

# Wetlands Bureau Decision Report

Decisions Taken  
11/06/2006 to 11/12/2006

## **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**

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**2005-01634 BRADY, ROBERT & MARY JO  
LACONIA Lake Winnepesaukee**

**Requested Action:**

Reconsider and approve the re-configuration of an existing breakwater on Lake Winnepesaukee, Laconia based on revised plans submitted.

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**Conservation Commission/Staff Comments:**

Con Com questions need for impacts as proposed, sand migration, retaining wall removal, and states applicant already has a beach, PWC lifts and boatlift not shown on plans.

Inspection Date: 10/24/2005 by Chris T Brison

**APPROVE RECONSIDERATION:**

Re-configure an existing breakwater by removing the existing breakwater material lakeward of an existing large boulder and filling 595 sqft of lake bed to construct a 30 ft breakwater with a 3 ft by 30 ft permanent dock accessed by a 6 ft by 42 ft permanent dock with a 3 ft by 30 ft finger and a 3 ft by 30 ft wharf along the shoreline, install two seasonal PWC lifts in the shoreward slip, install two seasonal boatlifts with a 12 ft by 30 ft seasonal canopy and a 11 ft by 30 ft seasonal canopy, construct a 355 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Laconia.

**With Conditions:**

1. All work shall be in accordance with plans, as received by the Department on October 06, 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. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
11. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
12. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
13. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
14. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
15. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
16. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
17. The beach shall be constructed with no work to the existing stone retaining wall and sand shall be placed above and/or

landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

- 18. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 19. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
- 20. This permit shall be used only once, and does not allow for annual beach replenishment.
- 21. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
- 23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of a dock adjacent or attached to a breakwater.
- 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. Field inspection determined the proposed project will reduce the extension of the existing breakwater into the waterbody.
- 6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
- 7. The applicant has an average of 200 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.

-Send to Governor and Executive Council-

**2006-00208                      FECTEAU, MARK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Restore 840 square feet of intermittent stream, by removing existing rip-rap, remove existing 12-inch x 39 foot culvert and replace it with a proposed 15-inch x 24 foot culvert and remove 88 square feet of fill within an existing forested wetland. Retain approximately 772 square feet of impact along 52 linear feet of intermittent stream and forested wetland for access and parking area.

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APPROVE AFTER THE FACT:

Restore 840 square feet of intermittent stream, by removing existing rip-rap, remove existing 12-inch x 39 foot culvert and replace it with a proposed 15-inch x 24 foot culvert and remove 88 square feet of fill within an existing forested wetland. Retain approximately 772 square feet of impact along 52 linear feet of intermittent stream and forested wetland for access and parking area.

With Conditions:

- 1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
- 2. Approximately 840 square feet of intermittent stream and 88 square feet of wetland shall be restored in accordance with the Restoration Plan dated January 25, 2006, and revised through October 4, 2006, and all project descriptive details submitted to DES on October 11, 2006, by Thomas Varney, Varney Engineering and Surveying.
- 3. This approval shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau.
- 4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

5. The restoration shall be completed under no flow conditions and no later than July 30, 2007.
6. The restoration shall be done according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
7. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.
8. Documentation confirming use of the appropriate seed mix shall be forwarded to DES.
9. No machinery shall enter DES jurisdictional areas on the Property during the restoration.
10. All material removed during restoration activities shall be removed down to the level of the original soils.
11. All material removed during restoration activities shall be placed out of DES's jurisdiction.
12. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. All steps shall be taken during the restoration necessary to ensure that no water quality violations occur on the Property.
14. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
15. An initial monitoring report with photographs shall be provided to DES no later than August 15, 2007. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
16. DES reserves its right to revoke this after-the-fact approval should restoration not be completed as specified in this approval.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02
2. The impact areas are for access to a single family building currently under construction and to viable uplands.
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. DES Staff conducted a field inspection of the proposed project on July 19, 2006. Field inspection determined that wetlands had been impacted for the installation of the parking area, the existing culvert to the main residence was undersized and failing and excessive amounts of riprap had been placed in the stream channel.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this intermittent stream provided that restoration is done in a timely manner and in accordance with the restoration approval.
7. In accordance with Env-Wt 302.05, applications received after the work has been completed shall be subject to the same review as any other application.

**2006-00892                      PHILLIPS REVOC TRUST, ABIGAIL**  
**EXETER   Squamscott River**

Requested Action:

Construct a 4'x20' permanent ramp leading to a 4'x80' permanent fixed pier to a 3'x30' seasonal ramp to a 8' x 30' seasonal float providing one 30' slip on 535' of frontage on the Squamscott River within Exeter Prime Wetland No. 63.

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Conservation Commission/Staff Comments:

Conservation Comments are noted in the findings.

Inspection Date: 09/13/2006 by Eben M Lewis

Inspection Date: 10/13/2005 by Eben M Lewis

APPROVE PERMIT:

Construct a 4'x20' permanent ramp leading to a 4'x80' permanent fixed pier to a 3'x30' seasonal ramp to a 8' x 30' seasonal float providing one 30' slip on 535' of frontage on the Squamscott River within Exeter Prime Wetland No. 63.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated April 4, 2006 and revised on September 20, 2006, as received by the Department on September 25, 2006.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Rockingham Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Work shall be done during low tide.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. The decking of the fixed pier shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks and the 3-foot ramp shall have a minimum of 3 ft. clearance from the surface of the tidal marsh.
10. The float of this structure shall be constructed with rails to prevent it from sitting directly on the mud at low tide.
11. 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.
12. Seasonal docking structures shall be removed for the non-boating season.
13. Seasonal docking structures shall not be removed through or stored in the emergent vegetation adjacent to the river.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01, as they wish to access the Squamscott River for recreational purposes.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03, as the construction of these docking structures will not impair the growth of the surround emergent vegetation.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed plans accurately locate the boundary of the wetlands and prime wetlands.
6. The NH PDA Division of Ports and Harbors, per letter dated May 22, 2006, reports that this project will have no impact on navigation in the area.
7. The Exeter Conservation raised the following concerns: a.) The size of the dock is greater than the standard 6 foot wide by 30 foot long seasonal dock. The commission questions the size of the proposed 10'x40' dock; b.) The 80-foot pier will traverse the prime wetland tidal marsh, impact the tidal buffer zone, adversely effect plant and wildlife, and depreciate the recreation and aesthetic enjoyment of the public; c.) The placement and removal of the seasonal dock will create further disturbance and damage to the tidal saltwater marsh; d.) Although there are other seasonal docks on the Squamscott River, none have been constructed across fragile saltwater marshes; e.) Exeter has a local shoreland protection buffer ordinance and the applicant should obtain relief from these ordinances as well as obtaining the state wetlands permit; f.) The commission raises questions with the use of pressure treated timber for the construction of the structures as the timber will be detrimental to the tidal marsh.
10. DES personnel conducted an inspection on September 13, 2006. DES finds the project impacts will not significantly impair the resources of this tidal riverine wetland ecosystem and that the proposed dock will not impede navigation.
11. DES makes the following findings in response to the Exeter Conservation Commission comments: a.) The applicant reduced the size of the float to 8'x30' from the original size of 10'x 40' to safely maneuver rowing skulls. The standard size for docks on fresh water docks is 6' wide, which does not apply to tidal docks; b.) Numerous docking structures have been constructed along the Squamscott. Photographs provided by the agent, Pickering Marine, documents existing docks with flourishing vegetation growing below the structures. All tidal docks constructed within tidal waters must be built at least 1:1 width to height ration over vegetated surfaces. Decking for tidal docks must also have 3/4" spacing. Both of these measures are taken to avoid shading the substrate. Additionally, DES reaffirms finding no. 4; c.) DES conditions this approval to remove the seasonal docking structures via the river

only. These structures can be taken to a nearby landing for removal. At no time shall the owner remove the structures through or store the structures on the marsh. d.) DES reaffirms finding 11(b); e.) DES permits do not relieve the application from the obligation to obtain other local, state or federal permit that may be required; f.) The use of pressure treated wood is state-wide for this application and will have no ill effect on the tidal marsh as the use of treated wood presents no hazards to people or animals or the environment.

11. NH Natural Heritage Bureau (NHNHB) has identified one state listed threatened species within the vicinity of the project, Small Spike-Rush (*Eleocharis parvula*). DES review of this application and field inspection finds that the NHNHB identified species will not be impacted as a result of this project.

12. Based on findings 3, 4, and 11 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

-Send to Governor and Executive Council-

**2006-00915                      GILMANTON, TOWN OF  
GILMANTON IRON WORKS   Unnamed Stream Crystal Lake**

Requested Action:

Repair an existing beach area with 35 cubic yards of sand on Crystal Lake, Gilmanton.

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Conservation Commission/Staff Comments:

No comments from Conservation Commission by July 12, 2006

APPROVE PERMIT:

Repair an existing beach area with 35 cubic yards of sand on Crystal Lake, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on October 06, 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. No more than 35 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
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 further erosion of beach area.
6. Beach sand shall be placed completely landward of the normal high water mark 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 major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. DES Staff conducted a field inspection of the proposed project on July 19, 2006. Field inspection determined the need for the requested impacts and volume of sand.
4. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Crystal Lake.

**2006-01625                      ADSISBRO, LLC (LOT 34-30-3)  
HOOKSETT   Unnamed Wetland**

Requested Action:

Approve name changes to: ZYA Hooksett, LLC, Lot # 34-30-2); Yamas LLC, (Lot# 34-30); Adsisbro, LLC, Lot # 34-30-3), PO Box 6231, Manchestr NH 03108 per request received 11/3/2006. Address remains the same for all.

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Conservation Commission/Staff Comments:

The Conservation Commission did not comment on this application.

APPROVE NAME CHANGE:

Impact a total of 2500 square feet further described as follows: Dredge and fill 500 square feet of Palustrine Emergent Wetland adjacent to Prime Wetland 29 to extend existing culvert under Rte 3 for construction of a right turning lane and fill 2000 square feet of isolated wetland pocket for access to proposed commercial facility.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated June 27, 2006, and revised through September 25, 2006 as received by the Department on September 27, 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. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands.
5. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain conditions #3, 4 and 5 of this approval.
7. 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.
8. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the approved plan. 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.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
11. Work shall be done during periods of non-flow.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. This permit is contingent upon the removal of the existing structures that area located within the wetlands in accordance with plans received September 27, 2006.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. All material removed during work activities shall be removed down to the level of the original hydric soils.
16. All material removed during work activities shall be placed out of DES's jurisdiction.
17. Mulch within the restoration area shall be straw.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
19. 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.
20. 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.
21. 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.
22. Silt fencing must be removed once the area is stabilized.
23. 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).

24. A post-construction report documenting the status of the completed structure removal with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

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

**2006-01921                      TOTARO, RICHARD**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's October 13, 2006 decision to deny the request to remove 8 existing piers and construct 7 new piling piers and a 30 ft x 30 ft dug-in boathouse on 410 ft of frontage on Lake Winnepesaukee.

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DENY RECONSIDERATION:

Reconsider and reaffirm the decision to deny the request to remove 8 existing piers and construct 7 new piling piers and a 30 ft x 30 ft dug-in boathouse on 410 ft of frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:10, Appeals, I, "Any person aggrieved by a decision made by the department under RSA 482-A:3 or subject to an order of the department under RSA 482-A:6 may apply for reconsideration by the department".
2. In accordance with RSA 482-A:10, Appeals, II, "A request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order. The request for reconsideration shall describe in detail each ground for complaint."
3. In accordance with RSA 482-A:10, Appeals, III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."

Findings of Fact

4. On July 26, 2006, the Wetlands Bureau received an application to remove 8 existing piers and construct 7 new piling piers and a 30 ft x 30 ft dug-in boathouse on property having 410 ft of frontage on Lake Winnepesaukee more particularly identified as Wolfboro Tax Map 266, lot 10 (the Property).
5. On October 13, 2006 the Department issued a decision to deny the requested impacts. The Department made the following five rulings in support of the decision to deny the application: a. The proposed modifications will not reduce the impacts or number of slips provided by the existing non-conforming structure; b. The project fails to meet the requirements of Chapter Env-Wt 400; c. The Applicant failed to submit the information required with the application; d. The Applicant failed to provide evidence that the project complied with RSA 483-B; and e. The applicant failed to provide documentation that the proposal for a dug in boathouse is the least impacting method of providing the requested slips on this frontage, and therefore, the application is denied in accordance with Rule Wt 302.04,(d).
6. The request for reconsideration acknowledges that the application was incomplete, states the Applicant's objection to the fact the information was not requested by the Department in a Request for More Information Letter, but does not include any of the missing items and information or any time frame for the submittal of the missing items and information.

Rulings in Support of the Decision

7. The Applicant has failed to submitted any new or additional evidence in support of the original proposal as required per RSA 482-A:10, therefore the Department reaffirms it decision to deny this application based on the original findings.

**MINOR IMPACT PROJECT**

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**2001-01325 NH DEPT OF TRANSPORTATION, DISTRICT 2  
STRATFORD Connecticut River**

Requested Action:

Amend the permit to impact an additional 48 sq. ft. (24 sq. ft. temporary) of bank to construct wooden stairs for car top boat launch.

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APPROVE AMENDMENT:

THIRD AMENDMENT: Amend the permit to utilize a temporary work trestle, relocate abutments back from the river, construct wooden stairs for car top boat launch and construct a concrete pier impacting 8,258 sq. ft. (4,589 sq. ft. temporary) within bank and channel area of the Connecticut River to rehabilitate the existing Maidstone/Stratford Hollow Bridge. All work will be conducted behind cofferdams. NHDOT project #13086.

With Conditions:

1. All work shall be in accordance with:
  - a. Plan sheet 1 of 1 by Lichtenstein Consulting Engineers dated 04/14/03 received by the Department on June 2, 2003,
  - b. Plan sheets 27 and 35 of 65 by Lichtenstein Consulting Engineers dated 05/24/02 received by the Department on August 14, 2003 except as amended per:
  - c. Letter by Winterset, Inc. dated October 22, 2003 and attached plans showing a temporary trestle as received by the Department on October 24, 2003 and
  - d. Plan by NHDOT Bureau of Bridge Design dated 10/3/06 (REV. 10/19/06) as received by the Department on October 24, 2006.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. 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. The impacts associated with the temporary work shall be remediated immediately following construction.
18. Work proposed for the car top boat access to the Connecticut River shall not be in flowing water.
19. Stamped engineering plans meeting the requirements of Administrative Rules Wt 404.04(b) and (e) shall be provided to the file prior to construction.

With Findings:

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

**2006-00527                      CELLA, GENNARO & PEARL**  
**DERRY   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 7,375 sq. ft. of palustrine forested/ scrub-shrub wetlands needed to construct 1,341 linear feet of roadway, with culvert crossings, to access a seven (7) lot residential subdivision on a 39.5 acre parcel of land.

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Conservation Commission/Staff Comments:

No report received from the Derry Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 7,375 sq. ft. of palustrine forested/ scrub-shrub wetlands needed to construct 1,341 linear feet of roadway, with culvert crossings, to access a seven (7) lot residential subdivision on a 39.5 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Woodland Design Group dated November 16, 2005, as received by the Department on March 13, 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 Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. NH DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.

With Findings:

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

Evaluation, has been considered in the design of the project.

**2006-00555                      BARDWELL, JOSEPH**  
**GILSUM   Unnamed Wetland**

Requested Action:

Retain 2,859 square feet emergent wetland impact for access around existing garage.

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APPROVE AFTER THE FACT:

Retain 2,859 square feet emergent wetland impact for access around existing garage.

With Conditions:

1. This approval is contingent upon compliance with the November 09, 2006, Restoration Plan Approval.
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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. DES Staff conducted a field inspection of the proposed project on March 13, 2006. Field inspection documented illegal wetland fill and rutting.
3. This approval is contingent upon compliance with the November 09, 2006, Restoration Plan Approval that requires 6,165 square feet of emergent wetland restoration.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00585                      HOLMES, PETER**  
**SANDOWN   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,635 sq. ft. of palustrine forested/ scrub-shrub wetlands needed to construct 4,420 linear feet of roadway, with culvert crossings, to access a twenty-five (25) lot residential subdivision on a 100 acre parcel of land.

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Conservation Commission/Staff Comments:

No report received from the Sandown Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 9,635 sq. ft. of palustrine forested/ scrub-shrub wetlands needed to construct 4,420 linear feet of roadway, with culvert crossings, to access a twenty-five (25) lot residential subdivision on a 100 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants, Inc. dated February 22, 2006 incorporating revisions dated 7-18-06, as received by the Department on March 20, 2006 and July 25, 2006 respectively.
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. NH DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.

With Findings:

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

**2006-01225 TRINITY CONSERVATION LLC**  
**ROCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,840 sq. ft. of wetlands, including 9,215 sq. ft. of temporary impact and 625 sq. ft. of permanent impact, to install municipal sewer lines and stormwater discharge pipes associated with construction of a 57-lot subdivision.

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APPROVE PERMIT:

Dredge and fill a total of 9,840 sq. ft. of wetlands, including 9,215 sq. ft. of temporary impact and 625 sq. ft. of permanent impact, to install municipal sewer lines and stormwater discharge pipes associated with construction of a 57-lot subdivision.

With Conditions:

1. All work shall be in accordance with revised plans by Norway Plains Associates Inc. dated 11/7/2006, as received by the Department on 11/7/2006.
2. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Culvert outlets shall be properly rip rapped.
10. Temporary wetland impact areas shall be restored to original grade and contours, and shall be revegetated with wetlands vegetation compatible with that which is naturally occurring in the immediate vicinity.
11. All curbing associated with this project shall be "Cape Cod" curbing in nature to avoid impact to wood turtles and other aquatic species.
12. There shall be no discharge of stormwater to any area where a vernal pool is, or is found to be, present.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in non-tidal wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project provides necessary supporting drainage and utilities to the 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 department's jurisdiction per Env-Wt 302.03. The subdivision itself has avoided wetlands with no proposed for road crossings or driveways, with the great majority (94%) of the impacts are temporary.
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. NH Fish & Game Department had concerns regarding wood turtles have been addressed in the revised plans, which restore natural grades and revegetation of the wetlands following the temporary impact, and permit conditions, which require Cape Cod curbing and prohibit discharge of stormwater to vernal pool areas. In addition, the applicant's wetland scientist has reported that there are no vernal pools present in the wetland impact areas. Neither the Rochester Conservation Commission nor the LAC for the designated Isinglass River commented on this application.

**2006-01388                      HORTON, DAVID & LOUISE**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 61 ft permanent docks connected by a 6 ft by 24 ft permanent walkway, install a 26 ft by 36 ft seasonal canopy over the center slip, install (2) three pile ice clusters at the end of each dock, on Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

Con Com submitted comments about lack of plans.

APPROVE PERMIT:

Construct two 6 ft by 61 ft permanent docks connected by a 6 ft by 24 ft permanent walkway, install a 26 ft by 36 ft seasonal canopy over the center slip, install (2) three pile ice clusters at the end of each dock, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated October 11, 2006, as received by the Department on October 13, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit 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 30 ft lakeward at full lake elevation of 504.32.
8. The minimum clear spacing between piles shall be 12 feet.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
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(d), construction of a docking system providing 4 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 an average of 380 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.

6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-01403                      LAURENDEAU ENTERPRISES INC, ROBERT LAURENDEAU  
BRADFORD   Unnamed Stream**

Requested Action:

Amended After the Fact Approval Conditions

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APPROVE AMENDMENT:

Retain a 30-inch x 20-foot culvert and associated headwalls installed in a perennial stream impacting 214 square feet and 75 linear feet in the banks and bed of the channel for the construction of a driveway for access to one (1) lot of a 2-lot residential subdivision on an approximately 65 acre parcel.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #1 of this approval.

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. The impacts were necessary for the construction of a driveway for access to one (1) lot of a 2-lot residential subdivision.
3. 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.
4. 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.

**2006-01949                      MULTIFLEX DEVELOPMENT CORP  
LACONIA   Paugaus Bay**

Requested Action:

Permanently remove an existing permanent docking facility consisting of two piling supported docks and remove a 10 ft by 16 ft concrete pad in the waterbody, construct two 6 ft by 40 ft seasonal docks attached to two 2 ft by 6 ft concrete pads, connected in a "U" configuration by a 6 ft by 28 ft seasonal walkway, on Lake Winnepesaukee, Laconia.

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Conservation Commission/Staff Comments:

Con Com submitted comments about applicant requesting moorings also.

APPROVE PERMIT:

Permanently remove an existing permanent docking facility consisting of two piling supported docks and remove a 10 ft by 16 ft concrete pad in the waterbody, construct two 6 ft by 40 ft seasonal docks attached to two 2 ft by 6 ft concrete pads, connected in a "U" configuration by a 6 ft by 28 ft seasonal walkway, on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Robert Lemire dated July 15, 2006, revision dated October 18, 2006, as received by the Department on October 20, 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 structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All dredged or excavated material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The bank and shoreline shall be stabilized and restored and to original conditions after the concrete pad has been removed.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. The stairs shall be constructed with no disturbance to the bank.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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(d), construction of a docking system that provides for 4 boat 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 Department considers seasonal docks less impacting than permanent docking structures.
5. The applicant has an average of 261 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02224 GALVIN, LEONARD  
ALTON Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 30 ft permanent piling supported docks connected by a 4 ft by 12 ft permanent walkway accessed by a 4 ft wide stairway constructed over the bank, install a 14 ft by 30 ft seasonal canopy over the center slip, install two tie off piles in the northern slip and two tie off piles in the southern slip on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com submitted comments about abutters view with canopy, the agent submitted a signed notarized letter from the abutter who is also the applicant.

APPROVE PERMIT:

Construct two 6 ft by 30 ft permanent piling supported docks connected by a 4 ft by 12 ft permanent walkway accessed by a 4 ft wide stairway constructed over the bank, install a 14 ft by 30 ft seasonal canopy over the center slip, install two tie off piles in the northern slip and two tie off piles in the southern slip on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 21, 2006, as received by the Department on August 24, 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. 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.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. This permit does not allow for maintenance dredging.

6. Installation of this docking structure or access steps shall not require modification, regarding, recontouring, of the shoreline.
7. This shall be the only structure on this water frontage.
8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
9. The minimum clear spacing between pile bents shall be 12 feet.
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. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 199 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The site is exposed to sufficient northeasterly fetch to meet the requirements of Rule Env-Wt 402.05.

**2006-02453 MCLLOUD, CHARLES  
HOLDERNESS Big Squam Lake**

Requested Action:

Repair/replace existing docks. Extend existing most north westerly dock landward 22 ft on 285 ft of frontage on Squam Lake in Holderness.

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APPROVE PERMIT:

Repair an existing 22 ft x 39 fot concrete pier, repair an existing 5 ft x 36 ft concrete pier and extend that pier 20 ft land ward to span eroded shoreline on 285 ft of frontage on Squam Lake in Holderness.

With Conditions:

1. All work shall be in accordance with plans by Charles McLoud 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
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, particularly loons', breeding and nesting areas shall be avoided.
6. This permit does not allow for maintenance dredging.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. New addition shall serve the purpose of only connecting the existing dock to the shoreline.
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), modification of a permanent docking facility providing 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(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted evidence of significant erosion and loss of land in the area of the pier extension.
6. The landward extension of the pier will allow the continued use of the grandfathered pier and will also stabilize the erodin shoreline.

**2006-02582 NH DEPT OF TRANSPORTATION  
HINSDALE Kilburn Brook**

Requested Action:

Reestablish and rebuild an undermined slope downstream of a bridge using large rock and concrete blocks to repair flood damage impacting 2,050 sq. ft. of brook and bank (1,700 sq. ft. temporary).

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APPROVE PERMIT:

Reestablish and rebuild an undermined slope downstream of a bridge using large rock and concrete blocks to repair flood damage impacting 2,050 sq. ft. of brook and bank (1,700 sq. ft. temporary). NHDOT project #14540N.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by NHDOT Bureau of Bridge Maintenance dated 9/06, as received by the Department on September 28, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Rock to be placed shall be free of fines.
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
6. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. 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.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. 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.
11. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream 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. This project will repair the slope downstream of a bridge damaged in the October, 2005 flood.
6. This project has been discussed at the monthly Natural Resource Agency meetings.

**MINIMUM IMPACT PROJECT**

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**2006-02165 UNH - FACILITIES & DESIGN CONSTRUCTION  
DURHAM Unnamed Stream**

Requested Action:

Dredge and fill 1,800 sq. ft. of wetlands to remove and replace in-kind an deteriorated existing 30" x 595' drainage pipe under existing athletic fields.

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APPROVE PERMIT:

Dredge and fill 1,800 sq. ft. of wetlands to remove and replace in-kind an deteriorated existing 30" x 595' drainage pipe under existing athletic fields.

With Conditions:

1. All work shall be in accordance with plans by David W. White & Son. dated August 2006, as received by the Department on 8/18/2006.
2. Repair shall maintain existing size, location and configuration.
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. Area shall be regraded to original contours following completion of work.
5. 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).
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. 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.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a non-docking structure such as a culvert, headwall, etc., with no change in location, configuration, construction type or dimensions proposed.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing drainage pipe is failing and the surface of the athletic field is collapsing.
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 applicant proposes to replace the existing pipe in-kind during low flow conditions.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The Durham Conservation Commission did not report on this application. Several NH Heritage Bureau/NH Fish & Game Dept. hits were reported in the vicinity in nearby College Woods, however the location of this pipe and its replacement in-kind represents no new impact or change to College Woods or the existing ecology of the area.

**FORESTRY NOTIFICATION**

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**2006-02797                    ROY, STEPHEN**  
**NEWBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newbury Tax Map 41, Lot# 552-363

**2006-02798                    PLUM CREEK MAINE TIMBERLANDS LLC**  
**CAMBRIDGE   Unnamed Stream**

**2006-02803                    VENUTI, RICHARD & HEIDI**  
**GREENVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Grenville Tax Map 1, Lot# 58

**2006-02815                    WEISS, BLAIR**  
**PETERBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Barrington Tax Map 273, Lot# 48

**2006-02818                    RIVERWOOD COMMERCIAL PROPORTTIES INC**  
**PEMBROKE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Pembroke Tax Map 634, Lot# 1

**2006-02820                    BERGERON, SHAWN & LINDA**  
**MADISON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Madison Tax Map 233, Lot# 53 & 58

**2006-02821                    PLAISTED, RICHARD & GLORIA**  
**MOULTONBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Moultonboro Tax Map 24, Lot# 1

**2006-02823                    GAJEWSKI, GERRY**  
**BARRINGTON   Unnamed Stream**

**2006-02828                    LANDRY, JOSEPH & GAYLE**  
**SALISBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Forestry

**2006-02829                    BOUTIN, LEONARD**  
**GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R7, Lot# 11-2 & 11-2-1

**2006-02848                    DANIELS, RANDALL**  
**WALPOLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Walpole Tax Map 8, Lot# 6

**2006-02849                    SPNH**  
**ENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Enfield Tax Map 13, Lot# 26-1

**EXPEDITED MINIMUM**

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**2002-02066                    AUBURN, TOWN OF**  
**AUBURN   Clark Pond Brook**

Requested Action:  
Request to locate the temporary bypass culvert in a different location than shown on the approved plan.  
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APPROVE AMENDMENT:  
Replace an existing deteriorated bridge with a 7' x 15' x 38.5' precast arch (bottomless box) culvert, with associated wing walls and riprap bank stabilization along a section of bank 10' beyond the wingwalls.

- With Conditions:
1. All work shall be in accordance with plans by Dufresne-Henry dated July 2002, as received by the Department on September 20, 2002 with amended temporary by-pass culvert details as submitted by M.A. Bean Assoc. on November 9, 2006.
  2. This permit is contingent upon obtaining and executing a temporary 15' wide construction easement as depicted on the approved plans.
  3. 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.

4. Temporary cofferdams and culvert shall be entirely removed immediately following construction.
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. Work shall be done during low flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2006-01143                      B-N-D DEVELOPERS LLC, DON & BRENDA DEVITO**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Dredge and fill 2800 square feet and install two 15-inch x 20 foot culverts for access to a proposed single family residence.

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APPROVE PERMIT:

Dredge and fill 2800 square feet and install two 15-inch x 20 foot culverts for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated March 2006, and revised through August 11, 2006, as received by the Department on October 12, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during periods of non-flow.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be 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 or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule 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.

**2006-02056                      CERSOSIMO INDUSTRIES INC**  
**FRANCESTOWN   Unnamed Wetland**

Requested Action:

Amended Project Specific Conditions

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Conservation Commission/Staff Comments:

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

APPROVE AMENDMENT:

Dredge 2,172 square feet of palustrine forested wetlands to construct an approximately 9,000 square foot fire pond and associated spillway and dry hydrant for a 5-lot residential subdivision on an approximately 37 acre parcel with approximately 19 acres of "green space".

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated July 15, 2006 as received by the DES Wetlands Bureau on August 15, 2006 and plans by SVE Associates dated July 17, 2006 and September 5, 2006, as received on September 18, 2006.
2. 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.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
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 equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. 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 for the construction of a fire pond for a 5-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(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. An access road from 2nd New Hampshire Turnpike is being constructed for access to the dry hydrant.
- 6. The Conservation Commission signed the application but did not submit comments.

**2006-02104                      ROGERS, TONI**  
**NORTHWOOD   Unnamed Wetland**

Requested Action:

Approve name change to: Toni Rogers, 35 Coles Way, Atkinson NH 03811 per request received 11/06 2006. Previous owner Paul Stillwell.

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APPROVE NAME CHANGE:

Dredge and fill 2,400 sq. ft. of wetlands to install two 12" x 30' culverts to construct a driveway crossing to a single family dwelling.

With Conditions:

- 1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants dated 6/9//2006, as received by the Department on 8/18/2006.
- 2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
- 5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
- 6. No fill shall take place in Atlantic white cedar swamps.
- 7. 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.
- 8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 10. Proper headwalls shall be constructed within seven days of culvert installation.
- 11. Culvert outlets shall be properly rip rapped.
- 12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 14. Work shall be done during low flow.

With Findings:

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

**2006-02198                      OTHMER, EDWARD**  
**HAMPTON   Hampton River / Atlantic Ocean**

Requested Action:

Replacement of an existing deteriorated 8"x4'x42' timber bulkhead with a concrete retaining wall of the same dimensions and in the same location adjacent to the Hampton River tidal marsh with 42 feet of shoreline frontage.

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Conservation Commission/Staff Comments:

The Hampton Conservation Commission does not oppose the project with conditions noted in the permit.

APPROVE PERMIT:

Replacement of an existing deteriorated 8"x4'x42' timber bulkhead with a concrete retaining wall of the same dimensions and in the same location adjacent to the Hampton River tidal marsh with 42 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Edward Othmer dated September 18, 2006, as received by the Department on September 20, 2006.
2. DES staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Work shall be done during low tide only.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The siltation fence shall be installed immediately adjacent to the existing wall prior to the walls removal.
6. All work shall be done from the top of bank.
7. No machinery shall enter the water or encroach on the marsh.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Repair shall maintain existing size, location and configuration.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
11. 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.
12. The owner shall plant smooth cordgrass(*Spartina alterniflora*) after the wall is constructed in accordance with condition no.13.
13. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters [low tide], and that results in no change in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the failure of the existing was eminent.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the wall will be replaced in-kind.
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 existing bulkhead is near failure with backfill spilling out onto the adjacent tidal marsh.
6. This project is consistent with other recent approvals by the Bureau to replace deteriorated wooden bulkheads with concrete or block retaining walls in the region.
7. The Hampton Conservation Commission (HCC) does not oppose the granting of the permit. However, the HCC would like the owner to plant smooth cordgrass (*Spartina alterniflora*) after the wall is constructed.

**2006-02593**

**LYME CONSERVATION COMMISSION, MATT STEVENS**

**LYME Grant & Clay Brooks**

Requested Action:

Install a 12-inch x 40-foot corrugated culvert and wire mesh debris cage in a Clay Brook beaver dam and stabilize approximately 40 linear feet of Grant Brook with anchored pine logs.

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APPROVE PERMIT:

Temporarily impact approximately 500 square feet of Clay Brook to install a 12-inch x 40-foot corrugated culvert and wire mesh debris cage in a beaver dam, downstream of Post Pond.

With Conditions:

1. All work shall be in accordance with plans by Matthew Stevens dated October 05, 2006, as received by the Department on October 10, 2006.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the Department.
2. The proposed project will not require invasive breaching of the beaver dam.
3. No fill or excavation is proposed.
4. The Grant Brook stabilization portion of the proposed project was withdrawn.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02644                      DAVIS, EVANGELINA**  
**NEWBURY Lake Sunapee**

Requested Action:

Repair an existing 46 ft of retaining wall and repair a concrete pad to access the docking structure on Lake Sunapee, Newbury.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 46 ft of retaining wall and repair a concrete pad to access the docking structure on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by D Button dated October 06, 2006, as received by the Department on October 13, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit 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.

- 6. Work shall be done during drawdown.
- 7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02701 REED, EDWARD & JOSEPHINE  
FREEDOM Loon Lake**

Requested Action:

Repair and modify an existing 15 ft retaining wall by cutting back the slope to a 1:1 slope and resetting the wall on Loon Lake, Freedom.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and modify an existing 15 ft retaining wall by cutting back the slope to a 1:1 slope and resetting the wall on Loon Lake, Freedom.

With Conditions:

- 1. All work shall be in accordance with plans as received by the Department on October 20, 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. Repair shall maintain existing size, location.
- 4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
- 5. 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.

**2006-02705 LANDING BOAT CLUB, JERRY GULLEY  
NEWBURY Lake Sunapee**

Requested Action:

Repair an existing major docking facility consisting of a (8) 16 inch by 21 ft finger docks and (1) 16 inch by 26 ft 6 inch finger attached to a concrete pier, and (2) 20 inch by 14 ft fingers, (2) 20 inch by 18 ft fingers, (3) 20 inch by 20 ft fingers and (7) 20 inch by 18 ft 6 inch fingers attached to a 3 ft by 89 ft dock on Lake Sunapee, Newbury.

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Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Repair an existing major docking facility consisting of a (8) 16 inch by 21 ft finger docks and (1) 16 inch by 26 ft 6 inch finger attached to a concrete pier, and (2) 20 inch by 14 ft fingers, (2) 20 inch by 18 ft fingers, (3) 20 inch by 20 ft fingers and (7) 20 inch by 18 ft 6 inch fingers attached to a 3 ft by 89 ft dock on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by The Dock Doctors dated October 01, 2006, as received by the Department on October 20, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. 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. 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. This permit does not allow for maintenance dredging.
7. Repairs shall maintain existing size, location and configuration.
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.

**TRAILS NOTIFICATION**

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**2006-02444 PLUM CREEK MAINE TIMBERLANDS LLC**  
**STEWARTSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:  
Stewartstown/Clarksville Tax Map R6, Lot# 2

**2006-02819 TILLOTSON CORP, RICK TILLOTSON**  
**COLEBROOK Unnamed Stream**

COMPLETE NOTIFICATION:  
Colebrook Tax Map R13, Lot# 1

**2006-02847 BEDFORD LAND TRUST**  
**BEDFORD Unnamed Stream**

COMPLETE NOTIFICATION:  
Bedford Tax Map 14, Lot# 70

**LAKES-SEASONAL DOCK NOTIF**

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**2006-02826                    BRYSON, CHRIS**  
**WOLFEBORO   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Wolfeboro NH Tax Map# 199 Lot# 8 Lake Winnepesaukee

**ROADWAY MAINTENANCE NOTIF**

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**2006-02840                    NH DEPT OF TRANSPORTATION**  
**ENFIELD   Unnamed Stream**

**2006-02845                    NH DEPT OF TRANSPORTATION**  
**NOTTINGHAM**

**2006-02850                    NH DEPT OF TRANSPORTATION**  
**CENTER HARBOR   Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2006-02632                    SMITH, WILLIAM**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:  
Remove existing seasonal dock, and install a new seasonal dock southerly of existing location.  
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PBN IS COMPLETE:  
Remove existing seasonal dock, and install a new seasonal dock southerly of existing location.

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.

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.

**2006-02695                      FREITAS, RICHARD**  
**PETERBOROUGH   Unnamed Stream**

Requested Action:

PBN disqualified as there is no need for the proposed impacts.

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PBN DISQUALIFIED:

PBN disqualified as there is no need for the proposed impacts.

**2006-02745                      LIBERTY MUTUAL GROUP, ANTHONY LEONARD**  
**DOVER   Unnamed Stream**

Requested Action:

Impact 200 square feet which includes 20 linear feet within the bed and banks of an intermittent stream to removed accumulated sediment from a 12-inch culvert for continued usefulness and install two (2) temporary stone checkdams to prevent sediment migration.

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Conservation Commission/Staff Comments:

The Dover Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 200 square feet which includes 20 linear feet within the bed and banks of an intermittent stream to removed accumulated sediment from a 12-inch culvert for continued usefulness and install two (2) temporary stone checkdams to prevent sediment migration.

**2006-02788                      HEPWORTH IRREVOC TRUST, ALFRED**  
**DERRY   Beaver Lake**

Requested Action:

repair/replace existing retaining wall.

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PBN IS COMPLETE:

repair/replace existing retaining wall.