

# Wetlands Bureau Decision Report

Decisions Taken  
12/04/2006 to 12/10/2006

## **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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**2005-01609                      COLEBROOK SCHOOL DISTRICT  
COLEBROOK   Unnamed Wetland**

Requested Action:

Amend permit to remove finding #7 of the previously issued approval letter and permit, as the US Fish & Wildlife Service requirement for additional mitigation is no longer required.

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Inspection Date: 04/15/2005 by Craig D Rennie

APPROVE AMENDMENT:

Amend permit to read: Fill 128,938 square feet of wetlands (2.96 acres) to expand and re-configure athletic fields used by the Colebrook school district and local community.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated June 28, 2005, as received by the Department on July 11, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
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. 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 in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. 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).

MITIGATION CONDITIONS:

11. This permit is contingent upon the execution of a conservation easement on 30 acres of undeveloped land as depicted on plans received July 11, 2005.
12. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
13. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
14. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

15. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
16. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
17. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a Major Project per NH Administrative Rule Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. DES staff conducted a pre-application meeting and field inspection of the proposed project on April 15, 2005 and determined that the proposed wetland impact areas appear to be previously disturbed from past agricultural and ditching activities that were sponsored by the USDA Natural Resource Conservation Service. During the pre-application meeting, DES staff recommended that the applicant meet with federal resource agencies for regulatory guidance.
3. The applicant's agent held additional pre-application meetings during the summer of 2005 with the Army Corps of Engineers and the US Fish & Wildlife Service, as well as initiated phone conversations with the Environmental Protection Agency, and the National Marine Fisheries Service.
4. The project is necessary to meet the current and proposed programs by the school athletic programs and town recreational activities. There are no other athletic or recreation fields in Colebrook, and the current field serves additional communities such as Columbia, Errol, Stewartstown, and Vermont border communities; therefore, the need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
6. To mitigate the proposed wetland impacts, the applicant is proposing to execute a conservation easement on 30 acres of undeveloped land adjacent to the current NH Department of Recreation and Economic Development owned parcel known as the Beaver Brook Falls Scenic Area. The protection of this 30 acres parcel meets the requirements and ratios of the Mitigation Rules under Chapter Wt 800.
7. 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.
8. The public hearing is waived with the finding that the on-site wetlands have all been historically impacted and drained by past logging and agricultural activities, as well as by more recent highway and/or school construction; therefore, the project does not propose to impact wetlands resources with significant functions and values within this watershed.

**2005-01814                      LAKESIDE COLONY, C/O GARY WITLEY  
TUFTONBORO    Lake Winnepesaukee**

Requested Action:

Relocate portion of a nonconforming docking structure with a net reduction of 8 sq ft.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Relocate portion of a nonconforming docking structure with a net reduction of 8 sq ft.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-01871 PEGGY'S COVE ASSOCIATION  
ALTON Lake Winnepesaukee**

Requested Action:

Dredge out existing boatslips and install rip-rap along bank.

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

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge out existing boatslips and install rip-rap along bank.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-02191 PURITY SPRING RESORT  
FREEDOM Danforth Ponds**

Requested Action:

Replenish sand on an existing 12,067 sq ft campground beach.

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Inspection Date: 11/21/2005 by Chris T Brison

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replenish sand on an existing 12,067 sq ft campground beach.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-01509 REGAN, DANIEL  
ENFIELD Crystal Lake**

Requested Action:

Retain approximately 47 linear feet of retaining wall and a 36.5 ft x 14 ft sloped beach on 90 ft of frontage on Crystal lake in Enfield.

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Conservation Commission/Staff Comments:

No comments from Con Com by November 21, 2006

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

DENY AFTER THE FACT:

Retain approximately 47 linear feet of retaining wall and a 36.5 ft x 14 ft sloped beach on 90 ft of frontage on Crystal lake in Enfield.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:3, The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other projects under this chapter.
3. In accordance with RSA 483-B:3 Consistency Required, "All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
4. In accordance with Env-Ws 1405.05 Slope Limitation for Accessory Structures, "No accessory structure shall be built and land having greater than 25% slope".
5. In accordance with Env-Wt 304.04 Setback from Property Lines, " The department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
6. In accordance with Env-Wt 304.08 Beaches, "No new private beach shall use more than 20 percent of the applicant's contiguous shoreline up to a maximum of 50 feet of the applicant's contiguous shoreline.

Findings of Fact

7. In accordance with Env-Wt 303.02(o), the project is classified as a major project.
8. On June 19, 2006, the Department received an after the fact Standard Dredge and Fill application to retain a sloped beach.
9. The applicant submitted a \$100 application fee with the application.
10. The application materials submitted did not include an overview plan of the frontage. Only a cross section of the frontage was submitted. The cross section showed an average slope of 27%.
11. The applicant has an average of 90 feet of shoreline frontage on Crystal Lake.
12. Measurements taken during a field inspection by DES staff on June 9, 2006, indicate that the project resulted in 652 sq ft of impact to the bank of Crystal Lake.

Rulings in Support of the Decision

13. The applicant has not submitted the required fee for the 652 sq ft of impact to the bank as required by RSA 482-A:3.
14. The 27 foot long beach impacts 30% of the property's frontage and therefore fails to meet the requirements of Env-Wt 304.08.
15. The beach is located within the 20 foot abutter setback and fails to meet Env-Wt 304.04.
16. The beach impacts a slope in excess of 27% and fails to meet Env-Wq 1405.05 therefore this application is denied per RSA 483-B:3.

Requested Action:

Approve name change to: Centex Destination Properties/Loon Mountain Recreation Corp., PO Box 1147, Lincoln, NH 03251 per request received 12/5/2006. Previous owner: Loon Mountain Recreation Corp ( sole owner).

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Inspection Date: 06/29/2006 by Craig D Rennie

APPROVE NAME CHANGE:

Dredge and fill 2,287 square feet of wetlands and 2,906 square feet within perennial streams (impacting 1,246 combined linear feet within the bed and banks, of which 1,011 linear feet will be restored through the removal of existing culverts and replacement with bottomless arch pipes) to construct access roads and 22 condominium units as part of the Phase II expansion of the South Mountain area owned by Loon Mountain Recreation Corp. Temporarily impact 170 square feet of wetland and stream (impacting 45 linear feet) for construction access. Mitigate permanent stream impacts by upgrading 4 existing culverts with bottomless pipes to restore proper stream function, by removing existing culverts and restoring the natural stream bed, and by stabilizing the banks along an existing eroded stream channel utilizing native plantings.

With Conditions:

1. All work shall be in accordance with plans by plans by Horizons Engineering dated July 2006, as received by the Department on July 28, 2006; and in accordance with bank stabilization plans by Pioneer Environmental Associates dated October 11, 2006, as received by the Department on October 17, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded 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. 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.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work within streams shall be done during low flow conditions.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

18. This permit is contingent upon the restoration and stabilization of perennial streams as described in the application proposal

prepared by Pioneer Environmental Associates dated July 21, 2006, as received by DES on July 28, 2006.

- 19. The schedule for construction of the stream restoration areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
- 20. Stream restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning and stable stream channels.
- 21. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stream restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
- 22. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the stream restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
- 23. Bank plantings shall have at least 75% successful establishment of woody vegetation after one (1) growing season, or shall be replanted and re-established until a stable stream bank is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 24. Future phases of development within the South Mountain expansion area that require permanent wetland impacts shall prepare and present to DES an overall mitigation plan that incorporates clear long-term land use planning and protection in order to ensure that compensation is considered on an entire landscape perspective and not isolated per phase.

With Findings:

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

**MINOR IMPACT PROJECT**

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**2005-00967                      MURDOCK REVOC TRUST, FRANCIS**  
**ASHLAND   Squam River**

Requested Action:

Construct a 4 ft x 28 ft dock.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Construct a 4 ft x 28 ft dock.

With Findings:

- 1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
- 2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-01476                      NH DEPT OF TRANSPORTATION**  
**TILTON   Unnamed Stream**

Requested Action:

Follow-up application for th EMERGENCY AUTHORIZATION to stabilize the embankment using stone along Rte. 3 at two

locations impacting 40 linear feet (700 sq. ft.) of stream and bank.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm EMERGENCY AUTHORIZATION issued on July 1, 2005 to stabilize the embankment using stone along Rte. 3 at two locations impacting 40 linear feet (700 sq. ft.) of stream and bank. NHDOT project #M313-5.

**With Conditions:**

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

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

**2005-02378                      NH DEPT OF TRANSPORTATION**  
**EASTON   Gale River**

**Requested Action:**

Follow-up application for the EMERGENCY AUTHORIZATION to dredge 210 sq. ft. at the outlet of 24" culvert.

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**CONFIRM EMERGENCY AUTHORIZATION:**

EMERGENCY AUTHORIZATION issued on October 11, 2005 to dredge 210 sq. ft. at the outlet of 24" culvert. NHDOT project #M116.

**With Conditions:**

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of bank.
2. The project was necessary to stabilize the banks of the Ham Branch of the Gale River in order to prevent damage to Route 116.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 11, 2005.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2005-02482                      NH DEPT OF TRANSPORTATION**  
**ERROL   Androscoggin River**

**Requested Action:**

Follow-up application for the EMERGENCY AUTHORIZATION to repair 75 linear ft of washed out embankment impacting 1,875 sq. ft.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm EMERGENCY AUTHORIZATION issued on October 19, 2005 to repair 75 linear ft of washed out embankment impacting 1,875 sq. ft. NHDOT project #M106.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(l), projects that disturb less than 200 linear feet of bank.
2. The project was necessary to stabilize the banks of the Androscoggin River in order to prevent damage to Route 16.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 19, 2005.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-00748                      WILKS, ROBERT**  
**HILLSBOROUGH    Gould Pond**

Requested Action:

After the fact approval for beach replenishment and wall construction.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

After the fact approval for beach replenishment and wall construction.

With Findings:

1. 1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-00935                      SOWARDS, DON**  
**CENTER BARNSTEAD    Lower Suncook Lake**

Requested Action:

Dredge and relocate 26 rocks (approximately 16 cu yd) as identified on the approved plan and install a 6 ft by 30 ft seasonal dock on an average of 224 ft of frontage on Lower Suncook Lake, in Center Barnstead.

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Conservation Commission/Staff Comments:

No comments by Con Com by July 13, 2006

Fish and Game has concerns about rock removal and fish habitat

APPROVE PERMIT:

Dredge and relocate 26 rocks (approximately 16 cu yd) as identified on the approved plan and install a 6 ft by 30 ft seasonal dock on an average of 224 ft of frontage on Lower Suncook Lake, in Center Barnstead.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated April 10, 2006, revision dated November 6, 2006, as received by the Department on November 14, 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit supercedes permit 2005-00521 for the seasonal dock on the frontage.
4. Work shall be done during drawdown.
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. Dredged material shall only be placed in the area identified on the approved plan.
7. This permit does not allow for any equipment to operate on the lakebed.
8. This permit does not allow for dredging of boatslips on the frontage.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The applicant has an average of 224 feet of shoreline frontage along Lower Suncook Lake.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-01012                      MOUSSEAU, JANN & TERRY WENDORF**  
**ALLENSTOWN   Suncook River**

Requested Action:

Dredge and fill 1250 square feet including the installation of riprap along 80 linear feet of bank of the Suncook River to stabilize eroding bank.

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APPROVE PERMIT:

Dredge and fill 1250 square feet including the installation of riprap along 80 linear feet of bank of the Suncook River to stabilize eroding bank.

With Conditions:

1. All work shall be in accordance with plans by Topo-Tech dated November 27, 2006, as received by the Department on November 28, 2006 and cross section plans as received October 11, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow.
5. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. No equipment shall enter the water.

10. All work shall be done from the top of the bank.
11. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
17. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
18. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Silt fencing must be removed once the area is stabilized.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-01068  
SALEM**

**DIGIAMPAOLO, MARIANNE**

Requested Action:

ATF project to permit sand placed below the normal high water mark elevation.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

ATF project to permit sand placed below the normal high water mark elevation.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-01654                      HOWLAND, ROBERT**  
**FREEDOM Danforth Pond**

Requested Action:

Applicant requests reconsideration of the Department's September 25, 2006 decision to deny the application for a retaining wall on basis that the shoreline had been eroding and that other walls have been constructed along shorelines in the area.

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Conservation Commission/Staff Comments:

Request for Reconsideration received on 11/20/06 from Robert A. Shaines, Esq. of Shaines & McEachern, PA, tel. 436-3110

DENY RECONSIDERATION:

Reconsider and reaffirm the Department's September 25, 2006 decision to deny the application for 70 linear ft of retaining wall on property having 100 ft of frontage Danforth Pond in Freedom.

With Findings:

Grounds for Reconsideration:

1. The Applicant attests that the slope has a grade in excess of 30 percent and that a retaining wall was necessary to stabilize the pre-existing bank conditions.
2. The Applicant states that the retaining wall is to provide a beach, adjacent to the water.
3. The Applicant states that steps recessed into the bank were needed to replace existing wooden steps in a different location constructed over the bank.
4. The Applicant cites the existence of retaining walls on other properties around Danforth Pond as justification for constructing a retaining wall on their property.
5. The Applicant states that the wall is a replacement for a pre-existing wooden retaining wall.

Standards of Approval:

6. In accordance with Rule Env-Wt 302.05, Applications received after work is completed shall be subjected to the same review as any other application. Consideration of an after-the-fact application shall not preclude or limit the department's exercise of any enforcement powers it possesses.
7. In accordance with Rule Env-Wt 302.03 (a)(1)&(2), the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, potential impacts have been avoided to the maximum extent practicable; and any unavoidable impacts have been minimized.
8. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau shall issue permits only when the proposed project are consistent with the policies of the Comprehensive Shoreland Protection Act ("CSPA").
9. Pursuant to Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant shall be the one with the least impact to wetlands or surface waters on site.
10. Pursuant to Rule Env-Wt 302.04, (d)(1) The department shall not grant a permit if a less impacting alternative exists.
11. Pursuant to Rule Env-Wq 1405.05 No accessory structure shall be built on land having a greater than 25% slope.
12. Pursuant to Rule Env-Wt 303.04(d)(2) No fill or dredge shall occur below the high water line or full pond elevation.
13. Pursuant to Rule Env-Wt 304.08(b) the construction of a beach shall not alter more than 20 percent of the applicant's contiguous shoreline up to a maximum of 50 ft.
14. Pursuant to Rule Env-Wt 402.20, Modification of Existing Structures, the department shall not approve any change in size, location, or configuration of an existing structures unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged land than the current configuration.

Findings of Fact:

15. October 12, 2006 the Department received a request for reconsideration of a denial of an after the fact application for a retaining wall dated September 26, 2006.
16. This project is classified as a minor project per Rule Env-Wt 303.03(k).
17. The retaining wall and beach are accessory structures which impact an area with a slope greater than 25%.
18. The Applicant failed to provide any evidence of a pre-existing retaining wall or a pre-existing beach as claimed in the Request for Reconsideration dated October 11, 2006, as received by the Department on October 12, 2006.
19. Field inspection by DES staff on November 1, 2006 found that the plans submitted to the file do not accurately depict the frontage and that the Applicant installed a second set of lake access steps recessed into a bank with a grade greater than 25%.
20. Field inspection by DES staff on November 1, 2006 found that the Applicant had stockpiled sand and fill lakeward of the normal high water mark elevation.
21. Field inspection found no erosion, siltation, or turbidity controls were installed as would be required by RSA 483-B.

Rulings in Support of the Decision:

22. The issuance of a permit to construct a wall and beach in a slope steeper than 25% fails to meet the requirements of Rule Env-Wq 1405.08 and is therefore prohibit per RSA 483-B:3.
23. The replacement of the stairs over the bank with new stairs excavated into the bank fails to meet Rule Env-Wt 302.04(a)(1) and therefore is denied in accordance with Rule Env-Wt 302.04 (d) (1).
24. The existence of retaining walls on other properties, whether legally constructed or not, does not provide grounds for the issuance of a permit for a retaining wall that does not meet the guidelines, rules, and/or laws governing Wetlands and Shoreland jurisdiction on the subject lot.
25. The Applicant has failed to provide documentation of any pre-existing retaining wall and/or beach as claimed within the Request for Reconsideration.
26. The replacement of the stairs over the bank with more impacting stairs excavated into the bank fails to meet the requirements of Rule Wt 402.20 and therefore is not approvable.

**2006-01941                      WILSON JR, MARTEL**  
**ENFIELD   Mascoma Lake**

Requested Action:

Replace an existing 54 ft of retaining wall, install a 6 ft by 40 ft seasonal dock accessed by a 6 ft wide access stair over the bank on Mascoma Lake, Enfield.

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APPROVE PERMIT:

Replace an existing 54 ft of retaining wall, install a 6 ft by 40 ft seasonal dock accessed by a 6 ft wide access stair over the bank on Mascoma Lake, Enfield.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC dated November 01, 2006, as received by the Department on November 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
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/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work shall be done during drawdown.
7. This shall be the only docking 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.
8. Seasonal pier shall be removed from the lake for the non-boating season.

9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair or replacement of existing retaining walls.
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 114 feet of shoreline frontage along Lake Mascoma.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02002 CROSS ROAD REALTY TRUST, DAN BRICKETT TTEE  
SANDOWN Unnamed Wetland**

Requested Action:

Dredge and fill a total of 8,900 sq. ft. of palustrine forested wetlands to construct a roadway with culvert crossings and drainage structures to access a 4-lot residential subdivision on a 20.21 acre parcel of land.

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Conservation Commission/Staff Comments:

No comments received from the Sandown Conservation Commission. Report received on December 06, 2006 from S.E.C. & Associates, Inc., with revised plans, states that the Conservation Commission and other local agencies have reviewed the project.

APPROVE PERMIT:

Dredge and fill a total of 8,900 sq. ft. of palustrine forested wetlands to construct a roadway with culvert crossings and drainage structures to access a 4-lot residential subdivision on a 20.21 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by S.E.C. and Associates, Inc. and Gregsak Engineering, Inc. dated May 9, 2006 and May 19, 2006 respectively (last revised 11-30-06), as received by the Department on December 06, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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 by certified mail, return receipt requested, prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. NH DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

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.

**2006-02262 HAYES, FREDRICK  
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Install a 4 ft by 4 ft seasonal dock 100 ft east of an existing 4 ft x 32 ft dock on 285 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a 4 ft by 40 ft seasonal dock 100 ft east of an existing 4 ft x 32 ft dock on 285 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 28, 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines over the water.
4. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
5. Seasonal piers shall be removed for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system the provides for 4 boat slips including previously existing boat slips.
2. The applicant has 285 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02398 STEELE, HERBERT & PATRICIA  
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft by 30 ft seasonal dock and construct a 6 ft by 40 ft permanent piling supported dock on an average of 85 ft of frontage on Cow Island, Lake Winnepesaukee, in Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com submitted comments concerning need for permanent structure, and questioned the need for the proposed length.

APPROVE PERMIT:

Permanently remove an existing 4 ft by 30 ft seasonal dock and construct a 6 ft by 40 ft permanent piling supported dock on an average of 85 ft of frontage on Cow Island, Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated September 06, 2006, as received by the Department on September 19, 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. The seasonal dock shall be completely removed prior to the construction of the permanent dock.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. The dock shall not extend more than 40 ft lakeward at full lake elevation of 504.32.
10. The minimum clear spacing between piles shall be 12 feet.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The agent for the applicant submitted information in the application addressing the local Conservation Commission concerns.
6. The applicant has an average of 85 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02457 MANGINI, VICTOR  
GREENFIELD Unnamed Wetland**

Requested Action:

Dredge and fill 1311 square feet of palustrine forested wetland including 80 linear feet of intermittent stream impact for access in the subdivision of 32.32 acres into 2 single family residential lots.

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APPROVE PERMIT:

Dredge and fill 1311 square feet of palustrine forested wetland including 80 linear feet of intermittent stream impact for access in the subdivision of 32.32 acres into 2 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by David M. O'Hara and Associates dated May 31, 2006, as received by the Department on September 15, 2006, and Subdivision Plans by David M O'Hara and Associates dated May 30, 2006, and revised through as received by the Department on September 15, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

until the area is stabilized.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02796                      WOOLSON, PATRICIA**  
**GRANTHAM   Stocker Pond**

Requested Action:

Hydrorake a total of 7000 sq ft of wetland vegetation on three unctiguous sites on Stocker Pond in Grantham.

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Conservation Commission/Staff Comments:

Mrs. Eckbreth called 11/08/06 to ask for corrections on her admin complete letter

DENY PERMIT:

Hydrorake a total of 7000 sq ft of wetland vegetation on three unctiguous sites on Stocker Pond in Grantham.

With Findings:

Standards of Approval

1. In accordance with Rule Env-Wt 302.03 (a)(1)&(2), the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, potential impacts have been avoided to the maximum extent practicable; and any unavoidable impacts have been minimized.
2. Pursuant to Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
3. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
4. Pursuant to Rule Env-Wt 302.04 (d)(3) The department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands.
6. Pursuant to Rule Env-Wt 402.16 All frontage considered shall be contiguous and owned by the same person.
7. In accordance with Rule Env-Wt 501.02 (c), Additional Data, Applicants shall provide plans showing the general contour of the shoreline and the footprint of all impacts relative to the normal highwater line and property lines.

Findings of Fact

8. On October 26, 2006, the Department received an application to hydro-rake a total of 7000 sq ft of wetland vegetation on three noncontiguous property frontages located in Grantham on Stocker Pond.
9. The plans do not adequately portray the proposed project and the extent of wetland impacts.
10. The Applicant failed to provide a need for the proposed project.
11. Proposal includes properties that are not contiguous of one another.

Ruling in support of the Decision

12. The Applicant failed to provide the need for the impacts per Rule Env-Wt 302.04(a) and therefore the application is denied in accordance with Rule Env-Wt 302.04(d).
13. The applicant has failed to provide documentation that the project impacts were not avoidable as per Env-Wt 302.03 and are the least impacting alternative as per Rule Env-Wt 302.04 (a)(2), therefore the application is denied per Rule Env-Wt 302.04(d).
14. The Applicant has failed to submit plans meeting the requirements of Rule Env-Wt 501.02(c).
15. The proposal to dredge the frontages of 3 non-contiguous properties fails to meet the requirements of Rule Env-Wt 402.16.

**2006-02799                      PISCATAQUA RIVER APARTMENTS**  
**MANCHESTER    Piscataqua River**

Requested Action:

Clear trees within the 150 ft natural woodland buffer along 65 ft of the Piscataquog River for the installation of overhead electrical power lines to replace an existing submarine cable.

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APPROVE PERMIT:

Clear trees within the 150 ft natural woodland buffer along 65 ft of the Piscataquog River for the installation of overhead electrical power lines to replace an existing submarine cable.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates Inc. dated as received by the Department on April 14, 2006.
2. Building envelope shall not exceed a 65 ft width.
3. Vegetative ground cover shall remain intact except for access and a 15 ft building envelope around support poles.
4. NH Heritage Bureau found records of the threatened species Bird's Foot Violet and Wild Lupine. The cut/impact area shall be inspected by a qualified professional for Bird's Foot Violet (*Viola pedata*) and Wild Lupine (*Lupinus perennis*) prior to work. Particular care shall be taken to ensure that any on site occurrence of these species shall be left undisturbed from any direct or indirect impacts. The NH Heritage Bureau shall be notified of each occurrence of these species prior to the onset of work if these species are found on the site. Occurrences of the species shall be conspicuously flagged for protection during work. Flags shall be removed when work is completed.
5. 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.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
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. Periodic pruning is permissible under this permit to protect lines from hazard trees and vegetation.
9. All cut trees and slash shall be removed from wetlands jurisdiction and the protected shorelands. Slash and/or cut trees shall not be allowed to enter surface waters.
10. Within 50 ft of the normal high water mark elevations stumps and their root systems shall remain intact. Please note that stumps may be ground down to ground elevation.
11. All other related 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 project per Rule 303.03(a).
2. This project is approved in accordance with RSA 483-B:9 IV-b and RSA 483-B:3
3. The applicant has met the requirements of RSA 483-B:6 II.
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(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-03056                      GILSUM, TOWN OF**  
**GILSUM   White Brook**

Requested Action:

1. Request to riprap approximately 250 linear feet of banks of Ashuelot River at toe of slope failure area and remove and dispose of trees in channel and in area of slope failure as marked by NRCS engineer to see and mulch approximately .3 acres at DSR # 24;
2. Request to construct 9' high gabion wall along approximately 120 linear feet of White Brook and place large boulders in banks as directed by NRCS engineer at DSR # 25;
3. Request to construct gabion wall along approximately 100 linear feet of White Brook and mulch and seed .1 acre at DSR # 26;
4. Request to construct boulder retaining wall and approximately 90 linear feet gabion retaining wall with associated 20 linear foot rock riprap along approximately 180 linear feet of Ashuelot River to protect adjacent building and infrastructure at DSR # 27, as identified by the Town of Gilsum and qualified by a federal agency's multi-disciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 704, 705, 706, 708, 709.

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APPROVE PERMIT:

1. Riprap approximately 250 linear feet of banks of Ashuelot River at toe of slope failure area and remove and dispose of trees in channel and in area of slope failure as marked by NRCS engineer to see and mulch approximately .3 acres at DSR # 24;
2. Construct 9' high gabion wall along approximately 120 linear feet of White Brook and place large boulders in banks as directed by NRCS engineer at DSR # 25;
3. Construct gabion wall along approximately 100 linear feet of White Brook and mulch and seed .1 acre at DSR # 26;
4. Construct boulder retaining wall and approximately 90 linear feet gabion retaining wall with associated 20 linear foot rock riprap along approximately 180 linear feet of Ashuelot River to protect adjacent building and infrastructure at DSR # 27, as identified by the Town of Gilsum and qualified by a federal agency's multi-disciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 704, 705, 706, 708, 709.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 29, 2006.
2. Prior to commencing work, the applicant shall submit a "pollution Control Plan" and "Debris Disposal Plan" to the DES Wetlands Bureau for review and approval.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowner prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectmen, the Town Conservation Commission, and the Ashuelot River Advisory Committee at least two (2) days prior to the start of work.
5. A finalized plan set and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
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. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
12. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
13. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
14. Erosion control structures must be removed once the area is stabilized.
15. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site readily accessible at all times during construction and each operator shall be trained in their use.
19. 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.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. These stabilization sites were identified by the Town of Gilsum following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
6. The shoreline stabilization sites were identified by the Town because the ongoing erosion causes threat to downstream infrastructure or adjacent infrastructure.
7. Removal of the standing trees is necessary to reduce mass failure of undercut and compromised river banks.
8. The DES Wetlands Bureau and DES Watershed Management Bureau many of the project sites with NRCS staff on September 20, 2006.
9. The NH Natural Heritage Bureau did not have record of any rare or endangered species or exemplary natural communities near the project sites.
10. The Ashuelot River Local Advisory Committee submitted comments to the DES Wetlands Bureau stating that they approve of the application as presented (Letter dated 11-20-06).
11. The Conservation Commission signed the application but did not submit comments.

**MINIMUM IMPACT PROJECT**

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**2005-00824                      NH DEPT OF TRANSPORTATION**  
**LACONIA   Tributary To Lake Winnepesaukee**

Requested Action:

Follow-up application for the EMERGENCY AUTHORIZATION ISSUED on April 28, 2005 to remove eroded gravel material and place stone to stabilize railroad embankment.

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Conservation Commission/Staff Comments:  
Cons. Comm. notes no objection

**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm EMERGENCY AUTHORIZATION ISSUED on April 28, 2005 to remove eroded gravel material and place stone to stabilize railroad embankment impacting 630 sq. ft. (150 sq. ft. temporary) of seasonal stream and bank. NHDOT project #66020-7.

**With Conditions:**

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x).
2. The project was necessary to stabilize the railroad bank.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 28, 2005.
4. Review of the application submitted pursuant the emergency authorization indicates that the work area is shown on the plan as a total of 630 sq. ft. and meets the intent of the emergency authorization.

**2005-02291 NH DEPT OF TRANSPORTATION  
COLEBROOK North Branch Beaver Brook**

**Requested Action:**

Follow-up on Emergency Permit to remove debris from a 48 in. culvert and outlet temporarily impacting 160 sq. ft.

\*\*\*\*\*

**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm Emergency Permit issued on September 28, 2005 to remove debris from a 48 in. culvert and outlet temporarily impacting 160 sq. ft. of brook and bank. NHDOT project #2005M102-0501.

**With Conditions:**

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2005-02637 NH DEPT OF TRANSPORTATION  
CONCORD Ash Brook**

**Requested Action:**

After the fact application to remove debris from three 60 in. culverts impacting 175 sq. ft. of brook.

\*\*\*\*\*

**APPROVE AFTER THE FACT:**

After the fact application to remove debris from three 60 in. culverts impacting 175 sq. ft. of brook. NHDOT project #M505-1.

**With Conditions:**

1. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x), maintenance of a culvert with no change in

size, location or configuration.

**2005-02657 NH DEPT OF TRANSPORTATION  
PITTSFIELD Gas House Brook**

Requested Action:

Follow-up application for the EMERGENCY AUTHORIZATION ISSUED on November, 7 2005 to construct an outlet for an underdrain to prevent roadway flooding and icing.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Confirm the EMERGENCY AUTHORIZATION ISSUED on November, 7 2005 to construct and outlet along 10 ft. of the bank to Gas House Brook (100 sq. ft.) for an underdrain to prevent roadway flooding and icing. NHDOT project #2005M316-5.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2005-02746 NH DEPT OF TRANSPORTATION  
BROOKLINE Tributary To Potanipo Pond**

Requested Action:

Follow-up application for the EMERGENCY AUTHORIZATION to replace a failed 18 in. culvert.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Confirm EMERGENCY AUTHORIZATION ISSUED on November 11, 2005 to replace a failed 18 in. culvert temporarily impacting 200 sq. ft. of intermittent stream. NHDOT project #2005M515-1.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2006-00202 NH DEPT OF TRANSPORTATION  
WAKEFIELD Unnamed Wetland**

Requested Action:

Follow-up application of the Emergency Permit to replace a 15 in. x 40 ft. culvert.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Emergency permit issued on February 7, 2006 replace a 15 in. x 40 ft. culvert temporarily impacting 400 sq. ft. of seasonal stream and banks. NHDOT project #M312-6.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**2006-00876 MARTEL, NATALIE  
HAVERHILL Unnamed Wetland**

Requested Action:

Dredge and fill 2,274 square feet of emergent wetlands to install a 15-inch x 60-foot HDPE culvert for road access to 4-lots (phase II) of a 6-lot subdivision.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2,274 square feet of emergent wetlands to install a 15-inch x 60-foot HDPE culvert for road access to 4-lots (phase II) of a 6-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering PLLC dated March 2006, as received by the Department on April 18, 2006, and Subdivision Plans by Harry J. Burgess dated July 2004, as received by the Department on November 07, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands on lot numbers 54-3(1.12 acres), 54-4(2.01 acres), 54-5(1.15 acres), and 54.6(2.01 acres) for lot development, driveways, culverts, or for septic setback.
4. The property owner of the remaining lot 54 (82.66 acres) shall have the wetlands and surface waters delineated by a Certified Wetland Scientist prior to any future subdivision or alteration of wetlands or surface waters.
5. The deed which accompanies the sales transaction for lots 54-3, 54-4, 54-5, and 54-6 shall contain condition #3 of this approval.
6. The deed which accompanies the sales transaction for remaining lot 54 (82.66 acres) shall contain condition #4 of this approval.
7. A permit amendment shall be requested by the applicant if final lot numbers are different than stated in this permit.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. There are no future plans to subdivide the remaining lot 54 (82.66 acre).
3. The applicant is also subdividing tax map/lot 414/109, which is across Brushwood Road. 4. Impacts resulting from the tax map/lot 414/109 subdivision have been submitted as a separate application.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, Natural Heritage Bureau, or the Haverhill Conservation Commission.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Impact 470 square feet of tidal beach to regrade a pedestrian path comprised of cobble-sized stone leading from a right-of-way to the beach for safety.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission does not oppose the granting of approval to retain the work done under the Emergency Authorization (2006-1439)

CONFIRM EMERGENCY AUTHORIZATION:

Impact 470 square feet of tidal beach to regrade a pedestrian path comprised of cobble-sized stone leading from a right-of-way to the beach for safety.

With Conditions:

1. The emergency authorization of June 15, 2006, does not allow for annual beach regrading.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project was necessary to allow for safe pedestrian access to the beach.
3. Due to the previous winters storms, wave action and longshore current deposited cobble-sized stone higher on the beach. These stones are located above the highest observable tide line.
4. This work was deemed minimum as no work was performed in the inter-tidal zone
5. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on June 15, 2006.
6. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-02431                      GARDNER, ROBERT  
JACKSON   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 966 square feet of forested wetlands for access to a relocated single family residence.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 966 square feet of forested wetlands for access to a relocated single family residence.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Company Inc. dated June 06, 2006, as received by the Department on September 14, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. 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), alteration of less than 3,000 square feet of wetlands.
2. Tax map/lot R9/23A is a lot of record.
3. There is no subdivision planned at this time.
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(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2006-02976                      FADDEN, THOMAS**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 15, Lot# 30

**2006-03018                      ASTLE, ALAN**  
**DALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dalton Tax Map 407, Lot# 1

**2006-03019                      BURKUSH, PHYLLIS**  
**BRISTOL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bristol Tax Map 217, Lot# 102

**2006-03020                      DAVY, HERBERT**  
**BENNINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bennington Tax Map 12 & 13, Lot# 44 & 1

**2006-03021                      CHIARELLA, MICHAEL**  
**SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Springfield Tax map 24, Lot# 222

**2006-03022 GREEN ACRE WOODLANDS INC  
RUMNEY Unnamed Stream**

COMPLETE NOTIFICATION:

Rumney Tax Map 11, Lot# 1

**2006-03023 WOODBURY, HARRY  
FRANCESTOWN Unnamed Stream**

COMPLETE NOTIFICATION:

Francestown Tax Map 9, Lot# 5

**2006-03034 WOODBURY FOREST, MARTHA CRUCIANI  
FRANCESTOWN Unnamed Stream**

COMPLETE NOTIFICATION:

Francestown Tax Map 9, Lot 5

**2006-03036 COVILLE, FREDERICK  
GREENFIELD Unnamed Stream**

COMPLETE NOTIFICATION:

Greenfield Tax Map R2, Lot# 15

**2006-03047 JANIK, DAVID  
MASON Unnamed Stream**

COMPLETE NOTIFICATION:

Mason Tax Map F, Lot# 7 & 8

**2006-03049 BEAVER BROOK ASSOCIATION  
HOLLIS Unnamed Stream**

COMPLETE NOTIFICATION:

Hollis Tax Map 16, Lot# 1

**2006-03050 RUNNELLS LANDING HOMEOWNERS ASSOCIATION  
HOLLIS Unnamed Stream**

COMPLETE NOTIFICATION:

Hollis Tax Map 5, Lot# 31

**2006-03053 CHIARELLA, JOHN**  
**SPRINGFIELD Unnamed Stream**

COMPLETE NOTIFICATION:  
Springfield Tax Map 24, Lot# 262,202

**2006-03068 YANKEE CLIPPER COUNAL / BOY SCOUTS OF AMERICA**  
**KINGSTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Kingston Tax Map R10, Lot# 10

**2006-03069 RIEL ESTATE, WARREN**  
**PITTSFIELD Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsfiels Tax Map R38, Lot# 8 & 9B

**2006-03070 WHITE MOUNTAIN REGIONAL SCHOOL DISTRICT**  
**WHITEFIELD Unnamed Stream**

COMPLETE NOTIFICATION:  
Whitefield Tax Map 208, Lot# 2

**2006-03071 GATTON, SUSAN**  
**ALTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Alton Tax Map 12, Lot# 32

**2006-03073 UNH WOODLANDS**  
**DURHAM Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 14, Lot# UNH

**EXPEDITED MINIMUM**

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

Requested Action:  
Request to add rip-rap toe protection to bottomless box culvert footing design due to the lack of adequate bedrock footing material.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Replace an existing deteriorated bridge with a 7' x 15' x 38.5' precast arch (bottomless box) culvert, with associated wing walls, riprap footing protection 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 and amended plan by Stantec Consulting Services Inc., "Footing Riprap Details" plan dated December 2006 as received by the Department on December 7, 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.

**With Findings:**

1. Amendment is required due to the lack of adequate bedrock material to secure footings for the approved bridge. The bedrock issue was discovered during construction of the bridge.
2. The proposed change will maintain an approximately 8 ft. wide natural stream bed and 15 ft. stream span. The original bridge span was approximately 11 feet.

**2005-00331 HASKELL, RICK  
MELVIN VILLAGE Lake Winnepesaukee**

**Requested Action:**

Install three permanent tie off pilings adjacent to a nonconforming seasonal dock.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Install three permanent tie off pilings adjacent to a nonconforming seasonal dock.

**With Findings:**

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-02348                      DESFOSSÉS, GARY & PATRICIA**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Construct a roadway with culvert to a proposed 24 lot subdivision impacting 2990 sq. ft. of wetlands.

\*\*\*\*\*

WITHDRAW APPLICATION:

Construct a roadway with culvert to a proposed 24 lot subdivision impacting 2990 sq. ft. of wetlands.

With Findings:

1. The applicant's agent submitted a letter requesting withdrawal of the application: "Due to the many planning issues and other factors, the owners are at this time rethinking the course of action if any."

**2005-02425                      CALLAHAN, JOSEPH**  
**MOULTONBOROUGH   Middle Brook Channel**

Requested Action:

Remove existing 3 ft x 13 ft seasonal dock and replace it with a 4 ft x 16 ft seasonal dock.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Remove existing 3 ft x 13 ft seasonal dock and replace it with a 4 ft x 16 ft seasonal dock.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-00407                      CARNEY, JOHN**  
**HAMPSTEAD   Big Island Pond**

Requested Action:

Repair/Replace existing boat ramp and a 5 ft x 27 ft permanent dock on 90 ft of frontage in Hampstead on Big Island Pond.

\*\*\*\*\*

Conservation Commission/Staff Comments:

complaint Enforce # 2006-407 has been resolved through photos as received April 13, 2006. nonjurisdictional: ID as hazard trees.

APPROVE AMENDMENT:

Repair/Replace existing boat ramp and a 5 ft x 27 ft permanent dock on 90 ft of frontage in Hampstead on Big Island Pond.

With Conditions:

1. All work shall be in accordance with plans by John Carney as received by the Department on April 11, 2006.
2. This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds Office by the Permittee. A

copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to installation.

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. 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.
6. Work shall be done during draw down.
7. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Lake.
8. Where appropriate, landowner shall provide surface water runoff diversions to prevent future erosion.
9. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
10. Shall future boat launch repair be needed for the duration of this permit; the town Conservation Commission and NHDES Wetlands Bureau shall be notified in writing describing the work proposed.
11. This permit does not allow for maintenance dredging.
12. 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.
13. Dock shall not extend more than 27 ft from the normal high water mark elevation.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00691 CLARKDALE AVE ASSOCIATION, SUZANNE WOODWARD  
SPOFFORD Spofford Lake**

Requested Action:

Replace a culvert and replenish sand on beach.

\*\*\*\*\*

Conservation Commission/Staff Comments:

READ PHONE NOTE / KIM TUTTLE DISCUSSION FOR ADDITIONAL CONDITIONS

Inspection Date: 04/26/2006 by Christine Bowman

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace a culvert and replenish sand on beach.

With Findings:

1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02791 PSNH  
HUDSON Unnamed Wetland**

Requested Action:

Dredge and fill approximately 602 sq. ft. of scrub-shrub and emergent wetlands to install 9 new transmission line poles and associated anchors and remove existing poles within the transmission line right of way as part of a transmission line upgrade through Londonderry and Hudson.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 602 sq. ft. of scrub-shrub and emergent wetlands to install 9 new transmission line poles and associated anchors and remove existing poles within the transmission line right of way as part of a transmission line upgrade through Londonderry and Hudson.

With Conditions:

1. All work shall be in accordance with plans and narratives by Public Service of New Hampshire, narratives dated September 4, and 25, 2006 and plans dated June 7, 2005, as received by the Department on November 1, and 14, 2006.
2. The work shall be conducted under low flow and frozen ground conditions.
3. The equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to prevent rutting of soils.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Wetland boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands.
6. Siltation/erosion controls shall be placed at the limits of construction in all areas where work in uplands is within 20' of the wetland boundary to prevent accidental encroachment on adjacent wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Pole removal shall consist of cutting the poles off at ground level and shall not involve any excavation. Pole removal shall be conducted only under frozen ground conditions.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur a minimum of 100 away from surface waters and wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will be conducted within a maintained transmission line right of way and under frozen ground conditions.
6. The New Hampshire Fish & Game Department did not submit comments regarding the proposed project.
7. The Hudson and Londonderry Conservation Commissions signed the Minimum Impact Expedited Applications for the their corresponding towns, waiving their right to intervene on the project.

**2006-02895                      BROWN, ROBERT**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 45 sq ft of lakebed and bank to replace a submarine cable in the same location on Welcome Island, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Impact 45 sq ft of lakebed and bank to replace a submarine cable in the same location on Welcome Island, Meredith.

With Conditions:

1. All work shall be in accordance with plans dated July 3, 1995, as received by the Department on November 15, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Impacted areas shall be regraded to original contours and replanted following completion of work.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.

**2006-02896                      FLETCHER, ALLEN & RON SCHILLER**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 38 sq ft of bed and bank to replace an existing submarine utility cable on Pitchwood Island, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Impact 38 sq ft of bed and bank to replace an existing submarine utility cable on Pitchwood Island, Meredith.

With Conditions:

1. All work shall be in accordance with plans by R C Brown dated November 6, 2006, as received by the Department on November 15, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Area shall be regraded to original contours and replanted following completion of work.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The proposed project is to repair an existing utility cable in kind. No new impacts are proposed.

**2006-02923                      FAIRVIEW REALTY CORP, DAVID WITHAM**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Repair and/or replace existing retaining wall and docks in kind on 50 ft of frontage in Gilford on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE PERMIT:

Repair and/or replace existing retaining wall and docks in kind on 50 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 17, 2006, as received by the Department on November 16, 2006.
2. This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds Office by the Permittee. A copy of the recorded 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. This permit does not allow for maintenance dredging.
5. Retaining wall repair work shall be conducted in the dry during drawdown. No retaining wall work shall be done in the water.
6. Repair shall maintain existing size, location and configuration.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. 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.
11. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
12. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further stormwater evaluation and control.
13. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
14. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact projet per Administrative Rule Env-Wt 303.04(v), repair/replace existing docking structures.
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.

**2006-02945                      KJAM ASSOC. REALITY TRUST, GORGI HABIB**  
**NEW LONDON   Lake Sunapee**

Requested Action:

Repair an the sills and supporting structure of a 28 ft 3 in by 40 ft, two-story, boathouse supported by a 9 ft 7 in by 34 ft 6 in dock and a 13 ft 10 in by 67 ft 9 in concrete supported dock on Lake Sunapee, New London.

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Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Repair an the sills and supporting structure of a 28 ft 3 in by 40 ft, two-story, boathouse supported by a 9 ft 7 in by 34 ft 6 in dock and a 13 ft 10 in by 67 ft 9 in concrete supported dock on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 12, 2006, as received by the Department on November 17, 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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs shall maintain existing size, location, configuration and use.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All construction related debris and materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. This permit does not allow for any dredging of the boatslips on the frontage.
11. This permit does not allow for the modification of the boathouse interior pursuant to RSA 482-A:26.
12. 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.

**2006-02947                      HINSDALE, TOWN OF**  
**HINSDALE   Kilburn Brook**

Requested Action:

Request to remove woody debris along approximately 250 linear feet at DSR # 33, approximately 585 linear feet at DSR # 35 located on Kilburne Brook and as identified by the Town of Hinsdale and qualified by a federal agency's multi-disciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 704, 705, 706, 708, 709.

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APPROVE PERMIT:

Remove woody debris along approximately 250 linear feet at DSR # 33, approximately 585 linear feet at DSR # 35 located on Kilburne Brook and as identified by the Town of Hinsdale and qualified by a federal agency's multi-disciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 704, 705, 706, 708, 709.

With Conditions:

1. All work shall be in accordance with plans by the USDA Natural Resources Conservation Service (NRCS) entitled "Channel and Streambank Obstruction Removal, Town of Hinsdale, DSR Site #33, 35 and Construction Specifications 704, 705, 706, 708, and 709 submitted in support of the permit application as received by the DES Wetlands Bureau on November 20, 2006.
2. Prior to commencing work, the applicant shall submit a "Pollution Control Plan" and "Debris Disposal Plan" to the DES Wetlands Bureau for review and approval.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectman, the Town Conservation Commission, at least two (2) days prior to the start of work.
5. A finalized plan set and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
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. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
12. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
13. There shall be no excavation or filling conducted in flowing water.
14. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
15. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
16. Erosion control structures must be removed once the area is stabilized.
17. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The debris removal sites were identified by the Town of Westmoreland following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
6. The debris removal sites were identified by the Town because the debris continues to trap additional material and has the potential to move downstream during high flow events, form ice jams, and poses a threat to downstream infrastructure.
7. The NH Natural Heritage Bureau did not have record of any rare or endangered species or exemplary natural communities near the project sites.
8. On November 30, 2006 DES received notice from the The Ashuelot River local Advisory Committee indicating that they understand and approve the plans as presented.
9. The Hinsdale Conservation Commission signed the application waiving its right to intervene and that it had no objection to permitting the proposed work.

**2006-02993                      OLCOTT, EMERY**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair a 10 ft by 51 ft 3 in dock supported by a full crib, a 10 ft 8 in by 46 ft 6 in dock supported by a 12 ft by 8 ft crib, and a 25 ft by 6 ft crib along the shoreline, supporting a 25 ft 5 in by 36 ft 6 in boathouse and reposition three piles into a single, three pile ice cluster adjacent to the northwest corner of the docking facility on an average of 179 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

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Conservation Commission/Staff Comments:

2004-2138 waiver , approved

APPROVE PERMIT:

Repair a 10 ft by 51 ft 3 in dock supported by a full crib, a 10 ft 8 in by 46 ft 6 in dock supported by a 12 ft by 8 ft crib, and a 25 ft by 6 ft crib along the shoreline, supporting a 25 ft 5 in by 36 ft 6 in boathouse and reposition three piles into a single, three pile ice cluster adjacent to the northwest corner of the docking facility on an average of 179 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 12, 2006, as received by the Department on November 22, 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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. This permit does not authorize any dredging of materials from public waters.

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.
2. The repositioning of the 3 pilings into an ice cluster will reduce the need for ice damage repairs and is less impacting than replacing the pilings in their previous locations.

**TRAILS NOTIFICATION**

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**2006-03041                    PETER & GARY LLC**  
**WEBSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Webster Tax Map 1, Lot# 2

**2006-03045                    TROY MILLS INC.**  
**TROY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Troy Tax MAP 17, Lot# 25

**LAKES-SEASONAL DOCK NOTIF**

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**2006-02495                    MCLAUGHLIN REAL ESTATE LLC**  
**WAKEFIELD   Lovell Lake**

**2006-03065                    HUDLOW JR, RICHARD**  
**STODDARD   Highland Lake**

COMPLETE NOTIFICATION:  
Stoddard NH Tax Map# 121-13 Lot# 13 Highland Lake

**ROADWAY MAINTENANCE NOTIF**

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**2006-03054                    NH DEPT OF TRANSPORTATION**  
**MERRIMACK   Unnamed Stream**

**2006-03055 NH DEPT OF TRANSPORTATION  
CONTOOCCOOK Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2006-02868 VAILLANCOURT, RICHARD  
SUGAR HILL Unnamed Wetland**

Requested Action:

Dredge and fill 1,096 square feet of forested wetlands to install a 15-inch x 20-foot plastic culvert for driveway access to a 2.18 acre single family building lot.

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PBN IS COMPLETE:

Dredge and fill 1,096 square feet of forested wetlands to install a 15-inch x 20-foot plastic culvert for driveway access to a 2.18 acre single family building lot.

**2006-03039 DEMASI, ANDREW  
GILSUM Unnamed Stream**

Requested Action:

Disqualify permit by notification to install a culvert for access as the application is after the fact, per Env Wt 506.01(b).

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PBN DISQUALIFIED:

Disqualify permit by notification to install a culvert for access as the application is after the fact, per Env Wt 506.01(b).