

Wetlands Bureau Decision Report

Decisions Taken
10/23/2006 to 10/29/2006

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2005-02313 NH DEPT OF TRANSPORTATION
COLEBROOK Mohawk River & Balsam Brook**

Requested Action:

Reconstruct 3 miles of Route 26 including realignment, widen both lanes to 12 ft. with 4 ft. shoulders, replace drainage structures including the replacement of two bridges over the Mohawk River, a bridge over Balsam Brook and a 78 in. culvert with a 6 ft. x 9 ft. box culvert in Roaring Brook impacting 122,367 sq. ft. (10,506 sq. ft. temporary) of riverine and palustrine wetlands.

Mitigation for the 2.57 acres of permanent impacts includes the protection of 17.824 acres on seven parcels that include 4,600 linear feet of river frontage per documentation and plans received on October 3, 2006.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Reconstruct 3 miles of Route 26 including realignment, widen both lanes to 12 ft. with 4 ft. shoulders, replace drainage structures including the replacement of two bridges over the Mohawk River, a bridge over Balsam Brook and a 78 in. culvert with a 6 ft. x 9 ft. box culvert in Roaring Brook impacting 122,367 sq. ft. (10,506 sq. ft. temporary) of riverine and palustrine wetlands.

Mitigation for the 2.57 acres of permanent impacts includes the protection of 17.824 acres on seven parcels that include 4,600 linear feet of river frontage per documentation and plans received on October 3, 2006. (NHDOT project #P2493-C, includes 13255 and 13256)

With Conditions:

1. All work shall be in accordance with revised plans by NHDOT received by the Department as follows:
 - a. Sheets 1-3, 5, 6, 8- 10, 12-16, and 20, received on September 26, 2005;
 - b. Sheets 4, 7, and 17, received on August 17, 2006 and
 - c. Sheets 11,18,19, and 21-24 received on September 20, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (ECP) to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. 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.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. 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.
12. 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.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
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).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The impacts associated with the temporary work shall be restored immediately following construction.

Wetland preservation:

19. This permit is contingent upon the protection of 17.824 acres on seven parcels that include 4,600 linear feet of river frontage per documentation and plans received on October 3, 2006 to mitigate for the 2.57 acres of permanent impacts.
20. A copy of the recorded deeds noting no further development of the parcels shall be submitted to the DES Wetlands Bureau following DOT purchase of the properties. The Wetlands Bureau shall be notified of any subsequent transfers of the property to another agency that has been retained for management purposes.
21. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
21. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
22. Activities in contravention of the conservation measures shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of a stream or river channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 14, 2006. Field inspection determined that:
 - a. The 76 in. culvert near Roaring Brook Road had recently overtopped and upgrading will be an improvement;
 - b. The relocation of the bridges and the new roadway alignment will significantly improve portions of both steep and curving roadway sections and
 - c. The realignment of the roadway away from the Mohawk River will provide a buffer.
6. The conservation parcels along the Mohawk River and Balsam Brook protect wildlife habitat, provide buffers improving water quality and provide two proposed parking areas available to the public for recreational activities.
7. The realignment of the roadway away from the Mohawk River will provide a buffer that along with the new drainage structures including the reconstruction and replacement of drainage swales will improve water quality.
8. Most of the wetland impacts areas are less than 3,000 sq. ft. each, are a small portion of the wetland complex and will have a minimal impact on their functions and values.
9. The culvert near Roaring Brook Road is to be replaced with a 6 ft. x 9 ft. box culvert (per an 8-25-06 meeting with the DOT).
10. The bridge removal at the Mohawk River will include the establishment of a protected channel and the embankments stabilized by regrading and establishment of vegetation.
11. Overall this project should improve water quality because some crossings will be upgraded reducing the opportunity of being overtopped or washed out. New swales will be constructed and portions of the road will be moved further away from surface water.
12. The public will benefit from a safer road, there should be less chance of accidents, which could be detrimental to surface water, and the public will have three locations to access the riverine systems.
13. The mitigation rules provide credit for sq. ft. or acres that are replaced, restored or protected, but do not specifically give credit to the linear amount of streams and banks that will be in Conservation Easement.

14. The DES finds that this mitigation package, along with the improvement of the drainage structures and swales, meets the intent and the requirements of Env-Wt 803.06(a).

**2005-02922 SOUTHERN NH HYDROELECTRIC
DOVER Cocheco River**

Requested Action:

Dredge a total of 412 cubic yards of accumulated sediment and debris surrounding NH Fish and Game Department fish ladder at the Cocheco River Dam.

APPROVE PERMIT:

Dredge a total of 412 cubic yards of accumulated sediment and debris surrounding NH Fish and Game Department fish ladder at the Cocheco River Dam.

With Conditions:

1. All work shall be in accordance with plans by NH Fish & Game Dept. dated October 11, 2006, as received by the Department on October 11, 2006.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Sediment has accumulated behind the Cocheco Dam to the degree that is impairing the function of the NH Fish & Game Department fish ladder, and resulting in obstructions to the dam and scouring of the adjacent bridge abutments.
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 original proposal has been reduced due to sediment downstream as a result of the May 2006 floods.
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 Dover Conservation Commission and the City of Dover recommend approval of this project. The NH Heritage Bureau report of a species of concern, the small spike rush, is located far downstream in the tidal portion of the river. Project will be timed to avoid impacts to fisheries, and will improve fish passage at the fish ladder.
5. DES Staff conducted a field inspection of the proposed project on 10/13/2006. Field inspection determined that sediment has deposited around the fish ladder and may be removed at low flow with minimal impact.

**2006-00142 ANDROSCOGGIN VALLEY REGIONAL REFUSE DISPOSAL DIST
SUCCESS Unnamed Wetland**

Requested Action:

Dredge and fill 557,568 square feet (12.8 acres) of palustrine forested/scrub shrub wetlands, including 3 vernal pools and 1,000 linear feet of intermittent stream to expand the Mount Carberry Secure Landfill (Phase III). Mitigate impacts by creating 4.0 acres of palustrine forested/scrub shrub wetlands, by creating 3 vernal pools, by enhancing 0.7 acres of sparsely vegetated wetlands that

are developing within an existing excavation site known as Bean Brook Pit, and by restoring 11.8 acres of upland buffer around the creation/enhancement areas. Additional mitigation includes the preservation of 657 acres of undeveloped land (68.2 acres of wetland, 588.8 acres of upland) through the execution of a conservation easement.

Inspection Date: 10/05/2005 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 557,568 square feet (12.8 acres) of palustrine forested/scrub shrub wetlands, including 3 vernal pools and 1,000 linear feet of intermittent stream to expand the Mount Carberry Secure Landfill (Phase III). Mitigate impacts by creating 4.0 acres of palustrine forested/scrub shrub wetlands, by creating 3 vernal pools, by enhancing 0.7 acres of sparsely vegetated wetlands that are developing within an existing excavation site known as Bean Brook Pit, and by restoring 11.8 acres of upland buffer around the creation/enhancement areas. Additional mitigation includes the preservation of 657 acres of undeveloped land (68.2 acres of wetland, 588.8 acres of upland) through the execution of a conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Woodlot Alternatives dated January 2006, as received by the Department on January 23, 2006.
2. This permit is contingent on approval by the DES Waste Management Division.
3. This permit is contingent on approval by the DES Site Specific Program.
4. 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.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
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. Proper headwalls shall be constructed within seven days of culvert installation.
10. 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).
11. 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.
12. 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.
13. 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.
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).
15. 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.
16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS

Wetland construction:

17. This permit is contingent upon the creation of 4.0 acres of wetlands, the creation of 3 vernal pools, the enhancement of 0.7 acres of existing wetlands, and the restoration of 11.8 acres of upland buffer, all in accordance with plans received January 23, 2006.
18. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
19. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
20. Wetland creation/enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
21. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
22. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
23. Wetland creation/enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
24. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
25. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

Wetland preservation:

27. This permit is contingent upon the execution of a conservation easement on 657 acres of undeveloped land as depicted on plans received January 23, 2006.
28. This permit is contingent upon completing the "Implementation Agreement For Conservation Easement Deed" between the Androscoggin Valley Regional Refuse Disposal District and the County of Coos as received by DES on October 17, 2006. This includes providing to DES the annual reports that are prepared by the monitoring consultant.
29. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
30. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
31. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
32. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
33. The Wetlands Bureau shall be notified of the placement of the easement monuments prior to construction.
34. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
35. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. NHDES conducted a study of the State's solid waste needs and capacity in 2003. The study, which included the waste disposal capacity of Mount Carberry Secure Landfill (MCSL) in Success, concluded that within 10 years, the capacity of existing landfills in New Hampshire would fall short of the projected needs. The MCSL was originally projected to reach capacity by 2023; however, because of landfill conditions created by the previous owner of MCSL (Phase I area), the full vertical disposal capacity within the existing landfill footprint as scheduled may not be possible. Potentially unstable conditions were created by the placement of large quantities of papermill sludge in the bottom stages of the landfill during the first 12 years of operation.
3. The proposed expansion of the existing MCSL, which is owned and managed by the Androscoggin Valley Regional Refuse Disposal District (AVRRDD), will include an 81-acre area located to the east of the existing landfill and will impact 557,568 square feet (12.8 acres) of wetland and 1,000 linear feet of intermittent stream. The expansion area will provide for an estimated 10.5 million cubic yards of additional disposal capacity.
4. The need for the proposed impacts is necessary to expand the existing MCSL to meet the solid waste disposal needs of the State and to ensure uninterrupted disposal capacity for the AVRRDD; therefore, the need has been demonstrated by the applicant per Rule Wt 302.01.
5. On October 5, 2005, DES Wetlands Bureau staff inspected the site with the applicant and their agents, and representatives from the US Fish & Wildlife Service, the US Environmental Protection Agency, NH Fish & Game Department, and DES Solid Waste Division. An additional site inspection was conducted in November 8, 2005 by representatives from the US Army Corps of Engineers, and the Society for the Protection of New Hampshire Forests.
6. The original landfill site selection process conducted in 1986 identified 35 potential landfill sites within a 15-mile radius of Berlin. A detailed site screening process was initiated that narrowed the list of candidate sites from 35 to 3. The final site of the MCSL was chosen based on the presence of soils with low permeability, upward seepage gradients to protect deeper groundwater, and its remote setting away from developed areas. Significant high value wetlands and streams were avoided during the location process; however, wetlands such as those found at the MCSL site are common and abundant throughout northern New Hampshire and would be extremely difficult to completely avoid given the large size requirements of a secure landfill.
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 Rule Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
9. To mitigate for the proposed wetland/stream/vernal pool impacts, the applicant is proposing to create 4.0 acres of palustrine forested/scrub shrub wetlands, create 3 vernal pools, enhance 0.7 acres of sparsely vegetated wetlands that are developing within an existing excavation site known as Bean Brook Pit, and by restoring 11.8 acres of upland buffer around the creation/enhancement areas. Additional mitigation includes the preservation of 657 acres of undeveloped land (68.2 acres of wetland, 588.8 acres of upland) through the execution of a conservation easement; therefore the applicant has met the ratios and requirements of the mitigation rules under Chapter Wt 800.
10. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective, or areas with significant resources protected by RSA 482-A. Additionally, there has been no substantial public interest in the project to date.

2006-01373 NH DEPT OF TRANSPORTATION
BARTLETT Saco River & Cow Brook

Requested Action:

Relocate the intersection of West Side Road, widen Rte. 302 to 12 ft. lanes with 4 ft. shoulders, replace the Conway Scenic Railroad and Saco River bridges on alignment; replace a 48 in. culvert with a 7 ft. x 3.5 ft. box culvert about 50 feet to the west rerouting flow 100 feet; reconstruct drainage and install a 12 in. water main utilizing temporary detours and bridges impacting a total of 88,437 sq. ft. of streams, banks, and palustrine wetlands (53,583 temporary). Replace/ relocate approximately 1,875 sq. ft. of palustrine wetlands.

Conservation Commission/Staff Comments:
Cons. Comm.- no comment

DES Rivers Comment rec. 10-11-06

Inspection Date: 09/22/2006 by Gino E Infascelli

APPROVE PERMIT:

Relocate the intersection of West Side Road, widen Rte. 302 to 12 ft. lanes with 4 ft. shoulders, replace the Conway Scenic Railroad and Saco River bridges on alignment; replace a 48 in. culvert with a 7 ft. x 3.5 ft. box culvert about 50 feet to the west rerouting flow 100 feet; reconstruct drainage and install a 12 in. water main utilizing temporary detours and bridges impacting a total of 88,437 sq. ft. of streams, banks, and palustrine wetlands (53,583 temporary). Replace/ relocate approximately 1,875 sq. ft. of palustrine wetlands. NHDOT project #13043.

With Conditions:

1. All work shall be in accordance with revised plans by NHDOT as received by the Department on October 18, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (ECP) to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. The ECP shall also include detailed sequencing and turbidity monitoring plan for the installation of the water line. The turbidity monitoring reports and details shall be submitted to the DES Watershed Bureau as required.
4. Revegetation shall be in accordance with the amended application and attachments (received on October 18, 2006) relative to DES Wetland Bureau rules Env-Wt 404, except as described in the attachment referencing Wt 404.04(e), where the length of riprap is misstated.
5. In the area for the Saco River bridge replacement, the temporary construction impacts to forested wetlands near STA 237 to 240 shall be limited to 818 sq. ft. and this wetland shall be protected utilizing orange construction fencing for the duration of construction.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
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. Construction equipment shall not be located within surface waters.
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; and 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. 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. 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. Matting and pinning shall stabilize slopes steeper than 3:1.
17. 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).
18. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
20. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

- 21. The impacts associated with the temporary work shall be restored immediately following construction.
- 22. The wetland soil to be utilized for wetland construction/ relocation shall be stockpiled out of jurisdiction and shall be located in an area where it will not be temporarily buried.
- 23. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 24. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
- 25. The NHDOT shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
- 26. The NHDOT shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site. After at least five full growing seasons, the NHDOT shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as built plans.
- 27. Impacts not mitigated in this approval shall be identified in accordance with Env-Wt 302.03 and an appropriate compensation plan submitted to the DES Wetlands Bureau by July 1, 2007 for approval.

With Findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of a stream or river channel and banks.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a field inspection of the proposed project on September 22, 2006. Field inspection determined that:
 - a. Improved sight distance and the construction of shoulders will provide a safer roadway for vehicles, bicycles and pedestrians;
 - b. The bridge over the Saco River has very limited room for bicycles or pedestrians.
 - c. Relocation of and increasing the size of the culvert under West Side Road and in Cow Brook will improve passage for aquatic organisms;
 - d. The extension of the 5 ft. x 5 ft. box culvert will allow a 4:1 slope adjacent to the roadway and elimination of guardrail;
 - e. Two 36 in. culverts that currently have elevated outlets will be matched into new stabilized channels and
 - f. The 4,480 sq. ft. of very poorly drained soil to be filled for temp construction and/or a new slope is needed as a result of raising the railroad bridge.
- 6. The approved modified plans reduce the placement of stone along 100 linear feet of river (379 sq. ft.), reduce the overall impacts by 3,700 sq. ft. and provide approximately 1,875 sq. ft. of wetland construction.
- 7. Inspection finds that there will not be a significant impact on the resources of these riverine and palustrine ecosystems as protected by RSA 482-A and therefore a public hearing is not required.

MINOR IMPACT PROJECT

2003-02870 SRR PROPERTIES LLC
BEDFORD Unnamed Wetland

Requested Action:

The previously proposed development has not been built and recent wetland boundary investigation and subsequent adjustment of the wetland boundary line has reduced the proposed impacts to wetlands to 7,869 sq. ft., including an additional 100 sq. ft. of impacts to a wetland area that was not identified.

Conservation Commission/Staff Comments:

1. The Bedford Conservation Commission "... voted to support the application..."
2. DES did not receive comments from the Conservation Commission regarding the permit amendment.

APPROVE AMENDMENT:

Dredge and fill a total of 7,869 sq. ft. of previously disturbed, low value, isolated, palustrine scrub-shrub/emergent wetlands for commercial lot development including a pharmacy with associated parking and drainage structures.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. revision dated August 22, 2006, as received by the Department on August 30, 2006.
2. 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.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. 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.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Work shall be done during low flow.
7. 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.
8. 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).
9. 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.
10. 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.
11. 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.
12. Silt fencing must be removed once the area is stabilized.
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).

With Findings:

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

Requested Action:

Remove existing 6 ft x 36 ft seasonal dock and replace with a 6 ft x 40 ft seasonal dock attached to an existing concrete pad with a 14 ft x 30 ft seasonal canopy supported by 3 pilings on 124.5 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Remove existing 6 ft x 36 ft seasonal dock and replace with a 6 ft x 40 ft seasonal dock attached to an existing concrete pad with a 14 ft x 30 ft seasonal canopy supported by 3 pilings on 124.5 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Kathleen Armstrong dated March 29, 2005, as received by the Department on April 25, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Seasonal pier and canopy shall be removed from the lake for 5 months during the non-boating season.
4. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
5. Concrete pad shall be completely landward of the normal highwater mark.
6. 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.
7. These shall be the only structures on this water frontage and all portions of the dock, seasonal canopy, and support pilings shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
8. 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.
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 a minor impact project per Administrative Rule Wt 303.03(m), installation of new tie-off piles that do not add boatslips to an existing docking system.
2. The use of pilings to support a canopy fails to meet the definition of seasonal structure, Rule Env-Wt 101.79, and is not approvable.
3. Information submitted in response to a Request for More Information Letter was misfiled and not reviewed within 30 days of receipt and therefore the project was automatically approved without review in accordance with RSA 482-A:3 XIV (f).

**2006-01262 BLANCHFLOWER LUMBER CORP, DONALD BLANCHFLOWER
CHARLESTOWN Unnamed Wetland**

Requested Action:

Dredge and fill 9,097 square feet of palustrine forested and scrub-shrub wetlands and 25 linear feet of intermittent stream at three (3) wetlands crossings including the installation of a 15-inch x 20-foot culvert and associated headwalls at Impact Area #1 impacting 5,591 square feet, a 24-inch x 25-foot culvert and associated headwalls at Impact Area #2 impacting 2,802 square feet, and a 36-inch x 20-foot culvert and associated headwalls at Impact Area #3 impacting 704 square feet and 25 linear feet of channel to construct a driveway for access to a single family building lot and for forestry.

APPROVE PERMIT:

Dredge and fill 9,097 square feet of palustrine forested and scrub-shrub wetlands and 25 linear feet of intermittent stream at three (3) wetlands crossings including the installation of a 15-inch x 20-foot culvert and associated headwalls at Impact Area #1 impacting 5,591 square feet, a 24-inch x 25-foot culvert and associated headwalls at Impact Area #2 impacting 2,802 square feet, and a 36-inch x 20-foot culvert and associated headwalls at Impact Area #3 impacting 704 square feet and 25 linear feet of channel to construct a driveway for access to a single family building lot and for forestry.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC dated September 14, 2006 (revised), as received by the DES Wetlands Bureau on September 21, 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. All work shall be done during low flow.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
13. 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.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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 Env-Wt 303.04(f).
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 and for forestry.
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 only access point to the subject property is from NH State Route 12A via a strip of land approximately 33 feet in width with approximately 41 feet of frontage.
6. The applicant explored an alternative access route to the subject property through an abutting property but was unsuccessful in obtaining permission for use of the access route.
7. The property is bounded on the north by property identified as Charlestown Tax Map 42 Lot 19-3 and on the south by property identified as Charlestown Tax Map 42 Lot 20 (Langdon Tax Map 25 Lot 2). The construction of a driveway to access the subject property requires jurisdictional impacts within 20 feet of these properties.
8. The applicant provided a written agreement from the owner of Charlestown Tax Map 42 Lot 19-3 in accordance with Env-Wt 304.04. The applicant was unable to obtain an agreement from the owner of Charlestown Tax Map 42 Lot 20.
9. The applicant requested a waiver, in accordance with Env-Wt 204, to Env-Wt 304.04, Setback from Property Lines, in regard to the setback from Charlestown Tax Map 42 Lot 20.
10. The applicant's agent has stated that compliance with Env-Wt 304.04 would prevent access to the subject property.
11. Per Env-Wt 204.04, the request for a waiver of Env-Wt 304.04 is granted with the finding that granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety and strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
12. The DES Wetlands Bureau received a copy of the permit application signed by the Town of Langdon Town Clerk (signed on October 11, 2006). The Town of Langdon did not submit any comments to the DES Wetlands Bureau.

**2006-01744 WINCHESTER, TOWN OF
WINCHESTER Wheelock Brook**

Requested Action:

Dredge and fill 619 square feet (460 square feet permanent impacts) in the banks of a perennial stream (impacting 116 linear feet) to replace an 8-foot (rise) x 12-foot (span) x 33-foot (length) corrugated metal pipe with a 7-foot (rise) x 22-foot (span) x 27-foot (length) pre-cast concrete bridge structure, including the installation of abutments and wingwalls and rip-rap protection, and make associated road improvements on a public roadway.

APPROVE PERMIT:

Dredge and fill 619 square feet (460 square feet permanent impacts) in the banks of a perennial stream (impacting 116 linear feet) to replace an 8-foot (rise) x 12-foot (span) x 33-foot (length) corrugated metal pipe with a 7-foot (rise) x 22-foot (span) x 27-foot (length) pre-cast concrete bridge structure, including the installation of abutments and wingwalls and rip-rap protection, and make associated road improvements on a public roadway.

With Conditions:

1. All work shall be in accordance with the following plans submitted to the DES Wetlands Bureau in support of the permit application: Sheets 1-3, 7-8, and 10 dated August 2006, as received by the DES Wetlands Bureau on August 24, 2006; and Sheets 4, 5, 6 and 9 dated October 2006 (revised), as received on October 10, 2006.
2. The applicant shall obtain construction easements from affected abutters for work that is proposed outside of the Right-of-Way and shall supply copies of the easements to the DES Wetlands Bureau prior to the start of construction.
3. Any future work at this site that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Erosion control structures shall be removed once the area is stabilized.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Excavation work shall not start within the stream banks until the flow of the stream is diverted in accordance with the approved plans.
10. 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.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. 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. 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. 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.

18. Extreme caution should to be taken to limit unnecessary removal of vegetation from riparian areas.
19. Areas from which vegetation has been cleared shall be replanted with similar native (noninvasive) species.
20. 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.
21. 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.
22. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on jurisdictional areas.
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
24. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
25. 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.
26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 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. 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 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 existing crossing is structurally deficient and beyond repair as a result of heavy corrosion and excessive scour action during the October 2005 flooding. The bridge has been closed since the flooding.
6. The existing structure has an insufficient hydraulic capacity to pass the 50-year storm event.
7. The width of the proposed bridge was chosen to match the existing natural channel width and the length of the proposed bridge was reduced to minimize stream and wetlands impacts.
8. The project will impact Wheelock Brook which outlets to the Ashuelot River approximately 4.5 miles downstream of the project site.
9. The stream will be diverted through the work area using sand bag cofferdams and a temporary 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 abutting properties. The applicant shall obtain construction easements from affected abutters for work that is proposed outside of the Right-of-Way and shall supply copies of the easements to the DES Wetlands Bureau prior to the start of construction.

2006-01766 GREENFIELD FARMS LLC
MERRIMACK Unnamed Wetland Riddle Brook

Requested Action:

Dredge and fill approximately 1,200 sq. ft. of forested wetlands to construct an access roadway to a proposed 24-lot cluster subdivision ("Greenfield Farms Phase XII"). Impacts consist of one wetland crossing consisting of installation of an approximately 15 in. x 50 ft. RCP, associated grading, outlet protection and headwalls.

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments to DES.

APPROVE PERMIT:

Dredge and fill approximately 1,200 sq. ft. of forested wetlands to construct an access roadway to a proposed 24-lot cluster subdivision ("Greenfield Farms Phase XII"). Impacts consist of one wetland crossing consisting of installation of an approximately 15 in. x 50 ft. RCP, associated grading, outlet protection and headwalls.

With Conditions:

1. All work shall be in accordance with plans by True Engineering Inc., plan sheets 3, 7 and 8 of 25, revision dated September 12, 2006, as received by the Department on September 26, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands and surface waters to prevent accidental encroachment.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. 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 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. 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.
15. 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.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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, surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-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. The permit is contingent on approval by the DES Site Specific Program.
6. The proposed project was found to be a minor impact project by the Department due to the aggregate wetland impacts associated with the previously approved "Greenfield Farms Phase X" impacting 8,230 sq. ft. of wetlands (Wetlands Bureau Permit/File

#2005-0009).

7. The cumulative wetlands impacts for both projects are 9,430 square feet.

8. The applicant's agent has informed the Department that the previously approved Greenfield Farms Phase X is currently on hold due to pending legal issues.

2006-01769 TURNER, JEAN
WAKEFIELD Great East Lake

Requested Action:

Repair/replace/stabilize existing shoreline and bank with 90 linear ft of rip-rap on 90 ft of frontage on Great East Lake in Wakefield.

APPROVE PERMIT:

Repair/replace/stabilize existing shoreline and bank with 90 linear ft of rip-rap on 90 ft of frontage on Great East Lake in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering LLC as received by the Department on July 11, 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. 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.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. 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.
6. Dated photographic documentation of the repair work shall be submitted to the Wetlands Bureau as a notification of completion of the project.
7. Shall rip-rap fail within a 6 year period from date of completion, the landowner shall file a repair in-kind application with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further stormwater evaluation and control.
8. Rip-rap shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion. 9. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k) projects that disturb between 50 and 200 linear ft, measured along the shoreline, or a lake or pond or its bank and do not meet the criteria of 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. Project is a maintenance repair of the shoreline to avoid further erosion.

2006-02003 DESMARIS, MITCHELL & MASON
MONT VERNON Unnamed Wetland

Requested Action:

Dredge and fill 5,200 square feet of palustrine forested wetlands, including the installation of a 36-inch x 48-foot culvert and associated headwalls and rip-rap apron, to extend a public roadway (Westgate Road) to construct an access road to a 20-lot residential subdivision on an approximately 90 acre parcel with two (2) open-space lots approximately 43 acres in total area.

APPROVE PERMIT:

Dredge and fill 5,200 square feet of palustrine forested wetlands, including the installation of a 36-inch x 48-foot culvert and associated headwalls and rip-rap apron, to extend a public roadway (Westgate Road) to construct an access road to a 20-lot residential subdivision on an approximately 90 acre parcel with two (2) open-space lots approximately 43 acres in total area.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. received by the DES Wetlands Bureau on August 4, 2006, specifically: "Open Space Subdivision Plan, Harland's Woods" (Sheets 1 through 11), dated July 12, 2006 (revised); "Wetland Classification and Vernal Pool Locations , Lot 5-65, Harland's Woods", dated July 24, 2006; "Wetlands Buffer Exhibit, Harland's Woods", dated July 12, 2006 (revised); and "Wetland Mitigation Plan, Lot 5-65, Harland's Woods", dated May 5, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Prior to any site disturbance, the limits of the "Non-Disturbance Easements" (for Vernal Pools 3 and 5) and "Open-Space Easements" (for Vernal Pools 1, 2, 4, and 6), as illustrated on the plan entitled "Wetlands Buffer Exhibit, Harland's Woods", shall be clearly marked on-site with permanent monuments and, photo documentation shall be provided to the DES Wetlands Bureau.
8. All work shall be done during low flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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 Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to extend a public roadway (Westgate Road) to construct an access road to a 20-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.
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 access road was configured to align with Westgate Road.
6. The approved plans indicate that the lot being subdivided (identified as Tax Map 5 Lot 65) may be subject to rights associated with a woods road which accesses an abutting property identified as Tax Map 5 Lot 64 but that no recorded documentation was recovered by the applicant's agent.
7. The proposed subdivision consists of eighteen (18) buildable lots approximately 47 acres in total area and approximately 43 acres of open space.
8. The applicant's agent reported that the subject property was monitored for vernal pool activity during the Spring of 2005 and 2006. These investigations identified six vernal pools on the property. The vernal pools were ranked by number based on surface area, depth, numbers of obligate egg masses, and attachments. The rankings indicate their comparative value to each other. Vernal pools 1, 2, 4, and 6 are being buffered by conservation deed restrictions which will be marked in the field as no-disturbance zones. The wells for proposed Lots 5-65-4 and 5-65-5 will be within the buffer and will require minimal cutting. The proposed conservation area will provide a 100-foot buffer except in the case of vernal pool 6 which has a 40-foot buffer on the northeast side. Vernal pools 3 and 5 will also have varying degrees of deed restricted buffers around them which will be marked in the field as no-disturbance zones.
9. The proposed project does not require compensatory mitigation per Env-Wt 302.03; however, the Town of Mont Vernon requires "no net loss of wetlands" on sites being developed.
10. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.

2006-02040 T & D REALTY TRUST, PATRICIA PRUDHOMME
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing 144 sq ft permanent docking structure and construct two 6 ft by 31 ft permanent piling supported docks connected by a 6 ft by 12 ft permanent walkway on an average of 154 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Permanently remove an existing 144 sq ft permanent docking structure and construct two 6 ft by 31 ft permanent piling supported docks connected by a 6 ft by 12 ft permanent walkway on an average of 154 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated August 3, 2006, as received by the Department on August 08, 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 shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. 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.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

- 6. This permit does not allow for maintenance dredging.
- 7. The dock shall not extend more than 31 ft lakeward at full lake elevation of 504.32.
- 8. The minimum clear spacing between piles shall be 12 feet.
- 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 a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent docking system that provides less than 5 slips.
- 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 location of the proposed project meets the requirements for a breakwater in accordance with Rule Env-Wt 402.06.
- 6. The construction of a permanent dock in this location is less impacting than a breakwater.
- 7. The applicant has an average of 154 feet of shoreline frontage along Lake Winnepesaukee.
- 8. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 9. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-02064 GREATBATCH, KENNETH
SWANZEY Ashuelot River

Requested Action:

Application Withdrawn

WITHDRAW APPLICATION:

Application Withdrawn

2006-02525 LAVALLEE, ANDY
GOFFSTOWN Piscataqua River

Requested Action:

Replace existing 140 linear ft of wooden retaining wall with a wider block gravity wall on the 200 ft of frontage on the Piscataquog River in Goffstown.

APPROVE PERMIT:

Replace existing 140 linear ft of wooden retaining wall with a wider block gravity wall on the 200 ft of frontage on the Piscataquog River in Goffstown.

With Conditions:

- 1. All work shall be in accordance with plans by SFC Engineering Partnership Inc. dated September 25, 2006 as received by the Department on October 2, 2006.
- 2. Replacement wall shall be in the same location, and shall have the same height as the existing.
- 3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
- 4. 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.
- 5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
8. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further stormwater evaluation and control.
9. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
10. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k) Projects that disturb between 50 and 200 linear ft, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of 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. Materials and changes to the wall will make the structure more sound, and will require less maintenance, preventing future erosion and siltation issues.

MINIMUM IMPACT PROJECT

**2005-00762 NH DEPT OF TRANSPORTATION, DISTRICT ONE
SHELBURNE Clement Brook**

Requested Action:

Construct a temporary road and dredge 2 ft. of gravel over a 3,000 sq. ft. area a point 200 feet upstream of the Village Road Bridge.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 06/13/2005 by Gino E Infascelli

APPROVE PERMIT:

Construct a temporary road and dredge 2 ft. of gravel over a 2,500 sq. ft. area a point 175 feet upstream of the Village Road Bridge. NHDOT project #M109-7.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated March 7, 2005 as received by the Department on April 27, 2005 and as amended per NHDES inspection plan dated 6-13-05.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. 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.
4. Construction equipment shall not be located within surface waters.
5. 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.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. All work to be at least 10 feet from the low flow channel.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum impact based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Similar projects of up to 88,00 sq. ft. of dredge (after the fact) was allowed in 1997 and in 1994. The 1997 project was considered as a minimum impact per Rule Wt 303.04(k).
6. On June 13, 2005 the DES conducted a field inspection and found that previous dredging probably widened the brook and this may have diminished the ability to carry the sediment load. The dredged material was placed along the brook banks. The inspection and historic research could not determine that the previous and the proposed dredging is in a man-made channel although the area was clearly dredged before.
7. Future requests should be accompanied by a report from professional of fluvial geomorphology with the intent of reducing the need for further disturbance of the stream and banks.

**2006-00939 SEARS, DAVID & NANCY BAKER
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct a 4 ft by 24 ft seasonal dock on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has not submitted comments,

Loon Preservation Committee has comments submitted for file 2005-2007, same lot and owner

APPROVE PERMIT:

Construct a 4 ft by 24 ft seasonal dock on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on September 25, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has submitted signed notarized abutter letters for the proposed work within the 20 ft abutter setback.

2006-01930 BAYVIEW CONDOMINIUM ASSOCIATION
BRIDGEWATER Newfound Lake

Requested Action:

Replenish existing 2000 sq ft existing association beach with 10 cubic yards of sand on 363 ft of frontage on Newfound Lake in Bridgewater.

APPROVE PERMIT:

Replenish existing 2000 sq ft existing association beach with 10 cubic yards of sand on 363 ft of frontage on Newfound Lake in Bridgewater.

With Conditions:

1. All work shall be in accordance with plans by Thomas Clancy dated October 20, 2006, as received by the Department on October 24, 2006.
2. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
3. 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.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) beach replenishment.
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.

2006-02270 MARKLEY, PAMELA
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 40 ft free spanning bridge to bank and install a 6 ft x 50 ft seasonal dock with a concrete pad on 197 ft of frontage in Center Harbor on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 6 ft x 40 ft free spanning bridge to bank and install a 6 ft x 50 ft seasonal dock with a concrete pad on 197 ft of frontage in Center Harbor on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Pamel and Keith Markley as received by the Department on September 1, 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. 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.

4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons', breeding and nesting areas shall be avoided.
5. This permit does not allow for maintenance dredging.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for five months during the non-boating season.
8. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
9. Bridged walkway shall be free standing and supports shall not be within the indicated wetland.
10. No trees or saplings shall be clear cutted outside the immediate vicinity of the proposed dock and walkway.
11. This permit does not allow stumping.
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), construction 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. Applicant provided photographic evidence that area, where free spanning bridge is to be installed, is crossible without a bridge.
6. Free standing bridge provides an adequate walkway to avoid erosion, and compaction.

FORESTRY NOTIFICATION

2006-02628 CASSIER, PATRICK & SANDRA
DEERFIELD Unnamed Stream

2006-02690 CARLSON, RUDY & MARTHA
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map 122, Lot# 55

2006-02691 PROTECTION OF NEW HAMPSHIRE FORESTS, SOCIETY FOR
COLEBROOK Unnamed Stream

COMPLETE NOTIFICATION:
Colebrook Tax Map R6, Lot# 33

2006-02693 WEINMANN, EDWARD
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:
Dublin Tax Map/Lot# 7 / 20 & 16 / 44

2006-02715 GABA INC, PETER MCGRATH
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 2, Lot# 12

2006-02716 LYON, ELLIOT & DAWN
MONT VERNON Unnamed Stream

COMPLETE NOTIFICATION:
Mont Vernon Tax Map 7, Lot# 3

2006-02717 RANDOLPH, TOWN OF
RANDOLPH Unnamed Stream

COMPLETE NOTIFICATION:
Randolph Tax Map R19, Lot# 1

2006-02722 SPAULDING FAMILY TRUST, ROBERT S WALLACE
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 412, Lot# 1 & 2

2006-02723 BACON, BRUCE
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map B-3, Lot# 490

2006-02725 CHURCH OF OUR SAVIOR, GEORGE WOODBURY
MILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Milford Tax Map 52, Lot# 6

EXPEDITED MINIMUM

2006-02024 WARNER VILLAGE WATER DISTRICT
WARNER Unnamed Wetland

Requested Action:

Temporary impact of 2,500 square feet of palustrine forested wetlands at three (3) wetlands crossings to install a 12-inch water line to reach a new water storage tank.

APPROVE PERMIT:

Temporary impact of 2,500 square feet of palustrine forested wetlands at three (3) wetlands crossings to install a 12-inch water line to reach a new water storage tank.

With Conditions:

1. All work shall be in accordance with plans and narratives by Provan & Lorber, Inc., specifically: plans dated June 2006 (Figures 1 through 6), as received by the DES Wetlands Bureau on August 11, 2006; plans dated September 2006 (Figures 1, 2, and 4) and the "Addendum to Application" dated September 15, 2006, as received on September 27, 2006; and the "Additional Comments" dated October 6, 2006, as received on October 11, 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. All work shall be conducted under low flow or low groundwater conditions.
4. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
5. Equipment used in wetlands 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.
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. Silt fence(s) must 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. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
15. Any clearing required shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
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. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found in the work area during this same period.
18. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.

20. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
21. 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.
22. 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(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to install a 12-inch water line to reach a new water storage tank.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a signed copy of the "Easement Grant" for construction activities on the property where the wetlands impacts are located (identified as Tax Map 14 Lot 15).
6. Per Env-Wt 304.04, the applicant provided written agreements from the owners of properties identified as Tax Map 14 Lots 28-6 and 32 concurring with wetlands impacts within 20 feet of the property boundaries.
7. The Conservation Commission signed the application.
8. The Conservation Commission submitted comments to the DES Wetlands Bureau (received on August 11, 2006) stating that they generally support the proposed project but have concerns (relative to the DES Wetlands Bureau's jurisdiction) regarding potential vernal pool impacts, erosion control measures, and restoration/stabilization of temporary impact areas.
9. The applicant's agent addressed the Conservation Commission's concerns in the "Addendum to Application" and the "Additional Comments".
10. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

2006-02222 BAKER, BURNHAM
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 46 ft long breakwater with a 6 ft by 32 ft dock with a 4 ft by 11 ft extension on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 46 ft long breakwater with a 6 ft by 32 ft dock with a 4 ft by 11 ft extension on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated September 28, 2006, as received by the Department on October 02, 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 shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This permit does not allow for maintenance dredging.
5. 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.
6. Repairs shall maintain existing size, location and configuration.

7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. 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.

**2006-02249 MOUNTAIN WEST HOMEOWNERS ASSOC
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair and maintain an existing major docking facility consisting of seven, 2 ft by 24 ft finger dock attached to a 4 ft by 227 ft wharf along the shoreline, repair an 4 ft by 72 ft wharf with three, 2 ft by 24 ft finger docks, and repair two, 7 ft by 33 ft docks in a "U" shaped configuration supported by four, 7 ft by 7 ft cribs, on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and maintain an existing major docking facility consisting of seven, 2 ft by 24 ft finger dock attached to a 4 ft by 227 ft wharf along the shoreline, repair an 4 ft by 72 ft wharf with three, 2 ft by 24 ft finger docks, and repair two, 7 ft by 33 ft docks in a "U" shaped configuration supported by four, 7 ft by 7 ft cribs, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated August 22, 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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. 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.
5. Repair shall maintain existing size, location and configuration.
6. This permit does not allow for maintenance dredging.
7. Repairs shall maintain existing size, location and configuration.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-02356 DURHAM, GEORGE & KELLY
MONT VERNON Unnamed Wetland

Requested Action:

Dredge and fill 2,270 square feet of palustrine forested wetlands to extend an existing bridle path/farm trail to access uplands for use as pasture.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 2,270 square feet of palustrine forested wetlands to extend an existing bridle path/farm trail to access uplands for use as pasture.

With Conditions:

1. All work shall be in accordance with plans by Leslie P. Tallarico submitted in support of the permit application, as received by the DES Wetlands Bureau on September 15, 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. All work shall be done during low flow.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. 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.
7. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. 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(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to extend an existing bridle path/farm trail to access uplands for use as pasture.
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 access way was configured to minimize wetlands impacts by crossing the wetlands at their 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. Per Env-Wt 304.04, the applicant provided a written agreement from the owner of property identified as Tax Map 7 Lot 31 concurring with wetlands impacts within 20 feet of the property line.
- 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.

2006-02358 CORNOG, MICHAEL
NELSON Nubansit Lake

Requested Action:

Permanently remove existing 6 ft x 26 ft dock Install a 6 ft x 30 ft seasonal dock on 21 ft of frontage on Lake Nubanusit in Nelson.

APPROVE PERMIT:

Permanently remove existing 6 ft x 26 ft dock Install a 6 ft x 30 ft seasonal dock on 21 ft of frontage on Lake Nubanusit in Nelson.

With Conditions:

- 1. All work shall be in accordance with plans by as received by the Department on September 15, 2006 and information as received on October 25, 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. 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.
- 4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons', breeding and nesting areas shall be avoided.
- 5. The existing pier shall be removed from Wetlands Jurisdiction before installation of the proposed seasonal pier.
- 6. This permit does not allow for maintenance dredging.
- 7. Seasonal pier shall be removed from the lake for five months during the non-boating season.
- 9. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
- 10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-02392 BARLOW, BRUCE & VICTORIA
SWANZEY Man-made Pond

Requested Action:

Stabilization of 49 linear feet (approximately 500 square feet) of the bank of an existing man-made pond including repair of the undermined bank with native rock, soil, and vegetation to restore the original slope and prevent further erosion.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Stabilization of 49 linear feet (approximately 500 square feet) of the bank of an existing man-made pond including repair of the undermined bank with native rock, soil, and vegetation to restore the original slope and prevent further erosion.

With Conditions:

1. All work shall be in accordance with the narrative entitled "Project Overview, Proposed Pond Repair for Bruce and Victoria Barlow, Honey Hill, Swanzey, NH" and the plan entitled "Attachment 7, Scale Drawing of Pond" submitted in support of the permit application, as received by the DES Wetlands Bureau on September 19, 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. 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 shall remain until the area is stabilized.
5. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. 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.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
13. 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.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. 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(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to prevent further undermining and erosion of the pond bank and subsequent filling-in of the pond.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The 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.
6. The Conservation Commission signed the application but did not submit comments.

**2006-02446 FISH COVE ASSOCIATION, KEVIN GETTY PRES
MEREDITH Lakwe Winnipесаaukee**

Requested Action:

Repair/replace existing 300 linear ft of railroad tie retaining wall with a stone retaining wall "in-kind" on 1250 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Repair/replace existing 300 linear ft of railroad tie retaining wall with a stone retaining wall "in-kind" on 1250 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by K. Getty as received by the Department on September 25, 2006.
2. This permit does not authorize beach replenishment or construction.
3. Repair shall maintain existing size, location and configuration.
4. 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.
5. 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.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. 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.
9. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
10. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further stormwater evaluation and control.
11. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
12. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
13. Railroad ties and any other dredged material shall be completely removed from Wetlands Bureau jurisdiction including the 500 ft Prime Wetland Buffer setback.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. Project is located within the 500 ft buffer zone to a prime wetland, and all work should not have any impact on this wetland. Project is downstream from Prime wetland.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. Proposed project to use more environmentally sound materials is an improvement for the further protection of the public trust.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. 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.

2006-02456 MUSIAL, STEVEN
MANCHESTER Merrimack River

Requested Action:

Construct a 6 ft by 24 ft seasonal dock accessed by a 4 ft by 12 ft seasonal dock in a "L" shaped configuration with 4 ft by 10 ft access stairs over the bank on the Merrimack River, Manchester.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

NH Fish and Game submitted comments requesting no trees removed due to wintering roosting habitat for Bald Eagles

APPROVE PERMIT:

Construct a 6 ft by 24 ft seasonal dock accessed by a 4 ft by 12 ft seasonal dock in a "L" shaped configuration with 4 ft by 10 ft access stairs over the bank on the Merrimack River, Manchester.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on September 26, 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. There shall be no trees removed for the installation of the dock on this frontage to comply with NH Fish and Game request to protect bald eagle habitat.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 18 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02486 HISTORIC HARRISVILLE INC, LINDA WILLETT
HARRISVILLE Unnamed Stream Harrisville Pond**

Requested Action:

Repair and replace an existing failed stone box culvert measuring approximately 53 linear feet that conveys stream flows from Harrisville Pond, under Kadkit Street and a parking area and discharges to Nubanusit Brook. Work includes approximately 405 sq. ft. of temporary stream impacts for the replacement of the culvert with an approximately 4 ft. x 6 ft. x 53 linear ft. precast concrete box culvert, associated headwall, adjacent treatment catch basin and temporary sand bag cofferdam.

APPROVE PERMIT:

Repair and replace an existing failed stone box culvert measuring approximately 53 linear feet that conveys stream flows from Harrisville Pond, under Kadkit Street and a parking area and discharges to Nubanusit Brook. Work includes approximately 405 sq. ft. of temporary stream impacts for the replacement of the culvert with an approximately 4 ft. x 6 ft. x 53 linear ft. precast concrete box culvert, associated headwall, adjacent treatment catch basin and temporary sand bag cofferdam.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC, dated September 19, 2006, as received by the Department on September 28, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
4. The lower portion of the culvert will be mated with this new culvert structure.
5. Dewatering of the work areas shall be accomplished as specified in the work plan and shall be done in a manner to prevent any

water quality degradation.

6. Careful monitoring of weather conditions shall be done to ensure that flow conditions and predicted rain or storm events to ensure that methods proposed shall be done in a manner to minimize environmental impacts.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. 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.
11. 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(x), maintenance, repair, or replacement of a nondocking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the minimum impact expedited application waiving their right to intervene on the project.

2006-02526 MENFI, JOSEPH
PLYMOUTH Unnamed Wetland

Requested Action:

Temporarily impact 410 square feet of palustrine emergent wetland for a utility line crossing to a proposed commercial entity.

APPROVE PERMIT:

Temporarily impact 410 square feet of palustrine emergent wetland for a utility line crossing to a proposed commercial entity.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants dated August 11, 2006 as received by the Department on October 2, 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. Work shall be done during periods of non-flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
7. Wetlands shall be restored to their pre-construction conditions, including restoration of original grades, within 5 days of backfill.
8. Mulch within the restoration area shall be straw.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 12. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
- 13. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
- 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.

SHORELAND VARIANCE / WAIV

2006-00974 FELTMATE, DOUG / LINDA
PITTSBURG First Connecticut Lake

Requested Action:

Request a Variance from RSA 483-B:9, V(d)(2)(A) to allow a property having 298.9 feet of frontage on First Connecticut Lake in Pittsburg, NH containing 1 three-bedroom cottage, 1 two-bedroom cottage, and 1 one-bedroom main office/cottage all dependent upon on-site sewage to be converted to condominiums.

Inspection Date: 10/05/2006 by Eric M Skoglund

APPROVE CSPA VARIANCE:

Request a Variance from RSA 483-B:9, V(d)(2)(A) to allow a property having 298.9 feet of frontage on First Connecticut Lake in Pittsburg, NH containing 1 three-bedroom cottage, 1 two-bedroom cottage, and 1 one-bedroom main office/cottage all dependent upon on-site sewage to be converted to condominiums.

With Conditions:

- 1. All work shall be conducted in accordance with plans "First Connecticut Lake Condominium" by Brown Engineering, dated May 19, 2006 (rev. October 20, 2006) and received by the Department on October 20, 2006.
- 2. The subject units may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
- 3. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
- 5. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
- 6. This variance is contingent upon approval of the subdivision by the DES Subsurface Systems Bureau.
- 7. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 8. 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 "For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or 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 three existing cottages (1 three-bedroom cottage, 1 two-bedroom cottage, and 1 one-bedroom/main office) to be converted into condominiums on 298.9 ft of shoreland frontage.
4. The number of units exceeds that allowed per RSA 483-B:9, V(d)(2)(A).
5. To meet RSA 483-B:9, V(d)(2)(A), it would be necessary to demolish 2 out of the 3 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 will be consistent with the public interest as there is no change in the 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 applicant has proposed abandoning the existing outdated septic systems and install new systems that would service the units and will be located further from the lake than the existing systems.

2006-00976 FELTMATE, DOUG / LINDA
PITTSBURG First Connecticut Lake

Requested Action:

Request a Variance from RSA 483-B:9, V(d)(2)(A) to allow a property having 301 ft of frontage on First Connecticut Lake in Pittsburg, NH containing 2 three-bedroom cottages and 3 two-bedroom cottages all dependent upon on-site sewage to be converted to condominiums.

Inspection Date: 10/05/2006 by Eric M Skoglund

APPROVE CSPA VARIANCE:

Request a Variance from RSA 483-B:9, V(d)(2)(A) to allow a property having 301 ft of frontage on First Connecticut Lake in Pittsburg, NH containing 2 three-bedroom cottages and 3 two-bedroom cottages all dependent upon on-site sewage to be converted to condominiums.

With Conditions:

1. All work shall be conducted in accordance with plans "First Connecticut Shores Condominium" by Brown Engineering, dated May 19, 2006 (rev. october 20, 2006) and received by the Department on October 20, 2006.
2. The subject units may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
3. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
4. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
5. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
6. This variance is contingent upon approval of the subdivision by the DES Subsurface Systems Bureau.
7. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. 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 "For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or 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 five existing cottages (2 three-bedroom cottages and 3 two-bedroom cottages) to be converted into condominiums on 314 ft of shoreland frontage.
4. The number of units exceeds that allowed per RSA 483-B:9, V(d)(2)(A).
5. To meet RSA 483-B:9, V(d)(2)(A), it would be necessary to demolish 3 out of the 5 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 will be consistent with the public interest as there is no change in the 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 applicant has proposed abandoning the existing outdated septic systems and install one new system that would service all five units and will be located further from the lake than the existing systems.

2006-02186 HELM, JOHN
NEWBURY

ROADWAY MAINTENANCE NOTIF

2006-02692 NH DEPT OF TRANSPORTATION
EPSOM Unnamed Stream

2006-02729 NH DEPT OF TRANSPORTATION
MANCHESTER Unnamed Stream

PERMIT BY NOTIFICATION

2006-02195 DIPIETRO, THOMAS
ALTON Lake Winnepesaukee

Requested Action:

Replenish existing beach.

Conservation Commission/Staff Comments:

extend time fame10 days to 10/1/2006 for response due date

PBN IS COMPLETE:

Replenish existing beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), beach replenishment.
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.

2006-02450 STATE OF NH WATER RESOURCE COUNCIL, C/O BROOKFIELD
DUMMER Androscoggin River

Requested Action:

Temporarily impact 450 square feet of Androscoggin River bed to replace the Pontook Dam west side abutment.

APPROVE PERMIT:

Temporarily impact 450 square feet of Androscoggin River bed to replace the Pontook Dam west side abutment.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair or replacement of a dam.
2. The NH Fish and Game Department requested work begin and be completed as soon as possible.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-02515 C&G REALTY TRUST, GUY & GRAIG FARETRA TTEES
ALTON Lake Winnepesaukee

Requested Action:

Repair/replace existing docking structures.

PBN IS COMPLETE:

Repair/replace existing docking 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.

**2006-02520 MARKER 52 ASSOCIATION, JOHN DIMATTIA
MOULTONBOROUGH Ledgy Pond**

Requested Action:

Replace existing twin 36-inch x 40 foot CMP culverts with twin 36-inch x 40 foot PVC culverts.

PBN IS COMPLETE:

Replace existing twin 36-inch x 40 foot CMP culverts with twin 36-inch x 40 foot PVC culverts.

**2006-02530 TILTON, TOWN OF
TILTON Packer Brook**

Requested Action:

Repair existing bridge abutments and concrete retaining wall, utilizing grout injections.

PBN IS COMPLETE:

Repair existing bridge abutments and concrete retaining wall, utilizing grout injections.

**2006-02696 MOYNIHAN, ANDREW
LACONIA Lake Winnepesaukee**

Requested Action:

Repair/replace permanent docking structures "in-kind".

PBN IS COMPLETE:

Repair/replace permanent docking structures "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.