

Wetlands Bureau Decision Report

Decisions Taken
08/21/2006 to 08/27/2006

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

**2003-00203 STONEFENCE ACQUISITION LLC
LACONIA Unnamed Wetland**

Requested Action:

Fill 5,618 sq ft of wet meadow to construct recreational facilities and fill 8,637 sq ft of palustrine forested wetland including culverting 239 ft of intermittent stream to provide parking for a commercial development and private recreational facilities, reconfigure and expand an existing 68 slip docking facility to provide a total of 73 slips and stabilize the shoreline exposed by the removal of the pre-existing docking facility on properties having 639 ft of frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

The conservation commission has no objections to the docks as long as all state requirements are met. However, they have concerns with the wetland fill for the parking area.

APPROVE PERMIT:

Fill 5,618 sq ft of wet meadow to construct recreational facilities and fill 8,637 sq ft of palustrine forested wetland including culverting 239 ft of intermittent stream to provide parking for a commercial development and private recreational facilities, reconfigure and expand an existing 68 slip docking facility to provide a total of 73 slips and stabilize the shoreline exposed by the removal of the pre-existing docking facility on properties having 639 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work, with the exception of the reconfiguration and expansion of the docking facilities, shall be conducted in accordance with plans by Nobis Engineering dated March 2005, and revised through June 1, 2005, as received by the Department on August 10, 2006.
2. All work related to the reconfiguration of the docking structures shall be conducted in accordance with plans dated August 23, 2005 as received by the Department on September 13, 2005.
3. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. 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.
6. This permit is contingent on approval by the DES Site Specific Program.
7. All work, with the exception of the reconfiguration of the docking facility shall be done during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NH DES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NH DES 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.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. 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).

15. No dredged or excavated material or construction related debris shall be placed in unpermitted impacted areas within the jurisdiction of the DES Wetlands Bureau.
16. 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.
17. All portions of the existing docking facilities shall be completely removed from the jurisdiction of the NH DES Wetlands Bureau prior to the construction of any new docking facilities. Existing crib material may be utilized to restabilize the shoreline, however it shall not be stockpiled within the jurisdiction of the Wetlands Bureau.
18. These shall be the only docking structures on the combined water frontages lots 139-127-46 and 139-37-48 and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water except as allowed by written agreement with the NH Department of Transportation dated March 6, 2006.
19. No portion of the docking facilities shall extend more than 223 feet from the shoreline at full lake elevation.
20. The docking facilities shall consist of floating piers anchored by pilings.
21. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
22. Repair of structures shall maintain the approved size, location and configuration.
23. This permit does not allow for maintenance dredging.
24. 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.
25. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
26. Applicant for a shoreline structure defined as a major project shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage to those structures.
27. Unnecessary removal of vegetation within the protected shoreland during construction shall be prohibited.
28. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
29. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
30. Faulty equipment shall be repaired prior to entering jurisdictional areas.
31. 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.
32. All refueling of equipment shall occur outside of surface waters or wetlands.
33. 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 Rules Env-Wt 303.02(c), alteration of more than 20,000 and Env-Wt 303.02(d), modification of a major docking facility.
2. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
3. Mitigation for the proposed wetland impacts was included in the mitigation proposal accepted under Wetlands Permit #2003-01476.
4. The public hearing is waived with the finding that the project impacts as approved and conditioned will not significantly impair the resources of this wetland ecosystem, and lake Winnepesaukee
5. The property identified as Laconia Tax Map 139, lot 127-46 (the Landing) has an average of 340 feet of frontage along Lake Winnepesaukee.
6. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. Existing docking facilities on the frontage provide 69 boat slips, which documentation has shown, pre-existed the Wetland Bureau's jurisdiction.
8. The contiguous property identified as Laconia Tax Map 139, lot 127-48 (the Beach) has an average of 298 feet of frontage along Lake Winnepesaukee.
9. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
10. The proposed, reconfigured, docking facility on the Landing will incorporate the 4 slips, as defined per RSA 482-A:2, VIII, which could be permitted on the Beach.

11. Consolidation of the boat slips, which could be permitted on the beach, into the facility on the landing, is less environmentally impacting and more conducive to safe navigation and the safety of those using frontage of the Beach for non-boating activities, therefore the requirements of Rule Env-Wt 402.12 are waived.
12. The proposed docking facilities will not encroach further over the extension of the NH Department of Transportation's property line over the water than the existing facilities.
13. The Wetlands Bureau received written notification from the NH Department of Transportation stating that they had no objection to the proposed reconfiguration of the docking facilities on March 7, 2006.
14. The NH Department of Safety has reviewed the proposed reconfiguration and expansion of the docking facilities and has no objection to the project as proposed.
15. The docking facilities as proposed will more nearly conform to the requirements of Chapter Env-Wt 400, therefore the requirements of Rule Env-Wt 402.20, Modification of Existing Structures have been met.
16. The Wetlands Bureau received documentation that the Applicant retained the rights the construct docking facilities on the Beach on May 3, 2005.
17. Evidence has been submitted by the Applicant to address the concerns of Laconia Conservation Commission regarding the number of slips which may be permitted on the frontages.
18. The Applicant submitted plans illustrating that run-off will not be diverted onto abutting properties on August 1, 2005.
19. The applicant has requested, to waive the required written agreement from the affected abutter for wetland impacts within 20-feet from abutting property lines as required by Env-Wt 304.04(a).

-Send to Governor and Executive Council-

**2003-00296 UNIVERSITY OF NEW HAMPSHIRE
BARRINGTON Mendum Pond**

Requested Action:

Appellant requests reconsideration of the January 3, 5005 decision to approve 5250 sq ft fill after the fact, removal of an existing structure partially located within the bank and installation of a seasonal pier on property in Barrington.

Conservation Commission/Staff Comments:

Mendum's Landing Association expressed concern about proposed project.

Abutters objected to project.

Loon Preservation Committee had recommendations.

Con. Com. requests restoration.

DENY RECONSIDERATION:

Reconsider and reaffirm approval of request to: Permanently remove an existing 23 ft x 25 ft boat storage facility with an existing 10 ft x 32 ft ramp, install a 4 ft x 30 ft seasonal dock attached to a 4 ft x 20 ft seasonal dock, in a "T" shape, and retain 5250 sq ft of wetlands fill for parking access on an average of 4,719 ft of frontage on Mendums Pond, Barrington.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the project as approved is significantly different than that which was presented during the public hearing conducted September 2, 2003 and therefore a second public hearing should have been required.
2. The Appellant maintains that the Memorandum of Understanding between the University of New Hampshire and Department of Environmental Services (the "Department") relative to the development of the "Burke's Camp property" is evidence that the Applicant has failed to fully disclose the plans for the development of the subject property.
3. The Appellant maintains that the Applicant has failed to obtain all of the appropriate approvals from the Barrington Planning Board.
4. The Appellant maintains that the Applicant has failed to provide evidence for the need for the proposed dock and removal of the "boat storage building".
5. The Appellant maintains that the Applicant has failed to design the project in a manner that minimizes and avoids impacts.

6. The Appellant maintains that repair and maintenance of the boat storage building would be less impacting than the removal of the building.
7. The Appellant maintains that the Applicant has failed to document the need for the fill to be retained for the parking area.
8. The Appellant maintains that the Applicant has failed to provide mitigation for the 5,250 sq ft of wetland fill.

Standards for Approval

9. This project is classified as a major impact project per Rule Env-Wq 303.02(d), due to the addition of the seasonal pier on a frontage with other docking facilities that provide more than 5 boat slips.
10. Fill of less than 20,000 sq ft of wetlands would be classified as a minor impact project per Rule Env-Wt 303.03(h).
11. Wetlands Program Rules Chapter Env-Wt 800, Compensatory Mitigation, became effective March 13, 2004.
12. In accordance with Rule Env-Wt 302.03, Avoidance, Minimization, and Mitigation, projects involving less than 10,000 sq ft of wetlands impact and those involving less than 2,000 sq ft of additional dock space do not require compensatory mitigation.

Findings of Fact

13. On September 2, 2003 the Wetlands Bureau conducted a public hearing to receive comments and input relative to the Applicant's proposal to construct two perched beaches, install a seasonal pier, remove a boat storage building located partially within the bank, and retain 5,250 sq ft of fill within forested wetlands.
14. The approved impacts related to the seasonal pier, boat storage facility, and fill in forested wetlands are as described during the public hearing. The only change in the project since the hearing is the removal the perched beach construction from the project.
15. The project as approved is significantly less impacting than the proposal put forth at the September 2, 2003 hearing. All remaining approved impacts are as described at that hearing.
16. The proposed project will not occur on the "Burke's Camp property".
17. The proposed seasonal pier will provide safe access to deeper water areas, beyond the rocky shoreline, for swimmers, canoers, and kayakers.
18. The Applicant stated in the original application that the wetlands fill had been placed to provide additional parking and to serve as a school bus turnaround.
19. The existing boat storage building has been abandoned and fails to conform to the standards established under the Comprehensive Shoreland Protection Act, RSA 483:B.

Ruling in Support of the Decision

20. It would be inappropriate to apply the compensatory mitigation rules to an application that was filed 13 months prior to the effective date of those rules.
21. Had the application been filed after the effective date of Chapter Wt 800 the project still would not require mitigation under the current language of Rule Env-Wt 302.03.
22. The Wetlands Bureau is not responsible for the enforcement of agreements or ordinances established by the municipality, therefore, while this permit does not exempt the Applicant from adhering to any other municipal agreements or ordinances, the alleged failure to meet these agreements or ordinances is not cause for denial of the permit.
23. Requiring a second public hearing or denial of the project on the basis that the project impacts had been reduced would be unreasonable.
24. Any Memorandum of Understanding between the Applicant and the Department relative to the development of the "Burke's Camp property", would not be relevant to the impacts permitted on this separate, subject property.
25. The removal of the non-conforming boat storage building would be less impacting to the environment of Mendum's Pond than the renovation and continued maintenance of the building.
26. The Appellant's assertion that the Applicant failed to provide a statement of need for the wetlands fill is inaccurate.
27. The project has met the requirements for permit approval as set forth in RSA 482-A and the Wetlands Program Administrative Rules and therefore the Department reaffirms its original findings for approval of the project as outlined in the decision issued on January 4, 2005.

-Send to Governor and Executive Council-

2004-00207 MACPHEE, ROBERT & PAULA
MEREDITH Lake Winnepesaukee

Requested Action:

Correct permit description to state there shall be 2 permanent lifts as shown on the approved plan.

Conservation Commission/Staff Comments:

Con. Com. requests 40 day hold.

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing patio and access stairs and construct a 150 ft patio and access stairs over the bank, construct two 6 ft by 30 ft piling piers in a "Y" configuration accessed by a 6 ft by 15 ft walkway, relocate 2 rocks under the dock to be constructed, install 4 three pile ice clusters, 3 tie off piles, a permanent piling supported boatlift and 14 ft by 30 ft seasonal canopy in the eastern slip, a 14 ft by 30 ft seasonal canopy over a permanent boatlift in the center slip, and two seasonal PWC lifts along the walkway on 173 ft of frontage on Lake Winnepesaukee, in Meredith

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 18, 2006, as received by the Department on May 22, 2006.
2. No construction on new structures will begin until the existing patio is completely removed from the frontage.
3. The new patio shall be constructed at least 20 ft landward of the normal high-water line (Elev. 504.32)
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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. The PWC lifts shall be of seasonal construction type which shall be removed for the non-boating season.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. The docks shall not extend more than 48 ft lakeward from full lake elevation of 504.32.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-01154 GOFFSTOWN, TOWN OF
GOFFSTOWN Whittle Brook

Requested Action:

Dredge and fill approximately 2,455 sq. ft., 363 linear. ft. (1,105 sq. ft., 272 linear. ft. permanent impacts and 1,350 sq. ft., 91 linear. ft. temporary impacts) of wetlands and surface waters located within Whittle Brook and Mountain Road. Work to include the replacement of two bridges with open bottom box culverts, rehabilitation of one bridge with a new "gunite/shotcrete liner", installation of a new 12 in. cast iron water main, wingwalls, associated grading and stormwater treatment structures.

Conservation Commission/Staff Comments:

1. The New Hampshire Fish and Game Department (NHFGD) did not submit comments.
2. The Goffstown Conservation Commission had no objections to the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 2,455 sq. ft., 363 linear. ft. (1,105 sq. ft., 272 linear. ft. permanent impacts and 1,350 sq. ft., 91 linear. ft. temporary impacts) of wetlands and surface waters located within Whittle Brook and Mountain Road. Work to include the replacement of two bridges with open bottom box culverts, rehabilitation of one bridge with a new "gunite/shotcrete liner", installation of a new 12 in. cast iron water main, wingwalls, associated grading and stormwater treatment structures.

With Conditions:

1. All work shall be in accordance with plans prepared by the Town of Goffstown, Department of Public Works, dated May 5, 2006, as received by the Department on May 12, 2006 and narratives by the Town of Goffstown, Department of Public Works, as received by the Department on May 12, 2006.
2. This permit is contingent on the Town of Goffstown obtaining construction easements from affected landowners outside of the existing road right-of-way. The Town shall supply copies of the recorded easements to DES Wetlands File No. 2006-01154 prior to the start of construction.
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. Work shall be done during low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. 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.
7. 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.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. 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 native material removed from the streambed for installation of the new bridge footings shall be stockpiled separately and reused to emulate a natural channel bottom. Any new materials used within the stream channel must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary stream and wetlands impact areas shall be regraded to original contours.
13. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one full growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. Follow-up monitoring reports shall be submitted to DES within 60-days following completion of the project and at the end of one full growing season following the completion of the project. The reports shall include narratives and photographs describing the status of the wetland/stream restoration areas. The reports shall be prepared by qualified professional.
15. Any areas from which vegetation has been cleared to gain access to the site shall be replanted with native species.
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).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior near surface waters or wetlands. Faulty equipment shall be repaired immediately.
18. 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.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i); projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department (NHFGD) did not submit comments.
6. The Goffstown Conservation Commission had no objections to the proposed project.
7. The proposed replacement bridges are approximately the same size as the existing bridges and both bridges will be open bottom structures with natural stream beds.
8. The permit is contingent on appropriate erosions, sediment and turbidity controls.
9. The project includes construction of a new stormwater treatment swale and catch basin sumps that will improve the quality of the current stormwater runoff entering Whittle Brook.
10. The Piscataquog River Local Advisory Committee (PRLAC) requested "consideration of the widening of the bridge spans to create a more natural flow and to protect the bridges from excess flows such as occurred this month".
11. The proposed bridge structures will have the same or larger hydrological opening than currently exists and will maintain a natural stream bed. Additionally, the proposal calls for removing accumulated sediment and adding stormwater treatment structures that should improve water quality.
12. The applicant stated that it was determined through a drainage analysis prepared for the NH Department of Transportation that all bridges passed the 50 year storm event.
13. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine system.

**2006-01458 TYLER, CHARLES
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing breakwater and docking facility, dredge 7 cubic yards from 225 sq ft of lakebed, and fill 550 sq ft to construct 64 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30.5 ft cantilevered pier and a 2 ft by 25 ft seasonal dock connected by a 6 ft x 30.5 ft cantilevered pier in an "F" configuration, accessed by a 6 ft walkway and stairs over the bank, install a seasonal boatlift in one slip and install two seasonal PWC lifts along the shoreline on an average of 151 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comment from Con Com by August 24, 2006

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

APPROVE PERMIT:

Permanently remove an existing breakwater and docking facility, dredge 7 cubic yards from 225 sq ft of lakebed, and fill 550 sq ft to construct 64 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30.5 ft cantilevered pier and a 2 ft by 25 ft seasonal dock connected by a 6 ft x 30.5 ft cantilevered pier in an "F" configuration, accessed by a 6 ft walkway and stairs over the bank, install a seasonal boatlift in one slip and install two seasonal PWC lifts along the shoreline on an average of 151 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 18, 2006, as received by the Department on June 12, 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. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The boatlift shall be of seasonal construction type which shall be removed for the non-boating season.
15. The PWC lifts shall be of seasonal construction type which shall be removed for the non-boating season.
16. All portions of the existing docking facility with the exception of rock to be utilized in the new breakwater shall be completely removed from the jurisdiction of the DES Wetlands Bureau prior to the construction of the new docking structures.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction or modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 151 feet of frontage along Lake Winnepesaukee, Moultonborough.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on November 01, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on November 01, 2004, found no evidence of sand migration along this shoreline.
8. The plan states the docking facility will provide 3 slips, however the Department finds the docking facility will provide only 2 slips on the average of 151 ft of frontage.
9. The proposed project will replace the current non-conforming breakwater with a conforming facility.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2004-02635 DESANTIS, SCOTT
CENTER HARBOR Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's June 1, 2006 decision to deny permit dredge the lakebed and excavate the

bank and protected shorelands to construct a dug-in boathouse, install a seasonal dock, excavate the bank to construct a perched beach, and install steps over the bank to access the water in Cavaliers Cove, Lake Winnepesaukee based on the grounds that the Applicant's responses to the Department's Requests for More Information were, in fact, complete and timely filed.

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

DENY RECONSIDERATION:

Reconsider and re-affirm the June 1, 2006 decision to deny the request to dredge the lakebed and excavate the bank and protected shorelands to construct a dug-in boathouse, install a seasonal dock, excavate the bank to construct a 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:

Standards for Approval

1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."
2. In accordance with RSA 482-A:10, Appeals, on reconsideration the Department shall received and consider any new and additional information presented.

Findings of Fact

3. The Department issued its decision to deny the applicant's request to construct a dug-in boathouse, install a seasonal dock, and construct a perched beach, by way of a letter dated and mailed on June 1, 2006.
4. The deadline to make a request for reconsideration of the Department's decision was June 21, 2006.
5. The Motion for Reconsideration, dated June 21, 2006 was received by the Department on June 21, 2006.
6. The Motion for Reconsideration argues that the Wetlands Bureau has incorrectly interpreted the facts within the file and the applicable laws and rules but does not include any new evidence in support of the application.

Ruling in Support of the Decision

7. No new or additional information was presented in the Applicant's Request for Reconsideration therefore the Department reaffirms it's findings as outlined in the June 15, 2006 denial.

2005-00601 BRYSON, CARL
EAST WAKEFIELD Belleau Lake

Requested Action:

Amend to allow one additional year to complete restoration.

Conservation Commission/Staff Comments:
No Com Com comments by June 13, 2005

APPROVE AMENDMENT:

Retain a 33 ft x 20 ft beach on an average of 102 ft of frontage on Belleau Lake in Wakefield.

With Conditions:

Amend Conditions to read:

1. All work shall be in accordance with plans by Land Tech dated November 28, 2005, as received by the Department on December 7, 2005.
2. The 5 ft wide terraced area with a 12 in wide retaining wall shall be constructed around the perimeter of, and immediately adjacent to, the beach, by no later than August 15, 2007.
3. The 5 ft wide terrace area shall be completely vegetated with a combination of native shrubs and ground covers

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Photos documenting the completion of the 5 ft wide terrace and plantings shall be submitted to the Wetlands Bureau by September 15, 2007.
6. All future activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. This approval shall be recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to October 15, 2006.

With Findings:

1. This project is classified as a minor project per Rule Wt 303.03(k) projects which disturb between 50 and 200 linear ft of shoreline.
2. Failure to complete and vegetate the 5 ft wide terraced area will be considered a violation of RSA 482-A.
3. This approval does not preclude the State or Municipality from taking compliance action relative to the unpermitted beach and retaining wall construction previously conducted on the property.

**2005-01552 CURRIER, MICHAEL & ARDELL
CHICHESTER Unnamed Wetland**

Requested Action:

Restore 7934 square feet of palustrine forested wetland and retain 358 square feet of impact to access the proposed barn area.

APPROVE AFTER THE FACT:

Restore 7934 square feet of palustrine forested wetland and retain 358 square feet of impact to access the proposed barn area.

With Conditions:

1. 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.
2. Approximately 7934 square feet of wetland shall be restored in accordance with the Restoration Plan dated October 17, 2005, and revised through June 21, 2006, and all project descriptive details as submitted to DES on June 27, 2006.
3. The restoration shall be completed under low flow conditions and no later than September 30, 2006.
4. The restoration shall be done according to the Restoration Plan and as conditioned by this Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
5. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Approval shall be kept posted at the Property during the time restoration work continues on the Property.
6. Documentation confirming use of the appropriate seed mix, and plantings shall be forwarded to DES.
7. No machinery shall enter non-impacted DES jurisdictional areas on the Property during the restoration.
8. All material removed during restoration activities shall be removed down to the level of the original soils.
9. All material removed during restoration activities shall be placed out of DES's jurisdiction.
10. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. All steps shall be taken during the restoration necessary to ensure that no water quality violations occur on the Property.
12. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
13. An initial monitoring report with photographs shall be provided to DES no later than October 15, 2006. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
14. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing

seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.

15. Subsequent monitoring reports shall be submitted to DES during the first and second growing seasons on June 15 of that year to review the success of the restoration and schedule remedial actions if necessary. Such reports shall be submitted to DES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions by July 15 of that year, with a second follow up inspection and monitoring report to be scheduled for August 15 of that year.

16. DES reserves its right to revoke this after-the-fact approval should restoration not be completed as specified in this approval.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.04(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 Env-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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has agreed to restore and remove the excessive fill placed within jurisdiction.

**2005-02077 HILLSBOROUGH, TOWN OF
HILLSBOROUGH Shedd Brook**

Requested Action:

Dredge and fill 1,840 square feet (590 square feet permanent impacts) of perennial stream and palustrine forested wetlands to replace a 60-inch x 22-foot culvert with a 7-foot (height) x 9-foot (width) x 26-foot (length) arch culvert and associated headwalls and inlet and outlet protection impacting 165 linear feet in the banks and bed of the channel (114 linear feet permanent impacts), construct a sediment trap, make associated roadway improvements, remove roadway material that has accumulated in the stream channel (totaling 40 square feet), and remove boulders previously placed in the adjacent wetlands (totaling 275 square feet).

APPROVE PERMIT:

Dredge and fill 1,840 square feet (590 square feet permanent impacts) of perennial stream and palustrine forested wetlands to replace a 60-inch x 22-foot culvert with a 7-foot (height) x 9-foot (width) x 26-foot (length) arch culvert and associated headwalls and inlet and outlet protection impacting 165 linear feet in the banks and bed of the channel (114 linear feet permanent impacts), construct a sediment trap, make associated roadway improvements, remove roadway material that has accumulated in the stream channel (totaling 40 square feet), and remove boulders previously placed in the adjacent wetlands (totaling 275 square feet).

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group Inc. dated March 20, 2006, as received by the DES Wetlands Bureau on March 21, 2006.
2. The applicant shall submit, to the DES Wetlands Bureau and prior to the start of construction, written agreements from affected abutters for work that is proposed outside of the Right-of-Way.
3. Any future work at this site 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Silt fence(s) must be removed once the area is stabilized.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Discharge from dewatering of work areas shall be to sediment basins that are lined with hay bales or other acceptable sediment trapping liners and set back as far as possible from wetlands and surface waters.
11. The culvert shall be embedded and native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural stream channel bottom within the culvert. Any nonnative materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
13. Temporarily impacted areas shall be restored to their original grades and to a stable condition within three days of completion of construction.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
16. Construction shall be inspected by a certified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
17. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
20. 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.
21. 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 Env-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 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 Env-Wt 302.01. The 60-inch culvert is in poor condition and is not adequately sized to convey streamflow during high-flow events. Replacement of the culvert will improve the safety of the crossing and alleviate flooding over the roadway. Additional safety improvements will include widening the road to 20 feet and adding guardrails along the embankments.
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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will impact Shedd Brook and associated forested wetlands.
6. The existing culvert has a full-flow capacity of 212 cubic feet per second (cfs). The proposed culvert has a full-flow capacity of 685 cfs.
7. The stream will be diverted through the work area using a sand bag cofferdam and two (2), 30-inch culverts. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
8. In addition to the culvert replacement, the proposed project also involves the removal of roadway material that has accumulated in the stream channel (totaling 40 square feet) and boulders previously placed in the adjacent wetlands (totaling 275 square feet), as well as the construction of sediment traps to collect sediment before it reaches Shedd Brook or adjacent wetlands.

Requested Action:

Dredge and fill 1,635 square feet of palustrine forested wetlands and 86 linear feet of intermittent stream to install a 24-inch x 15-foot culvert, a 24-inch x 27-foot culvert, associated headwalls and outlet protection, and a drain manhole to construct an access road to a 25-lot residential subdivision on an approximately 67 acre parcel with approximately 25 acres of open space.

APPROVE PERMIT:

Dredge and fill 1,635 square feet of palustrine forested wetlands and 86 linear feet of intermittent stream to install a 24-inch x 15-foot culvert, a 24-inch x 27-foot culvert, associated headwalls and outlet protection, and a drain manhole to construct an access road to a 25-lot residential subdivision on an approximately 67 acre parcel with approximately 25 acres of open space.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. entitled "Wetland Impact Application" dated February 13, 2006, as received by the DES Wetlands Bureau on February 16, 2006, and "Wetland Impact Application & Vernal Pool Identification" dated May 30, 2006, as received on June 1, 2006.
2. This permit is contingent on receipt by the DES Wetlands Bureau of a site plan stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, in accordance with Env-Wt 304.09.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
6. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #7 of this approval.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. All work shall be done during low flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Orange construction fencing shall be placed at the limits of construction adjacent to the wetland impact area to prevent accidental encroachment on wetlands.
17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. 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.
20. 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 Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of an access road for a 25-lot residential subdivision.
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 Env-Wt 302.03. The subdivision was configured to minimize wetlands impacts by constructing a common access road and locating the access road to cross the wetland and stream at their narrowest point.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant's agent stated that other access routes to the subject property were researched and denied by owners of abutting properties.
6. The applicant's agent identified two vernal pools on the subject property. The applicant's agent stated in comments submitted to the DES Wetlands Bureau (received June 1, 2006) that both pools were relatively shallow when compared to a "typical" vernal pool.
7. The proposed subdivision consists of twenty-four buildable lots approximately 42 acres in total area and approximately 25 acres of open space.
8. Of the twenty-four buildable lots, one lot is presently developed.
9. The Conservation Commission submitted comments to the DES Wetlands Bureau (received March 7, 2006) in support of the proposed project.
10. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

2006-00499 BROCK-WILSON, JANE
NEW LONDON Lake Sunapee

Requested Action:

Repair an existing retaining wall, replace an existing deck with a larger patio and replace the existing seasonal docking structure with a "U" shaped permanent docking facility with a seasonal canopy on Lake Sunapee, New London.

Conservation Commission/Staff Comments:

No Comments from Con Com by May 26, 2006

DENY PERMIT:

Repair an existing retaining wall, replace an existing deck with a larger patio and replace the existing seasonal docking structure with a "U" shaped permanent docking facility with a seasonal canopy on Lake Sunapee, New London.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 483-B:19 Applicability.I. Subject to paragraph II, the provisions of this chapter shall not apply to any applicant whose land is in a municipality that has adopted a shoreland protection ordinance under RSA 674:16, the provisions of which are at least as stringent as similar provisions in this chapter. The director of the office of state planning shall certify to the commissioner that the provisions of a local ordinance are at least as stringent as similar provisions in this chapter.
3. In accordance with RSA 483-B:19 Applicability.II. If a municipality has a local ordinance that does not contain a counterpart to all of the provisions of this chapter, the more stringent provisions shall apply.
4. In accordance with RSA 483-B:6 Prior Approval.II. In applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter.
5. In accordance with Env-Ws 1405.04 "all accessory structures built after November 26, 1996 shall be set back at least 20 ft from the reference line."
6. In accordance with Wt 101.01 "abandoned means the failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact."

Findings of Fact

7. This project is classified as a minor impact per Rule Env-Wq 303.03(d), construction of a 3 slip docking system.
8. On March 08, 2006 the Wetlands Bureau received an application for surface water impacts, on the lot identified as New London, tax map 125, lot 11,(the "Lot") to construct a permanent 3 slip dock, repair an existing retaining wall and rebuild an existing patio and add water access steps on 230 ft of frontage in Lake Sunapee, New London.
9. On May 26, 2006, the Wetlands Bureau sent a Request for More Information letter to the Applicant requesting the applicant to submit plans "pull the project into the existing footprint of the structure" pursuant to the New London ZBA request of the plans submitted to the ZBA and the removal of the access steps to the waterbody.
10. On June 7, 2006, the Wetlands Bureau received plans from the Agent for the Applicant removing the stairs to the water, however the plans still showed construction of a patio that would be larger than the existing deck.
11. On July 5, 2006, the Wetlands Bureau sent a second Request for More Information letter to the Applicant and the Agent for the Applicant requesting the proposed patio be reduced to the existing deck footprint.
12. On July 27, 2006, the Agent for the Applicant submitted scaled plans showing the expansion of the patio beyond the footprint of the existing deck.
13. The Department has not received certification from the Director of the Office of State Planning nor its successor, the Office of Energy and Planning, that New London's shoreland ordinances are more stringent than the standards established in RSA 483-B.

Rulings in Support of the Decision

14. The Town of New London's shoreland ordinance has not been certified as more stringent therefore the standards established under RSA 483-B are applicable.
15. The requirement of Env-Ws 1405.04 that all accessory structures, including patios, be located at least 20 feet back from the property line would appear to be the more stringent standard, based on the information submitted by the Applicant.
16. The Applicant has failed to submit plans showing that the footprint of the proposed patio will not exceed the footprint of the existing deck as requested in the Request for More Information letters dated May 26, 2006, and July 05, 2006.
17. The Applicant's proposal to expand the impervious surface area within 20 feet of the reference line is not consistent with the intent of RSA 483-B.
18. The Applicant has failed to provide documentation that the proposal meets or exceeds the standards of RSA 483-B, therefore the application is denied.

2006-00849 KOTZ, DAVID
LYME Connecticut River

Requested Action:

Dredge and fill 1,960 square feet along 90 linear feet of Connecticut River bank for riprap and vegetative stabilization and install a 6-foot x 40-foot seasonal dock.

APPROVE PERMIT:

Dredge and fill 1,960 square feet along 90 linear feet of Connecticut River bank for riprap and vegetative stabilization and install a 6-foot x 40-foot seasonal dock.

With Conditions:

1. All work shall be in accordance with plans by James S. Kennedy dated July 03, 2006, as received by the Department on July 10, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. 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.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stabilization areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

5. 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.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. 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.
9. All work shall be done from the top of the bank.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All temporarily stockpiled material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
14. 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.
15. All refueling of equipment shall occur outside of jurisdictional areas during construction.
16. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. 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.
19. 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.
20. 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.
21. Only native plant species shall be utilized to renegotiate the riverbank.
22. 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 stabilization areas during construction and during the early stages of vegetative establishment.
23. Post-construction photographs documenting the status of the stabilized banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
24. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any 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 completion of the project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial river channel or its banks.
2. The NH Fish and Game Department, Nongame and Endangered Wildlife Program requested determination of river substrate in the project area to determine the presence of dwarf wedgemussel (*Alasmidonta heterodon*).
3. The project area was analyzed and due to substrate, impoundment fluctuations, and limited impacts to the bed of the Connecticut river the USFWS indicated there are no concerns regarding the presence of dwarf wedgemussel.
4. The Upper Valley River Subcommittee of the Connecticut River Joint Commission in general supported the proposed project and cautioned vegetation should be protected from competing vegetation and beavers; raising the boat shed elevation above the 100-year floodplain was suggested.
5. The project will be monitored for 5 years and any dead or damaged vegetation will be replaced.
6. The floor level of the shed is above the FEMA base flood elevation.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. 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 Env-Wt 302.03.

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

2006-01206 LOUDON, TOWN OF
LOUDON Bee Hole Brook

Requested Action:

Dredge and fill a total of 2390 square feet within the bed and banks of Bee Hole Brook to replace the previously existing 18 foot wide x 8 ft 9 inch high pipe arch structure in kind and install rip rap at footings to protect the structure in the future.

APPROVE PERMIT:

Dredge and fill a total of 2390 square feet within the bed and banks of Bee Hole Brook to replace the previously existing 18 foot wide x 8 ft 9 inch high pipe arch structure in kind and install rip rap at footings to protect the structure in the future.

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group dated August 2006, as received by the Department on August 11, 2006.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow.
4. 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.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
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 within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. 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.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
15. 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.
16. The crossing at Wiggin Road shall be entirely removed within 1 month of the completion of this structure, per condition 6 of Emergency Authorization 2006-01090.
17. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of the restoration of Wiggin Road.

With Findings:

1. This is a minor impact project per Administrative Rule Env-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 Env-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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 22, 2006. Field inspection determined the existing structure was in complete failure and the structure would require complete replacement.
6. The Loudon Conservation Commission supports the application and has waived their right to intervene on the project.

2006-01208 LOUDON, TOWN OF
LOUDON Bee Hole Brook

Requested Action:

Dredge and fill 310 square feet within the bed and banks of Bee Hole Brook for the replacement of the failed bridge structure with a proposed 20 foot span x 10 foot high spanning structure.

APPROVE PERMIT:

Dredge and fill 310 square feet within the bed and banks of Bee Hole Brook for the replacement of the failed bridge structure with a proposed 20 foot span x 10 foot high spanning structure.

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group dated August 2006, as received by the Department on August 11, 2006.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow.
4. 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.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
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 within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. 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.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
15. 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.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

17. Silt fencing must be removed once the area is stabilized.
18. 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 Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 22, 2006. Field inspection determined the existing structure was in complete failure and the structure would require complete replacement.
6. The Loudon Conservation Commission supports the application and has waived their right to intervene on the project.

**2006-01396 MANCHESTER HIGHWAY DEPARTMENT
MANCHESTER Hogg Brook**

Requested Action:

Dredge and fill approximately 2,664 sq. ft. (1,654 sq. ft. permanent impacts and 1,010 sq. ft. temporary impacts) of wetlands and surface waters located within and adjacent to Hogg Brook and Island Pond Road. Work to include the replacement of an existing bridge structure that consists of four 36 in. x 45 ft. RCP culverts. The existing structure will be replaced with an approximately 5 ft. high x 17 ft. span x 47.5 ft. long precast concrete box culvert. Additional impacts will consist of wing wall installation, slope stabilization, culvert inlet and outlet protection with natural round stone and roadway side slope grading.

Conservation Commission/Staff Comments:

1. The Manchester Conservation Commission did not submit comments.

APPROVE PERMIT:

Dredge and fill approximately 2,664 sq. ft. (1,654 sq. ft. permanent impacts and 1,010 sq. ft. temporary impacts) of wetlands and surface waters located within and adjacent to Hogg Brook and Island Pond Road. Work to include the replacement of an existing bridge structure that consists of four 36 in. x 45 ft. RCP culverts. The existing structure will be replaced with an approximately 5 ft. high x 17 ft. span x 47.5 ft. long precast concrete box culvert. Additional impacts will consist of wing wall installation, slope stabilization, culvert inlet and outlet protection with natural round stone and roadway side slope grading.

With Conditions:

1. All work shall be in accordance with plans prepared by the Hoyle, Tanner & Associates, Inc., dated April, 2006, as received by the Department on June 7, 2006.
2. This permit is contingent on the City of Manchester obtaining construction easements from affected landowners outside of the existing road right-of-way. The City shall supply copies of the recorded easements to DES Wetlands File No. 2006-01396 prior to the start of construction.
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. Work shall be done during low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. 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.

7. 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.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. 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 native material removed from the streambed for installation of the new bridge footings shall be stockpiled separately and reused to emulate a natural channel bottom. Any new materials used within the stream channel must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary stream and wetlands impact areas shall be regraded to original contours.
13. Wetland restoration areas (temporary wetlands impacts) shall have at least 75% successful establishment of wetlands vegetation after one full growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. Follow-up monitoring reports shall be submitted to DES within 60-days following completion of the project and at the end of one full growing season following the completion of the project. The reports shall include narratives and photographs describing the status of the wetland restoration areas. The reports shall be prepared by New Hampshire Certified Wetland Scientist.
15. Any areas from which vegetation has been cleared to gain access to the site shall be replanted with native species.
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).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working near surface waters or wetlands. Faulty equipment shall be repaired immediately.
18. 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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-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 Env-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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The approved permit is contingent on the City of Manchester obtaining construction easements from affected landowners outside of the existing road right-of-way.
6. The culvert replacement will provide an approximately three foot wider span that is needed to adequately pass a 50-year storm event.
7. The New Hampshire Fish & Game Department (NHFGD) submitted comments questioning the replacement of a bridge with a closed box culvert. NHFGD concern is due to potential impacts to aquatic species passage and possible habitat fragmentation.
8. The project description defined the existing crossing as a bridge due to the NH Department of Transportation definition of a bridge being a span of 10 feet or greater. The actual project will remove four 36 in. x 45 ft. RCP culverts and replace with a 17 ft. span x 47 ft. long precast concrete box culvert with a round stone bed. The New Fish & Game Department has been notified of this issue and is in agreement with the proposed project.
9. The applicant has provided an existing conditions plan with delineated wetlands and surface water boundaries. The plan has been stamped by a New Hampshire Certified Wetland Scientist and a Licensed Land Surveyor.

Requested Action:

Impact a total of 1285 square feet of the bed and banks of Clay Brook for the replacement of the existing 9 foot diameter x 60 foot culvert with a 24-foot clear span x 10 ft high precast concrete bridge further described as follows: Temporarily impact 675 square feet for construction envelope and permanently impact 610 square feet for headwall construction.

APPROVE PERMIT:

Impact a total of 1285 square feet of the bed and banks of Clay Brook for the replacement of the existing 9 foot diameter x 60 foot culvert with a 24-foot clear span x 10 ft high precast concrete bridge further described as follows: Temporarily impact 675 square feet for construction envelope and permanently impact 610 square feet for headwall construction.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants Inc dated April 2006, as received by the Department on June 12, 2006.
2. The Town shall obtain easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2006-01426 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. 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.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction.
6. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
10. 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.
11. 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.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #3.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. 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.
17. Temporary water diversion measures shall be entirely removed immediately following construction.
18. Native material shall be used to emulate a natural channel bottom within the proposed structure. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap, except where illustrated on the approved plans.
19. 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.
20. 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 restoration area during the early stages of vegetative establishment.

- 21. A post-construction report documenting the status of the restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
- 22. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
- 23. 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 minor impact project per Administrative Rule Env-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 Env-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 Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The proposal will provide a natural stream channel where currently there is none.
- 6. The proposal will increase the hydrologic opening of the structure.

2006-01494 BRAGG, STEVE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Applicant proposes to add a 6 ft by 20 ft finger pier to an existing 10 ft by 52 ft non-conforming permanent docking structure.

Conservation Commission/Staff Comments:

No Con Com comments by August 24, 2006.

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

DENY PERMIT:

Applicant proposes to add a 6 ft by 20 ft finger pier to an existing 10 ft by 52 ft non-conforming permanent docking structure.

With Findings:

Standards for Approval

- 1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
- 2. This project is classified as a minor impact per Rule Wt 303.03(d), construction or modification of a permanent docking system that provides less than 5 slips.
- 3. In accordance with Rule Wt 402.22, Modification of Existing Structures, "The department shall not approve any change in size, location or configuration of existing structures unless the applicant demonstrates that and the department finds the modification to be less of an environmental impact or provides for less boat slips and less constructed surface area over public submerged lands than the current configuration."
- 4. In accordance with Rule Wt 402.05(a)(2), Permanent Docks, a permanent dock shall be approved when "the proposed site for the dock is exposed to radial fetch of at least 1 mile between compass heading 300 to 360 or 0 to 30 degrees, or a radial fetch of at least 2 miles between compass headings 31 to 299 as measured from true north."
- 5. In accordance with Rule Wt 402.02, Dimensions, docks on lakes over 1000 acres shall not exceed 6 ft in width.

Findings of Fact

- 6. On June 16, 2006, the Wetlands Bureau received an application for impacts, on the lot identified as Moultonborough tax map 187, lot 015,(the "Lot") to construct a permanent dock extension connected to an existing non-conforming docking facility, install an ice protection cluster and install two seasonal PWC lifts on Lake Winnepesaukee, Moultonborough.
- 7. The existing pier is 10 feet in width and therefore is considered to be a non-conforming structure.
- 8. The subject property is exposed to a 0.82 mile radial fetch between compass headings 295 and 325.

Rulings in Support of the Decision

- 8. The addition of the personal watercraft lifts, ice clusters and 6 ft by 20 ft finger pier fails to meet the requirements of Rule Env-Wq 402.20, therefore the project is denied.
- 9. The subject property is not exposed to sufficient fetch to qualify for a permanent dock, therefore the project is denied.

MINIMUM IMPACT PROJECT

**1999-01295 WHYNOT, PATRICIA ANN
BARNSTEAD Lower Suncook Lake**

Requested Action:

Retain the repair of approximately 21 linear feet of a dry laid stone retaining wall on an average of 275 feet of frontage on Lower Suncook Lake, Barnstead.

Conservation Commission/Staff Comments:

expedited app was signed by the Con Com 07/18/01

Inspection Date: 06/15/2006 by Jeffrey D Blecharczyk

APPROVE AFTER THE FACT:

Retain the repair of approximately 21 linear feet of a dry laid stone retaining wall on an average of 275 feet of frontage on Lower Suncook Lake, Barnstead.

With Conditions:

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

**2003-02640 ANDRYSIK, SHERRY & CARL
GRANTHAM Eastman Pond**

Requested Action:

Approve name change to: Sherry & Carl Andrysiak, PO Box 1528, Grantham NH 03753 1528 per request received 8/23/2006.
Previous owner: Penfield Limited Family Partnership.

Conservation Commission/Staff Comments:

The conservation commission has several concerns with the proposed subdivision. Please see the findings of law associated with this permit.

APPROVE NAME CHANGE:

Dredge and fill 1895 square feet of man made drainage ditch and install 5 driveway culverts for access to single family building lots and temporarily impact 55 square feet of man made drainage ditch for a utility crossing.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC dated August 2004, as received by the Department on September 8, 2004, and Subdivision Plans by Pathways Consulting LLC dated July 2003 and plans by Pathways Consulting LLC dated March 2006, as received by the department April 28, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. No work shall occur within jurisdiction until Driveway Access permits have been obtained for each respective lot.
6. Work shall be done during low flow.
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. 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. Culvert outlets shall be properly rip rapped.
11. Area of temporary impact shall be regraded to original contours following completion of work.
12. Mulch within the restoration area shall be straw.
13. 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. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

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

2006-00581 BROOKS PROPERTIES IV LLC
ATKINSON Unnamed Wetland

Requested Action:

Retain 1,880 square feet of fill and two (2) 18-inch HDPE culverts for the construction of a crossing within a forested wetland to access uplands for storage.

Conservation Commission/Staff Comments:

No comments were received from the Atkinson Conservation Commission.

APPROVE AFTER THE FACT:

Retain 1,880 square feet of fill and two (2) 18-inch HDPE culverts for the construction of a crossing within a forested wetland to access uplands for storage.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated February 8, 2006 and revised April 17, 2006, as received by the Department on April 21, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as they are necessary to access an upland portion on the property.
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 Env-Wt 302.03., as the crossing occurs perpendicular to the wetland and crosses at the narrowest section.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00851 MALLETT, MICHAEL
JACKSON Ellis River**

Requested Action:

Dredge and fill 2,846 square feet of wetlands and 4,400 square feet of uplands to improve drainage at the Wentworth Golf Course, further described as follows:

1. Maintenance dredge 1,590 square feet previously channelized wetlands, install rounded river stone, and install a minimum 30-foot vegetated buffer;
2. Replace failing 15-inch and 18-inch culverts with 24-inch HDPE and cement culverts;
3. Maintenance dredge 600 square feet of existing pond inlet;
4. Dredge 656 square feet of wetlands (stations 13+00 to 13+82) and approximately 3,200 square feet of uplands for pond creation and install a minimum 30-foot vegetated buffer; and
5. Dredge 1,200 square feet of uplands for pond creation and install a minimum 30-foot vegetated buffer.

Inspection Date: 06/30/2006 by Kirsten Pulkkinen

APPROVE PERMIT:

Dredge and fill 2,846 square feet of wetlands and 4,400 square feet of uplands to improve drainage at the Wentworth Golf Course, further described as follows:

1. Maintenance dredge 1,590 square feet previously channelized wetlands, install rounded river stone, and install a minimum 30-foot vegetated buffer;
2. Replace failing 15-inch and 18-inch culverts with 24-inch HDPE and cement culverts;
3. Maintenance dredge 600 square feet of existing pond inlet;
4. Dredge 656 square feet of wetlands (stations 13+00 to 13+82) and approximately 3,200 square feet of uplands for pond creation and install a minimum 30-foot vegetated buffer; and
5. Dredge 1,200 square feet of uplands for pond creation and install a minimum 30-foot vegetated buffer.

With Conditions:

1. All work shall be in accordance with plans by David Weathers dated July 2006, as received by the Department on July 20, 2006

and revised plans as received by the Department on August 22, 2006.

2. This permit is contingent on the establishment of a minimum 30-foot vegetated buffer along all impacted and created areas.
3. Work shall be done during low flow conditions.
4. The existing pond dredge work shall be done in the dry/ under frozen conditions/ or under draw down 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 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. 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.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. Materials used to emulate a natural channel bottom within the dredged open channels must be rounded and smooth stones and shall not include angular rip-rap or gravel.
14. Seed mix within the creation area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. 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.
17. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The NH Fish and Game Department requested the establishment of a naturally vegetated buffer.
3. The applicant agreed to upgrade the existing open channel locations and install a 30-foot vegetated buffer.
4. DES Staff conducted a field inspection of the proposed project on June 30, 2006. Field inspection determined: a) the project will impact historically channelized wetlands; and b) additional fairways may need improvements in the future.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-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 Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00989 MORIN, JEAN
EAST HAMPSTEAD Unnamed Wetland

Requested Action:

Retain 1,325 square feet of fill and two (2) 12-inch culverts within a forested wetland to access uplands for storage.

Conservation Commission/Staff Comments:

The Hampstead Conservation Commission supports the ATF approval.

APPROVE AFTER THE FACT:

Retain 1,325 square feet of fill and two (2) 12-inch culverts within a forested wetland to access uplands for storage.

With Conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
2. 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.
3. 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 Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the additional impacts were necessary to access uplands.
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 Env-Wt 302.03., as an existing woods road was utilized.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01453 GREAT LAKES HYDRO AMERICA LLC
SHELBURNE Androsscoggin River

2006-01825 WINNIPESAUKEE RIVER BASIN PROGRAM
LACONIA Govenors Park Brook

Requested Action:

Confirm emergency authorization to replace existing failed 12 inch culvert with new culvert in kind.

CONFIRM EMERGENCY AUTHORIZATION:

Replace existing failed 12 inch culvert with new culvert in kind.

With Conditions:

1. 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 project is classified as a Minimum impact project per Rule Env-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 project was necessary to maintain access to the existing state owned sewage pump station.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on July 1, 2006.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2006-02114 FITZPATRICK, JAMES
WAKEFIELD Pine River Pond

Requested Action:

Reinforce 322 linear ft of failing timber retaining wall with stone gabions and construct a new 21 linear ft gabion wall to stabilize the bank on a property having 415 feet of frontage on Pine River Pond in Wakefield.

APPROVE PERMIT:

Reinforce 322 linear ft of failing timber retaining wall with stone gabions and construct a new 21 linear ft gabion wall to stabilize the bank on a property having 415 feet of frontage on Pine River Pond in Wakefield. per plans received on 07/12/2006.

With Conditions:

1. All work shall be in accordance with plans by H E Bergeron Engineers dated July 12, 2006, as received by the Department on August 15, 2006.
2. This permit shall not be effective until full size copies of Plan Sheets 1 of 5 and 5 of 5 are received by the Wetlands Bureau.
3. 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.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. The contractor/owner 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. 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 Env-Wq 303.04(v), Repair and maintenance of existing structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wq 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 Env-Wq 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wq 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2006-02096 DS NOBLE REALTY LLC
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax Map 407, Lot# 155

2006-02097 BATER, GARY
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 3, Lot# 387

2006-02098 **ABBOTT, LOUISE**
MADBURY Unnamed Stream

COMPLETE NOTIFICATION:
Madbury Tax Map 2, Lot# 20

2006-02099 **UPPER BIRCH HOLDINGS, CHARLES RANCHETTI**
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax Map 6, Lot# 63

2006-02101 **THARPE, STEVEN & LAURA**
MONT VERNON Unnamed Wetland

COMPLETE NOTIFICATION:
Mont Vernon Tax Map 8, Lot# 18

2006-02110 **MARQUIS, ROSAIRE**
STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
Stratford Tax Map R1, Lot# 1

2006-02116 **SPNHF**
STODDARD Unnamed Stream

COMPLETE NOTIFICATION:
Stoddard Tax Map 405, Lot# 5

2006-02129 **LABIDINI, RONALD**
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 9, Lot# 687

2006-02130 **ALT, CHRISTOPHER**
TAMWORTH Unnamed Wetland

COMPLETE NOTIFICATION:
Tamworth Tax Map 414, Lot# 57

2006-02131 **JAMESON, LLOYD**
HAVERHILL Unnamed Stream

COMPLETE NOTIFICATION:
Haverhill Tax Map 422, Lot# 16

2006-02133 WARRIOR HOMES
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 4, Lot# 45

EXPEDITED MINIMUM

2004-02545 FAUVER, SCRIBNER & SUSAN
MERIDEN Unnamed Pond

Requested Action:

Approve name change to: Scribner & Susan Fauver, PO Box 247, Meriden NH 03770 per request received 8/21/2006. Previous owner: Richarad & Lia Rothstein.

Conservation Commission/Staff Comments:

The Plainfield Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:

Maintenance dredge approximately 2,250 square feet of an existing man-made pond.

With Conditions:

1. All work shall be in accordance with plans received by the Department on October 20, 2004.
2. 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.
3. Work shall be done during low flow conditions.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

2006-01752 REARDON, JAMES & TAMMY
BETHLEHEM Baker Brook

Requested Action:

Temporarily impact 1,800 square feet of wetlands along 15 linear feet of Baker Brook for residential waterline installation.

APPROVE PERMIT:

Temporarily impact 1,800 square feet of wetlands along 15 linear feet of Baker Brook for residential waterline installation.

With Conditions:

1. All work shall be in accordance with plans by Nute Excavating, Inc. as received by the Department on July 13, 2006 and revised construction sequence by Tammy and James Reardon as received by the Department on August 23, 2006.
2. 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.
3. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
4. Construction workspace shall be limited to the 20-ft.
5. 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.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. 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. Additionally, all turbid trench de-watering discharged within 100 feet of any waterbody shall be discharged through a filter bag.
9. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
10. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
11. 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.
12. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
13. Wetlands shall be restored to their pre-construction conditions, including restoration of original grades, within 5 days of backfill.
14. All material removed during work activities shall be placed out of DES's jurisdiction.
15. Mulch within the restoration area shall be straw.
16. 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. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
17. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
18. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
19. Post-construction photographs documenting the status of the restored jurisdictional area shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ae), temporary impacts associated with the

- installation of residential utility lines and associated temporary impact to permit services to a single family residence.
2. Boulders and ledge prohibit drilling beneath the stream.
 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
 4. 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 Env-Wt 302.03.
 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01826 BOSCH, MEL & KATHLEEN
MONT VERNON Unnamed Stream

Requested Action:

Repair of a 100-foot (length) granite block retaining wall along the bank of an intermittent stream requiring the removal of fallen blocks from the stream channel.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE PERMIT:

Repair of a 100-foot (length) granite block retaining wall along the bank of an intermittent stream requiring the removal of fallen blocks from the stream channel.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC dated July 10, 2006, as received by the DES Wetlands Bureau on July 19, 2006.
2. Repair shall maintain existing size, location and configuration.
3. Repair shall not be done to extend land into the stream channel.
4. Existing rocks which have fallen shall be used for repair. No additional material shall be removed from the stream channel or adjacent banks for the repair.
5. All work shall be done during no flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
14. 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.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. 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.
17. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration. If a wall is to be refaced such additional width shall not exceed 6 inches.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The repairs are necessary to ensure the future structural integrity of the retaining wall and to maintain the existing flow path of the stream.
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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The retaining wall was originally permitted under Wetlands and Non-Site Specific Permit 1998-02351.
6. To correct the drainage and undermining problem, the applicant has proposed the installation of geotextile fabric and aggregate behind the retaining wall.
7. The Conservation Commission signed the application but did not submit comments.

2006-01964 HALVORSON, BRETT
MILAN Androscoggin River

Requested Action:

Construct a 4 ft by 25 ft seasonal dock attached to a 4 ft by 12 ft walkway and a 4 ft by 10 ft ramp over the bank on the Androscoggin River, Milan.

Conservation Commission/Staff Comments:

The town of Milan does not have a Conservation Commission

APPROVE PERMIT:

Construct a 4 ft by 25 ft seasonal dock attached to a 4 ft by 12 ft walkway and a 4 ft by 10 ft ramp over the bank on the Androscoggin River, Milan.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 03, 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. 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 25 feet from the shoreline.
7. 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 Env-Wt 303.04(a), construction of a seasonal dock.

2006-01987 MOZZETTA, RICHARD
NEWBURY Lake Sunapee

Requested Action:

Repair an existing 7 ft 10 in by 28 ft 2 in dock supported by a 7 ft 10 in by 8 ft crib and an 4 ft by 8 ft crib connected to a 3 ft 10 in by 28 ft 2 in dock supported by a 3 ft 10 in by 8 ft crib and a 4 ft by 4 ft crib connected by a 9 ft by 8 ft 6 in walkway on Lake

Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 7 ft 10 in by 28 ft 2 in dock supported by a 7 ft 10 in by 8 ft crib and an 4 ft by 8 ft crib connected to a 3 ft 10 in by 28 ft 2 in dock supported by a 3 ft 10 in by 8 ft crib and a 4 ft by 4 ft crib connected by a 9 ft by 8 ft 6 in walkway on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 07, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. 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.
8. Repair shall maintain existing size, location and configuration.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Repair shall maintain existing size, location and configuration.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-01993 MANCHESTER WATER WORKS
MANCHESTER Lake Massabesic

Requested Action:

Placement of an approximately 30 ft. x 40 ft. (1,200 sq. ft.) submerged baffle weir on an existing water intake pipe on the bed of Lake Massabesic.

APPROVE PERMIT:

Placement of an approximately 30 ft. x 40 ft. (1,200 sq. ft.) submerged baffle weir on an existing water intake pipe on the bed of Lake Massabesic.

With Conditions:

1. All work shall be in accordance with plans by Ecosystem Consulting Service, Inc., dated May 9, 2006, as received by the Department on August 9, 2006 and plan note numbers 1 and 2 on the previous "Replacement of Subaqueous Intake and Construction of Raw Water Pumping Station" plan, received by the Department on August 9, 2006.

2. There shall be no dredging or filling of the lake bed or associated wetlands or banks for the proposed project.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. 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.
5. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
6. 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.
7. 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 Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The Manchester Conservation Commission signed the application waiving their right to intervene.
4. The New Hampshire Fish and Game Department did not submit comments.
5. The New Hampshire Natural Heritage Bureau submitted comments noting that a natural community, sandy pond shore system, is located at the site.
6. The proposed project does not involve any dredging or filling of the lake or lake shore.
7. The Department issued a permit (#1995-1353) in 1995 for the installation of the existing 60 in. intake pipe.

2006-02031 **WALLACE, RICHARD**
ACWORTH Cold River

Requested Action:

Repair of a 55-foot (length) x 5-foot (width) x 5-foot (height) retaining wall along the bank of the Cold River.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE PERMIT:

Repair of a 55-foot (length) x 5-foot (width) x 5-foot (height) retaining wall along the bank of the Cold River.

With Conditions:

1. All work shall be in accordance with the plan and narrative received by the DES Wetlands Bureau on August 14, 2006.
2. Repair shall maintain existing size, location and configuration.
3. Repair shall not be done to extend land into the river channel.
4. Existing rocks which have fallen shall be used for repair. No additional material shall be removed from the river channel or adjacent banks for the repair.
5. Work shall be done during low flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Prior to commencing work on any portion of the retaining wall that is below the water level, a cofferdam shall be constructed to isolate the work area from the river. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Temporary structures installed to divert flow around the work area or access the work area shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. 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.

11. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
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 or 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.
17. 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.
18. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration. If a wall is to be refaced such additional width shall not exceed 6 inches.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The retaining wall was damaged during the flooding of October 2005 and has suffered further damages during recent high water events. The retaining wall is immediately adjacent to the primary structure on the property and separates the structure from the river channel.
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 Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Repair of the retaining wall will require equipment to cross the river at the narrowest point. If necessary, the applicant has indicated that the contractor will construct a log pole ford to cross the river.
6. At low water, the remaining part of the wall is exposed.
7. The applicant has indicated that the rocks used to repair the retaining wall will come from their land on the opposite side of the river.
8. The Cold River Local Advisory Committee submitted comments to the DES Wetlands Bureau (received August 21, 2006) in support of the proposed project.
9. The Conservation Commission signed the application but did not submit comments.

GOLD DREDGE

2006-02154 PACHECK, MAUREEN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2006-02155 DAVIS, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc:Bath Con Comm

TRAILS NOTIFICATION

**2006-02128 NH DEPT OF TRANSPORTATION
NEW DURHAM Unnamed Stream**

COMPLETE NOTIFICATION:
New Durham NH DOT Rte 11 ROW

ROADWAY MAINTENANCE NOTIF

**2006-02134 NH DEPT OF TRANSPORTATION
NORTH HAMPTON Unnamed Stream**

**2006-02135 NH DEPT OF TRANSPORTATION
PLAISTOW Unnamed Stream**

**2006-02136 BERRY, ED
SOUTH HAMPTON Grassy Brook**

**2006-02152 NH DEPT OF TRANSPORTATION
DERRY Unnamed Stream**

**2006-02153 NH DEPT OF TRANSPORTATION
DERRY Unnamed Stream**

PERMIT BY NOTIFICATION

**2006-01477 OLESON, DONALD
ALTON Unnamed Wetland Lake Winnepesaukee**

Requested Action:

Repair/Replace existing docking facility "in-kind".

PBN IS COMPLETE:

Repair/Replace existing docking facility "in-kind".

With Findings:

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

**2006-01895 SRETER, ALBERT
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

repair existing wall

PBN IS COMPLETE:

repair existing wall

With Findings:

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

**2006-02014 HIGGINS, CHARLES & GERTRUDE
GILFORD Lake Winnepesaukee**

Requested Action:

Repair/Replace existing docking facility.

Conservation Commission/Staff Comments:

file expired prior to review and therefore was "approved by default".

PBN IS COMPLETE:

Repair/Replace existing docking facility.

With Findings:

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

**2006-02015 WILKINS, JOHN
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Repair/Replace existing bulkhead, existing cantilevered and piling supported "U-shaped" docking facility and related breakwater on 223.5 ft of frontage in Tuftonboro on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair/Replace existing bulkhead, existing cantilevered and piling supported "U-shaped" docking facility and related breakwater on 223.5 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Findings:

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

2006-02016 MASTRO ET AL, TERRY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Temporarily impact 20 square feet of jurisdiction to cross an intermittent stream with a proposed utility line.

PBN IS COMPLETE:

Temporarily impact 20 square feet of jurisdiction to cross an intermittent stream with a proposed utility line.

2006-02017 STATE OF NH - DRED, TAYLORS MILL
DERRY Ballard Pond

Requested Action:

Repair/Replace existing dry hydrant "in-kind".

PBN IS COMPLETE:

Repair/Replace existing dry hydrant "in-kind".

With Findings:

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

2006-02034 SCHROEDER, CHARLES
ACWORTH Unnamed Wetland

Requested Action:

Application Withdrawn

WITHDRAW APPLICATION:

Application Withdrawn

2006-02051 MILLER, JOHN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair existing dockage "in kind"

PBN IS COMPLETE:

Repair existing dockage "in kind"

With Findings:

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

2006-02053 TESSIER, RENE
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing concrete retaining wall

PBN IS COMPLETE:

Repair an existing concrete retaining wall

With Findings:

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

2006-02054 DRIFTWOOD CONDO ASSOCIATION, DRIFTWOOD BOARD OF DI
LACONIA Paugus Bay

Requested Action:

Repair/replace existing docking facility "in-kind".

PBN IS COMPLETE:

Repair/replace existing docking facility "in-kind".

With Findings:

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

2006-02082 GENERAL ELECTRIC CO
SOMERSWORTH Salmon Falls River

Requested Action:

Dredge and fill approximately 800 square feet along 40 linear feet of Salmon Falls River bank to repair/replace damaged embankment, generator turbine station, and leveling pads.

PBN IS COMPLETE:

Dredge and fill approximately 800 square feet along 40 linear feet of Salmon Falls River bank to repair/replace damaged

embankment, generator turbine station, and leveling pads.