

Wetlands Bureau Decision Report

Decisions Taken
09/25/2006 to 10/01/2006

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

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

Requested Action:

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

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

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

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 10, 2005, as received by the Department on August 16, 2005 and cross sections by Watermark Marine Construction dated August 29, 2004, as received by the Department on October 28, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
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. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. 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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. 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.
12. 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.
13. These shall be the only structures on this water frontage 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.

- 14. The seasonal pier shall be removed from the lake for the non-boating season.
- 15. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 16. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
- 17. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 18. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
- 19. This permit shall be used only once, and does not allow for annual beach replenishment.
- 20. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 21. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
- 22. 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.
- 23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. On October 28, 2004, the NH DES Wetlands Bureau (the "Bureau") received an application for the construction of a dug-in boathouse, dock and perched beach on an undeveloped lot identified as Center Harbor tax map 8, lot 36-1 (the "Property").
- 2. This application was received prior to the August 12, 2005 Belknap County Superior Court decision relative to the review standard required by RSA 483-B, the Comprehensive Shoreland Protection Act, therefore this project was reviewed under the pre-existing standards.
- 3. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility impacting more than 100 linear ft of shoreline.
- 4. The applicant has an average of 353 feet of shoreline frontage along Lake Winnepesaukee.
- 5. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
- 6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 402.12.
- 7. Public hearing is waived based on field inspection, by NH DES staff, on December 6, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2006-00829 SULLIVAN FAMILY TRUST, EDWARD
CONCORD Unnamed Wetland Unnamed Streams**

Requested Action:

Request to relocate existing trail to impact approximately 2,700 sq. ft. of wetlands and to restore approximately 4,400 sq. ft.

Install bridge structures at stream crossings where 4 of 5 stream crossings will span the stream channels.

Stabilize existing erosion and disturbance to upland portions of the trail.

Restore approximately 29,000 sq. ft. of wetlands within powerline ROW and grading and seeding of adjacent areas.

APPROVE PERMIT:

Request to relocate existing trail to impact approximately 2,700 sq. ft. of wetlands and to restore approximately 4,400 sq. ft.

Install bridge structures at stream crossings where 4 of 5 stream crossings will span the stream channels.

Stabilize existing erosion and disturbance to upland portions of the trail.

Restore approximately 29,000 sq. ft. of wetlands within powerline ROW and grading and seeding of adjacent areas.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, Inc. as received by the Department on April 17, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
6. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
7. Silt fencing must be removed once the area is stabilized.
8. This permit is contingent on the restoration of the previously rutted wetlands within 2 years.
9. A monitoring report documenting wetlands by a certified wetland scientist shall be submitted to the Wetlands Bureau after each growing season following trail relocation until the restoration is complete. The first report shall be submitted no later than September 15.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02.
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 proposed project involves trail development, stabilization and restoration of previously disturbed upland and wetland areas.
6. The City of Concord Planning Board granted conditional subdivision approval known as Oxbow Bluff where part of the approval was to convey 47.85 acres of land for conservation purposes adjacent to the State Recreation area on the Merrimack River. Additionally, the applicant also conveyed an additional 17.41 acres of conservation easement on the abutting property to the west.
7. Relocation of the trail will reduce the overall wetland impacts through restoration of degraded wetland trails and relocating the rail through uplands to the greatest extent practicable.

**2006-00936 LONDONDERRY DPW, TOWN OF
LONDONDERRY Unnamed Stream**

Requested Action:

Dredge and fill 3,150 square feet (2,300 square feet permanent impacts) of perennial stream and palustrine forested wetlands to replace a 3.5-foot (rise) x 4-foot (span) box culvert and attached 30-inch culvert with twin, 36-inch x 75-foot culverts, associated headwalls, rip-rap apron, and rip-rap embankment slopes impacting 285 linear feet in the banks and bed of the channel (240 linear feet permanent impacts) and make associated road improvements on a public roadway.

APPROVE PERMIT:

Dredge and fill 3,150 square feet (2,300 square feet permanent impacts) of perennial stream and palustrine forested wetlands to replace a 3.5-foot (rise) x 4-foot (span) box culvert and attached 30-inch culvert with a 3-foot (rise) x 5-foot (span) x 75-foot (length) three-sided box culvert with wingwalls and rip-rap protection impacting 285 linear feet in the banks and bed of the channel (240 linear feet permanent impacts) and make associated road improvements on a public roadway.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP dated August 15, 2006 (revised), as received by the DES Wetlands Bureau on August 29, 2006.

2. 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.
3. All work shall be done during low flow.
4. Excavation work shall not start within the stream channel or banks until the flow of the stream is diverted in accordance with the approved plans.
5. All excavation work shall be done in the dry, including stockpiling of temporarily excavated materials, and at no time shall any construction equipment work within the flow of the stream.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Dredged material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
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.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Erosion control structures shall be removed once the area is stabilized.
13. Native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural 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.
14. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
15. Temporarily impacted areas shall be restored to their original grades and to a stable condition within three days of completion of construction.
16. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. 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.
19. Extreme caution should be taken to limit unnecessary removal of vegetation from riparian areas.
20. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
21. 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.
22. 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 project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found during this same period.
23. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
25. Faulty equipment shall be repaired prior to entering jurisdictional areas.
26. 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.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

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. 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 impacts are necessary to upgrade the road crossing to provide safe access for increased traffic along the subject road.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per 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 DES Wetlands Bureau finds that a public hearing is not required since the project does not propose significant impact on resources protected by RSA 482-A and the project is not of substantial public interest, as required by RSA 482-A:8.
6. The existing 3.5-foot (rise) x 4-foot (span) box culvert was previously repaired and a 30-inch culvert was attached to the downstream end.
7. The proposed three-sided box culvert is 1.25 times the existing culvert width.
8. The proposed culvert is designed for the 25-year storm event.
9. The stream will be diverted through the work area using sand bag cofferdams and a temporary 18-inch diversion pipe. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
10. The impacts associated with the proposed project extend outside of the right-of-way onto properties identified as Map 17, Lot 32A and Map 17, Lot 35.
11. The applicant provided Memorandums of Understanding signed by the owners of the abutting properties for work outside of Right-of-Way.
12. The Conservation Commission submitted comments to the DES Wetlands Bureau (received May 1, 2006) stating that they support the project but believe it is contrary to the terms of a conservation easement on Lot 17-32A. The Town is working with the landowner and easement holder to discuss the best way to accommodate the project and not trespass on the easement.

2006-01286 NASHUA, CITY OF
NASHUA Tributary To Nashua River

Requested Action:

Dredge and fill approximately 2,503 sq. ft. of lacustrine and riverine wetlands (bed and banks of the Nashua River and Nashua River Canal, a Nashua designated prime wetland) and conduct work adjacent to prime wetlands for improvements to an existing pedestrian trail and bridge system and construct a new pedestrian bridge and boat launch access area within Mine Falls Park, a city-owned 325 acre park in the center of Nashua. Work to include: "Site #1", construction of a new pedestrian bridge ("North 7th Street Bridge") and approach path within and adjacent to prime wetlands. Wetlands impacts consist of 304 sq. ft. of temporary impacts for cofferdam installation, 334 sq. ft. of permanent impacts for a new bridge abutment and rip-rap protection; "Site #2", construction of a new boat launch ("Stellos Stadium Boat Launch"), parking area, handicap access, stormwater treatment area and revegetation of the existing boat launch within and adjacent to prime wetlands. Wetlands impacts consist of 1,387 sq. ft. of bed and bank impact for construction of a concrete panel boat launch; "Site 3", repairs to an existing pedestrian bridge ("Whipple Street Entrance") approach areas and buffer plantings adjacent to prime wetlands; "Site 7", repairs to an existing pedestrian bridge ("Spine Road Bridge") within and adjacent to prime wetlands. Wetlands impacts consist of 55 sq. ft. of impact for existing wall and bank stabilization and 379 sq. ft. of bank restoration; "Site 9", repairs to an existing pedestrian bridge ("New Overflow Bridge") abutment within and adjacent to prime wetlands. Wetlands impacts consist of 44 sq. ft. of impact for abutment stabilization.

APPROVE PERMIT:

Dredge and fill approximately 2,503 sq. ft. of lacustrine and riverine wetlands (bed and banks of the Nashua River and Nashua River Canal, a Nashua designated prime wetland) and conduct work adjacent to prime wetlands for improvements to an existing pedestrian trail and bridge system and construct a new pedestrian bridge and boat launch access area within Mine Falls Park, a city-owned 325 acre park in the center of Nashua. Work to include: "Site #1", construction of a new pedestrian bridge ("North 7th Street Bridge") and approach path within and adjacent to prime wetlands. Wetlands impacts consist of 304 sq. ft. of temporary impacts for cofferdam installation, 334 sq. ft. of permanent impacts for a new bridge abutment and rip-rap protection; "Site #2", construction of a new boat launch ("Stellos Stadium Boat Launch"), parking area, handicap access, stormwater treatment area and

revegetation of the existing boat launch within and adjacent to prime wetlands. Wetlands impacts consist of 1,387 sq. ft. of bed and bank impact for construction of a concrete panel boat launch; "Site 3", repairs to an existing pedestrian bridge ("Whipple Street Entrance") approach areas and buffer plantings adjacent to prime wetlands; "Site 7", repairs to an existing pedestrian bridge ("Spine Road Bridge") within and adjacent to prime wetlands. Wetlands impacts consist of 55 sq. ft. of impact for existing wall and bank stabilization and 379 sq. ft. of bank restoration; "Site 9", repairs to an existing pedestrian bridge ("New Overflow Bridge") abutment within and adjacent to prime wetlands. Wetlands impacts consist of 44 sq. ft. of impact for abutment stabilization.

With Conditions:

1. All work shall be in accordance with plans by McFarland-Johnson Inc., dated September 20, 2006, as received by the Department on September 22, 2006.
2. The boundaries of the 75 ft. wetland buffer adjacent to each work area shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands/surface waters and the prime wetlands buffer; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
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. 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. A certified wetlands scientist ("CWS") shall inspect the project to insure compliance with approved plans and permit conditions.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working adjacent to surface waters or wetlands. Faulty equipment shall be repaired immediately.
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.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is located within and adjacent to an existing pedestrian bridge and trail system and existing boat launch area located in Mine Falls Park, a city-owned 325 acre park in the center of Nashua.
6. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFG") requested that the existing boat launch be protected to provide nesting habitat for spotted turtle and other turtle species and prevent the area from becoming a "hang-out". The NHFG requested that boulders be placed along the rivers edge and a native shrub border be placed along the roadside.
7. The applicant has provided plans depicting the requested boulder protection and shrub plantings.
8. The Conservation Commission did not submit comments on the proposed project.
9. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
11. The applicant requested a Shoreland variance File # 2006-1419.
12. The Shoreland variance request file was closed in accordance with RSA 483-B:9 (IV-b); the public boat ramp and associated

- structures are consistent with the purpose of the chapter; 13. RSA 483-B:2 stated at a minimum the following standards: to protect public use of waters, including recreation; provide for the wise utilization of water and related land resources;
14. A public hearing was held at the Department on September 5, 2006. No one in opposition to this project attended the public hearing.
15. The applicant has provided a comprehensive report addressing Env-Wt 703.01 Criteria for Approval.
16. The project calls for stabilization and restoration of existing structures and river banks, protection of a potential turtle habitat nesting area, stormwater treatment and buffer plantings.
17. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

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

2006-01448 SAWYER, MATHEW
BROOKLINE Talbot Swamp

Requested Action:

Dredge and fill 1,420 square feet (41 square feet permanent impacts) in the bed of Talbot Swamp (Prime Wetland) and Talbot Brook to repair an existing earthen dam including replacement of the overflow pipe and drop structure; and fill 42 square feet of a rodent path in the emergency overflow channel.

APPROVE PERMIT:

Dredge and fill 1,420 square feet (41 square feet permanent impacts) in the bed of Talbot Swamp (Prime Wetland) and Talbot Brook to repair an existing earthen dam including replacement of the overflow pipe and drop structure; and fill 42 square feet of a rodent path in the emergency overflow channel.

With Conditions:

1. All work shall be in accordance with plans by Farwell Engineering Services, LLC dated September 13, 2006 (revised), as received by the DES Wetlands Bureau on September 18, 2006, and the plan entitled "Erosion Control Details" (Sheet Number: C-3) dated May 31, 2006, as received on June 12, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Dam Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. All work shall be done during drawdown.
6. The drawdown of the pond shall be in accordance with RSA 482:13.
7. 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.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Dredged material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
12. 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.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. 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.
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
16. Erosion control structures must be removed once the area is stabilized.
17. Construction shall be inspected by a qualified 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.
18. 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.
19. Areas of temporary impact shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
21. Extreme caution should be taken to limit unnecessary removal of vegetation from riparian areas.
22. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
23. 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.
24. 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 project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found during this same period.
25. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
26. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
27. 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.
28. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the 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 detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The proposed project is located in the Talbot Taylor Wildlife Sanctuary. The earthen dam controls the elevation of Talbot Swamp (Prime Wetland) and the tailwater feeds Talbot Brook. The land is privately owned by Mathew Sawyer but the Brookline Conservation Commission is responsible for maintaining the dam (Taylor Pond Dam #033.13).
7. The applicant submitted written authorization from the Brookline Conservation Commission for the proposed project.
8. The DES Dam Bureau issued a Letter of Deficiency to the Town of Brookline stating that the drop inlet is not being used as was originally designed.
9. The proposed impacts are necessary to maintain the intent of the dam and prevent the dam from using the emergency overflow by replacing the overflow pipe.
10. The NH Natural Heritage Bureau (NHB) has record of a Chestnut oak forest/woodland natural community in the vicinity of the proposed project. A memo from NHB to the applicant states that the primary threat to this community is logging. No impacts to this community are anticipated as a result of the proposed project.
11. 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.
12. This permit is contingent on approval by the DES Dam Bureau.

13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
14. A public hearing was held at the Department on September 22, 2006. No one in opposition to the proposed project attended the public hearing.
15. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

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

2006-02147 WOLK, SIDNEY
NORTH SALEM Arlington Lake

Requested Action:

Dredge 365 cu yd of material from 13,160 sq ft of lakebed to remove/control invasive aquatic species along a combined 380 ft of frontage along Arlington Pond.

APPROVE PERMIT:

Dredge 365 cu yd of material from 13,160 sq ft of lakebed to remove/control invasive aquatic species along a combined 380 ft of frontage along Arlington Pond.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 16, 2006.
2. Work shall take place in the dry, during drawdown.
3. The NH DES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified of the date on which dredging will begin 14 days prior to the beginning of the project.
4. This permit shall be used only once. Future dredging which exceeds the limits of Rule Env-Wt 303.05 (h) shall require a separate application and permit.
5. All dredge material ("spoil material") shall be completely removed from surface waters.
6. All spoil material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. No spoil material shall be deposited within 250 feet of any surface water.
8. All work shall be done in a manner so that no water quality degradation results from this aquatic weed control project.
9. 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.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. No shoreland vegetation between the reference line and the 150 ft natural woodland buffer zone setback shall be disturbed.
14. Upon completion of the project, the contractor shall thoroughly clean all equipment that contacted the water or plants removed from the water, so as to ensure that all aquatic plant and animal material has been removed before the equipment is removed from the site.
15. All activity associated with this project shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), dredge of more than 20 cu yd of material from public waters.
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 public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
- 6. Turbidity controls will not be required for containment since the entire project will be completed in the dry.
- 7. Arlington Pond is an artificial impoundment therefore Governor and Executive Council approval is not required.

2006-02254 ARLINGTON POND PROTECTIVE ASSOCIATION
SALEM Arlington Pond

Requested Action:

Regrade 47,781 sq ft of lakebed to improve navigation within the artificially impounded Arlington Pond.

APPROVE PERMIT:

Regrade 47,781 sq ft of lakebed to improve navigation within the artificially impounded Arlington Pond.

With Conditions:

- 1. All work shall be in accordance with plans as received by the Department on September 26, 2006.
- 2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
- 3. 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.
- 4. Work shall be done in the dry, during drawdown.
- 5. 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.
- 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.
- 8. Any dredge spoils removed from this site shall be deposited in a location which is at least 250 ft from all surface waters.

With Findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of more than 20,000 sq ft of lakebed.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The proposed impacts occur within an artificial impoundment, therefore the approval of the Governor and Executive Council is not required.
- 4. This project will be completed entirely in the dry and therefore should not adversely impact water quality.

MINOR IMPACT PROJECT

2005-02173 OLYMPIC HOMES LLC
FRANKLIN Unnamed Wetland

Requested Action:

Approve name change to: Olympic Homes LLC, 61 Heritage Hill Rd., Windham NH 03087 per request received 9/25/2006.

Previous owner Duval Enterprises.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE NAME CHANGE:

Dredge and fill 7490 square feet of wet meadow and palustrine forested wetland for access in the subdivision of approximately 79 acres into 20 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering and Surveying dated August 24, 2005, and revised through August 30, 2005 as received by the Department on September 16, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during no flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. 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).
14. 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.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
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 permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2005-02345 **RODDEN, JEFFREY**
CHESTERFIELD **Spofford Lake**

Requested Action:

Remove existing nonconforming pier and install a 4 ft x 52 ft seasonal pier, remove nonconforming beach, mulch and seed to restore disturbed area, remove concrete fill along bank and replace with rip-rap with the same volume on 52 ft of frontage on Spofford Lake in Spofford.

APPROVE PERMIT:

Remove existing nonconforming pier and install a 4 ft x 52 ft seasonal pier, remove nonconforming beach, mulch and seed to restore disturbed area, remove concrete fill along bank and replace with rip-rap with the same volume on 52 ft of frontage on Spofford Lake in Spofford.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates, dated September 7, 2006 as received by the Department on September 8, 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. Seasonal pier shall be removed from the lake for 5 months during the non-boating season.
5. No portion of the pier shall extend more than 52 feet from the shoreline at full lake elevation.
6. Remove concrete and add rip rap, limited to the volume of the concrete, and rearrange existing rocks to improve bank stability.
7. Beach area shall be removed, and disturbed area shall be restored with vegetative stabilization. This condition shall be completed within one year of permit issuance.
8. This permit does not allow construction of a retaining wall.
9. This permit does not allow for a lakebed dredge for the placement of the proposed seasonal pier.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action.
11. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal pier.
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. Navigational hazard rock removal is deemed a more impacting proposal than installing a seasonal dock of nonstandard length.

**2006-00243 KANGAS, WESLEY
NEWPORT Tributary To Sugar River**

Requested Action:

Retain approximately 130 square feet of fill and rip-rap impacting 42 linear feet along the bank of a perennial stream.

APPROVE AFTER THE FACT:

Retain approximately 130 square feet of fill and rip-rap impacting 42 linear feet along the bank of a perennial stream.

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. There shall be no further alteration of wetlands, surface waters, or their banks for lot development, driveways, culverts, or for septic setback.
3. All work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
5. Silt fence(s) must be removed once the area is stabilized.
6. 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.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to working near surface waters or wetlands.
8. Faulty equipment shall be repaired prior to working near jurisdictional areas.
9. 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.
10. All refueling of equipment shall occur away from 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 Env-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. DES Wetlands Bureau staff conducted a field inspection of the project on May 25, 2006.

2006-00447 TURNER, ESTATE OF DONALD
BRISTOL Newfound Lake

Requested Action:

Remove existing nonconforming 10 ft x 30 ft 5 in crib supported pier and replace with a seasonal "W-shaped" configured docking facility consisting of three 4 ft x 22 ft finger piers extending from a 4 ft x 32 ft walkway accessed by a 6 ft x 23 ft walkway on 243 ft of frontage on Newfound Lake in Bristol.

APPROVE PERMIT:

Remove existing nonconforming 10 ft x 30 ft 5 in crib supported pier and replace with a seasonal "W-shaped" configured docking facility consisting of three 4 ft x 22 ft finger piers extending from a 4 ft x 32 ft walkway accessed by a 6 ft x 23 ft walkway on 243 ft of frontage on Newfound Lake in Bristol.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated February 22, 2006, as received by the Department on March 2, 2006.
2. This permit shall not be effective until all of the affected properties permits have been recorded with the Registry of Deeds Office by the Permittee. A copy of all registered under this permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only structures on these combined water frontages and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal piers shall be removed for five months during the non-boating season.
5. No more than 4 boat slips may be permitted on the frontage. The installation of additional structures such as boatlifts installed in a manner that provides additional slips shall be prohibited.
6. Any other work conducted within Wetlands Bureau jurisdiction shall require further approval by the Department.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d)(3), construction of a seasonal docking system.
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 location of common dock determined on the plans is deemed the least impacting, and applicant provided evidence that reconfiguration of the docking system will result in either navigational hazards that would require a dredge, or would pose interference with the swimming/beach area on the frontage.
5. 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.
6. The applicant has an average of 243 feet of frontage along Newfound Lake.
7. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-00588 WITZGALL, MICHAEL
NORTHFIELD Unnamed Wetland

Requested Action:

Dredge and fill a total of 9229 square feet further described as follows: Dredge and fill 4780 square feet including installation of a 20-inch x 20 foot long culvert for driveway access to a proposed residence and dredge 4449 square feet of isolated wetland for construction of a pond.

APPROVE PERMIT:

Dredge and fill a total of 9229 square feet further described as follows: Dredge and fill 4780 square feet including installation of a 20-inch x 20 foot long culvert for driveway access to a proposed residence and dredge 4449 square feet of isolated wetland for construction of a pond.

With Conditions:

1. All driveway work shall be in accordance with plans by NH Soil Consultants dated January 9, 2006, as received by the Department on March 20, 2006.
2. All pond work shall be in accordance with plans dated June 23, 2006 as received by the Department on June 28, 2006.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
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. Work shall be done during periods of non-flow.
7. Work shall be conducted during low water conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. 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).
13. 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.
14. 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
2. The proposed driveway is the only available access to the lot and the need for this impact has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that the driveway 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 wetland impacted by the proposed pond is an isolated wetland with limited functions and values.
6. The applicant has submitted a letter of permission from the affected abutter pursuant to Env-Wt 304.04, Setback from Property Lines.
7. The applicant has demonstrated that this project will not result in increased environmental impact.
8. The applicant has provided a waiver request per Env-Wt 204.03, 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).
9. There is no way to relocate jurisdictional impacts as the access to this lot is very narrow.
10. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
11. The waiver is granted in accordance with Env-Wt 304.04(a), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2006-00877 WHITE MOUNTAIN WALDROF SCHOOL
ALBANY Unnamed Wetland

Requested Action:

Dredge and fill 4,034 square feet of palustrine forested wetlands, including 150 linear feet of intermittent stream, to construct access ways associated with the White Mountain Waldorf School (Phase I), further described as follows:

1. Impact 1,824 square feet along 100 linear feet of intermittent stream to install a 24-inch x 60-foot HDPE culvert; and
2. Impact 2,000 square feet of along approximately 50 linear feet of intermittent stream to install a 24-inch x 60-foot HDPE culvert; and
3. Fill 340 square feet of forested wetlands for associated access way grading; and
4. Install a 19-foot span x 6-foot, 4-inch high x 40-foot wide CMP open bottomed arch culvert along a perennial stream.

APPROVE PERMIT:

Dredge and fill 4,034 square feet of palustrine forested wetlands, including 150 linear feet of intermittent stream, to construct access ways associated with the White Mountain Waldorf School (Phase I), further described as follows:

1. Impact 1,824 square feet along 100 linear feet of intermittent stream to install a 24-inch x 60-foot HDPE culvert; and
2. Impact 2,000 square feet of along approximately 50 linear feet of intermittent stream to install a 24-inch x 60-foot HDPE culvert; and
3. Fill 340 square feet of forested wetlands for associated access way grading; and
4. Install a 19-foot span x 6-foot, 4-inch high x 40-foot wide CMP open bottomed arch culvert along a perennial stream.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, PLLC dated March 2006, and revised through August 2006, as received by the Department on August 28, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on the final design of the 19-foot span x 6-foot, 4-inch high x 40-foot wide CMP open-bottomed arch culvert arch culvert.
5. Work shall be done during low flow conditions.
6. 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.

7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of the surveyed Appalachian oak - mountain Laurel forest community.
10. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culverts shall be laid at original grade.
14. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
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. 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.
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. 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.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. Temporary cofferdams shall be entirely removed immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of an intermittent or perennial nontidal stream channel or its banks; and Env-Wt 303.03(h), alteration of less than 20,000 square feet of nontidal wetlands.
2. No comments were submitted from the Town of Albany.
3. The NHFG Nongame and Endangered Wildlife Program recommended the installation of open-bottomed culverts (1.2 times the bankfull width) or spans at perennial stream crossings and maximized riparian buffers designated as "no-cut" along any intermittent or perennial streams.
4. The bankfull width was surveyed at 10.1 feet
5. The applicant provided a 19-foot span open bottomed arch culvert at the perennial stream crossing.
6. Where possible the applicant has allowed for 25-foot vegetative buffer along the beaver pond.
7. The Natural Heritage Bureau indicated the presence of an Appalachian oak - mountain laurel forest community (S3 status) within the project site.
8. The applicant conducted an Appalachian oak - mountain laurel forest community survey; one community was documented and will be protected during construction.
9. Vernal pool surveys were conducted; and four (4) vernal pools were documented in areas not proposed for current or future phases of development.
10. The northern and southern corners of the property were not surveyed for topography or wetlands. The north corner of the property has a average slope of 20% and major rock outcrops; and therefore, is un-developable. The southern corner of the property contains extensive wetlands and a relatively small portion of uplands.
11. The applicant has indicated the proposed pedestrian bridges will be constructed such that jurisdictional wetlands and surface waters will not be impacted.
12. The applicant has provided conceptual plans for future phases of development.
13. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
14. 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.

15. 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.

**2006-01132 DOVER, CITY OF
DOVER Blackwater Brook**

Requested Action:

Dredge and fill a total of 4,819 sq. ft., including 170 linear ft. of permanent perennial stream bank impacts, and 45 linear ft. of temporary channel impacts, to install a 9.5' wide x 6' high x 40' long open bottom box culvert for road crossing of the Blackwater Brook, as replacement for the previous 48" diameter culvert which failed during the May 2006 flood.

APPROVE PERMIT:

Dredge and fill a total of 4,819 sq. ft., including 170 linear ft. of permanent perennial stream bank impacts, and 45 linear ft. of temporary channel impacts, to install a 9.5' wide x 6' high x 40' long open bottom box culvert for road crossing of the Blackwater Brook, as replacement for the previous 48" diameter culvert which failed during the May 2006 flood.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated May 2006, as received by the Department on 7/20/2006.
2. 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).
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Silt fencing 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. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. 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.
9. 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.
10. Temporary cofferdams shall be entirely removed immediately following construction.
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. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that disturb 200 or more of perennial stream banks or channels.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The road has been closed since the May 2006 floods, which destroyed the previous, undersized culvert crossing of the Blackwater Brook, and its continued closure affects the level of public safety response able to be provided by the City.
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. Replacement culvert size was determined based on 100-year storm event calculations, and maintaining the natural stream flow, which returned to a normal stream flow level following the failure of the undersized culvert and its associated upstream impoundment.
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. A red maple floodplain forest community was reported by the NH Heritage Inventory as occurring downstream; the new culvert will maintain the natural hydrology of the brook, which was previously restricted, which will benefit this community. The applicant has received written permission in the form of easements granted to the City of Dover from the abutting property owners, for work which will occur on the abutters' properties outside of the City road right-of-way.

2006-01395 CONSTANTINE, ANGELOS/CHARLES
EPSOM Unnamed Wetland

Requested Action:

Dredge and fill 5800 square feet of jurisdictional area including installation of two 15-inch culverts for access to a proposed commercial development.

Conservation Commission/Staff Comments:

This permit approved per the request of MPN 9/26/06, see e-mail.

APPROVE PERMIT:

Dredge and fill 5800 square feet of jurisdictional area including installation of two 15-inch culverts for access to a proposed commercial development.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises LLC dated June 2005, and revised through August 25, 2006, as received by the Department on September 8, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per 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. Given the marginal function of the wetland and enhanced buffer required by the Town, DES is allowing the driveway access for commercial use.

2006-01507 RYDSTROM, NANCI
CENTER HARBOR Squam Lake

Requested Action:

Construct an "F-shaped" permanent piling supported docking facility consisting of one 6 ft x 24 ft finger pier, one 6 ft x 20 ft finger pier connected to a 6 ft x 47 ft walkway on 305 ft of frontage on Squam Lake in Center Harbor.

APPROVE PERMIT:

Construct an "F-shaped" permanent piling supported docking facility consisting of one 6 ft x 24 ft finger pier, one 6 ft x 20 ft finger pier connected to a 6 ft x 47 ft walkway on 305 ft of frontage on Squam Lake in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants dated September 21, 2006, as received by the Department on September 25, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 46 feet from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for maintenance dredging.
7. 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.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) constructino of a docking system that provide for 4 boatslips.
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.

2006-01654 HOWLAND, ROBERT
FREEDOM Danforth Pond

Requested Action:

After the fact approval for a 6 ft tall, 70 linear ft retaining wall on propety having 100 ft of frontage Danforth Pond in Freedom.

DENY PERMIT:

After the fact approval for a 6 ft tall, 70 linear ft retaining wall on propety having 100 ft of frontage Danforth Pond in Freedom.

With Findings:

Standards of Approval

1. In accordance with Rule Env-Wt 302.05, Applications received after work is completed shall be subjected to the same review as any other application. Consideration of an after-the-fact application shall not preclude or limit the department's exercise of any enforcement powers it possesses.
2. In accordance with Rule Env-Wt 302.03 (a)(1)&(2), the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, potential impacts have been avoided to the maximum extent practicable; and any unavoidable impacts have been minimized.
3. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau shall issue permits only when the proposed project are consistent with the policies of the Comprehensive Shoreland Protection Act ("CSPA").
4. As per Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

Findings of Fact

5. On June 28, 2006 the owner filed an after the fact application to keep a 70 linear ft of retaining wall along an already stable bank.
6. This project is classified as a minor impact project per Rule Env-Wt (k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.02
7. Photos submitted indicate an excessive removal of trees. By not sustaining a well distributed stand of trees, saplings and ground cover; the landowner compromised the banks stability as per RSA 483-B:9, V.
8. The project substantially changed grades and impacted an area with a slope steeper than 25%.

Ruling in support of the Decision

9. The slope of the property along the frontage fails to meet the requirements of Rule Env-Ws 1405.08.
10. The project is not consistent with the policies of the CSPA therefore the project is denied in accordance with RSA 483-B:3.
11. The applicant has failed to provide documentation that the project impacts were not avoidable as per Env-Wt 302.03 and are the least impacting alternative as per Rule Env-Wt 302.04, therefore the application is denied.

2006-01694 MICRONICS REALTY TRUST
PORTSMOUTH Drainage Swale

Requested Action:

Dredge and fill 3,845 sq. ft. of man-made phragmites wetland for lot development for expansion of an existing commercial building.

Inspection Date: 09/28/2006 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 3,845 sq. ft. of man-made phragmites wetland for lot development for expansion of an existing commercial building.

With Conditions:

1. All work shall be in accordance with plans by Ames MSC dated 7/14/2006, as received by the Department on 8/7/2006, and per vegetation and storm water treatment plans and narrative by NHSC Environmental Inc. dated 8/4/2006, received by the Department on 8/7/2006 .
2. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project represents expansion of an existing facility in an existing industrial park. Due to the structure and layout of the building, it is practicable to expand in only the proposed direction.
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. The wetland to be impacted is a mono-culture of the invasive species phragmites australis, which developed as a result of urban stormwater run-off associated with the development over time of the industrial park. Its sole function of stormwater retention and drainage swale will be replaced by construction of a "rain garden" retention area, and vegetative filter strips.
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. The Portsmouth Conservation Commission recommends approval of this project. No species of concern were reported as associated with this project.
5. DES Staff conducted a field inspection of the proposed project on 9/28/2006. Field inspection confirmed that this wetland consists of opportunist phragmites growing in a man-made run-off area, and that the project will remove the presence of this invasive species, while providing improved urban stormwater treatment.

**2006-01817 LEBANON, CITY OF
LEBANON Mascoma River**

Requested Action:

Dredge and fill 2,550 square feet (180 linear feet) of the riprap stabilized eastern bank of the Mascoma River for riprap replacement, retaining wall construction, sidewalk construction, and Taylor Street Extension widening.

Inspection Date: 05/23/2006 by Kirsten Pulkkinen

APPROVE PERMIT:

Dredge and fill 2,550 square feet (180 linear feet) of the riprap stabilized eastern bank of the Mascoma River for riprap replacement, retaining wall construction, sidewalk construction, and Taylor Street Extension widening.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated July 2006, as received by the DES Wetlands Bureau on September July 17, 2006, and revised cofferdam plans dated August 2006, as received by the DES Wetlands Bureau on September 21, 2006.
2. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final planting plan.
3. This permit is contingent upon the successful establishment of plantings.
4. The proposed catch basin shall be maintained to avoid excessive sediment accumulation.
5. Bank stabilization shall not be done to extend land into the river channel.
6. The permittee shall notify in writing the DES Wetlands Bureau and the Lebanon Conservation Commission at least 7 days prior to the commencement of project construction.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
8. Work shall be done during low water conditions.
9. Work shall be completed in the dry.
10. All work shall be done from the top of the bank.
11. 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.
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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. There shall be no excavation or operation of construction equipment in flowing water.
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. 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.
18. Work within the river, 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.
19. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
20. Temporary cofferdams shall be entirely removed immediately following construction.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid
22. 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.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. 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.
25. 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.
26. Native wetland species appropriate to the area shall be planted.
27. Seed mix used shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications and shall contain no reed canary grass (*Phalaris arundinacea.*).
28. Mulch used shall be natural straw or equivalent.
29. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank stabilization and planting areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES 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.
30. 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 DES Wetlands Bureau if the species is found in the planting areas during construction and during the early stages of vegetative establishment.
31. A post-construction report documenting the status of the completed project shall be submitted to the DES Wetlands Bureau

within 60 days of the completion of construction.

32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the plantings and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

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 river or its banks.
2. The City of Lebanon has prioritized Taylor Street as a safety issue.
3. Taylor Street Extension is bordered by the Mascoma River on the north and a multi-story commercial building to the south; therefore, restricting alternatives for expansion.
4. Taylor street provides entrance/access to various commercial businesses located in the adjacent multi-story commercial building complex.
5. The proposed retaining wall is an extension of an existing wall.
6. Currently stormwater from Taylor Street and the surrounding parking areas concentrates and flows untreated to the Mascoma River.
7. Proposed stormwater upgrades include a catch basin with a 3-foot sump, prior to discharge to the Mascoma River.
8. In a letter dated September 27, 2006, the Lebanon Conservation Commission recommend approved for the proposed project.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
10. DES Staff conducted a field inspection of the proposed project on May 23, 2006. Field inspection documented existing conditions and reviewed proposal.
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
13. 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.

MINIMUM IMPACT PROJECT

2005-02692 TUCKER, TODD
GILSUM Unnamed Stream

Requested Action:

Dredge and fill 310 square feet (31 linear feet) of perennial stream to install a 24-inch x 20-foot culvert to construct a driveway for access to a single family building lot.

Inspection Date: 03/14/2006 by Dawn Buker

APPROVE PERMIT:

Dredge and fill 310 square feet (31 linear feet) of perennial stream to install a 24-inch x 20-foot culvert to construct a driveway for access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans submitted in support of the permit application received by the DES Wetlands Bureau on November 4, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. All work shall be done during a period of non-flow.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
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 a driveway for access to a single family building lot.
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 driveway was configured to minimize stream impacts by crossing the stream at the narrowest point.
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 subject property was originally part of a 2-lot subdivision and now exists as a lot of record. Wetlands and Non-Site Specific Permit 2005-01045 was issued for a stream crossing for access to the adjacent lot; however, the permit did not require that the deeds of the two lots specify that there shall be no further wetlands impact for lot development.
6. The proposed impacts occur within one-quarter mile of the Ashuelot River, a Designated River protected under RSA 483.
7. The Ashuelot River Local Advisory Committee submitted comments to the DES Wetlands Bureau (received December 8, 2005) stating that they were unable to evaluate the application due to missing information.
8. DES Wetlands Bureau staff conducted a field inspection of the proposed stream crossing on March 14, 2006 and found that the site plans depict actual conditions.

**2006-00689 THE STABILE COMPANIES, GABRIEL STABILE
MEREDITH Unnamed Wetland**

Requested Action:

Approva name change to: Gabriel Stabile/Stabile Companies, 20 Cotton Rd., Nashua NH 03063 per request received 9/25/0.

Previous owner: Roy Atteberry Revoc Trust.

APPROVE NAME CHANGE:

Dredge and fill 1200 square feet of palustrine forested wetland including installation of a 15-inch x 24 foot culvert for common access to two lots in the subdivision of 77.68 acres into seven single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers Inc dated March 6, 2006, and revised through March

- 7, 2006, as received by the Department on march 29, 2006, 2006, and Subdivision plans by Dave Dolan and Associates PC dated February 10, 2006, and revised through May 30, 2006, as received by the Department on June 22, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged or excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. The applicant shall provide a full tree inventory in accordance with Env-Ws 1409.03, for the protected shorelands within this subdivision by August 31, 2006.
14. The purchaser/developer of the shorefront lots shall schedule and attend a consultation meeting with NHDES Shoreland Program staff to be held at the project site or at the DES Office in Concord, NH to review any proposed plans for the development of any lands within the shorelands protected under RSA 483-B for compliance with RSA 483-B prior to the application for permits for work within those lands. It shall be the responsibility of the property owner to schedule this meeting, and the meeting shall be attended by the property owner and his/her professional engineer(s), architect, or the contractor(s) responsible for performing the work.
15. The deed which accompanies the sales transaction for each of the lots within the Shoreland Protection Zone in this subdivision shall contain condition #14 of this approval.
16. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-01367 DUNBAR, CHARLES & BRENDA
NORTHWOOD Jenness Pond

Requested Action:

Construct a 49'6" long x 30" high wooden retaining wall to stabilize shoreline immediately adjacent to existing dwelling on Jenness Pond.

Inspection Date: 09/05/2006 by Dori A Wiggin

APPROVE PERMIT:

Construct a 49'6" long x 30" high wooden retaining wall to stabilize shoreline immediately adjacent to existing dwelling on Jenness Pond.

With Conditions:

1. All work shall be in accordance with plans by Charles Dunbar dated May 2006, as revised during site meeting with DES on 9/5/2006 (copy attached to permit).

2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. Construction of the wall shall occur tightly placed against the most landward limit of the shoreline; the wall shall not be constructed straight across the frontage from the furthest point of land into the lake and backfilled to make land.
5. The wall shall be constructed with appropriate grading of the bank landward; appropriate bedding and filter fabric material placed and wrapped in to prevent failure.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during drawdown.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear ft. of shoreline of a lake or pond that does not meet the criteria of rule Env-Wt 303.02 or Env-Wt 303.03.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The shoreline continues to erode in the location of the proposed wall despite vegetation attempts. The house has been moved away from the shoreline once already. Space constraints between the shoreline and the house foundation prevent cutting bank back and placement of rip rap.
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. The small wall proposed requires very little site disturbance, particularly in comparison to the excavation required to install rip rap; is only proposed in the area which has a demonstrated, on-going erosion problem; and will maintain the integrity of the vegetated area between the house and shore.
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. The site was field inspected on 9/5/2006 by DES personnel. The Northwood Conservation Commission did not report. No report of species of concern was received from either the NH Natural Heritage Inventory or the NH Fish & Game Department.

2006-01652 STEVENS, WILLIAM
COLEBROOK Unnamed Wetland

Requested Action:

Dredge and fill 2,947 of palustrine forested wetlands to construct a wildlife pond.

Conservation Commission/Staff Comments:

File was in the administratively incomplete queue until 09/28/2006.

APPROVE PERMIT:

Dredge and fill 2,947 of palustrine forested wetlands to construct a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated May 31, 2006, as received by the Department on June 28, 2006.
2. All work shall be done under low flow conditions.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Within three calendar 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.
9. Mulch applied shall be straw.
10. Seed mix applied shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond impacting less than 3,000 square feet of wetlands.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Colebrook Conservation Commission.
3. The proposed pond will only impact poorly drained soils and will not impact any streams.
4. The applicant has provided habitat diversity by incorporating plantings, varying pond depths, and an irregular shaped pond.
5. The applicant has received written consent from the owners of Lot 108 (Tax Map R-11), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Rule Env-Wt 304.04(a).
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. 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.

**2006-02027 EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH Nelson Brook**

Requested Action:

Temporary impact of 350 square feet in the banks and bed of Nelson Brook to install a water line.

APPROVE PERMIT:

Temporary impact of 350 square feet in the banks and bed of Nelson Brook to install a water line.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 21, 2006 (revised), as received by the DES Wetlands Bureau on September 22, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Installation of stream diversion structures shall be done during low flow.
4. Excavation work shall not start within the stream channel or banks until the flow of the stream is diverted in accordance with the approved plans.
5. All excavation work shall be done in the dry, including stockpiling of temporarily excavated materials, and at no time shall any construction equipment work within the flow of the stream.
6. Equipment used shall be designed to have low ground contact pressure or placed on temporary mats so as to minimize rutting of the soils. Mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. 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.

11. Erosion control structures shall be removed once the area is stabilized.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Construction shall be inspected by a qualified 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.
14. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
15. Areas of temporary impact shall be restored to their original grades and to a stable condition within three days of completion of construction.
16. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
17. Extreme caution should to be taken to limit unnecessary removal of vegetation from riparian areas.
18. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
19. 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.
20. 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 project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found during this same period.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
22. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. 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(i), construction of temporary crossings of brooks, streams, or rivers for the transportation of forest products or the construction or maintenance of utility pipes or lines and is not in prime wetlands or within 100 feet of the highest observable tide line or does not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the installation of a water line to provide water to residents that have arsenic in their well water.
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 impacts associated with the installation of the water line are temporary.
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 proposed project is located within the Emerald Lake Village District's right-of-way and on property owned by the Emerald Lake Village District.
6. 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.
7. Impacts to plant communities identified by the NH Natural Heritage Bureau are not anticipated as a result of the proposed project. The proposed project is not located in the immediate vicinity of the identified communities.
8. The Conservation Commission submitted comments to the DES Wetlands Bureau (received September 13, 2006) in support of the proposed project.

2006-02236 **HOLLORAN, MARTIN**
ALTON **Lake Winnepesaukee**

Requested Action:

Drive 6 piles stabilize an existing 9 ft by 36 ft crib dock on 471 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Drive 6 piles stabilize an existing 9 ft by 36 ft crib dock on 471 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 24, 2006, as received by the Department on August 30, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate 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, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is deemed to be a minimum impact project per Administrative Rule Env-Wt 303.04(o).
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 an average of 471 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The existing docking facility provides 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

FORESTRY NOTIFICATION

**2006-02283 ROYSTAN, ROBIN
HAVERHILL Unnamed Stream**

COMPLETE NOTIFICATION:
Haverhill Tax Map 410, Lot# 51

**2006-02303 LEWIS, WARREN
PLYMOUTH Unnamed Stream**

COMPLETE NOTIFICATION:

Plymouth Tax Map 237, Lot# 1

2006-02407 **WILLOUGHBY, HOLLIS**
HOLDERNESS Unnamed Stream

COMPLETE NOTIFICATION:

Holderness Tax Map 223, Lot# 6

2006-02412 **HEATH, CHARLES/PRISCILLA**
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:

Plymouth Tax Map 241, Lot# 14

2006-02413 **HEATH, CHARLES/PRISCILLA**
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:

Bridgewater Tax Map 401, Lot# 34

2006-02414 **WARREN, MICHAEL**
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:

Sutton Tax Map 1, Lot# 860,144

2006-02415 **BERANGER, ROBERT & KAREN**
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Rochester Tax Map 221, Lot# 163

2006-02416 **NEW FORESTRY, LLC, C/O LANDVEST**
GOSHEN Unnamed Stream

COMPLETE NOTIFICATION:

Goshen Tax Map 407, Lot# 1

2006-02429 **CARR, CLAUDIA**
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:

Candia Tax Map 405, Lot# 48

2006-02432 BAILEY, ELIZABETH
BOW Unnamed Stream

COMPLETE NOTIFICATION:
Bow Tax Map 18, Lot# 119

2006-02442 HOAG, PETER & GLORIA
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R3, Lot# 28A

2006-02443 SPRAGUE BROOK INC
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 411, Lot# 44

2006-02445 LAVALLEE, DAVID
EASTON Unnamed Stream

COMPLETE NOTIFICATION:
Easton Tax Map 5, Lot# 4

EXPEDITED MINIMUM

2002-00527 STRUBLE, LINDA
DOVER Atlantic Ocean

Requested Action:

Amend permit to construct a 24ft. x 26 ft. garage with finished second floor in previously developed upland tidal buffer zone, 90 ft. from the highest observable tide line with the following change: construct a 24 ft. x 24 ft. garage with a finished second floor in previously developed upland tidal buffer zone, 78 ft. from the highest observable tide line.

Conservation Commission/Staff Comments:
Con. Com. signed minimum expedited application.

APPROVE AMENDMENT:

Amend permit to construct a 24ft. x 26 ft. garage with finished second floor in previously developed upland tidal buffer zone, 90 ft. from the highest observable tide line with the following change: construct a 24 ft. x 24 ft. garage with a finished second floor in previously developed upland tidal buffer zone, 78 ft. from the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by McEaney Survey and Spencer Struble dated September 23, 2006, as received by the Department on September 26, 2006.
2. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain in until the area is stabilized. Silt fencing must be removed once the area is stabilized.
6. 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.

2006-00762 ROBEY, JOSH & DENISE APRIL
WAKEFIELD Belleau Lake

Requested Action:

Construct a 900 sq ft perched beach on 97 ft of frontage on Belleau Lake in Wakefield.

APPROVE PERMIT:

Construct a 900 sq ft perched beach on 97 ft of frontage on Belleau Lake in Wakefield.

With Conditions:

1. All work shall be in accordance with revised plans by Land Tech Service Corp. dated August 17, 2006, as received by the Department on September 12, 2006
2. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide and maintain appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. 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.
12. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
13. Shall the Department later find that the proposed location for the beach has a grade exceeding 25% and/or find that landowner violated RSA 483-B:9, V.(a); the landowner shall submit a mitigation plan to the Department for approval to completely remove the proposed perched beach and restore the impact area to resemble a natural shoreline and shoreland zone, and then implement it after Departmental approval.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a perched beach.
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.

2006-02192 COLLIER, CARYL & GERRIT
HANOVER Connecticut River

Requested Action:

Biostabilize 450 linear feet (approximately 900 square feet) of a undercut bank area of the Connecticut River, Wilder Impoundment. Undercut scour pockets will be filled with a pneumatically transported Filtrexx mix of soil, bark, mulch, and gravel; and Filtrexx sock, coir, fascine, or existing logs will be installed and anchored for toe protection.

APPROVE PERMIT:

Biostabilize 450 linear feet (approximately 900 square feet) of a undercut bank area of the Connecticut River, Wilder Impoundment. Undercut scour pockets will be filled with a pneumatically transported Filtrexx mix of soil, bark, mulch, and gravel; and Filtrexx sock, coir, fascine, or existing logs will be installed and anchored for toe protection.

With Conditions:

1. All work shall be in accordance with plans by New England Environmental, Inc. as received by the DES Wetlands Bureau on August 28, 2006.
2. All work shall be conducted under drawdown and in dry conditions.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. The permittee shall notify in writing the DES Wetlands Bureau, the Hanover Conservation Commission and the Connecticut River Local Advisory Committee at least 7 days prior to the commencement of project construction.
5. No heavy equipment shall enter areas under the jurisdiction of the DES Wetlands Bureau.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. 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.
8. 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.
9. 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.
10. 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.
11. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
12. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
13. 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.
14. If appropriate, only native plant species shall be utilized to renegotiate the riverbank.
15. If appropriate, 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.
16. If appropriate, mulch used within the wetland restoration areas shall be natural straw or equivalent.
17. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES 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.
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands DES within 60 days of the completion of construction.
19. 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 minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the DES Wetlands Bureau based on the degree on environmental impact.
2. The 900 square feet (450 linear feet) of fill proposed to restore the undercut bank are the only proposed impacts to the Connecticut River associated with the project.
3. Materials will be pneumatically transported to the undercut bank area through tubes; all work at the river bank will be done by hand.
4. The Connecticut River Joint Commissions, Upper Valley River Subcommittee recommended approval for the proposed project.
5. The proposed project is a riverbank stabilization demonstration supported by the Hanover Conservation Commission.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
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 DES Wetlands Bureau jurisdiction per Env-Wt 302.03.
9. 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.

**2006-02196 US DEPT OF INTERIOR, NATIONAL PARK SERVICE
CORNISH Blow-me-down Brook**

Requested Action:

Temporary impact of 300 square feet in the bed and 20 linear feet in the bank of Blow-Me-Down Brook to repair the historic Blow-Me-Down stone arch bridge in-kind including erecting temporary staging, excavation along the base of the bridge, and removing stones from the stream bed that were part of the original structure.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Temporary impact of 300 square feet in the bed and 20 linear feet in the bank of Blow-Me-Down Brook to repair the historic Blow-Me-Down stone arch bridge in-kind including erecting temporary staging, excavation along the base of the bridge, and removing stones from the stream bed that were part of the original structure.

With Conditions:

1. All work shall be in accordance with plans by McGinley Kalsow & Associates for the United States Department of the Interior National Park Service Saint-Gaudens National Historic Site received by the DES Wetlands Bureau on August 25, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Repair shall maintain existing size, location and configuration.
4. Unconfined work within the stream, exclusive of work associated with the installation of a cofferdam or stream diversion structure, shall be done during periods of low flow.
5. 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.
6. Excavation work shall not be conducted within the stream channel or banks until the excavation area is isolated from the flow of the stream.
7. All excavation work shall be done in the dry, including stockpiling of temporarily excavated materials, and at no time shall any construction equipment work within the flow of the stream.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be

avoided.

10. Dredged material shall be placed outside of the jurisdiction of the DES 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. 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. 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.
14. Erosion control structures shall be removed once the area is stabilized.
15. 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.
16. Construction shall be inspected by a qualified 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. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
18. Areas of temporary impact shall be restored to their original grades and to a stable condition within three days of completion of construction.
19. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
20. Extreme caution should be taken to limit unnecessary removal of vegetation from riparian areas.
21. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
22. 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.
23. 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 project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found during this same period.
24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
25. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
26. 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.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
28. 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.
29. 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(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to restore the north side of the historic Blow-Me-Down stone arch bridge to its original appearance and stabilize the structure.
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. Impacts to plant communities identified by the NH Natural Heritage Bureau are not anticipated as a result of the proposed project. The proposed project involves the repair of an existing bridge.
6. 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.

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

2006-02239 ROGER HARDY CONSTRUCTION LLC
NEWBURY Unnamed Wetland

Requested Action:

Dredge and fill 1,110 square feet of palustrine forested wetlands and 45 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 48-inch x 36-foot culvert and associated headwalls and inlet and outlet protection at Site 1 impacting 525 square feet and 45 linear feet of channel and the installation of an 18-inch x 32-foot culvert and associated headwalls and inlet and outlet protection at Site 2 impacting 585 square feet to construct a driveway for access to one (1) lot of a 3-lot residential subdivision on an approximately 24 acre parcel.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 1,110 square feet of palustrine forested wetlands and 45 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 48-inch x 36-foot culvert and associated headwalls and inlet and outlet protection at Site 1 impacting 525 square feet and 45 linear feet of channel and the installation of an 18-inch x 32-foot culvert and associated headwalls and inlet and outlet protection at Site 2 impacting 585 square feet to construct a driveway for access to one (1) lot of a 3-lot residential subdivision on an approximately 24 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano Jr. dated July 2006 (revised), as received by the DES Wetlands Bureau on August 30, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during no flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. 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. 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(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
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 a driveway for access to one (1) lot of a 3-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 driveway was configured to minimize stream and wetlands impacts by crossing the stream and wetlands at the narrowest points.
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. Of the three buildable lots, one lot is presently developed.
6. The Conservation Commission signed the application but did not submit comments.

**2006-02252 SILVER SANDS MOTEL & MARINE INC, CHRIS & CATHERINE
GILFORD Lake Winnepesaukee**

Requested Action:

Repair and maintain tie-off posts, pilings and docks throughout existing major docking facility per plan and application received September 01, 2006, located within a dredged inlet off Sander's Bay, Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and maintain tie-off posts, pilings and docks throughout existing major docking facility per plan and application received September 01, 2006, located within a dredged inlet off Sander's Bay, Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith Associates dated June 02,2006, as received by the Department on September 01, 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. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. 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.

2006-02260 HAWKINS, RICHARD & REBECCA
CENTER HARBOR Squam Lake

Requested Action:

Replace an existing permanent 5 ft by 39 ft dock supported by a 5 ft by 5 ft crib and a 5 ft by 3 ft 6 in crib accessed by a 5 ft by 8 ft 3 in walkway with a permanent 5 ft by 39 ft dock supported by a 5 ft by 5 ft crib and a 5 ft by 5 ft crib accessed by a 5 ft by 8 ft 3 in walkway on 81 ft of frontage on Squam Lake, Center Harbor.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing permanent 5 ft by 39 ft dock supported by a 5 ft by 5 ft crib and a 5 ft by 3 ft 6 in crib accessed by a 5 ft by 8 ft 3 in walkway with a permanent 5 ft by 39 ft dock supported by a 5 ft by 5 ft crib and a 5 ft by 5 ft crib accessed by a 5 ft by 8 ft 3 in walkway on 81 ft of frontage on Squam Lake, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 2006, as received by the Department on September 05, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. 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.
2. The change in size and re-location of the center crib provides structural stability to the existing docking facility with no increase in sq ft of impact over public waters.
3. NH NHI and NH Fish and Game will not be submitting comments.

2006-02261 LUCY, JOANNA
SILVER LAKE Silver Lake

Requested Action:

Replace an existing 25 ft concrete retaining wall with a 25 ft Redi-Rock retaining wall on Silver Lake, Madison.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 25 ft concrete retaining wall with a 25 ft Redi-Rock retaining wall on Silver Lake, Madison.

With Conditions:

1. All work shall be in accordance with site plans by Gerard Land Surveying dated August 25, 2006, as received by the Department on September 05, 2006 and construction plans by Coleman Concrete as received by the Department on September 05, 2006
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Work shall be done during drawdown.
7. 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.
2. NH NHI and NH Fish and Game will not be submitting comments.

TRAILS NOTIFICATION

**2006-02045 DOVER, CITY OF
DOVER**

**2006-02430 TAMWORTH CONSERVATION COMMISSION
TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Tamworth Tax Map 218, Lot# 18

**2006-02448 LANGLEY, RICKY
MILTON Unnamed Stream**

COMPLETE NOTIFICATION:
Milton tax map 37, Lot# 32 & 65

**2006-02470 SPNHF
MIDDLETON Unnamed Stream**

COMPLETE NOTIFICATION:
Middleton Tax Map 24, Lot# 1

**2006-02471 HASBROUCK, WILLIAM
GILSUM Unnamed Stream**

Conservation Commission/Staff Comments:
Trail # 385

COMPLETE NOTIFICATION:
Gilsum Tax Map 409, Lot# 10

SHORELAND VARIANCE / WAIV

**2006-00644 HEIRS OF DONALD H TURNER
BRISTOL Newfound Lake**

Requested Action:

Request a Variance from RSA 483-B,V.(d)(2) to allow a property having 243 feet of frontage on Newfound Lake containing 10 cottages dependent upon on site septic to be converted to condominiums.

APPROVE CSPA VARIANCE:

Request a Variance from RSA 483-B,V.(d)(2) to allow a property having 243 feet of frontage on Newfound Lake containing 10 cottages dependent upon on site septic to be converted to condominiums.

With Conditions:

1. All work shall be conducted in accordance with Plans prepared by Brown Engineering dated March 1, 2006 as received by the Department on April 3, 2006.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the variance holder. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. This variance does not convey a property right, nor authorize any injury to property of to others, nor invasion of the rights of others.
4. This variance does not exempt the owner from complying with all other local, state, or federal regulations and obtaining any other necessary local, state, or federal permits or approvals.
5. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. RSA 483-B:9,V,(d)(2)states that "[f]or projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shorelands, whether built on individual lots or grouped as cluster of condominium development, shall not exceed: (A) One unit per 150 feet of shoreland frontage; or (B) For any lot that does not have direct frontage, one unit per 150 feet of lot width as measured parallel to the shoreland frontage that lies between the lot and the reference line.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33,I(b)."
3. The subject lot contains 10 existing residential units to be converted to condominiums on 243 feet of shoreland frontage.
4. The number of units exceeds that allowed per RSA 483-B V,(d)(2).
5. To meet RSA 483-B V,(d)(2), it would be necessary to demolish 9 out of the 10 units and would result in an unnecessary hardship.
6. The proposed conversion to condominiums does not change the use of the property and will not injure the public or private rights of others.
7. Granting the variance is consistent with the public interest as there is no change in use of the property.

- 8. Granting the variance will do substantial justice as there is no proposed change in use of the property.
- 9. The Town of Bristol has committed to the extension of an existing municipal sewer line to service the area which includes the subject site.

ROADWAY MAINTENANCE NOTIF

2006-02425 ALTON, TOWN OF
ALTON Unnamed Stream

2006-02478 NH DEPT OF TRANSPORTATION
LEE Unnamed Stream

2006-02479 NH DEPT OF TRANSPORTATION
SUTTON Unnamed Stream

2006-02481 NH DEPT OF TRANSPORTATION
KENSINGTON Unnamed Stream

2006-02483 NH DEPT OF TRANSPORTATION
CONCORD Unnamed Stream

PERMIT BY NOTIFICATION

2006-00452 DICROCE REALTY TRUST, MICHAEL DICROCE
FREMONT Unnamed Wetland

Requested Action:
Impact 300 square feet of jurisdictional wetland to construct a crossing with two (2) 12-inch by 15-foot culverts for access.

Conservation Commission/Staff Comments:

The Fremont Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

Impact 300 square feet of jurisdictional wetland to construct a crossing with two (2) 12-inch by 15-foot culverts for access.

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.

2006-01960 MERRIMACK, TOWN OF
MERRIMACK Unnamed Stream

Requested Action:

Repair and replace a 24 in. x 20 ft. corrugated metal pipe culvert ("CMP") "in-kind" with side slopes that will be loamed, seeded and protected with erosion matting. The culvert bottom inlet and outlet shall match existing streambed elevation.

PBN IS COMPLETE:

Repair and replace a 24 in. x 20 ft. corrugated metal pipe culvert ("CMP") "in-kind" with side slopes that will be loamed, seeded and protected with erosion matting. The culvert bottom inlet and outlet shall match existing streambed elevation.

2006-02314 SAN KEN HOMES INC
NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill 973 square feet of palustrine forested wetlands to install an 18-inch x 30-foot culvert and associated headwalls and outlet protection to construct a driveway for access to a single family building lot.

PBN IS COMPLETE:

Dredge and fill 973 square feet of palustrine forested wetlands to install an 18-inch x 30-foot culvert and associated headwalls and outlet protection to construct a driveway for access to a single family building lot.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The Conservation Commission did not sign the Permit By Notification. The Conservation Commission submitted comments to the DES Wetlands Bureau (received September 12, 2006) stating that the property has approved access from Chapman Road which borders the property on its easternmost boundary. Based on the site plans submitted with the Permit By Notification, accessing the property from Chapman Road would require greater impacts to wetlands than the proposed crossing. The proposed crossing minimizes impacts to jurisdictional areas as required by Env-Wt 302.03.

2006-02353 KEENE DPW, CITY OF
KEENE Acre Brook

Requested Action:

Installation of a temporary cofferdam and repair an existing culvert.

Conservation Commission/Staff Comments:

The Conservation Commission signed the PBN.

PBN IS COMPLETE:

Installation of a temporary cofferdam and repair an existing culvert.

**2006-02380 SHANNON, PAUL & SUSAN
WAKEFIELD Great East Lake**

Requested Action:

Repair/replace existing retaining wall in kind.

PBN IS COMPLETE:

Repair/replace existing retaining wall in kind.

With Findings:

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

**2006-02381 ROBIE REVOC TRUST, CAROLINE
HILL Unnamed Wetland**

Requested Action:

Dredge and fill 250 square feet of roadside drainage ditch including installation of a 12-inch x 25 foot culvert for access to a proposed single family residence.

APPROVE PERMIT:

Dredge and fill 250 square feet of roadside drainage ditch including installation of a 12-inch x 25 foot culvert for access to a proposed single family residence.

**2006-02382 LANZILLO, RICHARD
NEWBURY Lake Sunapee**

Requested Action:

Repair/replace existing crib supported dock.

PBN IS COMPLETE:

Repair/replace existing crib supported dock.

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.

**2006-02395 BROADVIEW CONDOMINIUMS
GILFORD Lake Winnepesaukee**

Requested Action:

Repair/Replace existing breakwater.

PBN IS COMPLETE:
Repair/Replace existing breakwater.

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.

2006-02396 MONTRONE, SANDRA
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair/replace docks in kind.

PBN IS COMPLETE:
Repair/replace docks in kind.

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.

2006-02419 DENTON, LAWRENCE
BRISTOL Pemmigewasset River

2006-02420 SHARMA, SREENIDHI & CAROLINE
LACONIA Lake Winnisquam

Requested Action:
Repair/Replace existing retaining wall in kind.

PBN IS COMPLETE:
Repair/Replace existing retaining wall in kind.

With Findings:

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

2006-02437 ROST, THOMAS & JACQUELINE
TUFTONBORO Lake Winnepesaukee

Requested Action:
Repair/replace existing docking facility and related jetty.

PBN IS COMPLETE:

Repair/replace existing docking facility and related jetty.

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.

2006-02438 CAIN, WILLIAM
WEST FRANKLIN Webster Lake

Requested Action:

Repair/replace existing 38 linear ft of retaining wall.

PBN IS COMPLETE:

Repair/replace existing 38 linear ft of 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.

2006-02441 ROBERTS, JOHN
MEREDITH Lake Winnepesaukee

Requested Action:

Modify existing docking system that exceeds the design and construction criteria as a minimum impact.

PBN DISQUALIFIED:

Modify existing docking system that exceeds the design and construction criteria as a minimum impact.

With Findings:

1. Applicant proposed to remove a permanent concrete walkway and replace with a steel frame seasonal construction and project qualifies as a minor, therefore this application has been disqualified from the PBN process.

2006-02451 HASTY ET AL, MARGARET HASTY TTEE
ALTON Lake Winnepesaukee

Requested Action:

Repair/replace existing structures.

PBN IS COMPLETE:

Repair/replace existing structures.

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.