

# Wetlands Bureau Decision Report

Decisions Taken  
12/25/2006 to 12/31/2006

## **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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**2003-00485 ASHLAND, TOWN OF  
ASHLAND Little Squam Lake**

Requested Action:

Amend permit to reinforce the approved beach wall.

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Conservation Commission/Staff Comments:

Con. Com. did not respond

APPROVE AMENDMENT:

Amend permit to read: Construct 325 linear ft of 3 ft wide stone wall, with class 5 rip-rap placed to protect the wall footing, and place 225 cu yd of sand above high water to perch 5,356 sq ft of existing beach with a 12 ft wide concrete handicap ramp and 6 ft wide stone stairs accessing the water, and construct a 6 ft x 44 ft grass lined drainage swale with a 6 ft x 9 ft stone lined spillway on an average 500 ft of frontage on Little Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates, P.C. dated August 2002, revised September 15, 2006, as received by the Department on September 25, 2006.
2. This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation, erosion, and 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.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. 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. Excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the base of the retaining wall shall not extend more than 6 ft lakeward of the wall. The wall shall be placed above and/or landward of the normal high water line (Elevation 562.5).
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 225 cu yd of sand may be used and all sand shall be located behind the proposed stone wall.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. This permit does not authorize the approval of any future work proposed on the existing jetty.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02 (o), modification of a public beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived based on field inspection by DES staff on April 24, 2003 with the finding that the project impacts will not significantly impair the resources of this Little Squam Lake.
6. The project as amended includes work below the normal high water line and therefore needs Governor and Executive Council approval.

7. Erosion of the substrate along the retaining wall footing has comprised the integrity of the wall. The class 50 stone to be authorized through this amendment will replace the eroded material and will be of sufficient mass to eliminate future erosion along the wall footing.

-Send to Governor and Executive Council-

**2005-02399 CHARLESTOWN, TOWN OF  
CHARLESTOWN Beaver Brook**

Requested Action:

Confirm Emergency Authorization to install a 10-foot x 80-foot CMP culvert adjacent to an existing failed box culvert. Construct concrete headwalls and install an approximate 8-foot long, 12-inch thick concrete slab at outlet to prevent scour, install 8-inch x 24-inch rip-rap in CMP bottom and remove road material from within the downstream channel.

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Inspection Date: 06/28/2006 by Christine Bowman

CONFIRM EMERGENCY AUTHORIZATION:

Install a 10-foot x 80-foot CMP culvert adjacent to an existing failed box culvert. Construct concrete headwalls and install an approximate 8-foot long, 12-inch thick concrete slab at outlet to prevent scour, install 8-inch x 24-inch rip-rap in CMP bottom and remove road material from within the downstream channel.

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 major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The previously existing box culvert failed as a result of a flooding event.
4. DES Consulted with NH Fish and Game Fisheries and determined that fish passage was not an issue prior to issuing the authorization.
5. The applicant has replicated a stream bed within the CMP culvert.
6. The hydrologic capacity of the culvert was increased as part of this project.
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 302.03.1.
8. The project was necessary to reconstruct a washed out dead end road leading to several residential lots and structures.
9. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 12, 2005, and amended on December 22, 2005.
10. Review of the information submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**MINOR IMPACT PROJECT**

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**2005-00477 WALLACE, STEPHEN  
ALTON Lake Winnepesaukee**

Requested Action:

Amend permit to add two tie off piles in the eastern slip to support a permanent boatlift.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AMENDMENT:

Permanently remove an existing 152 sq ft crib supported wharf along the shore and construct a 6 ft by 30 ft piling supported permanent dock with two tie off piles in the eastern slip to support a permanent boatlift, construct a 12 ft by 12 ft perched beach with 3 ft wide access steps to the lake on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, as received by the Department on March 11, 2005 and amendment plans from Winnepesaukee Marine Construction dated December 05, 2006, as received by the Department on December 06, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This shall be the only structure on this water frontage and all portions of the pier shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. The lakebed shall be match the existing contours adjacent to the area of crib removal.
9. 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.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. 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.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a permanent 2-slip dock.

**2006-00119 CHARLESTOWN, TOWN OF  
CHARLESTOWN Tributary To Little Sugar River**

Requested Action:

Confirm Emergency Authorization to repair existing 18 foot long x 3 foot wide x 4 feet high berm that breeched during a storm event.

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Inspection Date: 06/28/2006 by Christine Bowman

CONFIRM EMERGENCY AUTHORIZATION:

Repair existing 18 foot long x 3 foot wide x 4 feet high berm that breached during a storm event.

With Conditions:

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

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to repair the berm that keeps the unnamed stream from overtopping the roadway.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on January 20, 2006.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-01968 ALTON, TOWN OF  
ALTON Watson Brook**

Requested Action:

Impact a total of 1938 square feet within the bed and banks of an unnamed perennial stream for the replacement of an existing 5 foot box culvert with a proposed 9 foot x 4 foot x 39 foot open bottom structure further described as follows: Permanently impact 478 square feet for headwalls and temporarily impact 1460 square feet for water diversion and construction envelope.

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APPROVE PERMIT:

Impact a total of 1938 square feet within the bed and banks of an unnamed perennial stream for the replacement of an existing 5 foot box culvert with a proposed 9 foot x 4 foot x 39 foot open bottom structure further described as follows: Permanently impact 478 square feet for headwalls and temporarily impact 1460 square feet for water diversion and construction envelope.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated March 2006, and revised through July 2006, as received by the Department on December 1, 2006.
2. The Town shall obtain easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2006-01968 prior to construction.
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. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction.
6. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
10. 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.

11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #3.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Temporary water diversion measures shall be entirely removed immediately following construction.
18. Native material shall be used to emulate a natural channel bottom within the proposed structure. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap, except where illustrated on the approved plans.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during the early stages of vegetative establishment.
21. A post-construction report documenting the status of the restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
22. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. 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 Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02662 TYLER, JAMES**  
**ANTRIM Unnamed Wetland**

Requested Action:

Dredge and fill 6915 square feet of palustrine forested wetland for tractor trailer access to an existing commercial lot.

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APPROVE PERMIT:

Dredge and fill 6915 square feet of palustrine forested wetland for tractor trailer access to an existing commercial lot.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated August 30, 2006, as received by the Department on October 11, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be conducted during low water conditions.

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. 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).
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 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.

**MINIMUM IMPACT PROJECT**

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**2005-01270 GROTON, TOWN OF  
GROTON Atwell Brook**

Requested Action:

Confirm Emergency Authorization issued June 10, 2005, to repair an existing 5-foot x 40-foot culvert along Atwell Brook at Sculptured Rocks Road by installing a 5-foot x 10-foot culvert extension.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Repair an existing 5-foot x 40-foot culvert along Atwell Brook at Sculptured Rocks Road by installing a 5-foot x 10-foot culvert extension.

With Conditions:

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration or disturbance of less than 200 linear feet of a perennial stream.
2. Sculpture Rocks Road was washed out in the spring of 2005 causing the culvert to move downstream approximately 10 feet.
3. The project was necessary to allow for vehicle passage along Sculpture Rocks Road.
4. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on June 10, 2005.

5. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-00508                      JORDAN, CHRISTOPHER**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Dredge and fill 2,015 sq. ft. of forested wetlands to provided access to one lot of a two lot subdivision. Work in wetlands includes installation of an 18 in. x 24 ft. HDPE culvert, associated headwalls, grading and riprap outlet protection.

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APPROVE PERMIT:

Dredge and fill 2,015 sq. ft. of forested wetlands to provided access to one lot of a two lot subdivision. Work in wetlands includes installation of an 18 in. x 24 ft. HDPE culvert, associated headwalls, grading and riprap outlet protection.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., plan sheets 1 and 2 of 3, dated January 12, 2006 and plan sheet 3 of 3, dated March 29, 2006 and plan sheet 1 of 1, dated February 22, 2006, as received by the Department on December 6, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the Town of Bedford for work in wetlands within 20 feet of the Town Road (Liberty Hill) property line/right-of-way. Approval shall be submitted to Wetlands Bureau File No. 2006-00508 prior to the start of construction.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. Work shall be done during low flow.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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. in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 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 Town of Bedford Conservation Commission had a "split decision vote" on the project proposal and did not recommend approval or denial of the project.
6. The Town of Bedford requires that each lot have its driveway access through its own frontage and each curb cut must 100 feet to an intersection.
7. The proposed driveway is required to be opposite of Edinburgh Drive, which places the proposed access within wetlands.
8. The New Hampshire Fish and Game, Nongame and endangered Species Program did not submit comments regarding the proposed project.

**2006-01486                      STURM RUGER CO INC**  
**NEWPORT   Sugar River**

Requested Action:

Confirm Emergency Authorization to stabilize 25 linear feet of the bank of the Sugar River with natural river stone and gabions.  
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CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization to stabilize 25 linear feet of the bank of the Sugar River with natural river stone and gabions.

With Conditions:

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

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(o) projects deemed minimum impact per the department.
2. The project was necessary to stabilize the banks of the Sugar River in order to protect infrastructure.
3. The authorization was a result of a high water levels causing significant erosion to the bank.
4. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on June 23, 2006.
5. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-02570                      LONDONDERRY DPW, TOWN OF**  
**LONDONDERRY   Unnamed Wetland Black Brook**

Requested Action:

Dredge and fill 2,800 sq. ft. (includes 300 sq. ft. temporary wetlands impact) of forested, scrub shrub and emergent wetlands for the construction of sidewalks to provide safe and improved access to three centrally located Town schools along Mammoth and Pillsbury Roads. Work in wetlands includes side slope fill and grading, riprap slope protection, construction of a culvert headwall, construction of a section of retaining wall and construction of new stormwater treatment structures.  
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Conservation Commission/Staff Comments:

The Town of Londonderry Conservation Commission recommended approval of the application.

APPROVE PERMIT:

Dredge and fill 2,800 sq. ft. (includes 300 sq. ft. temporary wetlands impact) of forested, scrub shrub and emergent wetlands for the construction of sidewalks to provide safe and improved access to three centrally located Town schools along Mammoth and Pillsbury Roads. Work in wetlands includes side slope fill and grading, riprap slope protection, construction of a culvert headwall,

construction of a section of retaining wall and construction of new stormwater treatment structures.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP, dated December 26, 2006, as received by the Department on December 26, 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. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. 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.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. in swamps or wet meadows.
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 Town of Londonderry Conservation Commission recommended approval of the application.
6. The New Hampshire Fish and Game Department, Nongame and Endangered Species Program ("NHFG"), expressed concern regarding the proposed project and its possible impacts to species of special concern, the wood turtle and New England cottontail, identified in the vicinity of the proposed project.
7. The applicants agent provided the NHFG with a response to their concerns regarding the proposed project.
8. DES spoke with NHFG on December 14, 2006 and was informed that due to the constraints of the proposed project design they will not be requiring any further modification of the project design.
9. The New Hampshire Natural Heritage Bureau ("NHB"), identified two state-threatened plant species, pale green orchid and fringed gentian, in the vicinity of the proposed project site.
10. The NHB submitted a letter to DES stating that NHB had been in contact with the Londonderry Conservation Commission and they have knowledge of the precise locations of the two species, and feel the distance and topography between area to be impacted and the plants is adequate to protect the species. NHB supports the Conservation Commission's opinion and asked that the appropriate sedimentation and runoff barriers be used during construction activities.
11. The permit is contingent on the use of appropriate erosion, sedimentation and turbidity controls and proper soil stabilization techniques.

Requested Action:

Dredge and fill 510 square feet of wet meadow including installation of a 18-inch x 15 foot culvert for access to a proposed single family residential structure on an existing lot of record.

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APPROVE PERMIT:

Dredge and fill 510 square feet of wet meadow including installation of a 18-inch x 15 foot culvert for access to a proposed single family residential structure on an existing lot of record.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 30, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

**EXPEDITED MINIMUM**

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

Requested Action:

Request to add rip-rap along the bridge wingwall footings due to the lack of adequate bedrock footing material.

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APPROVE AMENDMENT:

Replace an existing deteriorated bridge with a 7' x 15' x 38.5' precast arch (bottomless box) culvert, with associated wing walls, riprap footing protection and riprap bank stabilization along a section of bank 10' beyond the wingwalls.

With Conditions:

1. All work shall be in accordance with plans by Dufresne-Henry dated July 2002, as received by the Department on September 20, 2002 with amended temporary by-pass culvert details as submitted by M.A. Bean Assoc. on November 9, 2006 and amended plan by Stantec Consulting Services Inc., "Amended Wetland Permit Application Proposed Riprap Sketch" plan dated December 2006, as received by the Department on December 26, 2006.
2. This permit is contingent upon obtaining and executing a temporary 15' wide construction easement as depicted on the approved plans.
3. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
4. Temporary cofferdams and culvert shall be entirely removed immediately following construction.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Work shall be done during low flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

**2006-01410                      PORCELL, MICHAEL**  
**LACONIA   Unnamed Wetland**

Requested Action:

Dredge and fill 2585 square feet of manmade drainage ditch and palustrine forested wetland for access in the subdivision of 40.5 acres into 19 building lots.

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APPROVE PERMIT:

Dredge and fill 2585 square feet of manmade drainage ditch and palustrine forested wetland for access in the subdivision of 40.5 acres into 19 building lots.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated February 1, 2006, and revised through September 26, 2006, as received by the Department on November 28, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and

the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

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. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**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.

**2006-02118                      ADVANCED INVESTMENTS LLC  
PELHAM   Unnamed Wetland**

**Requested Action:**

Dredge and fill 550 sq. ft. of wetlands (roadside ditch) to provide access to a proposed 24 unit elderly housing development. Work in wetlands consists of installation of 18 in. x 64 ft. HDPE culvert, associated filling and grading, headwalls and outlet protection.

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**APPROVE PERMIT:**

Dredge and fill 550 sq. ft. of wetlands (roadside ditch) to provide access to a proposed 24 unit elderly housing development. Work in wetlands consists of installation of 18 in. x 64 ft. HDPE culvert, associated filling and grading, headwalls and outlet protection.

**With Conditions:**

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc., plan sheets 1 through 8 and 11 through 15 of 15 revision dated November 2, 2006 and plan sheets 9 and 10 of 15 revision dated November 21, 2006, as received by the Department on December 22, 2006.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit is contingent on approval by the DES Water Supply Engineering Bureau, Wells and Water Systems.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction that is adjacent to wetlands and surface waters in order to prevent accidental encroachment.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.
10. 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.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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. in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 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 permit is contingent on approval by the DES Site Specific Program.
6. The Town of Pelham Conservation Commission signed the Minimum Impact Expedited application waiving their right to intervene on the project.
7. The New Hampshire Natural Heritage Bureau did not submit comments regarding the proposed project.

**2006-02703                      AUBURN BOARD OF SELECTMEN, TOWN OF  
AUBURN   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,000 sq. ft. of wet meadow wetlands for reconstruction of Eaton Hill Road in the Town of Auburn. Impacts to wetlands consists of embankment fill resulting from raising the elevation of the existing roadbed to improve sight distance.

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APPROVE PERMIT:

Dredge and fill approximately 2,000 sq. ft. of wet meadow wetlands for reconstruction of Eaton Hill Road in the Town of Auburn. Impacts to wetlands consists of embankment fill resulting from raising the elevation of the existing roadbed to improve sight distance.

With Conditions:

1. All work shall be in accordance with plans submitted by Stantec Consulting Services Inc., typical roadway cross-section sketch, as received by the Department on October 20, 2006 and "Wetlands Impact Plan" dated November 2006, as received by the Department on December 1, 2006.
2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the easements or permission letters to DES Wetlands File No. 2006-2703 prior to construction (please note that this condition is only applicable if the proposed wetlands impact area is outside of the existing Town Road right-of-way).
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands 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. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. 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(f), projects involving alteration of less than 3,000 sq. ft. in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The Town of Auburn Conservation Commission signed the Minimum Impact Expedited application waiving their right to intervene on the project.
4. The proposed project is part of upgrade/reconstruction of Eaton Hill Road by the Town of Auburn.
5. The New Hampshire Fish and Game Department and Natural Heritage Bureau did not submit comments regarding the proposed project.

**2006-03080 NEW ENGLAND POWER COMPANY  
RINDGE Unnamed Wetland**

Requested Action:

Temporarily impact a maximum of 11,414 square feet of jurisdictional wetland for inspection and repair of electrical transmission towers within an existing right of way.

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APPROVE PERMIT:

Temporarily impact a maximum of 11,414 square feet of jurisdictional wetland for inspection and repair of electrical transmission towers within an existing right of way.

With Conditions:

1. All work shall be in accordance with plans by New England Power Construction Company, as received by the Department on September 11, 2006.
2. Easements shall be obtained and recorded at the registry of deeds prior to the commencement of construction.
3. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

5. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
6. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner.
7. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
8. Mulch within the restoration areas shall be straw or seedless hay.
9. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. 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.
12. 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.
13. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way,
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.

**2006-03110                      WAKS, MARK & JOSEPH VANDETTE**  
**ASHLAND   Little Squam Lake**

Requested Action:

Repair and existing 4 ft wide access stair, 23 ft of retaining wall, 44 sq ft of flat stone patio and 94 sq ft of concrete patio, in kind on an average of 78 ft of frontage on Little Squam Lake, Ashland.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and existing 4 ft wide access stair, 23 ft of retaining wall, 44 sq ft of flat stone patio and 94 sq ft of concrete patio, in kind on an average of 78 ft of frontage on Little Squam Lake, Ashland.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated November 16, 2006, as received by the Department on December 08, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

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

With Findings:

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

**SHORELAND VARIANCE / WAIV**

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**2006-02417                      CHOUINARD REVOC LIVING TRUST, ANTHONY & MARION**  
**EFFINGHAM**

Requested Action:

Raise the ridgeline height of an existing non-conforming structure within the primary building setback 5 feet and screen in an existing front deck on property having approximately 97 feet of frontage on Province Lake in Effingham, NH.

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APPROVE CSPA WAIVER:

Raise the ridgeline height of an existing non-conforming structure within the primary building setback 5 feet and screen in an existing front deck on property having approximately 97 feet of frontage on Province Lake in Effingham, NH.

With Conditions:

- 1. All work shall be conducted in accordance with plans designed by the Chouinards dated August, 2006 and received by the department on September 22, 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. This approval does not allow lakeward expansion of the primary structure.
- 7. The footprint of the structure will not be changed.
- 8. 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).
- 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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. The existing non-conforming structure, as identified on the Town of Effingham Tax Map 107 Lot 9, 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 structure is located approximately 42 feet from the reference line. The existing deck is located 30 feet from the reference line.
3. The expansion of the existing non-conforming structure consists of raising the ridgeline height five feet and screening in the existing porch.
4. Primary structure footprint will not be altered.
5. 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."
6. The applicant has proposed to improve stormwater control by adding gutters and a drip strip to control rooftop runoff. An infiltration trench will also be constructed for rooftop stormwater control.
7. The applicant has proposed to add more vegetation to the shoreline to provide better erosion and stabilization control.
8. The applicant's proposal provides at least the same degree of protection to the public waters.
9. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, and, therefore the waiver is approved.

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

Requested Action:

Raze an existing primary structure occupying 392 square feet within the 50 foot setback and located 25 feet from the reference line and build a proposed primary structure occupying 303 square feet within the 50 foot setback and located 35 feet from the reference line on property having approximately 96.9 feet of frontage on lake Winnipisaukee in Moultonborough, NH.

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Inspection Date: 11/01/2006 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing primary structure occupying 392 square feet within the 50 foot setback and located 25 feet from the reference line and build a proposed primary structure occupying 303 square feet within the 50 foot setback and located 35 feet from the reference line on property having approximately 96.9 feet of frontage on lake Winnipisaukee 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 50 foot 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 25 feet from the reference line.
3. The construction of the proposed primary structure consists of razing the existing primary structure and building the new structure 41 feet 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 45 feet 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 45 feet 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, and, therefore the waiver is approved.

**PERMIT BY NOTIFICATION**

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**2006-03100                      BLACK ET AL, HELEN**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:  
Replace three fender pilings.

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APPROVE PERMIT:  
Replace three fender pilings.

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.