

Wetlands Bureau Decision Report

Decisions Taken
05/29/2006 to 06/04/2006

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.

MAJOR IMPACT PROJECT

**2005-01535 MANCHESTER PARKS & RECREATION, CITY OF
MANCHESTER Nutts Pond**

Requested Action:

Dredge and Fill 5,375 sq. ft. of wetlands and dredge 440 cubic yards of sediment from Nutt Pond.

Inspection Date: 05/16/2006 by William A Thomas

APPROVE PERMIT:

Dredge and fill approximately 14,730 sq. ft. forested wetlands, scrub shrub wetlands and bank (includes 5,015 sq. ft. of permanent impact, 9,660 sq. ft. of restoration, 55 sq. ft. of temporary impact and 27 linear ft. of permanent bank impact) to construct two new stormwater treatment structures with restoration adjacent to Nutt Pond (located at the "East Inlet" and "Henry's Wetland") and install one new storm gate ("North Inlet") and conduct bank stabilization ("West Bank") in Nutt Pond as part of the city sewer and stormwater stabilization project.

With Conditions:

1. All work shall be in accordance with plans by Comprehensive Environmental Incorporated sheets C-3, C-4 and C-5 revision dated January 2006, as received by the Department on April 12, 2006 and plan sheet C-6, dated June 2005 and the revised Wetland Impact Summary, dated May 22, 2006, as received by the Department on May 24, 2006.
2. The City shall obtain construction easements from affected landowners outside of the existing road right-of-way or City owned property and shall supply copies of the easements to DES Wetlands File No. 2005-1535 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final construction sequence, dewatering, diversion and erosion control plans. Those plans shall detail the timing and method of to be used during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during low flow.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau and disposed of properly.
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. 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. 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.
9. 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.
10. Silt fencing must be removed once the area is stabilized.
11. 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).
12. Wetland replication/restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) full growing season following the completion of work, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. A post-construction report documenting the status of the restoration areas with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and following one full growing season.
14. 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.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. 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.

18. 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 (h), alteration of less than 20,000 square feet of nontidal wetlands, surface waters or bank.
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. The applicant provided reduced plans of the proposed stormwater treatment structures that were prepared and stamped by a New Hampshire Licensed Professional Engineer.
6. The applicant provided a wetland delineation plan prepared by a New Hampshire Certified Wetland Scientist.
7. DES Staff conducted a field inspection of the proposed project on May 16, 2006. It was determined that the proposed impacts to wetlands would help reduce sediment load to Nutt Pond and should increase the water quality of Nutt Pond and the adjacent wetlands.
8. This project is part of the Manchester Urban Ponds and Streambank Stabilization Project to improve water quality throughout the City of Manchester.
9. This project is being funded by the City of Manchester and the Supplemental Environmental Projects Program.
10. The New Hampshire Fish & Game Department did not submit comments.

2006-00217 MAVERICK DEVELOPMENT CORP
AUBURN Unnamed Wetland

Requested Action:

Dredge and fill approximately 7,567 sq. ft. of wetlands and surface waters to construct an access road to a 9 lot subdivision.

APPROVE PERMIT:

Dredge and fill approximately 7,949 square feet of forested wetlands and perennial stream (approximately 309 linear feet of perennial stream) for access to a proposed 9 lot subdivision to be known as "Sawyer Estates". Work includes five "Wetlands Disturbance" areas for access road and driveway construction: Wetlands Disturbance #1 consists of filling approximately 506 sq. ft. of forested wetlands for access road construction; Wetlands Disturbance #2 consists of dredge and fill of approximately 3,484 sq. ft., (approximately 141 linear ft. of perennial stream and 822 sq. ft. of temporary impact) of forested wetlands and perennial stream for the installation of a 4 ft. wide x 3 ft. high x 47 ft. long open bottom box culvert, headwalls, associated grading and stream diversion structure for the proposed access road; Wetlands Disturbance #3 consist of dredge and fill of approximately 1,129 sq. ft. of forested wetlands for the installation of a 30 in. x 58 ft. RCP culvert, headwalls and associated grading for the proposed access road; Wetlands Disturbance #4 consists of dredge and fill of approximately 2,130 sq. ft., (approximately 168 linear. ft. of perennial stream and 685 sq. ft. of temporary impact) of forested wetlands and perennial stream for the installation of a 6 ft. wide x 3 ft. high x 56 ft. long open bottom box culvert, headwalls, associated grading and temporary stream diversion structure for the proposed access road; Wetlands Disturbance #5 consists of dredge and fill of approximately 700 sq. ft. of forested wetlands for the installation a 12 in. x 38 ft. RCP culvert, headwalls, associated grading and outlet protection for the construction of a proposed driveway to access proposed lot 48-1-3.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., "Wetland Crossing Plan" sheets 2, 3 and 4 of 4, revision dated May 17, 2006, as received by the Department on May 23, 2006 and plans by RSL Layout & Design, Inc., sheets 1 through 28 of 28, as received by the Department on May 23, 2006.
2. All work conducted within jurisdictional wetlands and surface waters shall comply with the aforementioned Wetland Crossing Plan(s) by Meridian Land Services, Inc.
3. Prior to the start of construction the Permittee shall submit to DES revised subdivision plans (sheets 1 through 28 of 28 by RSL

Layout and Design, Inc.) that reflect the design changes to each "Wetlands Disturbance" area as depicted on the plans by Meridian Land Services, Inc., "Wetland Crossing Plan" sheets 2, 3 and 4 of 4, revision dated May 17, 2006, as received by the Department on May 23, 2006.

4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. 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 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.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain project specific condition #7 of this approval.
9. 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.
10. Work in jurisdiction shall be conducted during low or no flow.
11. Orange construction fencing shall be placed at the limits of construction adjacent to the proposed wetlands and surface water impact areas to prevent accidental encroachment.
12. 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.
13. 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."
14. There shall be no excavation or operation of construction equipment in flowing water.
15. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
16. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. Temporary bank impacts shall be restored to their original grades and to a stable condition within three days of completion of the crossing construction.
19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. A post-construction report documenting the status of the restored wetlands, streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of the construction of each crossing.
21. 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.
22. 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.
23. 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.
24. 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.
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. Proper headwalls shall be constructed within seven days of culvert installation.
27. 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).
28. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and repaired before working adjacent to or within wetlands or surface waters.
29. 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.

30. 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 (i) of more than 200 linear feet of perennial nontidal stream channel and banks.
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) has been considered in the design of the project.
5. To mitigate for the impacts to perennial streams on the property the applicant has provided open bottom box culverts at each perennial stream crossing that will preserve and replicate the natural stream bed.
6. The New Hampshire Fish & Game Department recommended open bottom box culverts or bridges 1.2x bank full width at all perennial stream crossings in order to avoid future issues with aquatic species passage.
7. The applicant has provided open bottom box culverts at each perennial stream crossing which meet the 1.2x bank full width recommendation.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland system.
9. The Town of Auburn has required the applicant to provide 50 foot right of way between proposed lot 48-1-2 and 48-1-3 to Tax Map 8 Lot 33.
10. The applicant has provided documentation of potential future jurisdictional impacts (approximately 340 sq. ft.) to construct a proposed 50 foot right of way on the property between proposed lot 48-1-2 and 48-1-3 to Tax Map 8 Lot 33.
11. The applicant has provided documentation that the proposed right of way will access uplands on lot 33.
12. Any future jurisdictional impacts required to construct the proposed right of way will require further permitting by DES.
13. DES has received plans depicting wetland boundaries that were delineated by a certified wetland scientist in accordance with Administrative Rule Wt 304.09.

2006-00255 WEST STREET DEVELOPMENT LLC
ASHLAND Unnamed Stream

Requested Action:

Dredge and fill 4275 square feet of intermittent stream to upgrade the culverts on an existing logging road for access in the subdivision of 51.89 acres into 10 single family residential lots.

APPROVE PERMIT:

Dredge and fill 4275 square feet of intermittent stream to upgrade the culverts on an existing logging road for access in the subdivision of 51.89 acres into 10 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by S Flynn dated May 14, 2005, as received by the Department on February 7, 2005, and Subdivision Plans Titled "West St Development LLC" dated January 2005, as received by the Department on May 3, 2005.
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. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. 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.
8. Work shall be done in the dry.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Silt fencing must be removed once the area is stabilized.
16. 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(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), and Administrative Rule Wt 303.03(l), 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 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.

MINOR IMPACT PROJECT

2004-02635 DESANTIS, SCOTT
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Drive (5) temporary pilings to support a turbidity curtain, fill 300 sq ft of lakebed to construct a temporary cofferdam, excavate 1866 sq ft of bank to construct a 36 ft x 42 ft dug-in boathouse, dredge 5.7 cu yds of material from 843 sq ft of lakebed for access, install a 6 ft x 40 ft seasonal dock, excavate 900 sq ft of bank to construct a 20 ft x 45 ft perched beach, utilizing 10 cu yds of sand, surrounded by 80 linear ft of stone wall, with steps accessing the beach and the water, and install steps over the bank to access the water on an average of 353 ft of frontage on Cavaliers Cove, Lake Winnepesaukee.

Conservation Commission/Staff Comments:
Con. Com. did not comment on project.

DENY PERMIT:

Install a turbidity curtain, construct a temporary cofferdam, dredge the lakebed and excavate the bank and protected shorelands to construct a dug-in boathouse, install a 6 ft x 40 ft seasonal dock, excavate 900 sq ft of bank to construct perched beach, and install steps over the bank to access the water on an average of 353 ft of frontage in Cavaliers Cove, Lake Winnepesaukee.

With Findings:
Findings in Support of the Decision

Standards for Approval

1. In accordance with RSA 482-A:3,I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department.
2. In accordance with RSA 482-A:3,XIV. In processing an application for permits under this chapter, except for a permit by notification, the department shall: b) Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact ..., request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.
3. In accordance with RSA 482-A:3,XIV. (c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information:(1) Approve or deny the application, in whole or in part; or 2) Commence a non-adjudicative proceeding in accordance with this chapter and rules adopted by the commissioner; or (3) Extend the time for response for good cause and with the written agreement of the applicant.
4. In accordance with Rule Wt 302.03, Avoidance and Minimization, the applicant shall demonstrate that his proposal is the alternative with the least adverse impact to areas under the department's jurisdiction.
5. In accordance with Rule Wt 302.04,(d), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the environment.
6. In accordance with the Comprehensive Shoreland Protection Act (the CSPA), RSA 483-B:3, I, Consistency Required, "State and local permits for work within the protected shoreland shall be issued only when consistent with the intent and policies of the chapter."
7. In accordance with RSA 483-B:9, V.(a) Natural woodland buffer. (2) Within the natural woodland buffer of the protected shoreland under conditions defined in RSA 483-B:9, V, all of the following prohibitions and limitations shall apply: (A) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.

Findings of Fact

8. On October 28, 2004, the NH DES Wetlands Bureau (the "Bureau") received an application for the construction of a dug-in boathouse, dock and perched beach on an undeveloped lot identified as Center Harbor tax map 8, lot 36-1 (the "Property").
9. On November 2, 2004 the Applicant was notified that the application had been received by the Bureau, determined to be administratively complete, and assigned to an inspector for technical review.
10. On December 3, 2004, a Request for More Information Letter was issued to the applicant identifying 4 items which were required for the Bureau to complete its review.
11. Among the items requested were plans showing temporary impacts associated with gaining access to the construction sites and plans showing the location of all trees to be removed with 50 ft of the project and the location of the primary structure as needed to determine the projects compliance with the Comprehensive Shoreland Protection Act, RSA 483-B (the "CSPA"). The Letter specifically requested that all structures be shown relative to the property lines.
12. The Request for More Information Letter dated December 3, 2004, clearly stated that a "complete response" to the letter must be submitted by April 2, 2005.
13. On December 6, 2004, Bureau staff inspected the property and found that the sapling layer had been removed from the protected shorelands on frontage in violation of the CSPA.
14. On December 22, 2004, the Bureau received a partial response from the Applicant. The response did not include plans showing the primary structure, distances of the structures from the south property line, temporary impacts associated with gaining access to the site, and the information pertaining to the trees to be removed or retained on the frontage did not correspond to conditions observed during the field inspection.
15. On December 29, 2004, the Bureau received a submittal from the Applicant which addressed the distances of the structures from the south property line.
16. The outstanding items including plans showing the primary structure and temporary impacts associated with gaining access to

the site were not submitted and were still required prior to the April 2, 2005 deadline.

17. On February 23, 2005, Bureau staff met with agent for the Applicant to discuss issues pertaining to the CSPA violations on the property, the siting of structures to minimize and avoid impacts to the natural woodland buffer, and the information requested by the Bureau on December 3, 2004 relative to documenting the woodland buffer protected under the CSPA.

18. The information still outstanding from the December 3, 2004 Request for More Information Letter was not submitted during the February 23, 2005 meeting.

19. On April 11, 2005, the Bureau issued a letter to the Applicant addressing the Shoreland issues on the property as discussed with the agents for the Applicant on February 23, 2005. 20. The April 11, 2005 letter requested that the Applicant submit plans for the restoration of the protected sapling/shrub layer within 30 days, show the location of the primary structure as requested on December 3, 2004, revise the beach location to minimize and avoid impacts to the natural woodland buffer, and revise the location of steps to the water which were added to the project by the Applicant in the submittal of December 29, 2004.

21. On August 16, 2005, the Bureau received a submittal from the Applicant which included plans for the restoration of the sapling/shrub layer showing the location of the primary structure on the property stating that no trees would be removed for the beach construction and relocating the steps as requested.

22. On September 6, 2005, the Bureau issued a Request for More Information Letter to the Applicant explaining that as a result of legal proceedings relative to the Bureau's permitting of dug-in boathouses the Bureau had been required to expand its evaluation of boathouse impacts to include the shorelands protected under the CSPA.

23. The September 6, 2005 letter requested that the Applicant provide documentation that the proposed impacts to 2,709 sq ft of lakebed, bank and protected shorelands were the least impacting alternative method of providing 2 boat slips on the frontage. The Letter dated September 6, 2005, clearly stated that a "complete response" must be submitted by January 4, 2006.

24. On January 4, 2006, the Bureau received a response to the Bureau's September 6, 2005 letter which refused to document that proposal was the least impacting alternative to the protected shorelands on the grounds that it was unnecessary since the protected shorelands were not within the jurisdiction of the Wetlands Bureau.

25. On February 3, 2006 the Bureau issued a follow up Request for More Information Letter reiterating that the Applicant was required to provide documentation that the proposed project was the method of providing 2 boat slips on the frontage which would have the least impact on the Bureau's jurisdiction, including the protected shorelands.

26. The letter dated February 3, 2006, extended the deadline for response to the original letter dated September 6, 2005 and clearly stated that a "complete response" must be submitted within 30 days,(March 7, 2006).

27. On March 7, 2006 the Agent for the Applicant submitted a response to the February 3, 2006 letter in which the Agent alleged that the project was already approved due the failure of the Bureau to respond to his December 22, 2004 submittal in a timely manner and disputes the ability of the Bureau to establish a time frame of less than 120 days for response to the February 3, 2006 letter.

28. In the March 7, 2006 response the Agent for the Applicant again refused to provide documentation of the project as the least impacting to the protected shorelands on the grounds that RSA 483-B only required that water dependent structures need only meet the rules within Chapter Wt 300 and 400 which gave no consideration to the protected shorelands.

29. On May 25, 2006, the Bureau received a submittal from the Applicant's legal counsel alleging that the project was approved under 482-A:3,XIV due the failure of the Bureau to respond to the March 7, 2006 response from the Agent for the Applicant in a timely manner.

Rulings in Support of the Decision

30. The language of RSA 482-A:3, XIV specifically states that the Bureau is required take action on an application for which additional information has been requested "within 30 days of the department's receipt of the information"(emphasis added). The correspondence received on December 22, 2004 did not contain all of the information requested in the Request for More Information Letter dated December 3, 2004, and therefore did not trigger the 30 day time frame for review of the application.

31. The complete response the December 3, 2004 Request for More Information Letter was not received until August 16, 2005. In accordance with RSA 482-A:3, XIV the Bureau was required to take action on the application by September 15, 2005. The Bureau's September 6, 2005, Request for More Information Letter explaining the impact of subsequent legal proceedings on the Bureau's evaluation of boathouse impacts and the need to expand the review to consideration of impacts to shorelands protected under the CSPA was issued 9 days prior to the dated by which the Bureau was required to take action under RSA 482-A:3, XIV, therefore the Agent for the Applicant's assertion that the Bureau failed to act on the application in a timely manner is incorrect.

32. The jurisdiction of the department includes the protected shorelands and in accordance with Rule Wt 302.03, Avoidance and Minimization, the applicant shall demonstrate that his proposal is the alternative with the least adverse impact to areas under the department's jurisdiction.

- 33. Issuing a permit for a project which failed to document consideration of the project's impacts on the protected shorelands would violate RSA 483-B:3, I, Consistency Required.
- 34. To date, the Agent for the Applicant has refused to provide documentation that the proposed method of providing 2 boat slips will have the least impact to areas of the department's jurisdiction including the protected shorelands. The Bureau has been under no obligation to take action on the application since the information requested on September 6, 2005 and again on February 3, 2006 has not been received, therefore the assertion made by the Applicant's legal counsel, that the project has been approved under the law due to the Bureau's failure to act on the application in a timely manner is incorrect.
- 35. The Applicant has failed to provide documentation that the proposed method of providing 2 boat slips is the alternative with the least impact to areas of the department's jurisdiction including the protected shorelands as required per Rule Wt 302.03, therefore the application is denied.

2006-00069 HAMSHAW LUMBER INC
SWANZEY Unnamed Wetland

Requested Action:

Dredge and fill 9,450 square feet of palustrine forested wetlands for access road construction and site development associated with the construction of a 22,400 square foot retail and warehouse building for Cheshire Horse.

Conservation Commission/Staff Comments:

The Swanze Conservation Commission submitted comments to the DES Wetlands Bureau (received January 26, 2006) stating that the Commission met with the applicant's agent regarding the proposed project. The Commission stated that it decided to ask for compensatory land protection for the impacted wetlands and that plantings should be used to stabilize the side slopes of the development area.

APPROVE PERMIT:

Dredge and fill 9,450 square feet of palustrine forested wetlands for access road construction and site development associated with the construction of a 22,400 square foot retail and warehouse building for Cheshire Horse.

With Conditions:

- 1. All work shall be in accordance with plans by Brickstone Masons, Inc. dated May 1, 2006 (revised), the "Construction Sequence" by Brickstone Masons, Inc., and the project narrative, dated April 28, 2006 (revised), as received by the DES Wetlands Bureau on May 3, 2006.
- 2. 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.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. All work shall be done during low flow.
- 5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. 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.
- 7. 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).
- 8. 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.
- 9. Silt fence(s) must be removed once the area is stabilized.
- 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. Proper headwalls shall be constructed within seven days of culvert installation.
- 12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near

surface waters or wetlands.

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

15. 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.

16. 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(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. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for access road construction and site development associated with the construction of a 22,400 square foot retail and warehouse building for Cheshire Horse, a retail business specializing in equestrian supplies.
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. Cheshire Horse has outgrown their existing facility, located approximately 4 miles from the proposed project site. Cheshire Horse is a retail business that requires a site with good access and visibility to the general public. Because their employees are from the area, Cheshire Horse wanted to remain relatively close to their current location. The applicant evaluated seven sites, both developed and undeveloped, including the proposed site to determine if they could meet the project's requirements and to assess potential environmental impacts. Upon selection of the proposed site, the applicant explored six alternative site layouts of the subject property. The proposed project design was determined to be the least-impacting alternative for meeting the project's requirements. The location of the building is limited by the ability of tractor trailer traffic to flow around the building.
5. 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.
6. The total alteration of terrain associated with the proposed project is 96,500 square feet. As such, a permit from the DES Site Specific/Alteration of Terrain Program is not required. The applicant's agent has stated that several measures including catch basins, detention ponds, and vegetated treatment swales are incorporated into the project design to protect water quality and detain and discharge stormwater flows at a rate less than or equal to pre-development flows. The applicant's agent has stated that these measures will replace any pre-development capacity of the wetlands to attenuate stormwater flows.
7. The Swanzey Conservation Commission submitted comments to the DES Wetlands Bureau (received January 26, 2006) stating that the Commission met with the applicant's agent regarding the proposed project. The Commission stated that it decided to ask for compensatory land protection for the impacted wetlands and that plantings should be used to stabilize the side slopes of the development area.
8. Per Wt 302.03, compensatory mitigation is not required for the proposed wetlands impacts.
9. The side slopes of the development area will be rock lined with 6-inch fractured rock and filter fabric. The embankment is a one-to-one slope to minimize wetlands impacts. Due to the steepness of the bank, the applicant has proposed rock stabilization to ensure long term stability of the bank to prevent the bank from eroding into the wetland.
10. The NH Certified Wetland Scientist who delineated the wetlands for the proposed project has evaluated an isolated wetland (Wetland Impact Area 4) for vernal pool characteristics. The Wetland Scientist submitted comments to the DES Wetlands Bureau (received May 3, 2006) stating that the wetland does not pond water and does not function as a vernal pool. The Wetland Scientist also identified a second area on the subject property that does pond water. This area is outside of the wetland impact area and is adjacent to Whittemore Farm Road. The Wetland Scientist's comments to the DES Wetlands Bureau stated that an inspection of the area did not find any evidence of species associated with vernal pools and that due to the proximity to the road, the shallow and low quality of the standing water, and the pines and hemlocks adjacent to the water, it is his opinion that the area does not function as a vernal pool.
11. The primary functions of the impacted wetlands are groundwater recharge and sediment and toxicant retention.
12. The property is 5.81 acres and currently exists as two lots. The proposed project will be located on the eastern most lot and the second lot will not be developed at this time.

2006-00080 TROY WATER AND SEWER COMMISSION
JAFFREY Fassett Brook

Requested Action:

Dredge and fill 725 square feet of wetlands including 325 square feet of palustrine forested wetlands for the removal of a log crossing and the installation of two (2), 12-inch x 25-foot culverts and associated outlet protection for the construction of an access road to a proposed water storage tank and 400 square feet of perennial stream (Fassett Brook) for the installation of a 36-inch x 40-foot culvert impacting 120 linear feet in the banks and bed of the channel for the extension of the access road to drill a municipal water supply well. The crossing of the forested wetlands will be permanent for access to the proposed storage tank; the crossing of Fassett Brook will be temporary and restored upon completion of the drilling and testing phase of the project.

APPROVE PERMIT:

Dredge and fill 725 square feet of wetlands including 325 square feet of palustrine forested wetlands for the removal of a log crossing and the installation of two (2), 12-inch x 25-foot culverts and associated outlet protection for the construction of an access road to a proposed water storage tank and 400 square feet of perennial stream (Fassett Brook) for the installation of a 36-inch x 40-foot culvert impacting 120 linear feet in the banks and bed of the channel for the extension of the access road to drill a municipal water supply well. The crossing of the forested wetlands will be permanent for access to the proposed storage tank; the crossing of Fassett Brook will be temporary and restored upon completion of the drilling and testing phase of the project.

With Conditions:

1. All work shall be in accordance with plans by Tata and Howard, Inc. dated February 2006, as received by the DES Wetlands Bureau on May 4, 2006.
2. This permit is contingent on receipt by the DES Wetlands Bureau of photos of the forested wetlands crossing.
3. 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.
4. All work shall be done during low flow.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
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.
8. Silt fence(s) must be removed once the area is stabilized.
9. 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.
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. Proper headwalls shall be constructed within seven days of culvert installation.
12. All temporary impacts to wetlands or surface waters shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. 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.
16. 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(l), 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. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The Town of Troy is being required by the DES Water Supply Engineering Bureau to secure an alternative water supply to replace their existing surface water reservoir. The proposed wetlands crossings are for access to a proposed water storage tank and a drilling site shown to be promising for a

high-yielding bedrock well based on a hydrogeological study of the area.

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. The proposed access road will follow an existing roadway created by previous forestry activity. The temporary crossing of Fassett Brook will cross the narrowest section of the stream and the proposed roadway width will be kept to a minimum width possible to accommodate the drilling rig.
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. Upon completion of the drilling and testing phase of the project, the temporary crossing of Fassett Brook will be removed and restored.
6. The applicant has stated that if the drilling and testing results are favorable, a permanent access road and stream crossing will be proposed and a new permit from the DES Wetlands Bureau will be obtained.

2006-00503 DRESDEN SCHOOL DISTRICT
HANOVER Unnamed Stream

Requested Action:

Dredge and fill 870 square feet of intermittent stream (78 linear feet) for existing playing field improvements and create 1,740 square feet of stream channel adjacent to 128 linear feet of intermittent stream.

APPROVE PERMIT:

Dredge and fill 870 square feet of intermittent stream (78 linear feet) for existing playing field improvements and create 1,740 square feet of stream channel adjacent to 128 linear feet of intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated March 06, 2006, as received by the Department on March 08, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent upon the receipt and approval by the Department of the final construction sequence for proposed impacts to the intermittent stream, including culvert installation and wetland creation.
4. Work shall be done during no 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
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 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.
13. This permit is contingent upon the proposed vegetated buffer along the proposed eastern stream bank.
14. This permit is contingent upon the successful creation of 128 linear feet of intermittent stream channel in accordance with plans received March 08, 2006.
15. Materials used to emulate the natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
16. The permittee shall designate a qualified professional who will have the responsibility to assure that the creation area is constructed in accordance with the plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary

17. The permittee shall monitor the initial construction of the creation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work
18. 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 creation areas during construction and during the early stages of vegetative establishment.
19. The stream creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland area 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 hydraulic regime.
20. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the creation 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 year following the initial completion of the creation area.
21. Wetland creation area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it 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 minor impact project per Administrative Rule Wt 303.03(1), alteration of between 50 and 200 linear feet of intermittent stream.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Necessary treatment is provided by a upgraded grass swale.
4. Stormwater runoff from the synthetic turf is anticipated to be a improvement over the existing natural grass field and treatment is not required, a underdrain system has the ability to collect the small amount of sediment that may enter the field.
5. The applicant proposes wetland creation at the outlet aimed at slowing velocities and increasing flow path; therefore, diminishing sediment transport off-site.
6. The Hanover Conservation Commission concerns include the following: 1) That the plan indicate the intermittent stream, 2) That woody vegetation be maintained or planted on the new south facing slope and on the slope around the proposed bleaches in order to stabilize these slopes, 3) That details of the constructed wetland be submitted to the ZBA for review, and 4) That a construction sequence needs to be developed by the engineer and placed on the plan to guide the contractor on the complex fill work that is taking place in the wetland. This construction sequence should anticipate measures that should be taken to protect fill work in the event of a severe storm while the project is under construction.
7. The intermittent stream is indicated on plans.
8. Details of wetland construction with proposed plantings has been submitted to the Department.
9. This permit is contingent upon the final construction sequence for proposed impacts to the intermittent stream, including culvert installation and stream creation.
10. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
11. 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.
12. 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.

2006-00760 SMITH, JAMES & DIANA
SANBORNVILLE Lovell Lake

Requested Action:

Remove a nonconforming 10 ft x 10 ft seasonal dock accessed by a 4 ft 6 in x 9 ft access ramp and replace with a 6 ft x 30 ft seasonal pier attached to a 7 ft x 2 ft concrete pad approximately 108 ft west of an existing 22 ft x 29 ft dug-in boathouse on 273 ft of frontage in Sanbornville on Lovell Lake.

APPROVE PERMIT:

Remove a nonconforming 10 ft x 10 ft seasonal dock accessed by a 4 ft 6 in x 9 ft access ramp and replace with a 6 ft x 30 ft seasonal pier attached to a 7 ft x 2 ft concrete pad approximately 108 ft west of an existing 22 ft x 29 ft dug-in boathouse on 273 ft

of frontage in Sanbornville on Lovell Lake.

With Conditions:

1. All work shall be in accordance with plans by K. Armstrong dated March 27, 2006, as received by the Department on April 10, 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. These shall be the only structures on this water frontage and all portions of the seasonal dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for 5 months during the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. The concrete anchoring pad shall be completely landward and above the normal high water mark elevation.
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 is a minor impact project per Administrative Rule Wt 303.03(d), Construction of a pier.
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. The Applicant has 273 ft of frontage along Lovell Lake.
6. In accordance with Rule Wt 402.12, Frontage Over 75', a maximum of 4 slips may be permitted on 273 ft of frontage.
7. The existing and proposed docking structures will not provide more than 4 slips on the frontage therefore the project meets the requirements of Rule Wt 402.12.

MINIMUM IMPACT PROJECT

**2005-02444 ALGONQUIN POWER SYSTEMS, RALPH TOMAT
ASHUELOT Ashuelot River**

Requested Action:

Impact 7,500 square feet of river bank for the reconstruction of the left embankment of the Ashuelot Generating Station (Ashuelot Hydroelectric Project) on the Ashuelot River including the installation of a sheet pile cut-off wall, backfilling to pre-flood elevations, and installation of rip-rap protection.

APPROVE PERMIT:

Impact 7,500 square feet of river bank for the reconstruction of the left embankment of the Ashuelot Generating Station (Ashuelot Hydroelectric Project) on the Ashuelot River including the installation of a sheet pile cut-off wall, backfilling to pre-flood elevations, and installation of rip-rap protection.

With Conditions:

1. All work shall be in accordance with plans by Kleinschmidt dated April 12, 2006 (revised), as received by the DES Wetlands Bureau on May 17, 2006.
2. 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.
3. This permit is contingent on approval by the DES Dam Safety Program.

4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. All work shall be done during drawdown.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. Work shall be conducted in a manner so as to avoid turbidity and sedimentation to surface waters and wetlands.
9. 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.
10. Silt fence(s) must be removed once the area is stabilized.
11. 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.
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.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
14. Faulty equipment shall be repaired prior to working near jurisdictional areas.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

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.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. During the flooding of October 2005, high flows scoured away the left embankment of the Ashuelot Generating Station. On October 14, 2005, the DES Wetlands Bureau issued an emergency authorization (Wetlands File #2005-02444) for the emergency reinforcement of the stream bank upstream and downstream of the structure. On November 3, 2005, an extension of the original emergency authorization was granted and the scope of work was modified to include the construction of temporary cofferdams to divert water away from the breached area of the structure and fill in the breached area, as necessary, to restore access to the structure. This permit is for implementation of the final construction plan for permanent reconstruction of the left embankment and access road.
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. The proposed project is for the reconstruction of an embankment associated with an existing hydroelectric station. The proposed reconstruction work will result in no substantial change from the original project design.
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. As a result of the work performed under the emergency authorization, implementation of the final construction plan will be conducted in the dry.
6. The new sheet pile will be installed and spliced with an existing sheet pile section to provide a continuous cut-off wall extending from the existing retaining wall to the abutment with the natural left embankment. The entire breached area will then be backfilled and compacted with specified material to build-up the embankment to pre-flood grades.
7. The applicant has coordinated with the Federal Energy Regulatory Commission (FERC) and the US Army Corps of Engineers regarding the proposed project design.
8. The Ashuelot River Local Advisory Committee submitted comments to the DES Wetlands Bureau (received March 27, 2006) stating they have no comments on the plans as proposed and implemented.

2005-02566 **LAKESIDE MANUFACTURING HOME PARK**
MANCHESTER **Unnamed Wetland**

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments.

APPROVE PERMIT:

Dredge and fill approximately 2,276 sq. ft. of previously impacted wetlands to construct new water and sewer improvements and 14 additional units in an existing 38 unit 55-year and older residential Manufactured Home Park.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc., plan drawing 1 and C-8 sheet 11 of 15, as received by the Department on October 24, 2005 and Site Plan sheet 2 of 14, drawings C-6 sheet 9 of 15 and C-7 sheet 10 of 15, as received by the Department on January 17, 2006 and drawing EX-2 sheet 2 of 2, as received by the Department on May 1, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during low flow.
5. 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.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands to prevent accidental encroachment.
8. 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.
9. 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.
10. 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.
11. Silt fencing must be removed once the area is stabilized.
12. 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).
13. 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.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and leaking equipment shall be repaired immediately.
15. 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.
16. 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(f), alteration of less than 3,000 sq. ft. of swamp or wet meadows.
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 proposed project includes removal of 38 failing onsite sewer systems that will be replaced by municipal sewer.
6. The proposed project will include treatment to stormwater that currently leaves the site untreated.
7. The removal of the onsite sewer and addition of stormwater treatment should benefit the water quality of the adjacent Cohas Brook and Crystal Lake.
8. The New Hampshire Fish & Game Department did submit comments regarding the project.

APPROVE PERMIT:

Dredge and fill approximately 286 sq. ft. of intermittent stream for access to one single family home lot in a previously permitted subdivision. After the fact work includes replacing a temporary 18 inch HDPE culvert with a 18 inch x 30 ft. RCP culvert, headwalls and associated grading.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering Associates dated April 11, 2006, as received by the Department on April 20, 2006.
2. Work shall be done during low flow.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Proper headwalls shall be constructed within seven days of culvert installation.
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. 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.
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).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), less than of 3,000 square feet of jurisdictional impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The jurisdictional impact was previously permitted under Wetlands Bureau File #2000-1478, however, the work was conducted after the expiration date of the permit.
4. The Concord Conservation Commission had no objection to the application.

FORESTRY NOTIFICATION

**2006-01247 HOPKINS, FRANK & BARBARA
NORTHWOOD Unnamed Stream**

COMPLETE NOTIFICATION:
Northwood Tax Map 120, Lot# 14

**2006-01248 SAVAGE, LAWRENCE & DIANE
FRANDESTOWN Unnamed Stream**

COMPLETE NOTIFICATION:
Francetown Tax Map 6, Lot# 30

**2006-01250 PETERSON, WARD & COREY
GILMANTON Unnamed Stream**

COMPLETE NOTIFICATION:

Gilmanton Tax Map 8, Lot# 5

**2006-01251 NORTHWOOD, TOWN OF
NORTHWOOD Unnamed Stream**

COMPLETE NOTIFICATION:

Northwood Tax Map 244, Lot# 2,3,4,5,6,7,8,9,10 & 11

**2006-01252 DRED
LOUDON Unnamed Stream**

COMPLETE NOTIFICATION:

Loudon Tax Map 37, Lot# 1 Oak Hill State Forest

**2006-01253 MONK, BRADFORD
CONCORD Unnamed Stream**

COMPLETE NOTIFICATION:

Concord Tax Map 104, Lot# 2-1

**2006-01254 DRED
ALLENSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:

Allenstown Tax Map 7, Lot# 2

**2006-01255 FOREST FUTURES CORPORATION
CORNISH Unnamed Stream**

COMPLETE NOTIFICATION:

Cornish Tax Map 19, Lot# 2

**2006-01256 DRED, MT CARDIGAN STATE FOREST
ORANGE Unnamed Stream**

COMPLETE NOTIFICATION:

Orange Mt Cardigan State Forest Sale P2 364

**2006-01279 BEYE, HANNAH GILE
DEERFIELD Unnamed Stream**

COMPLETE NOTIFICATION:

Deerfield Tax Map 409, Lot# 54

**2006-01304 FORD FAMILY VENTURES, DENNIS FORD
FRANCONIA Unnamed Stream**

COMPLETE NOTIFICATION:
Franconia Tax Map 34, Lot# 4

**2006-01305 LORDEN, THOMAS
MILFORD Unnamed Stream**

COMPLETE NOTIFICATION:
Milford Tax Map 49, Lot# 2-2

**2006-01307 BLACKHAWK CORP OF NEWMARKET NH
NEWMARKET Unnamed Stream**

COMPLETE NOTIFICATION:
Newmarket Tax Map R2, Lot# 13,19-1,19-2, 19-3, 20

**2006-01308 HERON COVE AT BOWERS POND CONDMINIUM, DAN ZEIGLER
MERRIMACK Unnamed Stream**

COMPLETE NOTIFICATION:
Merrimack Tax Map 20, Lot# 4-2

**2006-01312 CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER
PITTSBURG Unnamed Stream**

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

**2006-01313 CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER
CLARKSVILLE Unnamed Stream**

COMPLETE NOTIFICATION:
Clarksville Tax Map R6, Lot# 2

EXPEDITED MINIMUM

**2006-00419 BULLARD IV, BENJAMIN
SANDWICH Unnamed Wetland**

Requested Action:

Approve amendment to dredge and fill approximately 2,331 square feet of palustrine forested wetlands to install a approximate 15-inch x 28-foot culvert and groudwater lens for driveway access to a single family residence.

APPROVE AMENDMENT:

Dredge and fill approximately 2,331 square feet of palustrine forested wetlands to install a approximate 15-inch x 28-foot culvert and groudwater lens for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Ecosystems Management Consultants as received by the Department on March 01, 2006 and amendment plans dated April 28, 2006, as received by the Department on May 30, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done in 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. 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. Culverts shall be laid at original grade.
9. 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).
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. 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.

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 swamp.
2. At the second crossing the wetland transverses the entire portion of the lot abutted by the right-of-way.
3. The existing driveway was not constructed completely within the deeded right-of-way and was required to be reconstructed to follow the deeded right-of-way.
4. The impacted wetland transverses the entire right-of-way; therefore impacts associated with the amendment are unavoidable.
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.

**2006-00472 THE SOCIETY OF ST VINCENT DE PAUL LACONIA CONF
LACONIA Black Brook**

Requested Action:

Dredge and fill 200 square feet along 20 feet of bank associated with Black Brook for the installation of rip rap aprons.

APPROVE PERMIT:

Dredge and fill 200 square feet along 20 feet of bank associated with Black Brook for the installation of rip rap aprons.

With Conditions:

1. All work shall be in accordance with plans by Harold E Johnson Inc. dated February 27, 2006, as received by the Department on March 6, 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 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.
4. Work shall be done during low flow.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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
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.

2006-00541 MCTAGGART, WILLIAM & REBECCA
BATH Wet Meadow

Requested Action:

Dredge and fill approximately 22,421 square feet of wet meadow, further described as follows:

1. Impact 19,921 square feet for pond construction; and
2. Temporarily impact 2,500 square feet for access.

APPROVE PERMIT:

Dredge and fill approximately 22,421 square feet of wet meadow, further described as follows:

1. Impact 19,921 square feet for pond construction; and
2. Temporarily impact 2,500 square feet for access.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc. dated May 2006, as received by the Department on May 18, 2006.
2. All work shall be done under low water conditions.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall be staged and refueled in upland areas.
5. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
7. Area of temporary impact shall be regraded to original contours following completion of work.
8. All material removed during work activities shall be removed down to the level of the original hydric soils.
9. All material removed during work activities shall be placed out of DES's jurisdiction.
10. Mulch within the restoration area shall be straw.

11. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
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.
13. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), less than 20,000 square feet of wetland impact for pond construction.
2. The applicant provided shallow and deep areas in the pond and native shrub plantings to increase wildlife habitat.
3. Impacted soils are poorly drained, not very poorly drained.
4. There are no streams into or out of the proposed pond site.
5. No comments were submitted from the Bath Conservation Commission, NH Fish and Game Department, or the 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.

**2006-00635 TRIDER, KEITH
TUFTONBORO Unnamed Wetland**

Requested Action:

Dredge and fill 825 square feet including installation of a 24-inch x 18 foot culvert for access to a proposed single family residence.

APPROVE PERMIT:

Dredge and fill 825 square feet including installation of a 24-inch x 18 foot culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated February 14, 2006 and revised through May 1, 2006, as received by the Department on May 2, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. Work shall be done during periods of non-flow.
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 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. 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), projects involving alteration of less than 3,000 square feet in swamps or wet meadows.

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.

2006-00759 LUBYNSKY, ROMAN
MEREDITH Lake Winnepesaukee

Requested Action:

Repair an existing 4 ft x 32 ft seasonal pier, a 4 ft x 11 ft 6 in seasonal pier, a 4 ft x 55 ft 5 in cantilevered pier, a 14 ft 1 in x 16 ft deck, a 62 linear ft of breakwater and existing lake access steps "in-kind", replenish existing beach, and install a seasonal boatlift on 223 ft of frontage on Lake Winnepesaukee.

APPROVE AMENDMENT:

Repair an existing 4 ft x 32 ft seasonal pier, a 4 ft x 11 ft 6 in seasonal pier, a 4 ft x 55 ft 5 in cantilevered pier, a 14 ft 1 in x 16 ft deck, a 62 linear ft of breakwater and existing lake access steps "in-kind", replenish existing beach, and install a seasonal boatlift on 223 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 7, 2006, as received by the Department on May 2, 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. Repairs shall maintain existing size, location and configuration.
4. 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.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. 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.
9. Seasonal boat lift shall be removed from the lake for 5 months during the non-boating season.
10. This permit does not allow for annual beach replenishment. Additional replenishments shall require a another approved permit by the Wetlands Bureau.
11. No more than 10 cu yd of sand shall be used for beach replenishment.
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 minimum impact project per Administrative Rule Wt 303.04(v), Repair/Replacement of existing structures "in-kind".
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

2006-00950 AMHERST, TOWN OF
AMHERST Tributary To Damon Pond

Requested Action:

Request to install new 24" arch pipe to existing crossing where existing twin 18" culvert pipes to alleviate flooding.

APPROVE PERMIT:

Request to install new 24" arch pipe to existing crossing to alleviate flooding.

With Conditions:

1. All work shall be in accordance with plans by Amherst Public Works Dept dated April 13, 2006, as received by the Department on 5-2-2006.
2. Work shall be done during low or no flow.
3. 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.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. 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.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This project is classified as minimum impact and causes minimal impact to natural resources while alleviating flooding in the area.

2006-00951 EMERSON REALTY LLC
BEDFORD Unnamed Wetland

Requested Action:

Request to fill approximately 2,037 sq.ft. of emergent wetland for access

APPROVE PERMIT:

Request to fill approximately 2,037 sq.ft. of emergency area that was artificially created through earthwork dredge approximately 5 years ago.

With Conditions:

1. All work shall be done in accordance with plans by TF Moran dated April 17, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. 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.
4. 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.
5. Construction sequence and erosion control notes shall be followed.
6. 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).

7. 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.

With Findings:

1. The wetlands to be impacted were artificially created through past construction activities.
2. The fill is needed to access an upland commercial site

2006-01011 IRVINE JR, JOHN
ALTON Lake Winnepesaukee

Requested Action:

Replace 6 existing pilings supporting an concrete dock and construct a retaining wall along an existing dug in sloped beach to create a perched beach on 200 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace 6 existing pilings supporting an concrete dock and construct a retaining wall along an existing dug in sloped beach to create a perched beach on 200 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, as received by the Department on May 05, 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. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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 natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. 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.

GOLD DREDGE

2006-01270 FAY, NANCY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2006-01288 ROY, KRISTINA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2006-01290 ROY, CHADWICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2006-01291 FAY, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2006-01105 CYRS, JAMES
SUGAR HILL Unnamed Stream

COMPLETE NOTIFICATION:
Sugar Hill Tax Map 217, Lot# 16.1

ROADWAY MAINTENANCE NOTIF

**2006-01295 NH DEPT OF TRANSPORTATION
GORHAM Unnamed Stream**

**2006-01296 NH DEPT OF TRANSPORTATION
SULLIVAN Unnamed Stream**

PERMIT BY NOTIFICATION

**2005-02086 MORGAN MANAGEMENT
RAYMOND Unnamed Stream**

**2006-00942 MCCARTHY, RICHARD
ALTON Lake Winnepesaukee**

Requested Action:

Repair/Replace existing docking structure

PBN IS COMPLETE:

Repair/Replace existing docking structure

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.

**2006-01069 GRASMERE LAKE LLC
WOLFEBORO Unnamed Wetland**

Requested Action:

Repair U shaped crib docks

APPROVE PERMIT:

Repair U shaped crib docks

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.

**2006-01074 TENNESSEE GAS PIPELINE COMPANY
LONDONDERRY Unnamed Wetland**

PBN IS COMPLETE:

Temporary dredge and fill impacting approximately 3,250 sq. ft. of wet meadow wetlands for maintenance and repair of an existing pipeline.

**2006-01207 PARKER, KATHLEEN
FREEDOM Lower Danforth Pond**

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.

**2006-01249 JOHNSON MILDRED TRUSTEE
ALTON Unnamed Wetland Lake Winnepesaukee**

Requested Action:

Repair/Replace existing crib supported pier.

PBN IS COMPLETE:

Repair/Replace existing crib supported pier.

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.

**2006-01258 PRICONE, THOMAS
ALTON Unnamed Wetland Lake Winnepesaukee**

Requested Action:

Repair/Replace existing docking facilities and install two PWC lifts.

PBN IS COMPLETE:

Repair/Replace existing docking facilities and install two 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.

