

# Wetlands Bureau Decision Report

Decisions Taken  
12/11/2006 to 12/17/2006

## **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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**2004-01981                    CRE TILTON TRIPLE NET HOLDINGS LLC, UBS REAL ESTAT  
TILTON   Unnamed Wetland**

Requested Action:

Approve name change to: CRE Tilton Triple New Holdings LLC, UBS Real Estate Investments Inc., 1251 Avenue of the Americas, 22nd fl, New York, NY 10020 per request received 12/11/2006. Previous owner: Carnoustie Center LLC.

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Conservation Commission/Staff Comments:

Please see findings for this permit.

APPROVE NAME CHANGE:

Dredge and fill 2.7 acres of palustrine forested wetland for access and lot development and installation of a dry hydrant. Mitigate for impacted areas by funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton and preserve approximately 55 acres, including 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with plans by TF Moran dated December 20, 2004, and revised through January 21, 2005, as received by the Department on February 4, 2005 and Plan Sheet 11 of 30 by TF Moran dated December 20, 2004, and revised through September 19, 2005, as received by the Department on December 5, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. This permit is contingent on approval of the NH Department of Transportation Driveway permit.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting 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.
9. Work shall be conducted during low water conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. 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. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. 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.
16. 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.
17. 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.
18. Silt fencing must be removed once the area is stabilized.

19. 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:

20. This permit is contingent upon the applicant funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton with a focus on identifying potential future conservation lands and protection of wildlife corridors within the bounds of the town.

21. The permittee shall submit to NHDES Wetlands Bureau a proposal for a preferred qualified professional who they wish to conduct Natural Resources Inventory and Open Space Plan for the Town of Tilton. NHDES Wetlands Bureau and must agree in writing to the qualifications of the designated professional.

22. A copy of the Natural Resources Inventory and Open Space Plan shall be submitted to NHDES Wetlands Bureau prior to October 1, 2005. DES Wetlands Bureau will consider a written request to extend this date if additional time is needed to complete the Inventory and Plans.

23. This permit is contingent upon the preservation of approximately 55 acres, referred to as "Buffalo Park" and identified as Tilton tax map R-17, lot 20. The conservation land area, which includes 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer, shall be conveyed to The Town of Tilton by Warrantee Deed and be under the stewardship of the Tilton Conservation Commission.

24. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to the Town of Tilton shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.

25. DES Wetlands Bureau Staff shall review the restrictions of the proposed Warrantee Deed prior to recordation with the Belknap County Registry of Deeds.

26. A plan providing the boundaries of the preservation lot and a stewardship plan shall be submitted to DES Wetlands Bureau for review prior to recordation with the Belknap County Registry of Deeds.

27. A copy of the recording of the deed, stewardship plan, and preservation lot plan, from the Belknap County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

28. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.

29. Signs to indicate the location of and restrictions on the preservation areas shall be posted no further than every 150 feet along the boundary of the conservation areas by October 1, 2005.

30. The logging activities in the open space/preservation area shall be severely limited by the Warranty Deed.

31. There shall be no removal of the existing vegetative undergrowth within the preservation area and clear cut logging, the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

32. Activities in contravention of the Warranty Deed 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 permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-00875 HEMLOCK HEIGHTS IMPROVEMENT ASSOCIATION  
ATKINSON Big Island Pond**

Requested Action:

Replenish an existing 95 ft x 55 ft beach with 100 cu yd of sand on frontage located on Big Island Pond in Atkinson.

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Inspection Date: 06/30/2009 by Chris T Brison

APPROVE PERMIT:

Replenish an existing 95 ft x 55 ft beach with 100 cu yd of sand on frontage located on Big Island Pond in Atkinson.

With Conditions:

1. All work shall be in accordance with plans by Christine Maffeo as received by the Department on December 8, 2006.

2. No more than 100 cu yds of sand may be used and all sand shall be located above the normal high water line.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(O), replenishment of a beach requiring more than 20 cu yd of sand.
2. The need for the sand 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. DES Staff conducted a field inspection of the proposed project on June 30,2006. Field inspection determined area is stable, and a replenishment for community recreational purposes is needed.

**2006-01391                      SANBORN REVOC TRUST, EDYTHER  
GOFFSTOWN Prime Wetland**

Requested Action:

Dredge and fill approximately 3,462 sq. ft. of wetlands adjacent to prime wetlands for installation of a 42 in. x 29 in. x 74 ft. arch culvert for access to a proposed 7-lot subdivision (including one 43.53 acre open space lot).

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APPROVE PERMIT:

Dredge and fill approximately 3,462 sq. ft. of wetlands adjacent to prime wetlands for installation of a 4 ft. high x 8 ft. span x 74 ft. long open bottom box culvert for access to a proposed 7-lot subdivision (including one 43.53 acre open space lot).

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano Jr., Dredge & Fill Plan sheets 1 and 2, revision dated November 2006, and plans by A.C. Engineering & Consulting, plan sheets titled, Grading & Utility Plan, Roadway Profile (PP-1), Cross Sections (XS-2), and Construction Details, revision dated October 6, 2006 and plan sheets titled Cross Sections (XS-1), Erosion Control Details, Erosion Control Specs., dated April 20, 2006, as received by the Department on November 16, 2006 .
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The 100 foot wetland buffer/setback around the designated prime wetlands, as depicted on the approved plans, shall be left in its natural state.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain conditions #5 and #6 of this approval.
8. 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 by certified mail, return receipt requested, prior to construction.
9. The boundaries of the 100 foot wetland buffer/setback located on proposed lots 17, 17-1, 17-2, 17-3, 17-4 and 17-5 shall be clearly marked by permanent monuments prior to construction.
10. The bed of the proposed open bottom box culvert crossing shall be maintained or be constructed in its natural bed substrate. New materials used must be similar to the existing natural bed substrate and shall not include angular rip-rap.
11. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
12. A New Hampshire Certified Wetlands Scientist (CWS) shall inspect the project to insure compliance with approved plans and

permit conditions.

13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Orange construction fencing shall be placed at the limits of construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. 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.
18. 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.
19. 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.
20. 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 major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The New Hampshire Fish and Game Department, Nongame and Endangered Species Program did not submit comments regarding the proposed project.
7. On June 29 and 30, 2006, the Department received comments via e-mail from the Goffstown Conservation Commission expressing concerns with the proposed project regarding erosion, septic systems in hardpan soils and pesticides and fertilizers used on lawns that would run into the prime wetland.
8. On July 14, 2006, the Department received a report from the Goffstown Conservation Commission reiterating their previous concerns and recommending "DES deny the Dredge and Fill application of Sanborn Farm Subdivision."
9. The Department conducted a site inspection on September 7, 2006 and determined that the proposed crossing area is not in the identified prime wetland, however, it would be considered adjacent to the prime wetland due to the hydrological connection and likely movement of wildlife species through the area. Additionally, it was determined that in order to mitigate for potential impacts to the prime wetland an open bottom box culvert with a natural bed would be the appropriate culvert/crossing design.
10. The applicant's agent provided the Department with a "Report of Findings" letter discussing his review of the site, the Department's site inspection and addressing the concerns of the Conservation Commission.
11. The applicant's agent provided the Conservation Commission with a copy of the letter.
12. The applicant has revised their original design from an arch culvert to a 4 ft. high x 8 ft. span x 74 ft. long open bottom box culvert with a natural bed.
13. The Department did not receive any further comments from the Conservation Commission.
14. The applicant is providing a 43.53 acre open space lot that includes all of the portions of the prime wetland and a high value perennial stream located on the applicant's property.
15. The proposed building lots will include a 100 foot wetland setback from the prime wetland, wetlands and perennial stream. A majority of the 100 foot setback is included with the 43.53 acre open space lot.
16. There is no development or structures proposed within the 100 foot setback other than construction of the access road and stormwater treatment swale.
17. A public hearing was held at the Department on November 15, 2006. No one in opposition to this project attended the public

hearing.

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

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

**MINOR IMPACT PROJECT**

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**2005-00648                      NH NORTHCOAST CORP, STEVE ARNOLD GEN MGR  
MILTON   Unnamed Wetland Milton Pond**

**Requested Action:**

Amend permit to change previously permitted culvert dimensions from twin 44" x 23' culverts, to one 23.5' x 8' x 4' box culvert, with a total unchanged wetlands impact of 1,247 sq. ft.

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**Conservation Commission/Staff Comments:**

Conservation Commission recommends approval of this project.

**APPROVE AMENDMENT:**

Dredge and fill 1,247 square feet of wetlands to install one 23.5' x 8' x 4' box culvert to upgrade an active rail line crossing running between a ponded drainage area and Milton Pond which received authorization for emergency repair on April 4, 2005.

**With Conditions:**

1. AMENDED: All work shall be in accordance with revised plans by Blue Moon Environmental, Inc. dated September 2006, as received by the Department on 9/28/2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. 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).
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. The dimensions proposed of the box culvert will provide better hydrologic conditions and storm flow capacity.

**2005-01440 CRE TILTON TRIPLE NET HOLDINGS LLC, UBS REAL ESTAT  
TILTON Unnamed Stream Winnepesaukee River**

Requested Action:

Approve name change to: CRE Tilton Triple Net Holdings, LLC, c/o UBS Real Estate Investments, Inc., 1251 Avenue If the Americas, 22nd fl, New York, New York 10020 per request received 12/11/2006. Previous owner: Carnoustie Center, LLC.

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APPROVE NAME CHANGE:

Fill 2,339 sq. ft. of palustrine wetland and riverbank and temporarily impact 917 sq. ft. to modify a stormwater system along Rte. 11 to the Winnepesaukee River.

With Conditions:

1. All work shall be in accordance with:
  - a. Plans by Vanasse Hagen Brustlin, Inc., cover sheet dated 6/05, as received by the Department on June 1, 2005.
  - b. Shoreland Protection Zone restoration plan sheet 6 of 13 by Vanasse Hagen Brustlin, Inc., dated July 8, 2005 as received by the Department on July 12, 2005 and
  - c. Revised Plan sheets 12 and 22 of 54 by Vanasse Hagen Brustlin, Inc., dated September 6, 2005 as received by the Department on September 6, 2005 modifying outlet structure 300A grate elevation to 483.00.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
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; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. 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.
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. Matting and pinning shall stabilize slopes steeper than 3:1.
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. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. 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. 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.
16. All work shall be coordinated with the NH Dept. of Transportation.

With Findings:

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

**2005-01868                      FECTEAU, MARK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Construct a seasonal "W-shaped" docking facility consisting of three 6 ft x 26 ft piers connected by two 6 ft x 12 ft walkways 4 ft wide access stair connected to a 6 ft x 6 ft platform on 412 ft of frontage in Alton on Lake Winnepesaukee.

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

APPROVE PERMIT:

Construct a seasonal "W-shaped" docking facility consisting of three 6 ft x 26 ft piers connected by two 6 ft x 12 ft walkways 4 ft wide access stair connected to a 6 ft x 6 ft platform on 412 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction, as received by the Department on November 29, 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. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons, breeding and nesting areas shall be avoided.
5. The seasonal piers shall be removed from the lake for five months during the non-boating season.
6. No portion of the docking structure shall extend more than 30 ft from the shoreline at full lake elevation.
7. All activity on this property shall be conducted 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 4 boat slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 24, 2005, the inspection determined that the site does not meet the requirements for a permanent docking facility as originally proposed.
6. The applicant has an average of 412 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-00401                      JH REALTY TRUST**  
**EPPING   Unnamed Wetland**

Requested Action:

Approve name change to: JH Realty Trust, 58 Portsmouth Ave., Stratham, NH 03885 per request received 12/12/2006. Previous owner: SSAB Realty LLC.

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Conservation Commission/Staff Comments:

Conservation Commission did not object; had suggestions the applicant has been willing to address.

**APPROVE NAME CHANGE:**

Dredge and fill 3,386 sq. ft. of man-made wetlands for site improvements at an existing commercial associated with construction of a retail car dealership.

**With Conditions:**

1. All work shall be in accordance with plans by TF Moran Inc. dated 1/18/2006, as received by the Department on 2/23/2006.
2. This permit is contingent upon receipt by DES of written permission from the abutter, McDonald's Corporation, allowing the permittee permission to work within the 20' abutter setback, per the requirements of Wt 304.04, Setback From Property Lines.
3. This permit is contingent upon approval by the DES Site Specific Program.
4. This permit is contingent upon approval by the DES Subsurface Systems Bureau.
5. 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).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. 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.
14. The adjacent Conservation Easement shall be monumented prior to the commencement of construction on this property.
15. There shall be no snow dumping in the adjacent Conservation Easement area.
16. Plantings shall be done in accordance with the plan by TF Moran, dated 1/18/2006 entitled "Landscape Plan - Hurlbert Toyota", as received by DES on 4/13/2006, and shall be deemed successful after two growing seasons, or shall be replanted until the goal of increasing the vegetated buffer adjacent to the State Rail Trail is successfully achieved.

**With Findings:**

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

**2006-00486                      DAVIS, SUZANNE**  
**TUFTONBORO   Lake Winnepesaukee**

**Requested Action:**

Construct a 4 ft x 37 ft piling pier, drive 3 tie-off pilings and install a 14 ft x 30 ft seasonal canopy on an average of 93 ft of frontage on Lake Winnepesaukee in Tuftonboro.

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**Conservation Commission/Staff Comments:**

Com Com submitted comments on location of dock.

**APPROVE PERMIT:**

Construct a 4 ft x 37 ft piling pier, drive 3 tie-off pilings and install a 14 ft x 30 ft seasonal canopy on an average of 93 ft of frontage on Lake Winnepesaukee in Tuftonboro.

**With Conditions:**

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised September 21, 2006, as received by the Department on September 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 installation.
3. These shall be the only docking structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the pier shall extend more than 37 feet from the shoreline at full lake elevation.
5. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
6. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 2 slip, permanent pier
2. The applicant has an average of 93 ft of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 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.
5. The applicant has submitted photographic evidence documenting the need for a permanent pier in accordance with Rule Env-Wt 402.05.

**2006-01158                      HAMMER, BARRY**  
**MANCHESTER Merrimack River**

Requested Action:

Stabilize approximately 80 linear ft. (1600 sq. ft.) of river bank (Merrimack River) using a combination of bio-stabilization and rip-rap. The stabilization is needed as a follow-up to repairs conducted under and emergency authorization for bank erosion that was caused during the spring of 2006 flood events.

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APPROVE PERMIT:

Stabilize approximately 80 linear ft. (1600 sq. ft.) of river bank (Merrimack River) using a combination of bio-stabilization and rip-rap. The stabilization is needed as a follow-up to repairs conducted under and emergency authorization for bank erosion that was caused during the spring of 2006 flood events.

With Conditions:

1. All work shall be in accordance with plans by Edwards and Kelcey, "River Bank Stabilization Plan and Associated Details", dated November 13, 2006, as received by the Department on November 13, 2006.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
10. A post-construction report documenting the status of the restored banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is needed to repair and stabilize erosion damage that occurred during the spring floods of 2006.
6. The applicant acquired an emergency authorization from the Department on May 18, 2006 for temporary stabilization work to protect the access road to the Intervale Country Club.
7. The New Hampshire Fish and Game Department, Nongame and Endangered Species Program did not submit comments regarding the proposed project.
8. The approved bank stabilization utilizes a combination of rip-rap and bio-stabilization.

**2006-01302                      WATSON, JAMES**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Modify an existing docking facility by removing a lakeward "L" section, adding a wharf along the shoreline and widening the seasonal portion of the docking structure on Lake Winnepesaukee, Laconia.

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Conservation Commission/Staff Comments:

Con Com submitted comments that were placed in PBN submitted 5 days earlier, 2006-1031.

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

DENY PERMIT:

Modify an existing docking facility by removing a lakeward "L" section, adding a wharf along the shoreline and widening the seasonal portion of the docking structure on Lake Winnepesaukee, Laconia.

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 Env-Wt 302.01, Statement of Purpose, "For nontidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands."
3. In accordance with Env-Wt 302.03, Avoidance, Minimization, and Mitigation, "The applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, subject to (b) below: (1) Potential impacts have been avoided to the maximum extent practicable; and (2) Any unavoidable impacts have been minimized."

4. In accordance with RSA 482-A:3, Excavating and Dredging Permit; Certain Exemptions, "Where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information: (1) Approve or deny the application, in whole or in part."
5. In accordance with Env-Wt 402.20, Modification of Existing Structures. "The department shall not approve any change in size, location, or configuration of an existing structure 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 lands than the current configuration."
6. Pursuant to Env-Wt 302.04(d)"The department shall not grant a permit if: (1) There is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction".

Findings of Fact

7. On May 26, 2006, the Department received an application from the applicant for proposed impacts to the existing non-conforming docking structure.
8. On October 06, 2006, the Department sent a Request for More Information letter to the applicant. The letter requested the applicant address the need to install the wharf along the shoreline and explain how the project meets Env-Ws 402.20.
9. On November 13, 2006, the Department received a response to the Request for More Information letter dated October 06, 2006. The response stated that the walkway was needed to access one of two personal watercraft lifts.
10. Relocating the second seasonal lift adjacent to the existing pier in the same manner as the first lift would be less impacting than a new walkway impacting 14 linear ft of shoreline.
11. The proposed project will reduce the footprint over public submerged lands by 4 sq ft but will result in an increased environment impact by impacting an additional 14 linear ft of shoreline.

Rulings in Support of the Decision

12. Pursuant to Env-Wt 302.04 the project as submitted is not the least impacting alternative and therefore is denied.
13. The project fails to meet the requirements of Env-Wt 402.20 and therefore is denied.

**2006-01981                      ROBIE, THOMAS**  
**NEW HAMPTON   Unnamed Wetland**

Requested Action:

Dredge and fill 4682 square feet for access road construction in the subdivision of 31.27 acres into 7 single family residential lots.

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APPROVE PERMIT:

Dredge and fill 4682 square feet for access road construction in the subdivision of 31.27 acres into 7 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated October 3, 2006, as received by the Department on October 25, 2006, and Subdivision Plans by Yerkes Surveying Consultants dated December 23, 2004, and revised through October 2, 2006, as received by the Department on October 25, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during periods of non-flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. 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. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02028                      RIFF, GARY**  
**SHELBURNE   Unnamed Wetland Stream**

Requested Action:

Dredge and fill 1,695 square feet of forested wetlands, including 30 linear feet of seasonal stream and 30 linear feet of perennial stream, for driveway access to both lots of a two (2) lot subdivision on approximately 4.3 acres.

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APPROVE PERMIT:

Dredge and fill 1,695 square feet of forested wetlands, including 30 linear feet of seasonal stream and 30 linear feet of perennial stream, for driveway access to both lots of a two (2) lot subdivision on approximately 4.3 acres.

With Conditions:

1. All work shall be in accordance with plans by Carlisle Survey Consultants dated July 24, 2006, as received by the Department on August 07, 2006, and narrative revisions dated November 13, 2006, as received by the Department on November 16, 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 low flow conditions.
6. 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.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. 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.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The three(3) proposed culverts accessing lot #1 shall be laid at original grade.
15. The perennial stream culvert accessing lot #2 shall be embedded.
16. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Post-construction photographs documenting the status of the completed culvert installation shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb between 50 and 200 linear feet of intermittent or perennial stream.
2. The applicant has provided an embedded culvert at the perennial stream crossing.
3. No comments were submitted from the NH Fish and Game Department or the Shelburne Conservation Commission.
4. The NH Natural Heritage Bureau documented the presence of a Sugar Maple - silver maple-white ash floodplain over one-quarter mile from the proposed project in an area adjacent to the Peabody River.
5. The proposed project is not anticipated to impact the communities identified by the NH Natural Heritage Bureau.
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(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02065                      KENDALL, MARSHALL & LUCY**  
**MILAN Cedar Pond**

Requested Action:

Replace 80 linear ft of existing retaining wall and install 6 ft access stairs, permanently remove an existing 8 ft by 20 ft permanent crib supported dock and install a 6 ft by 30 ft seasonal dock in the same location on 250 ft of frontage on Cedar Pond, Milan.

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Conservation Commission/Staff Comments:

The town of Milan does not have a Con Com.

APPROVE PERMIT:

Replace 80 linear ft of existing retaining wall and install 6 ft access stairs, permanently remove an existing 8 ft by 20 ft permanent crib supported dock and install a 6 ft by 30 ft seasonal dock in the same location on 250 ft of frontage on Cedar Pond, Milan.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates, as received by the Department on December 08, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the 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 the "existing structures" were not previously permitted or grandfathered.
4. Wall repair shall maintain existing size, location and configuration with the exception of the addition of the 6 ft wide access stairs.
5. The 6 ft x 30 ft seasonal pier shall be the only docking structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be done during drawdown.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 feet of shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.

**2006-02465 CANDIA, TOWN OF  
CANDIA Unnamed Stream Wetlands**

Requested Action:

Dredge and fill a total of 6,411 sq. ft. of palustrine forested/ scrub-shrub wetlands, including a perennial stream crossing, for roadway access and site work associated with the construction of a new municipal transfer station/ recycling center.

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Conservation Commission/Staff Comments:

No report or comments received from the Candia Conservation Commission.

Inspection Date: 07/13/2006 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 6,411 sq. ft. of palustrine forested/ scrub-shrub wetlands, including a perennial stream crossing, for roadway access and site work associated with the construction of a new municipal transfer station/ recycling center.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated September 2006, as received by the Department on September 18, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a field inspection of the proposed project on July 13, 2006.

**2006-02612                      AUGELLO, WILLIAM & JOYCE**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Replace 45 linear ft of existing wooden retaining wall with 45 linear ft of sloped rock retaining wall on 103 ft of frontage in Moultonborough on Lake Winnepesaukee.

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APPROVE PERMIT:

Replace 45 linear ft of existing wooden retaining wall with 45 linear ft of sloped rock retaining wall on 103 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. as received by the Department on October 3, 2006.
- 2. Replacement wall shall maintain existing wooden retaining wall length.
- 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 the existing wall was not previously permitted or grandfathered.
- 4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
- 6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 7. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
- 8. The wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion. If the wall has an adverse impact on adjacent properties or the stability of the shoreline, the applicant shall be responsible for the redesign and reconstruction of the wall to correct the deficiency.
- 9. The existing wooden retaining wall shall not be removed until the new boulder retaining wall is constructed.
- 10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), replacement of and existing retaining wall.
- 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.

**2006-02799                      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 AMENDMENT:**

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 David Still dated as received by the Department on November 2, 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.

**2006-03076                      GILSUM, TOWN OF**  
**GILSUM   Hayward Brook**

**Requested Action:**

Request to stabilize approximately 400 linear feet of Hayward Brook as follows:

1. Request to riprap approximately 35 linear feet and 72 linear feet adjacent to the Church Street bridge adjacent to Blacksmith Shop on the banks of Hayward Brook
2. Request to construct a nine foot gabion wall approximately 111 linear feet of Hayward Brook adjacent to access to Alstead Hill Road
3. Request to riprap approximately 46 linear feet of the banks of Hayward Brook adjacent to Memorial Street at DSR # 22 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 2, 5, 6, 8, 11.

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**APPROVE PERMIT:**

Stabilize approximately 400 linear feet of Hayward Brook as follows:

1. Riprap approximately 35 linear feet and 72 linear feet adjacent to the Church Street bridge adjacent to Blacksmith Shop on the banks of Hayward Brook
2. Construct a nine foot gabion wall approximately 111 linear feet of Hayward Brook adjacent to access to Alstead Hill Road
3. Riprap approximately 46 linear feet of the banks of Hayward Brook adjacent to Memorial Street at DSR # 22 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 2, 5, 6, 8, 11.

**With Conditions:**

1. All work shall be in accordance with plans received by the Department on December 11, 2006 faxed by NRCS.
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 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 where identified by NRCS 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 Conservation Commission submitted a letter dated November 20, 2006 that after lengthy review of the identified DSR projects including # 22, they voted to unanimously accept the proposals as presented.

**MINIMUM IMPACT PROJECT**

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**2003-00460                      MAMMONE, JOHN**  
**MIDDLETON   Unnamed Wetland**

Requested Action:

Amend permit to retain increased culvert dimensions of replacement culverts installed after original culverts were washed out during the May 2006 floods.

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APPROVE AMENDMENT:

Fill 2,990 square feet of palustrine-forested wetlands and install a 24" x 20' culvert, twin 24" x 20' culverts, and a 36" x 20' culvert to construct driveway access for lot 9-5-4, part of a 3-lot subdivision.

With Conditions:

1. AMENDED: All work shall be in accordance with the revised plans by Fox Survey Company dated April 14, 2002, as received by the Department on April 21, 2003, with the exception of the culvert diameters, which shall be according to revised plans by Roaring Brook Consultants dated 7/14/2006 as received on 7/17/2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Work shall be done during low flow or dry conditions.
8. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
9. Stone aprons shall be installed at the culverts outlets to prevent scouring and erosion.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. AMENDED: 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. Increased culvert diameter will provide adequate flow capacity for at least a 25-year storm event. The smaller culverts originally approved failed during the May 2006 flood.

**2005-02682                      PROUD YANKEE INVESTMENTS LLC**  
**BARNSTEAD   Unnamed Wetland Drainage Ditch**

Requested Action:

Retain 120 sq. ft. of wetlands impact including installation of a 18" x 40' culvert placed in roadside intermittent stream for access to a single family house lot.

\*\*\*\*\*

Inspection Date: 10/19/2006 by Dori A Wiggin

APPROVE AFTER THE FACT:

Retain 120 sq. ft. of wetlands impact including installation of a 18" x 40' culvert placed in roadside intermittent stream for access to a single family house lot.

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 minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert for access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The intermittent stream follows the road across the lot frontage and must be crossed to gain access to the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Barnstead Conservation Commission attended a site visit with DES on October 19, 2006 to review restoration of a violation area on the lot, and expressed concurrence with the applicant retaining the driveway culvert.
6. The applicant has submitted a report, dated November 22, 2006, received by DES on November 27,2006, that demonstrates that the violation area on the lot, separate from the culvert placement, has been restored.

**2006-01366                      ROCHE, KEN/RUTH**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Construct a 15 ft x 20 ft perched beach.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a 15 ft x 20 ft perched 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.

**2006-02126                      GILBERT, DELPHIS**  
**LACONIA   Detention Pond**

Requested Action:

Dredge and fill 322 square feet to install an outlet structure and increase the volume of the existing man made detention basin.

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APPROVE PERMIT:

Dredge and fill 322 square feet to install an outlet structure and increase the volume of the existing man made detention basin.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith and Associates dated May 30, 2006, and revised through June 22, 2006, as received by the Department on August 21, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
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 under dry conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All work shall be done from the top of the bank.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.03 or Wt 303.02.
2. The existing structure was man made and design to treat and discharge stormwater from the existing site.
3. The applicant has applied for and received a Site Specific Permit for this expansion.
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.

**2006-02164                      DAY, STEPHEN & SARAH**  
**WOLFEBORO   Unnamed Stream**

Requested Action:

Dredge and fill a total of 165 square feet along 50 linear feet of intermittent stream further described as follows: dredge 75 square feet to remove existing 8-inch x 15 foot culvert reestablish the stream channel, and 90 square feet to maintenance dredge and widen the stream channel.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill a total of 165 square feet along 50 linear feet of intermittent stream further described as follows: dredge 75 square feet to remove existing 8-inch x 15 foot culvert reestablish the stream channel, and 90 square feet to maintenance dredge and widen the stream channel.

**With Conditions:**

1. All work shall be in accordance with plans by Steven Day and Fernstone Associates dated July 10, 2006, and revised through November 15, 2006, as received by the Department on November 15, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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 minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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.

**2006-02269 NH DEPT OF ENVIRONMENTAL SERVICES, DAM BUREAU  
DEERING Deering Reservoir**

**Requested Action:**

Temporarily impact 8040 square feet along 560 linear feet of the upstream dam embankment to repair existing riprap and permanently impact 80 square feet of dam spillway for headwall repair.

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**APPROVE PERMIT:**

Temporarily impact 8040 square feet along 560 linear feet of the upstream dam embankment to repair existing riprap and permanently impact 80 square feet of dam spillway for headwall repair.

With Conditions:

1. All work shall be in accordance with plans by NH DES Dam Bureau dated July 1, 2006, and revised through November 16, 2006, as received by the Department on November 17, 2006.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
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. Work shall be done during drawdown.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. 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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. No equipment shall enter the water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
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. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
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. Repair shall maintain existing size, location and configuration.
20. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This is a simple repair of an existing structure.
6. The applicant wishes to do work in the winter to reduce impacts on the Common Loon.

**FORESTRY NOTIFICATION**

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**2006-03051                    MARQUIS, ROSAIRE**  
**STRATFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stratford Tax Map R1, Lot# 1

**2006-03052                    BUTTS, ELIZABETH**  
**TROY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Troy Tax Map 9, Lot# 1

**2006-03062                    BOND, ROBERT**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 695A

**2006-03063                    REID, CAMERON & EMERALL**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 25, Lot# 16-1

**2006-03064                    CORRETTE, RONALD**  
**CANAAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Cannan Tax Map 8, lot# 19

**2006-03091                    DEBOW, JOAN & LEONARD**  
**MILTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Milton Tax Map 23, Lot# 128

**2006-03093                    BERGQUIST, SANDEA**  
**WHITEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Whitefield Tax Map 233, Lot# 39

**2006-03094**                    **BULKELEY, GRACE**  
**CORNISH Unnamed Stream**

COMPLETE NOTIFICATION:  
Cornish Tax Map 2, Lot# 5

**2006-03095**                    **PINETTE, GWENDOLINE**  
**CLAREMONT Unnamed Stream**

COMPLETE NOTIFICATION:  
Claremont Tax Map 61, Lot# 1

**2006-03098**                    **HOAR TRUST, D BLAKELY**  
**FRANKLIN Unnamed Stream**

COMPLETE NOTIFICATION:  
Franklin Tax map 68 & 69, Lot# 401 & 402,403

**2006-03099**                    **FRANKLIN PIERCE COLLEGE, BRUCE KIRSH**  
**RINDGE Unnamed Stream**

COMPLETE NOTIFICATION:  
Rindge Tax Map/Lot# 6/25, 10/11, 10/12, 10/16, 10/17

**2006-03103**                    **GENEEN, JUNE**  
**LANDAFF Unnamed Stream**

COMPLETE NOTIFICATION:  
Landaff Tax Map 2, Lot# 38

**2006-03104**                    **S & M FOREST TRUST, KATHY BOHRON**  
**LEBANON Unnamed Stream**

COMPLETE NOTIFICATION:  
Lebanon Tax Map 161, Lot# 3

**2006-03105**                    **DOWNS, LEEANNE & JAMES**  
**GILMANTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 60, Lot# 52

**2006-03113**                    **GREEN CROW CORP**  
**SANBORNTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 1, Lot# 8

**2006-03114                    MANCHESTER WATER WORKS**  
**AUBURN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Auburn Tax Map 3, Lot# 7

**2006-03117                    BROOKS, DAVID**  
**SURRY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Surry Tax Map 4C, Lot# 1

**2006-03118                    DDR SEABROOK LLC**  
**SEABROOK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Seabrook Tax map 8, Lot# 55

**2006-03142                    WEDIKO CHILDREN'S SERVICES**  
**WINDSOR   Unnamed Stream**

COMPLETE NOTIFICATION:  
Windsor Tax map 4, Lot# 1

**EXPEDITED MINIMUM**

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**2006-01656                    STEWART, ROBERT & SALLY**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:  
Repair existing crib supported permanent dock and construct a 12.5 ft x 6 ft perched beach.  
\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:  
Repair existing crib supported permanent dock and construct a 12.5 ft x 6 ft perched 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.

**2006-02355                      WEBB, SANDRA**  
**SUNAPEE   Unnamed Stream**

Requested Action:

Temporarily impact wetlands associated with an intermittent stream for installation of a 20 foot open bottom arch culvert and associated footings. There shall be no impacts within the stream for access in the reconfiguration of three lots.

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APPROVE PERMIT:

Temporarily impact wetlands associated with an intermittent stream for installation of a 20 foot open bottom arch culvert and associated footings. There shall be no impacts within the stream for access in the reconfiguration of three lots.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, and revised through November 13, 2006 as received by the Department on November 13, 2006, and Subdivision Plans by Wayne McCutcheon Associates Inc dated March 4, 2006, as received by the Department on September 29, 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. Area of temporary impact shall be regraded to original contours following completion of work.
8. 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.
9. Silt fencing must be removed once the area is stabilized.
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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 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.

**2006-02408                      DRINKWATER, JOHN**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair and existing 10 ft by 37 ft 8 in permanent dock supported by a 10 ft by 33 ft crib, convert and existing sloped beach to a perched beach by constructing a 10 ft long by 7 ft to 5 ft wide perched beach with 2 cubic yards of sand on Lake Winnepesaukee,

Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application, but submitted comments. Is retaining wall high enough, will entire dock be removed?

APPROVE PERMIT:

Repair and existing 10 ft by 37 ft 8 in permanent dock supported by a 10 ft by 33 ft crib, convert and existing sloped beach to a perched beach by constructing a 10 ft long by 7 ft to 5 ft wide perched beach with 2 cubic yards of sand on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans dated, 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 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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 2 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02545                      GARLAND FAMILY REALTY TRUST, AKHIL GARLAND TTEE**  
**PETERBOROUGH   Unnamed Wetland**

Requested Action:

Request to fill approximately 2,586 sq.ft. for emergency access for 3 wetlands crossings to provide future summer school programs for The Well School.

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APPROVE PERMIT:

Request to fill approximately 2,586 sq.ft. for emergency access for 3 wetlands crossings to provide future summer school programs

for The Well School.

With Conditions:

1. Culvert outlets shall be properly rip rapped.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. The wetlands crossings are constructed to provide for additional safety during emergency situations.
2. The road will allow alternate access not available because of lack of turn-arounds on other roads.
3. The upgrading of the exiting logging road loop fulfills safety requirements so that the school can have an educational outdoor program in these areas.

**2006-02654                      HATHAWAY, SHAUN**  
**NEWPORT   Unnamed Stream**

Requested Action:

Dredge and fill approximately 90 sq. ft. of bed and bank of a perennial stream (Gilman Brook) to repair and existing water line that was exposed during flood events.

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Conservation Commission/Staff Comments:

The Conservation Commission signed the expedited application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill approximately 90 sq. ft. of bed and bank of a perennial stream (Gilman Brook) to repair and existing water line that was exposed during flood events.

With Conditions:

1. All work shall be in accordance with plans submitted by Shaun Hathaway, as received by the Department on October 12, 2006.
2. The DES Wetlands Bureau shall be notified prior to the start of construction and shall be onsite during the repair work.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. 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. Work shall be done during low flow.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The area shall be regraded to original contours following completion of work.
9. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
10. Native material removed from the streambed during the waterline repair, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
12. There shall be no operation of construction equipment in flowing water (i.e., equipment shall work from adjacent uplands).
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

14. 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.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) repair of an existing utility line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2006-02762                      LEWIS, PARICIA**  
**DOVER    Piscataqua River**

Requested Action:

Replace in-kind 83 linear ft. of existing retaining sea wall adjacent to tidal wetlands on the Piscataqua River.

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APPROVE PERMIT:

Replace in-kind 83 linear ft. of existing retaining sea wall adjacent to tidal wetlands on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 9/15/2006, as received by the Department on 10/27/2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. All equipment shall work from the landward side of the project area.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls performed in the dry with no change in dimensions or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing wall is deteriorated and needs replacement before it fails.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal is to replace the wall, which is grandfathered, in-kind with no expansion of the impact area.
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 Dover Conservation Commission signed the expedited application.
6. Administrative Rule Env-Wt 304.04(a) relative to the 20' setback from property lines is waived with the finding that the proposal does not represent a change to the currently existing wall configuration or site conditions that would affect the abutter.

**2006-02952                      WHITE REVOC TRUST, TIMOTHY & SALLY**  
**TUFTONBORO    Lake Winnepesaukee**

Requested Action:

Repair existing 35 linear feet of shoreline concrete retaining wall on Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application and submitted comments with supporting proposed project

APPROVE PERMIT:

Repair existing 35 linear feet of shoreline concrete retaining wall on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 27, 2006, as received by the Department on November 20, 2006.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Repair shall maintain existing size, location and configuration.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02954 MEYERS 2004 TRUST, DEBORAH  
LACONIA Lake Opechee**

Requested Action:

Repair an existing 41 ft of retaining wall in and 4 ft wide access steps in kind on Lake Opechee, Laconia.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 41 ft of retaining wall in and 4 ft wide access steps in kind on Lake Opechee, Laconia.

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 20, 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. Repair shall maintain existing size, location and configuration.
5. Work shall be done during drawdown.
4. Area shall be regraded to original contours following completion of work.
6. Any damage or removed vegetation shall be replanted upon completion of the wall repair.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02966                      LANGDON, TOWN OF**  
**LANGDON Cold River**

Requested Action:

Request to amend permit 2006-2966 issued November 28, 2006 to include Debris removal along 370 linear feet of the Great Brook at DSR # 60.

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APPROVE AMENDMENT:

Install 24" culvert and Remove woody debris along 4,100 linear feet at DSR 19, 20, and 39 along the Cold River and Great Brook and excavate approximately 300 cubic yards at low flow channel for flood abatement,  
Remove woody debris along 370 linear feet of the Great Brook at DSR # 60 as identified by the Town of Langdon 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, and 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 Langdon, DSR Site #19, 20, 39" 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 21, 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.

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 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 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. 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 inspected 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 Cold River Local Advisory Committee submitted comments to the DES Wetlands Bureau (received October 26, 2006) stating that they approve of the application as presented.
11. The Conservation Commission signed the application but did not submit comments.

**2006-02968                      BRICK, MARGARET**  
**WEARE Unnamed Wetland**

Requested Action:

Dredge and fill 1950 square feet to install two 30-inch x 40-inch x 40 foot box culverts in a palustrine forested wetland for access to a proposed electrical substation.

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**APPROVE PERMIT:**

Dredge and fill 1950 square feet to install two 30-inch x 40-inch x 40 foot box culverts in a palustrine forested wetland for access to a proposed electrical substation.

**With Conditions:**

1. All work shall be in accordance with plans by Ambient Engineering Inc dated July 31, 2006, and revised through October 26, 2006, as received by the Department on November 15, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Work shall be done during periods of non-flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Silt fencing must be removed once the area is stabilized.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2006-03010 NOTTINGHAM SCHOOL DISTRICT  
NOTTINGHAM Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 2,905 sq. ft. of wetlands over two locations, including 1,510 sq. ft. of impact to install a 12" x 50' culvert, and 1,395 sq. of impact for driveway fill, for access to a new municipal fire station.

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**APPROVE PERMIT:**

Dredge and fill a total of 2,905 sq. ft. of wetlands over two locations, including 1,510 sq. ft. of impact to install a 12" x 50' culvert, and 1,395 sq. of impact for driveway fill, for access to a new municipal fire station.

**With Conditions:**

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated 8/15/2006, as received by the Department on 11/28/2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant needs to cross wetlands to access buildable uplands on the site in order to have appropriate safety access to NH Route 152.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has confined the crossings to the least impacting location within the entrance constraints.
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 Nottingham Conservation Commission signed the expedited application.

**2006-03035  
MADBURY**

**CRAIG, JARROD**

Requested Action:

Dredge and fill 300 sq. ft. of wetlands and install a 12" x 24' culvert for access to a 17+ acre lot.

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APPROVE PERMIT:

Dredge and fill 300 sq. ft. of wetlands and install a 12" x 24' culvert for access to a 17+ acre lot.

With Conditions:

1. All work shall be in accordance with plans by McEaney Survey Associates dated 10/16/2006, as received by the Department on 11/30/2006.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Proper headwalls shall be constructed within seven days of culvert installation.
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. 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.
6. Work shall be done during low flow.
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert for access for a single family building lot or non-commercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some location to access the upland area of the lot.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Madbury Conservation Commission signed the expedited application.

**2006-03058                      GREGORY SULLIVAN, CAROLE**  
**MILTON   Unnamed Wetland**

Requested Action:

Dredge and fill 170 sq. ft. of roadside ditch wetlands and install a 15" x 12' culvert for construction of a driveway crossing for a single family house lot.

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APPROVE PERMIT:

Dredge and fill 170 sq. ft. of roadside ditch wetlands and install a 15" x 12' culvert for construction of a driveway crossing for a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by David Vincent LLS dated 11/28/2006, as received by the Department on 12/4/2006.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. No fill shall take place in Atlantic white cedar swamps.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01: the applicant must cross the wetland, which runs along the side of the road, to access the buildable upland area of the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the 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 Barrington Conservation Commission signed the expedited application.

**TRAILS NOTIFICATION**

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**2006-02978                    NH FISH & GAME DEPARTMENT**  
**LEMPSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lempster Tax Map 1, Lot# 142.096

**LAKES-SEASONAL DOCK NOTIF**

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**2006-03096                    BOEHM, WOLFGANG**  
**WAKEFIELD   Pine River Pond**

COMPLETE NOTIFICATION:  
Wakefield NH Tax Map# 69 Lot# 27 Pine River Pond

**SHORELAND VARIANCE / WAIV**

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**2006-02182                    CHICK, DONALD**  
**MADISON**

Requested Action:

Request a waiver from RSA 483-B:9, II(b) to allow the addition of a 12'x12' enclosed, uninsulated porch and the expansion of the bathroom by 44 square feet on an existing, non-conforming structure within the primary building setback on a property having approximately 269 feet of frontage on Silver Lake in Madison, NH.

\*\*\*\*\*

Inspection Date: 11/28/2006 by Eric M Skoglund

APPROVE CSPA WAIVER:

Request a waiver from RSA 483-B:9, II(b) to allow the addition of a 12'x12' enclosed, uninsulated porch and the expansion of the bathroom by 44 square feet on an existing, non-conforming structure within the primary building setback on a property having approximately 269 feet of frontage on Silver Lake in Madison, NH.

With Conditions:

1. All work shall be in accordance with plans designed by Jackson Associates, Inc. dated August 5, 2006 and received by the Department on August 14, 2006 and revised with supplemental information received on October 11, 2006 and November 28, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.

4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. Before the proposed construction begins on the existing non-conforming primary structure, the applicant shall upgrade the existing septic system.
6. The relocated driveway shall be crushed gravel as per plan and not paved.
7. The garage shall be removed from the property as per plan.
6. This approval does not allow lakeward expansion of the non-conforming primary structure.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming primary structure, as identified on the Town of Madison Tax Map 123 as Lot 1, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 13 feet from the reference line to Silver Lake. The entire footprint of the structure is within the 50 foot primary building setback.
3. The expansion of the existing non-conforming structure consists of the addition of a 12 foot by 12 foot enclosed, uninsulated porch and the expansion of the bathroom by 44 square feet.
4. The proposed porch will be 27 feet from the reference line. The proposed bathroom expansion will be 41 feet from the reference line.
5. Approximately 188 square feet of permanent impact within the 50 foot primary building setback is requested to be waived.
6. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
7. The applicant has proposed to discontinue the use of the existing, outdated septic system. The proposed leachfield will be located further away from the reference line than the existing cesspool.
8. The Subsurface Systems Bureau has approved the system for the property on November 15, 2005, in accordance with approval number ca2005077011.
9. The applicant has proposed the complete removal of the garage (180 square feet) from the property, thus minimizing the net increase of impervious surface.
10. The applicant has proposed a crushed gravel top for the relocated driveway instead of pavement, thus minimizing the net increase of impervious surface.
11. The proposed project will not injure the public or private rights of others.
12. The applicant's proposal provides at least the same degree of protection to the public waters.
13. The applicant's proposal is more nearly conforming and meets RSA 483-B:11,II, therefore the waiver is approved.

**2006-02502                      AUGELLO, WILLIAM & JOYCE**  
**MOULTONBOROUGH Winnepesaukee Lake**

Requested Action:

Raze an existing primary structure 21ft from the reference line and build a proposed primary structure 41ft from the reference line on property having approximatly 96.9ft of frontage on lake Winnepesaukee in Moultonborough, NH.

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Inspection Date: 11/01/2006 by Thomas Gilbert

**APPROVE CSPA WAIVER:**

Raze an existing primary structure 21ft from the reference line and build a proposed primary structure 41ft from the reference line on property having approximately 96.9ft of frontage on lake Winnepesaukee in Moultonborough, NH.

**With Conditions:**

1. All work shall be conducted in accordance with plans designed by Christopher P. Williams, Architects received by the department on October 05, 2006 and revised with supplemental information received on December 04, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. This approval does not allow lakeward expansion of the primary structure.
9. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
12. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
13. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

**With Findings:**

1. The existing non-conforming residence is located within the 50ft primary building setback therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. The existing non-conforming structure is located approximately 25ft from the reference line.
3. The construction of the proposed primary structure consists of razing the existing primary structure and building the new structure 41ft from the reference line.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to reconstruct approximately 45ft of shoreline with random stone.
6. The applicant has proposed 3 Azalia, 25 Lowbush Blueberry, 4 Rhododendron and 5 Mountain Laurel to be planted along 45ft of shoreline and on the most severe slopes on the lakeward portion of the property to provide better erosion and stabilization control on the property.
7. The applicants proposal provides at least the same degree of protection to the public waters.
8. The applicants proposal is more nearly conforming and meets RSA483-B:11,II, therefore the waiver is approved.

**With Findings:**

**Findings of Fact:**

1. On October 3, 2006, the Department received a proposal for property identified as Moultonborough Tax Map 180, Lot 17 (the "Property"), to remove a nonconforming primary structure and construct a new nonconforming structure within the 50 ft primary building setback.
2. The existing nonconforming structure is to be completely abandoned and demolished.

3. The 0.33 acre lot is of sufficient size that the proposed home could be constructed completely behind the required 50 ft setback.

Standards for Approval:

- 4. In accordance with RSA 483-B:9, Minimum Shoreland Protection Standards, II, "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line."
- 5. In accordance with RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
- 6. In accordance with RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites...the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."

Ruling in Support of the Decision:

- 7. RSA 483-B:11, II does not require the Commissioner to waive the standards of RSA 483-B:9.
- 8. The issuance of a waiver of the primary building setback to allow the construction of a new non-conforming structure on a site that could support conforming structures would not be consistent with the intent of RSA 483-B.
- 9. In accordance with RSA 483-B:3, the request for a waiver of RSA 483-B:9 is denied.

**ROADWAY MAINTENANCE NOTIF**

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**2006-03131 NH DEPT OF TRANSPORTATION  
MOULTONBOROUGH Unnamed Stream**

**2006-03138 NH DEPT OF TRANSPORTATION  
PITTSBURG Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2006-00871 BURNETT, GARY & BETTY SHEA  
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Repair/replace existing permanent docking structures in-kind.

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Conservation Commission/Staff Comments:

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

PBN IS COMPLETE:

Repair/replace existing permanent docking structures in-kind.

With Findings:

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

**2006-01205**                      **MOLIN, JENNIFER**  
**FREEDOM Lake Ossipee**

Requested Action:

Construct a new retaining wall.

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PBN DISQUALIFIED:

Construct a new retaining wall.

With Findings:

1. Construction of a new retaining wall does not qualify under the Permit By Notification process.

**2006-02218**                      **AMHERST, TOWN OF**  
**AMHERST Baboosic Lake**

Requested Action:

Replenish beach

\*\*\*\*\*

PBN IS COMPLETE:

Replenish beach

With Findings:

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

**2006-02566**                      **COWERN, RICHARD & JOYCE**  
**HEBRON Newfound Lake**

Requested Action:

Remove rock from existing retaining wall.

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PBN DISQUALIFIED:

Remove rock from existing retaining wall.

With Findings:

1. As per Rule Env-Wt 303.04(c), all repair work shall be conducted in the dry during draw down. The applicant has failed to submit this information within 20 days of the request.

**2006-02991**                      **OCONNOR, KEVIN**  
**SANBORNVILLE Pine River Pond**

Requested Action:

Construct a perch beach.

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PBN DISQUALIFIED:

Construct a perch beach.

With Findings:

1. Construction of a perched beach does not qualify under the PBN process.

**2006-03066                    BENNETT FAMILY TRUST, JUDITH GREER 2001 TRUST**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking structures.

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PBN IS COMPLETE:

Repair/replace existing docking structures.

With Findings:

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

**2006-03083                    HUNTER, DAVID & KAY**  
**MEREDITH   Unnamed Wetland**

Requested Action:

Dredge and fill 475 square feet including installation of a 12-inch x 15 feet for access to a residential lot.

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PBN IS COMPLETE:

Dredge and fill 475 square feet including installation of a 12-inch x 15 feet for access to a residential lot.

**2006-03119                    CANNIFF, EDWARD & CATHERINE**  
**BELMONT   Sunset Canal**

Requested Action:

Repair/replace existing retaining wall "in-kind".

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PBN IS COMPLETE:

Repair/replace existing retaining wall "in-kind".

With Findings:

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