

New Hampshire
Department of Agriculture,
Markets & Food

April 7, 2023

Shawn N. Jasper, Commissioner

Municipal Pest Management Services, Inc.
Michael Morrison, President
21 River Road
Newington, NH 03801

RE: Right-of-Way Special Permit – City of Dover Community Services

SPECIAL PERMIT - SP-095

Dear Mr. Morrison:

Municipal Pest Management Services, Inc.'s 2023 application for a Special Permit to apply herbicides to control unwanted vegetation within sidewalk and curbing rights-of-way in Dover, New Hampshire, as specified in your application, is hereby approved. This approval is given to those parts of your program that are not subject to further requirements, conditional on the following:

1. This Permit is approved for the use of *FiNALSAN HERBICIDAL SOAP* (EPA Reg. No. 67702-8) and *EsplAnade 200SC* (EPA Reg. No. 432-1516), plus any appropriate adjuvants, as specified in your 2023 application, and in accordance with the conditions of this Special Permit.
2. All applications shall be made in *strict* accordance with label instructions. Application rates shall be neither above *nor below* those specified on the label.
3. Treatment areas shall be limited only to those streets and other rights-of-way listed on the *Dover Street Weed Control 2023 Street List* attachment, and as shown the maps provided with the 2023 application, submitted by the applicant and attached to this Permit.
4. Applicator(s) shall pay strict attention to the precautionary language on the *FiNALSAN Herbicidal Soap* and *EsplAnade 200SC* labels. **Note in particular and comply with the Surface Water and Ground Water Advisories on the *EsplAnade* label and abide by the specifications under “USE RESTRICTIONS” and “USE PRECAUTIONS” also on that label.** Further, the applicator(s) shall review the precautionary language on the pesticide labels, with particular attention being paid to the *Environmental Hazards*, *Spray Drift Management*, and *Sensitive Areas* sections of the labels. Applicator(s) shall exercise every reasonable precaution when applying pesticides so as to prevent drift or run-off. To the extent possible, the applicator(s) shall avoid making any pesticide applications where rainfall is forecast to occur within forty-eight (48) hours.

5. Under Pes 502.04(a), no pesticides shall be applied within two-hundred and fifty (250) feet of any public water supply surface water or its tributaries where:
 - a. The application site lies within the boundaries of the watershed surrounding said public surface water supply; and
 - b. The application site is less than five (5) miles from any public water supply intake.

**Applicator(s) shall note a section of New Rochester Road intersects the public water supply setback buffer of Willand Pond. Willand Pond is a public water supply surface water which serves the Somersworth Water Works intake PWSID# 2151010-007. No pesticide applications shall be conducted within the setback of this or any other public water supply surface water under this special permit.*

6. The amended Shoreland Water Quality Protection Act (RSA 483-B:9) specifies that no pesticides shall be applied within fifty (50) feet of the reference line of any Public Water (i.e. the Waterfront Buffer) except if applied by “horticultural professionals” who have a pesticide application license issued by the department of agriculture, or where granted under Special Permit by the Division of Pesticide Control. Public waters include natural and artificial water bodies of ten (10) acres or larger, and fourth (4th) order or greater streams. *No waiver from this setback requirement was requested, and none is granted under this permit.* The **Cocheco River, Bellamy River, and Bellamy River Reservoir** are such public waters and, therefore, *except as allowed by law, no pesticides shall be applied within fifty (50) feet of the reference line of these surface waters, or any other public waters of the state.* If there is any question on the part of the applicator as to the classification of a water body or stream, or whether a particular applicator would be considered a “horticultural professional,” applicator shall contact the Division of Pesticide Control prior to making any pesticide applications within fifty (50) feet of such water, to determine the applicable setback requirements.
7. With regard to surface waters that are not classified as "public water supplies" or "public waters," which are subject to the provisions of Condition #s 5 and 6, respectively, the following setbacks or buffers shall apply:
 - a. No pesticides shall be applied within twenty-five (25) feet from surface waters as mandated by Pes 1001.01(a); and
 - b. Beyond twenty-five (25) feet in such a manner or by such methods that would result in the presence of pesticides with twenty-five (25) feet of the reference line of any lake, pond, river or coastal water, as mandated by Pes 1001.01(b).

****Sixth Street intersects Berry Brook and Henry Law Avenue intersects an unnamed tributary of the Cocheco River. These surface waters are such non-public waters, subject to the setback requirements of this Condition.***

8. In the event that the applicant becomes aware of any off-site movement of pesticides into the nearby surface water, applicant shall immediately cease any pesticide applications that might be contributing to such contamination; take steps to prevent further contamination where possible, such as contain a spill or otherwise control pesticide movement, and immediately report such contamination to the Division of Pesticide Control.
9. The applicator is responsible for locating all public water supplies and associated protection areas in the vicinity of the treatment areas, as well as responsible for following all setbacks and other restrictions established by the Administrative Rules of the Pesticide Control Board (Pes 100-1100) and this permit. Public water supply wells will generally include municipal well systems or wells of public water works, and may also include such facilities as day-care centers, apartments and condominiums, mobile home parks, and schools. *The Division's resources identified various ROWs intersected wellhead protection areas of the Portsmouth Water Works and Dover Water Department systems, including Back River Road, Bellamy Road, Central Avenue, Garrison Road, Indian Brook Road, and New Rochester Road. These public water supply systems serve a combined population of 62,000 persons. Applicator(s) shall operate under Best Management Practices as outlined in the "Best Management Guidelines for Protection of Groundwater," available from the Division of Pesticide Control, when applying pesticides when handling pesticides under this permit.* Updated and detailed information about public water supply locations and associated protected areas may be accessed by registering on the internet at: <http://www4.des.state.nh.us/onestopdatamapper/onestopmapper.aspx>.
10. No pesticide application shall be made within four-hundred (400) feet of gravel packed wells used for public water supply or within two-hundred and fifty (250) feet of other wells so used, as per Pes 502.05.
11. Mixing or loading of pesticides shall not be performed within four-hundred (400) feet of gravel packed wells used for public water supply or within two-hundred and fifty (250) feet of other wells so used, as mandated by Pes 805.01(b).
12. Mixing or loading of pesticides shall not be performed within two-hundred and fifty (250) feet of any surface water or its tributaries used for public water supply.
13. Mixing or loading of pesticides shall not be performed within seventy-five (75) feet of surface water or private water wells, as mandated by Pes 805.01(c).

14. There shall be no interference with water supplies or fish and other aquatic life or the habitat on which they depend; water quality shall not be lowered below designated classification standards for surface waters defined by RSA 485-A:8 (2000).
15. The applicator shall provide forty-eight (48) hour advanced notification to the Division of intent to commence spray operations. **Notifications shall be made using the Spray Notification form attached to this permit. Notices may be provided by Fax (603-271-1109) or by e-mail (matthew.w.bosiak@agr.nh.gov).** In the event that the fax or e-mail avenues are unavailable, contact the Division (DPC) by phone (603-271-3695 or -3550) at least 48 hours prior to the scheduled treatment for notification instructions. DPC will provide an electronic, interactive copy of the notification form on request. *In the event that an unanticipated change in the spray schedule might be necessary after the initial notification has been made the applicator shall notify the Division of such change by phone, fax or e-mail in a timely fashion, and may commence spray operations upon provision of such updated information. Such amended schedule notification shall be provided with as much lead time as practicable. Where treatments are likely to go on over an extended period, the applicant shall provide updates of intended treatment schedules no less frequently than every two (2) weeks.*
16. In addition to the conditions of this special permit, applicant shall comply with all of the state regulations pertaining to pesticides, and to the Administrative Rules of the Pesticide Control Board.
17. This Special Permit expires on December 31, 2023.

If you have any questions concerning this special permit, please feel free to contact Matthew Bosiak of this office at 603-271-3695, or by e-mail at matthew.w.bosiak@agr.nh.gov.

Sincerely yours,



David J. Rousseau
Director, Division of Pesticide Control

DJR/mwb

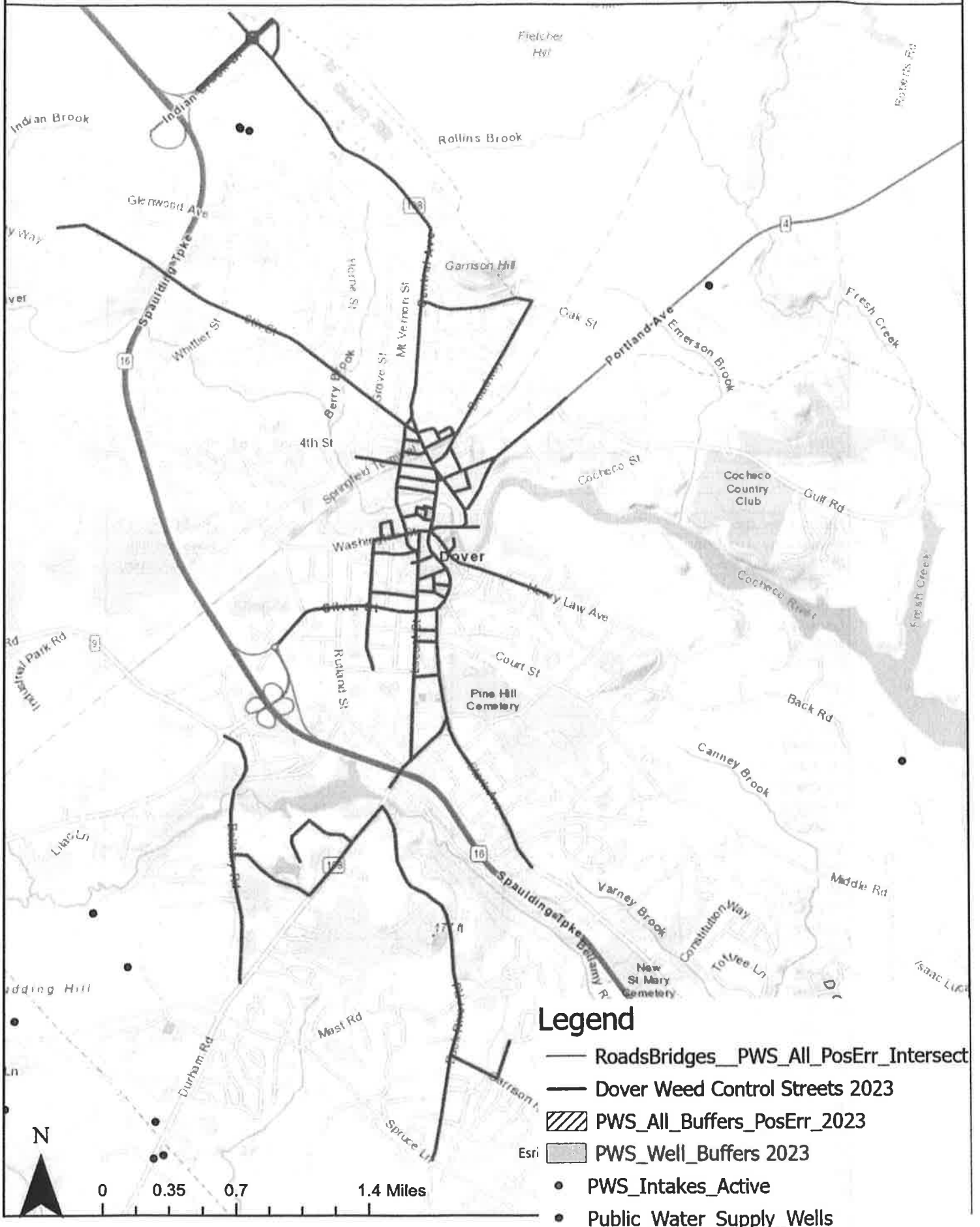
Enc.: *Dover Street Weed Control 2023 Street List*
MPMS Overview Maps of ROWs (4 maps)
Spray Notification Form

cc: John Storer, Director of City Services, City of Dover
Pesticide Inspectors

Dover Street Weed Control 2023 Street List

STREET	CURBING	SIDEWALKS	TOTAL MILES	NOTES
<i>Academy St</i>	1	1	0.1	
<i>Alumni Dr</i>	1	1	0.3	Dover High School
<i>Angle St</i>	1	1	0.1	
<i>Atkinson St</i>	2	2	0.4	
<i>Back River Rd</i>	1	1	1.4	Durham Road to Spruce Lane
<i>Belknap St</i>	2	2	1	
<i>Bellamy Rd</i>	1	1	1	
<i>Broadway</i>	2	2	1.2	Central Ave to Oak St
<i>Central Ave</i>	2	2	1	Durham Road to Silver Street
<i>Central Ave</i>	2	2	1.2	Silver to Sixth Street
<i>Central Ave</i>	2	2	3	Sixth to Indian Brook Dr
<i>Chapel St</i>	2	2	0.2	
<i>Chestnut St</i>	2	2	0.7	
<i>Church St</i>	2	2	0.2	some brick
<i>Daley Dr</i>	2	2	0.5	
<i>Durham Rd</i>		1	0.4	Alumni Dr to Back River Rd
<i>Fayette St.</i>	2	2	0.1	
<i>First St.</i>	2	2	0.3	
<i>Fourth St</i>	2	2	0.2	Chestnut St to Central
<i>Fifth St</i>	2	2	0.2	Chestnut St to Central
<i>Garrison Rd</i>	1	1	0.1	Back River Rd to Shaws Ln
<i>Green St</i>	1	1	0.2	Waldron Court
<i>Hale St</i>	2	2	0.1	next to City Hall
<i>Henry Law Ave</i>	2	1	1	Washington St to Nile St
<i>Henry Law Ave Lot</i>	2	2	0.1	Indoor Pool / Children's Museum
<i>Indian Brook Dr</i>			0.7	Exit 9 to Weeks Ln Island Curbing
<i>Kirkland St</i>	2	2	0.2	
<i>Library entrance</i>	1	1	0.1	brick sidewalks
<i>Locust St</i>	2	2	1.6	
<i>Main St</i>			0.4	
<i>Mechanic St</i>	2	2	0.1	
<i>Nelson St</i>	2	2	0.3	
<i>New Rochester Rd</i>	2	2	0.3	Indian Brook Dr to Dover Marine
<i>Oak St</i>	1	1	0.4	Central Ave to Broadway
<i>Orchard St</i>	2	2	0.23	
<i>Orchard St. Lot</i>	2	2	0.23	1100 Feet
<i>Pierce St</i>	2	2	0.3	
<i>Portland Ave</i>	2	2	1	Main St to Ice Arena
<i>Preble St</i>	2	2	0.2	
<i>School St</i>	2	2	0.1	
<i>Second St</i>	2	2	0.3	brick sidewalk
<i>Shaws Ln</i>	1	1	0.1	west side Garrison Rd to ball fields
<i>Silver St</i>	2	2	1.2	Central Av to Arch St much brick
<i>Sixth St</i>	2	1	2.9	Central Av to Indian Brook
<i>Spring St</i>	1	1	0.1	some brick
<i>Stark Avenue</i>	2	2	0.7	Weathervane to Central Avenue
<i>St John St</i>			0.2	
<i>St Thomas St</i>	1	2	0.3	
<i>Summer St</i>	2	2	0.2	some brick
<i>Third St</i>	2	2	0.5	some brick
<i>Third St Lot</i>			0.14	696 Feet
<i>Trakey St</i>	2	2	0.2	walkway
<i>Twombly St</i>	2	2	0.2	
<i>Waldron Ct</i>			0.1	Central Ave to Orchard St Lot
<i>Washington St</i>	2	2	0.7	Washington St Bridge to Green St
<i>Weeks Crossing</i>			0.9	islands, curbing Indian Brook
<i>Weeks Ln</i>	2	2	0.2	
<i>Indoor Pool Lot</i>			0.2	800 Feet
Total			30.1	

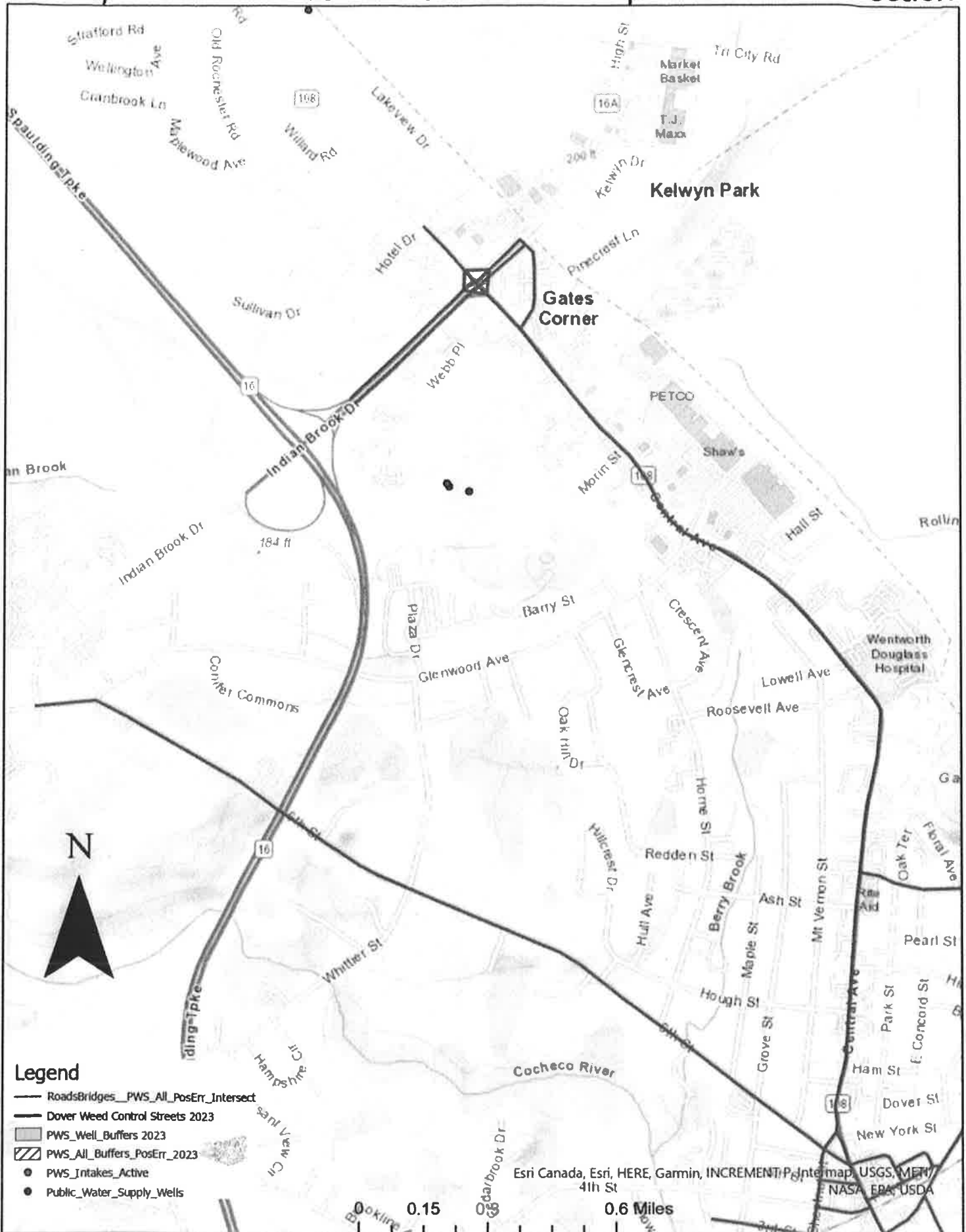
Dover, NH Street Weed Control 2023 - Map 1 - Overview



Legend

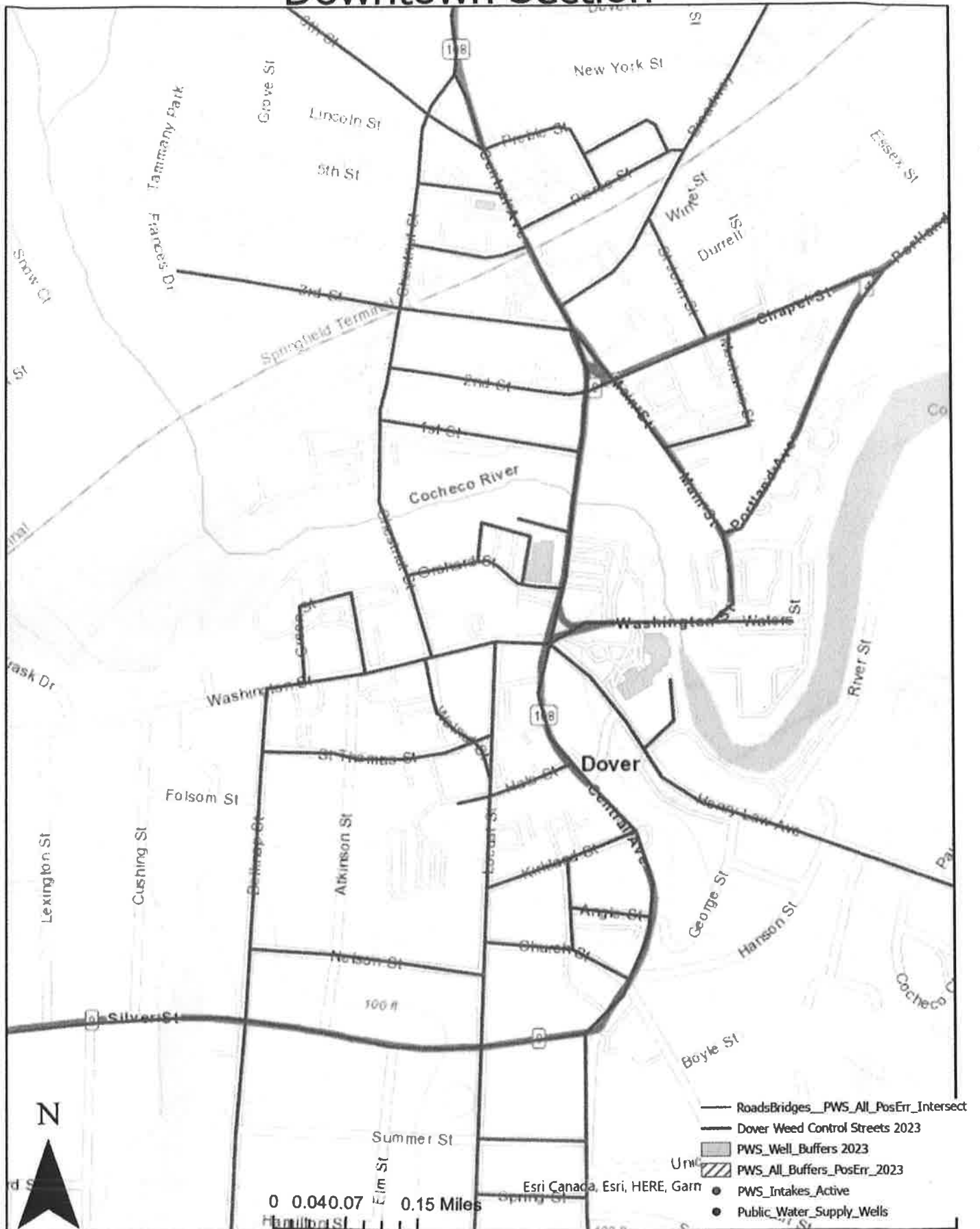
- Roads Bridges_PWS_All_PosErr_Intersect
- Dover Weed Control Streets 2023
- ▨ PWS_All_Buffers_PosErr_2023
- Esri PWS_Well_Buffers 2023
- PWS_Intakes_Active
- Public_Water_Supply_Wells

Dover, NH Street Weed Control 2023 - Map 2 - Northern Section



Esri Canada, Esri, HERE, Garmin, INCREMENTAL, Intermap, USGS, MEMPHIS, NASA, EPA, USDA

Dover, NH Street Weed Control 2023 - Map 3 - Downtown Section



Dover, NH Street Weed Control 2023 - Map 4 - Southern Section

