

Wetlands Bureau Decision Report

Decisions Taken
04/17/2006 to 04/23/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

UNKNOWN

**2004-02375 BOW, TOWN OF
BOW Town Pond**

CONFIRM EMERGENCY AUTHORIZATION:

Emergency Authorization issued 10/4/04- Repair damaged dry hydrant

With Conditions:

- 1. Submit photos
- 2. Stabilize exposed soils
- 3. Work to be conducted in the dry

With Findings:

- 1. This project is classified as a minimum impact project per Rule Wt 303.04(X).
- 2. The project was necessary to repair a failed dry hydrant.
- 3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 4, 2004.
- 4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2005-00736 ANTHONY, STANLEY
CONWAY**

Requested Action:

Request to retain 10,000 square feet or 0.23 acres of fill placed in Pequaket Pond in the 1950s.

APPROVE AFTER THE FACT:

Request to retain 10,000 square feet or 0.23 acres of fill placed in Pequaket Pond in the 1950s.

With Conditions:

- 1. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 2. As already represented to the Town of Conway Board of Selectmen Mr. Anthony is the provide and construct an alternate pedestrian path from the foot bridge to Main Street along the edge of Pequawket Pond that conforms to the Comprehensive Shoreland Protection Act and the Wetlands Dredge and Fill statute.
- 3. No further work in surface waters is authorized under this approval.
- 4. The applicant shall meet any compensation, filing or other requirements deemed appropriate by the Governor and Council.

With Findings:

- 1. On April 19, 2005 DES received a petition from Stan's Service Center on Main Street in Conway, NH to obtain clear title to .23 acres or 10,000 square feet of filled land placed in Pequawket Pond in the 1950s.
- 2. Mr. Anthony operates Stan's Service Center at 45 main St, Conway on town Tax Map 276, Parcel 279, which abuts Pequawket Pond.
- 3. A state-woend dam, northerly of Main Street, on Exhibit A, controls the current level of Pequawket pond. The state has owned the dam since 1961 but a dam is believed to have existed at this site since the late 1700s.
- 4. Mr. Anthony seeks to expand the building on the site, which requires a special exception from the town aoning board for the expansion of a nonconforming use. The zoning board has asked that Mr. Anthony clear title to the filled land and that Mr. Anthony provide an easement to the town for a gravel pathway along the shore of the pond from the foot bridge to the Main Street Bridge.
- 5. Mr. Anthony took title to the parcel by deed of ossipee Oil Company, dated october 12, 1978, and recorded at the Carroll County

Registry of Deeds at Book 722, Page 44. The deed grants him two parcels of land, best shown on a plan entitled "Plan of 2 parcels of Land in Conway Village, New Hampshire," by Roger S. Burnell dated December 6, 1956.

6. Mr. Anthony's business is marked as "GulfService Station" on that plan. His northerly (Main Street) and Easterly boundaries are not in dispute but the critical language in Mr. Anthony's deed calls for a southerly boundary that runs from the Mountain Center Physical Therapy lot "to Pequaket (sic) Pond, or as far as the original lot extends; thence turning and running northwesterly to the easement end of the bridge (on Main Street)."

7. When Mr. Anthony bought the property in 1978, he believed that the filled land was his.

8. On September 20, 2005 DES held a grant of right hearing where Mr. Anthony presented evidence to show cause why the state of New Hampshire, DES should recommend to the Governor and Executive Council that it should grant the petition of Stanley Anthony for a grant of right for 10,000 sq.ft. of fill placed in public waters in the 1950s.

9. During the hearing noone testified in opposition to the petition.

10. During the hearing when asked about the current use of the land by the public, the petitioner indicated that there is a pathway used by the public.

11. On September 23, 2005 DES received a letter from the Town of Conway confirming a Conway Board of Selectmen meeting held on September 19, 2005. The Board voted that it had no objection to Mr. Anthony's petition for grant in right. 12. At its September 19, 2005 meeting the Board of Selectmen did reaffirm its understanding that Mr. Anthony, upon further development of the property intends to provide and construct an alternate pedestrian path from the foot bridge to Main Street along the edge of Pequawket Pond.

MAJOR IMPACT PROJECT

2004-02206 SAFEDOCKS ASSOCIATION
ALTON Lake Winnepesaukee

Requested Action:

Dredge approximately 987 cubic yards from 12000 sqft of previously dredged inlet on the east side of the island used as a safe dock area for the exposed frontages on the western shore and repair the 9 docks providing 18 slips within the inlet on Barndoor Island, Alton.

Conservation Commission/Staff Comments:

Con. Com. requested 40 day hold and never commented on project.

APPROVE PERMIT:

Dredge approximately 987 cubic yards from 12000 sqft of previously dredged inlet on the east side of the island used as a safe dock area for the exposed frontages on the western shore and repair the 9 docks providing 18 slips within the inlet on Barndoor Island, Alton.

With Conditions:

1. All work shall be in accordance with plans by Jeff MacKenzie dated April 10, 2006, as received by the Department on April 13, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

6. Dock repair shall maintain existing size, location and configuration.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. This permit does not allow for dredging within the 10 ft buffer area as shown on the approved plans.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Disposed of dredge materials shall be placed in an area that does not allow the migration of the sediments to reach wetlands or the waterbody and shall be contained to prevent any water quality degradation.
12. The deposited dredge material and the area disturbed by construction equipment shall within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1. Given the proximity of the area to surface waters the deposition area shall be establishing vegetative cover within 2 weeks.
13. The contractor shall submit photographs of the stabilized and seeded shoreline within one week of completion of the dredge and disposing of the dredge materials. Another monitoring report documenting vegetative cover shall be submitted to DES within 2 weeks.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The proposed dredge is a previously approved dredge area and docking facility constructed to provide safe docking on the island during bad weather.
5. DES Staff conducted has conducted numerous field inspections of the proposed project. Field inspection has confirmed the need for the proposed dredge and maintenance of the docking facility.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2005-00958 PERRY, ESTATE OF THOMAS
BARRINGTON Unnamed Wetland

Requested Action:

Approve name change request to: Coachman Estates of Barrington, LLC, 62 Middle Dunstable Road, Nashua, NH 03062 per request received April 17, 2006.

Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE NAME CHANGE:

Fill a total of 25,646 sq. ft. of wetland for six crossings and installation of drainage structures for the construction of a 41-lot residential subdivision on 134 acres. Approve as mitigation, a conservation easement on 32.8 acres of wetland and upland on the property, held by the Town of Barrington with Stewardship by the Barrington Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc. dated April 20, 2005, as received by the Department on May 9,

2005, Wetland Impact #6 plan by Schauer Environmental Consultants, LLC, as received by the Department on September 28, 2005, Wetland Impact #7 plan dated October 13, 2005 by TF Moran, Inc., as received by the Department on October 15, 2005, and conservation easement plans dated April 20, 2005 with revisions dated February 1, 2006, as received by the Department on February 3, 2006.

2. Any work within surface waters shall be done in the dry or during low flow.
3. Construction equipment shall not be located within surface waters.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
10. This permit is contingent upon approval by the DES Site Specific Program.
11. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

Wetland Preservation:

12. This permit is contingent upon the execution of a conservation easement on 32.8 acres as depicted on plans by TF Moran, Inc. dated April 20, 2005 with revisions dated February 1, 2006, as received by the Department on February 3, 2006.
13. The conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
14. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
15. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
16. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
17. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02(b).

**2005-01333 TATA, MICHAEL & WENDY
MEREDITH Lake Winnepesaukee**

Requested Action:

Construct a 24 ft by 46 ft dug in boathouse providing 3 slips on 196 ft of frontage on Lake Winnepesaukee, Meredith.

DENY PERMIT:

Construct a 24 ft by 46 ft dug in boathouse providing 3 slips on 196 ft of frontage on Lake Winnepesaukee, Meredith.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
3. In accordance with Rule Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
4. In accordance with Rule Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
5. In accordance with RSA 483-B:3, Consistency Required, "State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter" and to be consistent with the requirement of RSA 483-B:2, that the minimum standard shall serve to "preserve the state's lakes... in their natural state."

Findings of Fact

6. On June 15, 2005, the Wetlands Bureau received an application for impacts, on the lot identified as Meredith tax map U-37, lot 3A,(the "Lot") to dredge approximately 54 cubic yards from 480 sqft of the lakebed and disturb 2850 sqft of bank to dredge 1104 sqft of bank to construct a 1104 ft dug in boathouse providing 3 slips.
7. On August 31, 2005 the Wetlands Bureau sent a Request for More Information letter to the applicant stating that, in accordance with RSA 483-B, the applicant was required provide documentation that the proposed project was the least impacting alternative for providing three boatslips on the frontage. The letter also required that the applicant provide an explanation as to how the proposal to excavate the shoreline to construct the boathouse was consistent with the requirements of RSA 483-B:2 in preserving the state's lakes in their natural state. The letter stated that a complete response was required by December 29, 2005 or else, in accordance with RSA 482-A:3, the Bureau would be obligated to deny the permit request.
8. On September 12, 2005 the Wetlands Bureau received a name change request for the property.
9. On December 27, 2005, the Wetlands Bureau received a response to the Request for More Information letter dated August 31, 2005. The response proposed a dug in boathouse and did not address the need for proposed impacts. The response did not provide documentation that the boathouse was the least impacting alternative.
10. On February 14, 2006 the Wetlands Bureau sent a second Request for More Information again requesting the applicant provide documentation showing the proposed boathouse was the least impacting method for providing three boat slips on the frontage.
11. On March 15, 2006 the Wetlands Bureau received a response to the Request for More Information letter dated February 14, 2006. This response did not provide any new information showing the proposed dug in boathouse is the least impacting alternative. In fact, the response acknowledges that "Obviously, there are numerous other boating structures (i.e. seasonal or permanent docks) that may be built on the property that provide three boatslips. These could include u-shaped, L-shaped, and h-shaped docking configurations. The corresponding impacts to the lake bottom and the bank would also obviously be less than the proposed dug-in boathouse."

Rulings in Support of the Decision

12. The applicant has not addressed the need for the proposed impact as required per Rule Wt 302.04(a)(1) and requested in the Request for More Information Letters dated August 31, 2005, and February 14, 2006.
13. In accordance with RSA 483-B:3, Consistency Required, "State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter." The applicant did not provide an explanation as to how the proposal to excavate the shoreline to construct a dug-in boathouse will be consistent with the requirement of RSA 483-B:2, that the minimum standard shall serve to "preserve the state's lakes... in their natural state."
14. In accordance with Rule Wt 302.04(d)(1), "The department shall not grant a permit if there is an alternative that would have a less adverse impact on the area and environments under the department's jurisdiction." The applicant has failed to demonstrate that the dug-in boathouse proposal is the least impacting alternative for providing three boatslips on this frontage.
15. In accordance with Rule Wt 302.04(d)(2), "The department shall not grant a permit if the project would cause or contribute to significant degradation of waters of the state."
16. The applicant failed to provide a complete response to the Request For More Information Letter dated August 31, 2005 by

December 29, 2005 as required by RSA 482-A:3.

2005-02274 PATRICIAN SHORES ASSOCIATION
MEREDITH Lake Winnepesaukee

Requested Action:

Re-configure an existing 44 slip docking facility to the original configuration by re-configuring two existing fingers, relocating one finger approximately 1 ft and replacing one pile on approximately 510 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no concerns

NH Fish and Game and NH NHI will not be submitting comments

APPROVE PERMIT:

Re-configure an existing 44 slip docking facility to the original configuration by re-configuring two existing fingers, relocating one finger approximately 1 ft and replacing one pile on approximately 510 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated January 2006, revision date March 13, 2006, as received by the Department on March 31, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 510 ft feet of frontage along Lake Winnepesaukee.
4. A maximum of 7 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 44 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
6. Public hearing is not required based on field inspection, by NH DES staff, on December 12, 2005 and March 31, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The existing docking facility was previously permitted with permit number P-836 providing for 44 slips in a similar configuration.
8. The proposed modifications increase the width of three slips and do not add any new slips to the existing docking structure.

-Send to Governor and Executive Council-

2005-02785 MARTINEAU JR REVOC TRUST, RAYMOND
DOVER Unnamed Wetland

Requested Action:

Dredge and fill 24,009 sq. ft. (700 linear ft.) of freshwater wetlands as temporary impact associated with installation of a municipal sewer line.

Conservation Commission/Staff Comments:

Conservation Commission recommends approval contingent upon receipt of restoration plan for temp. impact area.

APPROVE PERMIT:

Dredge and fill 24,009 sq. ft. (700 linear ft.) of freshwater wetlands as temporary impact associated with installation of a municipal sewer line.

With Conditions:

1. All work shall be in accordance with revised plans and materials by Trittech Engineering Corp. dated 3/9/2006 as received by the Department on 3/9/2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Construction and restoration shall be according to the recommendations made Leonard Lord, CWS, of Carex Ecosystems in the report entitled "Wetland Delineation & Impact Assessment, Dover Retirement Residence" dated 11/18/2005 as received by DES on 11/22/2005, and shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
10. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
11. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
12. Area shall be regraded to original contours following completion of work.
13. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
14. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
15. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
16. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
17. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
18. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
19. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

21. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.

22. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.

23. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of non-tidal wetlands in excess of 20,000 sq. ft. in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The City of Dover has requested this particular gravity-feed sewer line and looping waterline connection for service to the 115 unit apartment complex.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. Of the 700 linear feet to be impacted, 300 linear feet are located in the path of previous utility line disturbance, and 400 linear feet goes through forested wetlands, crossing in the narrowest locations.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. This project represents temporary impact only, and is conditioned to include a restoration plan.
5. No compensatory mitigation is required for temporary impacts.
6. The crossing on the abutting property is in an existing utility easement and that property owner has given the project his written consent.

2005-02902 LOVERUD WOLFEBORO REALTY TRUST, TIM MELANSON
WOLFEBORO Lake Winnepesaukee

Requested Action:

Fill 575 sq ft to construct 42 linear ft of breakwater, in an slight "dogleg" configuration, with a 8 ft gap at the shoreline with a 4 ft x 40 ft cantilevered pier with a 6 ft by 36 ft piling supported pier accessed by a 6 ft by 24 ft walkway in a "U" shaped configuration, with a 26 ft by 30 ft seasonal canopy over the center slips, install two tie off piles in the southern slip provided and two tie off piles in the center slip, dredge 7 cubic yards from 400 sqft on an average of 291 ft of frontage providing three boat slips on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating there is no primary structure on the frontage and therefore no need for the proposed structure.

APPROVE PERMIT:

Fill 575 sq ft to construct 42 linear ft of breakwater, in an slight "dogleg" configuration, with a 8 ft gap at the shoreline with a 4 ft x 40 ft cantilevered pier with a 6 ft by 36 ft piling supported pier accessed by a 6 ft by 24 ft walkway in a "U" shaped configuration, with a 26 ft by 30 ft seasonal canopy over the center slips, install two tie off piles in the southern slip provided and two tie off piles in the center slip, dredge 7 cubic yards from 400 sqft on an average of 291 ft of frontage providing three boat slips on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Allen Folsom dated November 04, 2005, as received by the Department on December 06, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. Dredged material shall be disposed of out of DES jurisdiction.
15. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), Construction of a Breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 291 feet of frontage along Lake Winnepesaukee, Wolfboro.
4. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is not required based on field inspection, by NH DES staff, on January 26, 2006 with the finding that the project impacts will not provide an impact to an important physical component to the resources of Lake Winnepesaukee pursuant to Wt 101.83. Additionally, the project does not have a significant public interest and does not impact resources that have a special value from a local, regional, or state perspective as required by Wt 101.87.
7. Field inspection on found the proposed plans represent the proposed project.
8. DES rules do not require a primary structure on the frontage for the permitting of a docking structure. Therefore the Conservation Commissions comments do not affect the permitting of a docking structure on this frontage and the docking structure meets Wt 100 - Wt 800 rules.

-Send to Governor and Executive Council-

2005-03034 **FELCH, MICHAEL & LINDA**
NASHUA **Nashua River**

APPROVE PERMIT:

Construction of a single family residence on an existing lot adjacent to prime wetlands (Nashua River).

With Conditions:

1. All work shall be in accordance with the plot plan/driveway profile by MJ Grainger Engineering, Inc., dated June 6, 2005, as received by the Department on March 22, 2006, narrative by Wetlands Consulting Services, dated March 20, 2006, as received by the Department on March 22, 2006, and planting plan and narrative by Wetlands Consulting Services, dated April 12, 2006, as received by the Department on April 14, 2006.

2. The deed for Tax Map 130, lot 109 shall include the conditions of this permit.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. The boundaries of the no cut zone shall be clearly marked prior to construction and shall be remain marked. The no cut zone shall include the "10'(No Cut Zone)" and area from the "Top of Bank" to the "Edge of Wetland/River" as depicted on the plot plan/driveway profile identified in condition #1 of this permit.
5. The removal of invasive plant species shall be allowed within the no cut zone. All removal of invasive plant species shall be conducted in accordance with recommendations of the New Hampshire Department of Agriculture.
6. There shall be no further alteration of wetlands for lot development, driveways, or culverts.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The engineering plans are stamped by a New Hampshire Certified Wetland Scientist and a New Hampshire Licensed Land Surveyor.
7. The applicant applied (File #2005-3026) for a Shoreland Waiver to construct of single family primary structure on a non conforming lot of record. The Department determined that the proposed home was not within the 50-foot primary structure setback, therefore, it did not need a Shoreland Waiver.
8. A complete tree inventory of the 150 natural woodland buffer was supplied with the shoreland waiver application. A copy of the submitted tree inventory is included in this file.
9. The applicant submitted a letter from City of Nashua Conservation Commission which stated that the "project received a favorable recommendation from the Nashua Conservation Commission at their Meeting on December 6, 2005".
10. The Conservation Commission's favorable recommendation included twelve stipulations.
11. The approved plans and conditions of the permit provide for an approximately 32 foot to 37 foot no cut zone to the Nashua River/Prime Wetland area. The no cut zone includes a 10 foot planting buffer landward from the "Top of Bank".
12. The applicant has provided planting plan for the 10 foot portion of the no cut zone.
13. The NH Fish and Game Department (NHFG) submitted comments that a spotted turtle, a species of special concern, had been identified within the vicinity of the site. NHFG commented that they could not recommend further development that infringed on protected wetlands. The Department spoke with NHFG and through further review of the application NHFG and the Department determined that due to the presently developed residential area and existing maintained lot/project area there would likely be no additional impact to the spotted turtle or its habitat.
14. The project as approved and constructed in adherence to the provided construction sequence, and erosion controls that offsets impact from any increased runoff created by the development.
15. A public hearing was held at the Department on April 11, 2006. No one in opposition to this project attended the public hearing.
16. The proposed home will be serviced by city water and sewer.

17. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.
18. Pursuant to Wt 204 the Department hereby grants the waiver of Wt 704.01 for the following reasons:

1. Findings 1-17 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.
2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
3. The applicant has received local permits and no opposition has been submitted to the Department regarding the project and no one in opposition to the project was present at the public hearing.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2006-00041 POULSEN, WALDEMAR
LITTLETON Unnamed Wetland Chub Brook**

Requested Action:

Dredge and fill 47,756 square feet (1.1 acres) of palustrine scrub-shrub/emergent wetlands and impact 913 linear feet of a previously ditched stream channel, all within the 100-year floodplain of the Ammonoosuc River, to construct a commercial retail facility with an access road and associated parking. Impacts include 150 linear feet within the bank of the Ammonoosuc River to complete the proposed mitigation activities. Provide compensatory mitigation for wetland and floodplain impacts by creating 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and by preserving the entire mitigation parcel of 28 acres (all within the 100-year floodplain) through the execution of a deed restriction. In addition, a 950 linear feet (1.9 acre) stream creation area will replace the impacted channel, and the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.

Conservation Commission/Staff Comments:

**In a letter dated January 23, 2006, the Littleton Conservation Commission stated that they chose not to intervene in the application, but they did submit a number of questions and concerns for DES to consider.
**In a letter dated March 1, 2006, the Riverbend Subcommittee of the Connecticut River Joint Commission stated that remain convinced that floodplain development is a dangerous and ill-advised use of space; however, they recognize that considerable efforts were made by the applicant to cooperate with the state and federal agencies to move the store further away from the river and closer to Route 302.

Inspection Date: 10/26/2004 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 47,756 square feet (1.1 acres) of palustrine scrub-shrub/emergent wetlands and impact 913 linear feet of a previously ditched stream channel, all within the 100-year floodplain of the Ammonoosuc River, to construct a commercial retail facility with an access road and associated parking. Impacts include 150 linear feet within the bank of the Ammonoosuc River to complete the proposed mitigation activities. Provide compensatory mitigation for wetland and floodplain impacts by creating 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and by preserving the entire mitigation parcel of 28 acres (all within the 100-year floodplain) through the execution of a deed restriction. In addition, a 950 linear feet (1.9 acre) stream creation area will replace the impacted channel, and the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.

With Conditions:

1. All work shall be in accordance with revised plans by Rizzo Associates dated December 26, 2005 (Revised March 28, 2006), as received by the Department on March 29, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed for each appropriate lot in this development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Dam Safety Program.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this Wetlands Permit and the Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer, wetlands scientist, erosion control specialist, and the contractor responsible for performing the work.
8. The applicant shall notify the Wetlands Bureau and the Littleton Conservation Commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
9. The permittee shall designate a qualified professional engineer, wetland scientist, or erosion control specialist who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Work shall be done during low flow conditions.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

Preservation:

23. This permit is contingent upon the execution of a deed restriction on 28 acres of land as depicted on plans received by DES on March 29, 2006.
24. This permit is contingent upon retaining an independent environmental monitor that will conduct annual inspections to ensure the continued protection of the conservation area.
25. The deed restriction to be placed on the conservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this restrictive language.

26. The final deed restriction language shall be submitted to the Wetlands Bureau for review and approval prior to the start of construction.
27. The plan noting the conservation area with a copy of the final restrictive language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
28. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
29. Signs that indicate the location and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area.
30. Activities in contravention of the deed restrictive language shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
31. A report outlining the status of negotiations with the Ammonoosuc Land Trust or other appropriate land conservation organization to place the 28-acre parcel under a permanent conservation easement shall be submitted by December 1 of each year until the parcel is secured for protection.

Wetland construction:

32. This permit is contingent upon the creation of 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and creating 950 linear feet of stream to replace the impacted channel, all in accordance with plans received by DES on March 29, 2006.
33. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
34. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
35. Wetland creation/enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
36. The permittee shall designate a qualified professional engineer, wetland scientist, or erosion control specialist who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
37. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
38. Wetland creation/enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
39. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five (5) full growing seasons.
40. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
41. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. The Department held several pre-application meetings with the applicant and their agents on October 26, 2004, January 24, 2005, August 5, 2005, and on December 5, 2005 to provide regulatory guidance of ways to minimize overall impacts. Earlier versions of the proposed development located the commercial store significantly closer to the bank of the Ammonoosuc River.
3. Wetlands Bureau staff inspected the site on October 26, 2004 and found that the majority of the floodplain was dry as the Ammonoosuc River appears to have abandoned active use of the floodplain through the development of an incised channel and

lateral bank erosion.

4. On January 9, 2006, DES received a Standard Dredge and Fill Application proposing to fill 50,467 square feet of wetlands for the commercial retail facility.
5. In a letter dated January 23, 2006, the Littleton Conservation Commission stated that they chose not to intervene in the application, but they did submit a number of questions and concerns for DES to consider.
6. On February 16, 2006, DES sent a "Request for More Information" letter to the applicant's engineer to address concerns raised from the Wetlands Bureau technical review and to address concerns raised by the Littleton Conservation Commission.
7. In a letter dated March 1, 2006, the Riverbend Subcommittee of the Connecticut River Joint Commission stated that they remain convinced that floodplain development is a dangerous and ill-advised use of space; however, they recognize that considerable efforts were made by the applicant to cooperate with the state and federal agencies to move the store further away from the river and closer to Route 302.
8. On March 29, 2006, DES received a response from the applicant's agent to the DES request for additional information, which included revised plans that summarize a reduced overall wetland impact of 47,756 square feet (1.1 acres).
9. At its closest point, the proposed commercial facility is to be setback 300 feet from the Ammonoosuc River to allow the river to adjust. This area will then be protected under a deed restriction to ensure that the area is preserved and the Ammonoosuc River is free to adjust its boundaries.
10. A detailed HEC-RAS hydraulic analysis (based on cross-sectional surveys) comparing existing and proposed conditions of the project site has shown that by lowering the mitigation site to an active floodplain elevation, it would replace flood conveyance areas such that the 10-, 50-, and 100-year flood stages would not significantly increase. Overall, the hydraulic model indicates that only minor changes in flood stage and hydraulic characteristics will occur, and that abutting properties will not be adversely affected.
11. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
14. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Wt 101.87.
15. This project will not impact wetlands of high value or areas with significant resources protected by RSA 482-A:8.
16. In response to concerns raised by an abutter, DES reviewed the Site Specific File No. WPS- 7452 for alteration of terrain impacts under the same project and finds that floodplain conveyance and storage will be created on-site so that no significant increase in flood elevations on the abutter's property or throughout this reach of the river will occur within the 100-year floodplain (See Hydraulic Analysis: Ammonoosuc River at Proposed Lowe's Littleton, NH dated January, 2006).
17. The Alteration of Terrain (Site Specific) program reviews projects to ensure that there is no increase in flood flow alterations off site resulting from certain projects and they issued permit WPS-7452 on April 7, 2006.
18. The applicant is providing compensatory mitigation for wetland and floodplain impacts by creating 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and by preserving the entire mitigation parcel of 28 acres (all within the 100-year floodplain) through the execution of a deed restriction that will then be transferred to a conservation easement upon finding a willing easement holder. In addition, a 950 linear feet (1.9 acre) stream creation area will replace the impacted channel, and the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.; therefore the applicant has met the ratios and requirements of the mitigation rules under Chapter Wt 800.

MINOR IMPACT PROJECT

**1999-01394 MILAN CONSERVATION COMMISSION
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Applicant requests after the fact approval for additional pier length.

Conservation Commission/Staff Comments:
Tuftonboro CC has no objection

DENY AMENDMENT:

Retain a 4 ft extension of a 6 ft x 40 ft piling pier with 2 tie-off pilings on 143 ft of frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. This project is classified as a minor project per Rule Wt 303.03(d), construction of a 2 slip permanent pier.
2. In accordance with Rule Wt 402.02, Dimensions, the standard length for a permanent pier is 30 ft. Longer dimensions may be approved if the applicant submits evidence of a hardship such as insufficient water depth.
3. In accordance with RSA 482-A:2,VIII, a boat slip, on Lake Winnepesaukee is a volume of water 8 ft wide, 25 ft long and 3 ft deep as measured at normal high water in which a watercraft may be secured.

Findings of Fact

4. The water depths submitted with the request for amendment indicate that adequate depth exists adjacent to the approved 6 ft x 40 ft pier to provide the boat slips requested.

Ruling in Support of the Decision

5. The applicant has failed to submit evidence that a hardship exists on the frontage which would justify an exception to the length requirement of Rule Wt 402.02.

**2002-02386 TACELLI, DAVID & ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Approve name change to: Karen L Alibrandi Revocable Trust, c/o Jim Alibrandi, 15 Baldwin Rd., Westford Ma 01886 per request received 4/14/2006.

APPROVE NAME CHANGE:

Remove 3 rocks and an existing 10 ft x 28 ft 6 in crib pier and construct two 6 ft x 43 ft hinged piers connected by a 6 ft x 12 ft seasonal walkway accessed by a 12 ft x 12 ft deck on an average 200 ft of frontage on Moultonborough Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised May 13, 2003, and received by the Department on May 19, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All portions of the existing 10 ft x 28 ft 6 in crib pier shall be completely removed prior to the construction the new docking facility.
4. All rock and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal piers shall be removed from the lake for the non-boating season.
8. No portion of the piers shall extend more than 43 feet from the shoreline at full lake elevation.

9. The 6 ft wide steps shall be constructed over the bank, and landward of the normal high-water line, in a manner that does not require regrading of the bank. The use of hand tools to set support posts shall not be considered regrading.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2004-02188 SCRABBLE ROAD LLC
BRENTWOOD Unnamed Wetland

Requested Action:

Request amendment to impact an additional 825 sq. ft. of wetlands to construct a stone-lined swale to redirect stormwater currently flowing onto an abutters property.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated October 1, 2004 the Brentwood Conservation Commission expressed concern that the development and road construction would alter the existing flow of water or the levels of standing water, particularly toward abutting, down-gradient properties to the east.

APPROVE AMENDMENT:

Approve amendment request on permit to: Fill approximately 9,381 square feet within palustrine forested wetlands and within the bed and banks of two intermittent streams to construct a roadway to provide access to a 19-lot residential subdivision on approximately 62 acres. And impact an additional 825 sq. ft. of wetlands to construct a stone-lined swale to redirect stormwater currently flowing onto an abutters property.

With Conditions:

1. All work shall be in accordance with the Eleanor's Way NHDES Wetland Permit Plan (Sheets 2 & 3 of 3) by TF Moran, Inc. dated September 3, 2004 and revised November 12, 2004, as received by the Department on February 2, 2005.
 - 1a. Additional 825 sq. ft. of impact to construct a stone-lined drainage swale to be constructed per plans by Jones & Beach Engineers dated 2/8/06 with additional information received at the DES Pease Field office on April 14, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Brentwood Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
2. In a letter to the DES Wetlands Bureau dated October 1, 2004 the Brentwood Conservation Commission expressed concern that the development and road construction would alter the existing flow of water or the levels of standing water, particularly toward abutting, down-gradient properties to the east.
3. In response to the above-referenced concerns of the Brentwood Conservation Commission the Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS-7091 on March 23, 2005 is indicative that all requirements of Env-Ws 415 have been satisfied.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2005-00172 CARGILL BLAKE CONSTRUCTION, WILLIAM CARGILL
MEREDITH Lake Winnepesaukee**

Requested Action:

Replace an existing 14 ft 2 in x 35 ft 6 in boathouse with a 14 ft 2 in x 35 ft 3 in boathouse, reduce area of associated crib supported docks by 192 sq ft, install two fender pilings and two ice clusters, replace beach access steps, install two PWC lifts and install 6 ft wide dug in lake access steps from proposed 29 ft 6 in x 27 ft perched beach on 164 ft of frontage on Lake Winnepesaukee.

APPROVE AMENDMENT:

Replace an existing 14 ft 2 in x 35 ft 6 in boathouse with a 14 ft 2 in x 35 ft 3 in boathouse, reduce area of associated crib supported docks by 192 sq ft, install two fender pilings and two ice clusters, replace beach access steps, install two PWC lifts and install 6 ft wide dug in lake access steps from proposed 29 ft 6 in x 27 ft perched beach on 164 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine as received by the Department on January 24, 2005 and "Tree Cutting Sit Plan" dated May 11, 2005 as received by the Department on May 16, 2005 and revised ice cluster location as received by the Department on April 5, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Existing crib rocks shall be used for crib replacement. No additional rocks.
7. All construction related debris, dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the pre-existing shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. These shall be the only docking structures on this water frontage and all portions of these structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
16. Unnecessary removal of shoreline vegetation shall be prohibited. Exceeding the proposed cutting shall be in violation of this permit.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a 3-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a). Requirements for application evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 1, 2005. Field inspection determined cribs and boathouse dock widths will be reduced in accordance with Administrative Rule Wt 404.22.
6. The applicant has submitted evidence that the work on the frontage will be compliant with the Comprehensive Shoreland Protection Act, RSA 483-B.

2005-01625 WROBLEWSKI, RONALD
CHICHESTER Unnamed Wetland

Requested Action:

Deny permit request to fill 6560 square feet of palustrine forested wetland for lot development on a 19 acre lot.

DENY PERMIT:

Deny permit request to fill 6560 square feet of palustrine forested wetland for lot development on a 19 acre lot.

With Findings:

Standards of Approval:

1. This is a Minor Impact Project per NH Code of Administrative Rule Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.

4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On March July 13, 2005, The Department of Environmental Services, "The Department" Wetlands Bureau received a Standard Dredge and Fill application to fill 6560 of palustrine forested square feet for a parking lot display area on a 19.0 acre lot.
8. On July 21, 2005, The Department Wetlands Bureau acknowledged receipt of the application and deemed it to be "Administratively Complete".
9. In accordance with the Chichester Conservation Meeting Minutes dated July 11, 2005, the conservation commission does not object to the application they do wish to maximize visibility by tree removal rather than filling the wetlands.
10. On September 30, 2005, The Department issued a Request for More Information which asked the applicant to provide a clear need and provide evidence that this is the least impacting alternative on this 19 acre lot.
11. On March 23, 2006, the department received a response indicating that they wish to develop the front of the property rather than the upland rear of the property for visibility.

Findings in Support of Denial:

- The applicant has not demonstrated a need for the proposed wetlands filling based on the fact that there is adequate upland area for a parking/display lot on the site.
16. The lot could be developed without any impacts to the wetlands. This would have a less adverse impact on the area under the department's jurisdiction.
 17. The location of the wetland in the southeast corner of the lot would provide minimal obstruction to commercial development.
 18. This project is denied in accordance with Wt 302.04(d)(3) as it causes the unnecessary destruction of wetlands.
 19. The project is denied per 302.04(d)(5) as the requirements of Wt 302.03 were not met and because the applicant failed to document factors as required in Wt 302.04(a).

**2005-01689 THOMSON PROPERTIES LP, STACEY
ORFORD Unnamed Stream**

Requested Action:

Approve amendment to dredge and fill approximately 1,790 square feet wetlands along approximately 80.5 linear feet of intermittent stream for common driveway access to two residential lots in a seven-lot subdivision of 69.6 acres, further described as follows:

1. Dredge and fill approximately 1,440 square feet along approximately 68 linear feet to install a 36-inch x 68-foot culvert; and
2. Temporarily impact approximately 350 square feet along 12.5 linear feet for poled ford equipment crossing.

Conservation Commission/Staff Comments:

No comments received from the River Local Advisory Committee.

APPROVE AMENDMENT:

Dredge and fill approximately 1,790 square feet wetlands along approximately 80.5 linear feet of intermittent stream for common driveway access to two residential lots in a seven-lot subdivision of 69.6 acres, further described as follows:

1. Dredge and fill approximately 1,440 square feet along approximately 68 linear feet to install a 36-inch x 68-foot culvert; and
2. Temporarily impact approximately 350 square feet along 12.5 linear feet for poled ford equipment crossing.

With Conditions:

1. All work shall be in accordance with plans by FORECO dated February 16, 2006, as received by the Department on February 22, 2006 and subdivision plans by FORECO dated June 03, 2005, revised through April 03, 2006, as received by the Department on

April 17, 2006.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 6 of this approval.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Culverts shall be laid at original grade.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of an intermittent stream or its banks.
2. The proposed crossing provides access to two lots of the seven lot subdivision.
3. No comments were submitted from the Orford Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. This permit is contingent upon approval of a Site Specific Permit by the Alteration of Terrain Program; who will review the pre and post development flows on and off site.

2005-02381 ALTON, TOWN OF
ALTON Cotton Brook

Requested Action:

Dredge and fill a total of 854 square feet within the bed and banks of Coffin Brook for the replacement of an existing culvert with a 5 ft x 7 ft box culvert embedded 2 feet into the stream bed further described as follows: Permanently impact 431 square feet of bank to the replacement of the structure and the installation of riprap to protect the structure and temporarily impact 423 square feet for the installation of the cofferdam.

APPROVE PERMIT:

Dredge and fill a total of 854 square feet within the bed and banks of Coffin Brook for the replacement of an existing culvert with a 5 ft x 7 ft box culvert embedded 2 feet into the stream bed further described as follows: Permanently impact 431 square feet of bank to the replacement of the structure and the installation of riprap to protect the structure and temporarily impact 423 square feet

for the installation of the cofferdam.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated August 2005, and revised through February 2006, as received by the Department on March 22, 2006.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be conducted during low water conditions.
6. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Culvert inverts shall be buried 2 feet below the natural stream bed.
15. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The proposal is for the replacement of an existing culvert which is failing.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has agreed to bury the proposed box culvert and recreate a stream channel within it.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The proposed culvert will improve an existing situation where there currently is a closed bottom culvert with a smaller hydrologic opening.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00022 MOUTAIN VIEW HOME DEVELOPERS OF SUNAPEE LLC, ROBER
SUNAPEE Unnamed Wetland**

Requested Action:

Dredge and fill 8,075 square feet of an intermittent stream and palustrine forested and emergent wetlands including 504 square feet for the replacement of an existing 36-inch pipe culvert with a 43-inch x 64-inch x 76-foot arch culvert with headwalls and 1,540 square feet for the realignment of 193 linear feet of an intermittent stream channel and installation of rip-rap and the replacement of a 12-inch x 48-foot culvert at one wetland crossing (Wetland Crossing #1), and 6,031 square feet for the installation of an 18-inch x 39-foot culvert at a second wetland crossing (Wetland Crossing #2), for the construction of an access road to a planned unit development (condominium complex) with 12 duplexes (24 condominium units) on an approximately 37.4 acre parcel with approximately 19 acres of open space.

APPROVE PERMIT:

Dredge and fill 8,075 square feet of an intermittent stream and palustrine forested and emergent wetlands including 504 square feet for the replacement of an existing 36-inch pipe culvert with a 43-inch x 64-inch x 76-foot arch culvert with headwalls and 1,540 square feet for the realignment of 193 linear feet of an intermittent stream channel and installation of rip-rap and the replacement of a 12-inch x 48-foot culvert at one wetland crossing (Wetland Crossing #1), and 6,031 square feet for the installation of an 18-inch x 39-foot culvert at a second wetland crossing (Wetland Crossing #2), for the construction of an access road to a planned unit development (condominium complex) with 12 duplexes (24 condominium units) on an approximately 37.4 acre parcel with approximately 19 acres of open space.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc.: Sheet WC, "Overall Wetlands Map" dated March 2006 and Sheet WC2, "Wetland Crossing" dated March 23, 2006 (revised) as received by the DES Wetlands Bureau on March 24, 2006; Sheet WC1, "Wetlands Map" dated March 23, 2006 (revised) and Sheet S1, "Existing Conditions" dated December 2005 as received by the DES Wetlands Bureau on April 13, 2006; and, Sheet WC3, "Wetlands Notes & Details" dated December 2005, as received by the DES Wetlands Bureau on January 3, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The deed which accompanies the sales transaction for each condominium unit and all other areas identified on the subject property conveyed to the condominium association shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. This permit shall not be effective until it has been recorded with the Sullivan County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. All work shall be done during low flow.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

18. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

19. Proper headwalls shall be constructed within seven days of culvert installation.

20. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

22. Faulty equipment shall be repaired prior to entering jurisdictional areas.

23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The proposed impacts are necessary for the construction of an access road to a proposed planned unit development (condominium complex) while maintaining the existing drainage conditions in the post-development state.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. Wetland Crossing #1 will impact 504 square feet of palustrine forested and emergent wetlands and 193 linear feet (1,540 square feet) of an intermittent stream channel. The intermittent stream flows for 193 linear feet along the road frontage of the property on Brook Road and carries streamflow and road surface runoff. The proposed crossing is located at an existing woods access road which crosses the intermittent stream by a 36-inch pipe culvert. The 36-inch culvert will be replaced with a 43-inch x 64-inch x 76-foot arch culvert with headwalls.

6. The channel section immediately adjacent to Brook Road is undersized resulting in the undermining and erosion of the road pavement. The NHDOT is requiring the applicant to realign and regrade the 193-linear foot channel from the outlet end of the existing 36-inch culvert to a point 20 feet from the property line. The channel will be realigned and widened to allow proper grading. The channel bed will be lined with rip-rap to prevent further erosion, facilitate flow, and allow for easier maintenance.

7. Wetland Crossing #2 will impact 6,031 square feet of palustrine forested and emergent wetlands which function as a nutrient filter and drainage conveyance. There is no defined channel through the wetland. The applicant has proposed the installation of an 18-inch x 39-foot culvert with a stone conduit below and around the culvert to maintain the drainage flow within the existing path.

8. The wetland at Wetland Crossing #2 flows to a man-made pond on the abutting property. Wetland Crossing #2 was designed with the drainage controls and stormwater system for the entire project so that there will be no increase in the rate of runoff to the sub-watershed feeding into and out of the wetland area impacted by the crossing and no increase onto the abutter's property and into the pond downgradient of the crossing.

9. Runoff from the proposed access road is controlled by upstream detention and treatment systems such that there is no increase in the rate of runoff to the wetlands feeding the abutter's pond.

10. The central part of the subject property has three small isolated jurisdictional wetlands. The NH Certified Wetlands Scientist who delineated the wetlands for the proposed project has certified that these wetlands are not vernal pools.

11. The proposed development consists of 12 duplexes (24 condominium units) on an approximately 37.4 acre parcel with

approximately 19 acres of open space.

12. The applicant has indicated that the open space shall remain undeveloped in perpetuity and managed by the condominium association.

13. This permit is contingent on approval by the DES Site Specific Program.

14. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2006-00163 DUPONT, EDWARD
NEW DURHAM Merrymeeting Lake**

Requested Action:

Perch the existing dug-in beach, restore pre-existing shoreline in front of existing beach, and install lake access steps.

APPROVE PERMIT:

Perch the existing dug-in beach, restore pre-existing shoreline in front of existing beach, and install lake access steps.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated April 17, 2006, as received by the Department on April 18, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Shoreline in front of the beach shall be restored with rip-rap to resemble the pre-existing natural shoreline to protect proposed retaining wall from undermining.
10. The permittee shall submit photographs of the completed project within two weeks of completion of the project to the file showing the completed shoreline restoration. The photographs shall show the existing shoreline and the restored shoreline.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(f) Construction of a beach that exceeds the criteria in 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00446 KILEY, LEO
CONWAY Conway Lake**

Requested Action:

Dredge and fill 2,310 square feet within wetlands and an intermittent stream (impacting 90 linear feet) to construct an access road for a 34-lot residential subdivision on 69.1 acres of land.

APPROVE PERMIT:

Dredge and fill 2,310 square feet within wetlands and an intermittent stream (impacting 90 linear feet) to construct an access road

for a 34-lot residential subdivision on 69.1 acres of land.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated December, 2005, as received by the Department on April 11, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow conditions.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a Minor Project per NH Administrative Rule Wt 303.03(1), as stream impacts disturb less than 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2005-01165 MACERA, MICHAEL
SEABROOK Blackwater Creek

Requested Action:

Request to amend permit to include: impacting a total of 2,560 square feet of within the 100-foot tidal buffer zone to remove the existing single family residential dwelling and construct a new single family residential dwelling landward of the 50-primary

building setback per CSPA.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not sign the Minimum Impact Expedited Application and submitted comments.

APPROVE AMENDMENT:

Permanently impact 1,132 square feet within the 100-foot Tidal Buffer Zone for the construction of a single family dwelling. amend permit description to include: impacting a total of 3,692 square feet of within the 100-foot tidal buffer zone to remove the existing single family residential dwelling and construct a new single family residential dwelling landward of the 50-primary building setback per CSPA.

With Conditions:

1. All work shall be in accordance with plans by Silverwatch Architects, LLC, as received by the Department on April 10, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction related activities.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Any new driving/parking areas shall be constructed of pervious material.
8. All downspouts from rain gutters shall direct flows away from the marsh for stormwater treatment.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NHNH has identified the following exemplary natural communities and rare species near the identified area: Bayberry - beach plum maritime shrubland; Beach grass grassland; Coastal interdunal marsh/swale; High salt marsh and related estuarine communities; Maritime wooded dune; Beach grass (*Ammophila breviligulata*); Dwarf Glasswort (*Salicornia bigelovii*) and Perennial Glasswort (*Salicornia virginica* as threatened; Sea-chickweed (*Honckenya peploides* ssp. *robusta*) as endangered.
6. Upon review of the site plan and field inspection, none of the aforementioned species will be adversely affected.

**2005-02421 GROVETON FISH & GAME CLUB INC, LESTER HILTON
NORTHUMBERLAND Unnamed Wetland**

Requested Action:

Dredge and fill 7,098 square feet of forested wetlands for shooting range expansion and existing berm relocation.

APPROVE PERMIT:

Dredge and fill 220 square feet of forested wetlands to install a 12-inch x 20-foot culvert for access to rifle range expansion.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc. dated March 2006, as received by the Department on April 07, 2006 and plans dated April 2006, as received by the Department on April 17, 2006.
2. This permit is contingent on coordination with the DES Waste Management Division regarding appropriate sampling, testing, and remediation of the previous berm location.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The applicant significantly reduced originally proposed impacts; eliminating wetlands fill for range expansion and berm relocation.
3. The proposed range expansion is for rifle shooting, no shotguns or shotgun pellets.
4. This permit is contingent on coordination with the DES Waste Management Division regarding appropriate sampling, testing, and remediation of the previous berm location.
5. Alternative access to the proposed range expansion from Lost Nation Road would create an additional public access point to the range; therefore, raising concerns for public safety.
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02789 COPENHAVER, ROBERT & WAYNE RUGGLES
LITTLETON Unnamed Wetland

Requested Action:

Dredge and fill 2,970 square feet of man-made wetlands for driveway access to a three unit residential building.

APPROVE PERMIT:

Dredge and fill 2,770 square feet of man-made wetlands for driveway access to a three unit residential building.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated July 2005 and revised through March 15, 2006, as received by the Department on March 23, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau, if required.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Work shall be done during low flow conditions.

5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The applicant removed the originally proposed wetlands fill within the Ammonoosuc River 100 year floodplain.
3. Impacted wetlands were classified as PEM1Cx (low-value, excavated ditch wetlands).
4. The Littleton Conservation Commission did not submit any objections to the proposed project.
5. No comments were submitted from the NH Fish and Game Department or the NH Natural Heritage Bureau.
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02908 CONNOLLY, ROBERT & SUSAN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Add a 6 ft by 12 ft seasonal docking structure to the existing 6 ft by 50 ft seasonal dock, move 5 rocks to a location in front of the applicants property on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comments submitted

APPROVE PERMIT:

Add a 6 ft by 12 ft seasonal docking structure to the existing 6 ft by 50 ft seasonal dock, move 5 rocks to a location in front of the applicants property on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 29, 2005, revision date February 28, 2006, as received by the Department on April 18, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 62 feet from the shoreline at full lake elevation.
7. Dredged material shall be placed as indicated on the approved plan and not within the abutters 20 ft setback.

8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction or modification of a seasonal dock.

2006-00110 ROBINSON, WILLIAM
FARMINGTON Unnamed Wetland

Requested Action:

Dredge and fill 1,135 sq. ft. of wetlands to install a 18" x 30' culvert for a driveway crossing to a single family house lot.

Conservation Commission/Staff Comments:

Conservation Commission did not report.

APPROVE PERMIT:

Dredge and fill 1,135 sq. ft. of wetlands to install a 18" x 30' culvert for a driveway crossing to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Thomas W. Varney, PE dated 12/5/2005 as received by the Department on 4/12/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert for access to a single family house lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Wetlands must be crossed at some location on the property to access the upland.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The crossing is the most minimized location within the access easement to the lot.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00638 CLARKIN, DAVID & LAURA
SALEM Arlington Pond

Requested Action:

Repair an existing 80 ft of retaining wall on Arlington Lake, Salem.

Conservation Commission/Staff Comments:

Con Com has no objections
NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Repair an existing 80 ft of retaining wall on Arlington Lake, Salem.

With Conditions:

1. All work shall be in accordance with plans by D Clarkin, as received by the Department on April 06, 2006.
2. Work shall be done during drawdown.
3. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major. 2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

FORESTRY NOTIFICATION

**2006-00720 LAKEVILLE SHORES INC
KEENE Unnamed Stream**

COMPLETE NOTIFICATION:
Keene Tax Map 916, Lot# 12

**2006-00721 FINN M.W. CASPERSEN / CLARK HILL, INC.
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map 1, Lot# 740

**2006-00723 CASPERSEN, FINN
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map 1, Lot# 740

2006-00797 HATCH, MAURICE
WAKEFIELD Unnamed Pond

COMPLETE NOTIFICATION:
Wakefield Tax Map 161, Lot# 11

EXPEDITED MINIMUM

2005-01768 WEBB JR, DOUGLAS
GRANTHAM Unnamed Stream

Requested Action:

Dredge and fill 478 square feet of wetlands along 21 linear feet of intermittent stream to install a 24-inch x 21-foot culvert for common driveway access to two lots.

APPROVE PERMIT:

Dredge and fill approximately 474 square feet of wetlands along 18 linear feet of intermittent stream to install a 18-foot x 11-foot x 3-foot open bottom box culvert for common driveway access to two lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, L.L.C. dated May 24, 2005 and revised through March 12, 2006, as received by the Department on March 22, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during dry conditions.
4. There shall be no excavation or operation of construction equipment in flowing water.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. As requested by the NH Fish and Game Department the applicant proposes to install a open-bottomed box culvert.
3. No comments were submitted from the NH Natural Heritage Bureau.
4. The Grantham Conservation Commission signed the application.

5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02153 DALRYMPLE, RICHARD & KATHLEEN
SUNAPEE Lake Sunapee

Requested Action:

Permanently remove a 8 ft by 17 ft permanent dock and construct a 6 ft by 30 ft seasonal dock providing 2 boatslips on 71 ft of frontage on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove a 8 ft by 17 ft permanent dock and construct a 6 ft by 30 ft seasonal dock providing 2 boatslips on 71 ft of frontage on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green, as received by the Department on March 30, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

2006-00469 BIRCH, KEITH
ALTON Hills Pond

Requested Action:

Construct a 12 ft x 12 ft perched beach with 3 ft wide lake access steps on 148 ft of frontage on Hills Pond in Alton.

APPROVE PERMIT:

Construct a 12 ft x 12 ft perched beach with 3 ft wide lake access steps on 148 ft of frontage on Hills Pond in Alton.

With Conditions:

1. All work shall be in accordance with plans by Keith Birch dated January 27, 2006, as received by the Department on March 6, 2006.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks

currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 505.02(e), An applicant may proceed with the the project by meeting conditions 1-3.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00634 FOSS, LAURENCE
FREEDOM Ossipee Lake

Requested Action:

Repair an existing 35 ft of failed retaining wall on Ossipee Lake, Freedom.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 35 ft of failed retaining wall on Ossipee Lake, Freedom.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on April 12, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit does not allow for any work in the water.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c), repair of an existing retaining wall.

2006-00656 CRAMER, FREDRIC & JANET
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing 73 ft "L" shaped breakwater with a 4 ft by 61 ft cantilevered dock and a 6 ft by 20 ft walkway along the shore on an average of 156 ft of frontage providing 2 boatslips on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 73 ft "L" shaped breakwater with a 4 ft by 61 ft cantilevered dock and a 6 ft by 20 ft walkway along the shore on an average of 156 ft of frontage providing 2 boatslips on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 08, 2006, as received by the Department on March 28, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. This permit does not allow for maintenance dredging.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Repairs shall maintain existing size, location and configuration.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-00690 DOUGHERTY, DAVID & ELIZABETH
EASTON Unnamed Wetland**

Requested Action:

Dredge and fill approximately 825 square feet of forested wetlands to install a 18-inch x 25-foot culvert for driveway access to a single family building lot.

APPROVE PERMIT:

Dredge and fill approximately 825 square feet of forested wetlands to install a 18-inch x 25-foot culvert for driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction, Inc. dated March 03, 2006, as received by the Department on March 30, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a single family building lot.
2. Excessive slopes limit access to the lot from the northeast corner.
3. Flows will be maintained via proposed 18-inch x 25-foot culvert.
4. The Easton Conservation Commission signed the application.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2006-00788 RASMUSSEN, ROBERT
(ALL TOWNS) Unnamed Stream

APPROVE PERMIT:
Gold Dredge

2006-00790 JOHNSON, MARK
(ALL TOWNS) Unnamed Stream

APPROVE PERMIT:
Gold Dredge

2006-00791 PETRIE, MICHAEL
(ALL TOWNS) Unnamed Stream

APPROVE PERMIT:
Gold Dredge

2006-00792 LIESENDAHL, GARY
(ALL TOWNS) Unnamed Stream

APPROVE PERMIT:
Gold Dredge

LAKES-SEASONAL DOCK NOTIF

2006-00783 MESKIN, MIKE
LACONIA Winnisquam Lake

COMPLETE NOTIFICATION:
Laconia Tax Map# 403 Lot# 3 Winnisquam Lake

2006-00784 SCARPONI, RICHARD / VIRGINIA
BARRINGTON Nippo Lake

COMPLETE NOTIFICATION:
Barrington Tax Map# 2 Lot# 13-4 Nippo Lake

2006-00785 LAQUAGLIA, FRANK / STACY
SANBORNTON Winnisquam Lake

COMPLETE NOTIFICATION:
Sanborntown Tax Map# 17 Lot# 15 Winnisquam Lake

2006-00786 LAWRENCE, ALICE
TILTON Silver Lake

COMPLETE NOTIFICATION:
Tilton Tax Map# OU03 Lot# 30 Block# 0026
Silver Lake

2006-00787 BEATTIE, BILL
LEBANON Mascoma Lake

COMPLETE NOTIFICATION:
Lebanon Tax Map# 98 Lot# 6 Mascoma Lake

2006-00799 BOUCHER, LEO
LOUDON Clough Pond

COMPLETE NOTIFICATION:
Loudon Tax Map# 58 Lot# 62 Clough Pond

2006-00800 DUBE, THOMAS
WAKEFIELD Belleau Lake

COMPLETE NOTIFICATION:
Wakefield Tax Map# 80 Lot# 1-13 Belleau Lake

2006-00809 BRIENZA, RONALD & ANN
MEREDITH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Meredith Tax Map# S-19 Lot# 17 Lake Winnepesaukee

2006-00811 BRIENZA, RONALD & ANN
MEREDITH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Meredith Tax Map# U-01 Lot# 50 Lake Winnepesaukee

ROADWAY MAINTENANCE NOTIF

2006-00777 SALEM, TOWN OF
SALEM Unnamed Stream Arlington Pond

2006-00778 AUBURN, TOWN OF
AUBURN Unnamed Stream

2006-00779 NH DEPT OF TRANSPORTATION
NEWTON Unnamed Stream

2006-00780 NH DEPT OF TRANSPORTATION
ROLLINSFORD Roadside Ditch

**2006-00781 NH DEPT OF TRANSPORTATION
MANCHESTER Unnamed Wetland**

**2006-00813 NH DEPT OF TRANSPORTATION
CONWAY Unnamed Stream**

**2006-00816 NH DEPT OF TRANSPORTATION, DISTRICT 2
UNITY Unnamed Stream**

PERMIT BY NOTIFICATION

**2005-02125 CHASE, JANE
FRANCESTOWN Unnamed Pond**

Requested Action:

Maintenance dredge 19,800 square feet of an existing man-made farm pond.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application and submitted a letter (received by the DES Wetlands Bureau on April 6, 2006) stating that the site is accurately represented on the site plan and that no problems are anticipated with the proposed project.

PBN IS COMPLETE:

Maintenance dredge 19,800 square feet of an existing man-made farm pond.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

**2006-00270 GAWLIK, PAUL
LYNDEBOROUGH Unnamed Stream**

Requested Action:

Dredge and fill 400 square feet in a perennial stream for the in-kind replacement of an existing 36-inch x 20-foot culvert and associated stone headwalls.

Conservation Commission/Staff Comments:

The Conservation Commission did not sign the application and did not submit comments.

PBN IS COMPLETE:

Dredge and fill 400 square feet in a perennial stream for the in-kind replacement of an existing 36-inch x 20-foot culvert and associated stone headwalls.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

2006-00524 DIAZ, KENNETH & LINDA
NEW BOSTON Unnamed Wetland

WITHDRAW APPLICATION:

Application Withdrawn

2006-00653 MULTIFLEX DEVELOPMENT CORP
LACONIA Paugus Bay

Requested Action:

Repair replace existing docking facility, piling supports and 3 ice clusters.

PBN IS COMPLETE:

Repair replace existing docking facility, piling supports and 3 ice clusters.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00694 AVEDISIAN, JACK
WOLFEBORO Lake Winnepesaukee

Requested Action:

Fix structures in kind

PBN IS COMPLETE:

Fix structures in kind

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00705 THEILING, HAROLD
WAKEFIELD Great East Lake

Requested Action:

Repair/Replace existing retaining wall "in-kind".

PBN IS COMPLETE:

Repair/Replace existing retaining wall "in-kind".

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00741 SPINNAKER SHORES CONDO. ASSOC., MARK RINES
GILFORD Lake Winnepesaukee

Requested Action:

Repair existing piling supported docking facility and install three PWC lifts.

PBN IS COMPLETE:

Repair existing piling supported docking facility and install three PWC lifts.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. Rule Wt 303.04 (ad) Installation of a seasonal personal watercraft lift.

2006-00782 MCNABB, DIANA
GILFORD Lake Winnepesaukee

Requested Action:

Repair/Replace all of the existing docking facility including all existing piles and ice clusters.

PBN IS COMPLETE:

Repair/Replace all of the existing docking facility including all existing piles and ice clusters.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00805 REYNOLDS, DANIEL
ALTON Lake Winnepesaukee

Requested Action:

Repair/replace existing permanent piling supported docking facility.

PBN IS COMPLETE:

Repair/replace existing permanent piling supported docking facility.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.