blast and will be utilizing the most advanced technologies available to the blasting industry to measure the seismic effect of the area. Please be assured that ground vibrations associated with the blasting will not exceed established limits that could potentially cause damage.

If you have any questions or concerns, we encourage you to contact our Risk Management Department at 603-232-8538, from the hours of 7:30 AM to 4:00 PM and we will respond to your concerns in a timely manner.

Sincerely,

Christopher Scott
Pre-Blast & Claims Supervisor

Maine Drilling & Blasting, Inc.
88 Gold Ledge Avenue
Auburn, NH 03032
603.647.0299
603.647.9770 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.933.5781
Tennessee 615.466.0244
Vermont 802.453.5138



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS COUNCIL

Docket No. 24-06 WtC

APPEAL OF SAGAMORE LANDING CONDOMINIUM ASSOCIATION
AND DAVID AND MARGARET WITHAM
NHDES Wetlands Permit No. 2018-03677

NOTICE OF STIPULATION

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The property line between the Intervenor's and Appellants' properties is the centerline of the unnamed brook that discharges to the Sagamore Creek.

The State does not join this Stipulation.

Respectfully submitted,

Appellants, Sagamore Landing Condominium Assoc. &
David and Margaret Witham

April 4, 2025

By:

A handwritten signature in black ink, appearing to be "John Mark Turner", written over a horizontal line.

John Mark Turner
1000 Elm Street, PO Box 3701
Manchester, NH 03105
(603) 627-8143; jturner@sheehan.com

CERTIFICATION

I hereby certify that on this date, a copy of the foregoing was sent via e-mail or first class mailed pursuant to Ec-Wet 201.03 on April 4, 2025 to counsel and parties of record listed below:

James J. Steinkrauss, Esq. (via email at jjs@rathlaw.com)
(Counsel for the Intervenors – the Dickinsons)
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c/o Danielle Megliola
284 Walker Bungalow Road
Portsmouth, NH 03801

Martin & Cristina Kurowski (via first class mail)
212 Walker Bungalow Road
Portsmouth, NH 03801

Dated: April 4, 2025

By: 

John-Mark Turner



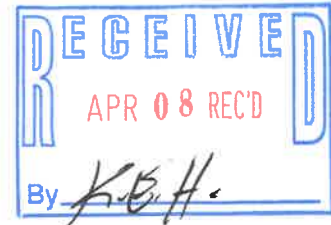
The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 2, 2025

393 NEW CASTLE AVENUE LLC
PO BOX 393
PORTSMOUTH NH 03801



RE: **Withdrawn Application/Permit Approval Vacated (RSA 482-A)**
NHDES File Number: 2022-00118
Subject Property: 390 New Castle Avenue, Portsmouth, Tax Map #207, Lot #6

Dear Applicant:

The New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau acknowledges the signed NH Wetlands Council *Stipulation for Docket Markings and Remand* for Docket Nos. 2022-20 and 2022-21 approved by the Wetlands Council Hearing Officer on April 1, 2025, for the above-referenced Standard Dredge and Fill Wetlands Permit Application. Pursuant to the approved Stipulation, the Application is withdrawn by Applicant and Permit approval vacated, and the file is now closed.

If you wish to proceed with the project at a later date, you will need to file a new application with the appropriate form, plans, assessments, attachments, and a new filing fee.

If you have any questions, please contact me at David.Price@des.nh.gov or (603) 559-1514.

Sincerely,

David Price
East Region Supervisor, Wetlands Bureau
Land Resources Management, Water Division

Copied: Christopher Aslin, DOJ AGO
Municipal Clerk/Conservation Commission
Justin C. Richardson, NH Water Law
Courtney Herz, Sheehan Phinney Bass & Green, PA
John McGee, Jr., Law Office of Flynn & McGee, PA

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964