

Wetlands Bureau Decision Report

Decisions Taken
01/15/2007 to 01/21/2007

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.

MINOR IMPACT PROJECT

2006-01231 CERSOSIMO INDUSTRIES INC
NEWPORT Unnamed Wetland

Requested Action:

Dredge and fill 13,957 sq. ft. of forested wetlands to construct a fire pond for proposed 9-lot subdivision.

APPROVE PERMIT:

Dredge and fill 11,468 sq. ft. of very poorly drained forested wetlands to construct a fire pond for proposed 9-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs, "Proposed Fire Pond" plan revision dated November 11, 2006, as received by the Department on December 18, 2006 and plans by SVE Associates sheet 1 and 2 of 2, revision dated November 29, 2006, as received by the Department on December 18, 2006 and plan sheet 3 of 10, dated October 10, 2005, plan sheet 4 of 10, revision dated April 6, 2006, plan sheet 6 of 10, revision dated March 7, 2006, plan sheet 7, and 8 of 10, dated October 10, 2005, and plan sheet 10 of 10 revision dated April 6, 2006, as received by the Department on May 18, 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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
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. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.
10. 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.
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 minor impact project per Administrative Rule Env-Wt 303.03(e), construction of a pond with less than 20,000 sq. ft. of impact in wetlands or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The Fire Chief prepared a letter stating there is no municipal water in there area and there needs to be a body of water that can provide fire protection water.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant revised the original pond design and reduced the impacts to wetlands by approximately 2,100 sq. ft. and changed the pond grades to incorporate an area of shallow water habitat.
6. The pond was placed within a section of wetlands on the property in order to provide a reliable water source for fire suppression.
7. 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.

8. It appears from the information submitted to the file and application that the proposed wetlands impact area has relatively low wetlands functions and values. Additionally, it appears the proposed pond area will still receive and detain natural site runoff.
9. The Newport Conservation Commission submitted comments to the Department recommending denial of the permit to put three ponds within jurisdictional wetlands. Their reasons for the recommendations were due to health hazards, safety hazards, serves no real purpose, there is a school bus stop close by, "3E and west Nile deaths and sickness", they should not be creating more stagnate water". Additionally, the Conservation Commission submitted a letter stating the developer and the fire chief are unaware there is a fire pond within a few hundred feet of this project so there is no need for another fire pond in the wetlands.
9. There is only one fire pond proposed that will impact jurisdictional wetlands.
10. The Fire Chief prepared a letter stating there is no municipal water in there area and there needs to be a body of water that can provide fire protection water.
11. The Conservation Commission was not specific on what their concerns are regarding health and safety hazards and the proximity to the school bus stop. The only specific health and safety issue stated was "3E" and "West Nile deaths and sickness".
12. The applicant's agent submitted a letter stating that the proposed pond would reduce mosquito populations because forested wetlands typically contain small pockets of standing water that support thriving mosquito populations without natural mosquito predators such as frogs, dragonflies, damselflies, water striders, backswimmers and predaceous diving beetles. The applicant's agent further suggests that the proposed pond has a great potential to reduce mosquito populations by reducing the potential small pockets of standing water and provides a larger water body that will provide habitat that supports predators of mosquito. The applicant's agent submitted fact sheets about West Nile Virus, mosquito habitat, mosquito control and wetlands from the US Army Corps of Engineers, US Environmental Protection Agency and Indiana Division of Fish and Wildlife to support his statements regarding mosquito breeding habitat and predators of mosquitoes.
13. The applicant's agent, the Newport Fire Chief and Deputy Chief reviewed the other fire pond area identified by the Newport Conservation Commission.
14. The Fire Chief and Deputy Chief determined that the site is not currently suitable for achieving any water for fire suppression as is.
15. The applicant's agent could not find any documentation of the area as previously being a fire pond.
16. The applicant's agent found and provided evidence that the suggested existing fire pond area along Route 10 is a high functions and value scrub-shrub wetland and would require negative impacts to achieve adequate water for fire suppression. In addition, it was stated this wetland area collects sedimentation and runoff from several sources prior to entering the Sugar River.
17. The Department has not received any comments from the Conservation Commission regarding the new pond design, new information from the Newport Fire Chief, or the information submitted by the agent regarding West Nile Virus, mosquito habitat and mosquito predators.
18. The proposed project is in accordance with Administrative Rule Env-Wt 302.03(c)(1) and (2)g., therefore, mitigation is not required for the minor impact project.

2006-01302 WATSON, JAMES
LACONIA Lake Winnepesaukee

Requested Action:

Agent for applicant requests reconsideration to 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.

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 RECONSIDERATION:

Reconsider and deny the request to 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:

Grounds for reconsideration

1. The applicant disagrees with the finding that there is an impact to the shoreline for the construction of the dock for the PWC lift access.
2. The applicant disagrees that there would be any increased environmental impact with the construction of the proposed dock for access to the PWC lift.

Standards for Approval

3. In accordance with RSA 482-A:10, Appeals, the "department shall receive and consider any new and additional evidence presented."
4. In accordance with Env-Wt 302.04(a)(2) the "applicant shall demonstrate by plan and example the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
5. Pursuant to Env-Wt 302.03(a)(1) "the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that the potential impacts have been avoided to the maximum extent practicable".

Findings of Fact

6. On May 26, 2006, the Department received an application from the applicant for proposed impacts to the existing non-conforming docking structure.
7. 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.
8. 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.
9. On December 13, 2006 the Department denied the application based on the findings that the project was not the least impacting alternative and that the applicant had failed to address Env-Wt 402.20.
10. On January 02, 2007 the Department received a request for reconsideration for impacts on the frontage.
11. 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.
12. 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

13. The Applicant has failed to submit new information with the request for reconsideration, therefore the Bureau reaffirms its December 13, 2006 decision to deny the application based on the original findings.

**2006-01331 NH FISH AND GAME DEPT
HOOKSETT Merrimack River**

Requested Action:

Impact 3750 sq ft of river bank to repair and re-align an existing concrete boatramp, stabilize 80 linear ft of eroded bank with rip rap and rip rap a previously installed culvert outlet as previously permitted under permit number 1998-00073, on the Merrimack River, Hooksett.

Conservation Commission/Staff Comments:

No comments by Con Com by August 11, 2006

APPROVE PERMIT:

Impact 3750 sq ft of river bank to repair and re-align an existing concrete boatramp, stabilize 80 linear ft of eroded bank with rip rap and rip rap a previously installed culvert outlet as previously permitted under permit number 1998-00073, on the Merrimack River, Hooksett.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike LLC dated August 20, 2003, revision date March 07, 2006, as received by the Department on May 30, 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 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. 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. Appropriate siltation and erosion controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. 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.
10. 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.
11. Silt fencing must be removed once the area is stabilized.
12. Work shall be done during low flow.
13. Area shall be regraded to original contours following completion of work.
14. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Merrimack River.
15. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
16. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
17. The boat ramp shall be utilized indefinitely as a public access to Merrimack River and shall not change in use.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
20. 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(1), projects that disturb less than 200 linear feet of a 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 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 during August 2006. Field inspection determined the proposed repairs are the least impacting alternative.

2006-01404 **FREITAS, NANCIE**
HILL Unnamed Wetland

Requested Action:

Impact a total of 3010 square feet of palustrine forested wetland further described as follows: Restore 750 square feet of previously disturbed wetland; and dredge 2260 square feet of wetland for pond construction.

APPROVE PERMIT:

Impact a total of 3010 square feet of palustrine forested wetland further described as follows: Restore 750 square feet of previously disturbed wetland; and dredge 2260 square feet of wetland for pond construction.

With Conditions:

1. All work to construct the pond shall be in accordance with plans by Ray Lobdell revised through December 18, 2006, as received by the Department on December 22, 2006.
2. All restoration work shall be in accordance with plans and narrative by Ray Lobdell as received by the Department on June 7, 2006.
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. The schedule for construction of the restoration area be completed no later than August 15, 2007.
5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be conducted during low water conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
13. Mulch within the restoration area shall be straw.
14. 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.
15. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 30 days of the completion of the restoration.
16. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
17. 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 areas during the early stages of vegetative establishment.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The impacts for this project would qualify as a minimum impact but the existing permit on the lot 2003-1154, was classified as a minor impact project. The two combined therefore would also be considered minor, per RSA 482:A.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has completed the required restoration which was part of 2003-01154, and has provided the monitoring reports.

**2006-01700 HOOKSETT DEVELOPMENT LLC, STEVEN BLUM
HOOKSETT Unnamed Wetland**

Requested Action:

Dredge and fill 15390 square feet of impact in the subdivision of approximately 300 acres into 179-multi family townhouse units, 91- single family cluster development houses and elderly housing. Mitigate for the proposed impacts by preserving 146.6 acres on site.

APPROVE PERMIT:

Dredge and fill 15390 square feet of impact in the subdivision of approximately 300 acres into 179-multi family townhouse units, 91-single family cluster development houses and elderly housing. Mitigate for the proposed impacts by preserving 146.6 acres on site.

With Conditions:

1. All work shall be in accordance with plans by VHB Inc dated June 21, 2006, and revised through December 26, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Waste Water Engineering Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The proposed emergency access located within the easement area if constructed shall be constructed utilizing a spanning structure.
6. The deed which accompanies the sales transaction for each of the units in this subdivision shall contain condition #4 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded 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 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.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during periods of non-flow and under low water conditions.
10. Appropriate siltation/erosion 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: 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. Wetland crossing A shall be installed with a permeable road base in order to maintain the hydrology of the wetland and not channelize all the flows through the single culvert.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. 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).
16. Area of temporary impact shall be regraded to original contours following completion of work.
17. Mulch within the restoration area shall be straw.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. Silt fencing must be removed once the area is stabilized.
23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
24. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of sewer line construction through that area.

Mitigation Conditions:

25. This permit is contingent upon the preservation of approximately 146.6 acres identified as "Open Space and Conservation Land" on Plans by VHB Inc dated June 21, 2006, and revised through December 26, 2006. The conservation land area, which includes 42.94 acres of wetlands and approximately 103.66 acres of contiguous upland buffer, shall be conveyed to State of NH Fish and Game by Warranty Deed and be under their stewardship.
26. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to NH Fish and Game shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
27. A plan providing the boundaries of the preservation lot shall be submitted to DES Wetlands Bureau for review prior to recordation with the Merrimack County Registry of Deeds.
28. A copy of the recording of the deed, and preservation lot plan, from the Merrimack County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
29. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.
30. 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 prior to the start of construction.
31. The logging activities in the open space/preservation area shall be severely limited by the Warranty Deed.
32. 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.
33. 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 is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The wetlands proposed to be impacted by this application are groundwater seeping wetlands. There is only one wetland with an intermittent stream channel proposed to be impacted.
3. The vast majority of the proposed impacts are for access or for sewage line construction.
4. There is 1220 square feet of wetland impact for a proposed detention basin. These wetlands are man made and the only function they are performing is stormwater detention and water quality. These functions will be enhanced with the construction of the basin.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided a buffer to the existing heron rookery and has provided a 100 foot buffer to all of the vernal pools located on the site.
7. The proposed development is a cluster with open space a traditional subdivision would have a greater impact to the wetland resources.
8. 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 to achieve project purpose per Env-Wt 302.03.
9. 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.
10. DES Wetland Bureau Staff and NH Fish and Game Staff conducted a field inspection of the proposed project on July 27, 2006. Field inspection determined the location of the heron rookery and discussed relocating and reconfiguring the lot lines of 3 lots adjacent to this resource. The wetlands to be impacted by the project are palustrine forested wetland with some indication of man modifications to the area and the systems. The vernal pool cluster and the heron rookery are to be maintained and buffered within the open space.

11. DES Wetland Bureau Staff and representatives of the Federal Agencies conducted a site inspection on October 18, 2006. This second site inspection the wetlands to be impacted are less valuable than those to be preserved and development adjacent to the vernal pool cluster should be redesigned to provide a 100 foot buffer in all locations.
12. The applicant has provided a function and value assessment of the wetlands on site, illustrating that the preserved, wetlands are of higher functions and values and were less degraded over time than the impacted wetlands.
13. The total land development is approximately 150 acres. The project consists of developing 179 multi-unit townhouses, 91 single family residential lots and elderly housing with associated parking, clubhouse amenities, access, and stormwater treatment. This use is consistent with local development goals and zoning within the Town of Hooksett.
14. The applicant provided four alternate layouts of the proposed development. The permitted alternative is the least impacting to the environment and wetland resources.
12. DES requested the wetland crossing A be constructed with a permeable road base to allow for water to travel through the area unimpeded and without being channelized through a culvert.
13. The applicant has utilized retaining walls and 2:1 side slopes to reduce overall impacts to the wetlands.
14. Existing drainage patterns will remain unchanged as there will be no increase in flow from the proposed development.
15. 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 to achieve project purpose per Wt 302.03.
16. The applicant has provided mitigation in accordance with Administrative Rules Chapters Env-Wt 300 and Env-Wt 800. This mitigation specifically entails preservation of 146.6 acres of upland buffer on site.
17. The wetlands to be preserved on site are palustrine forested wetlands, a beaver impoundment with a heron rookery and associated perennial streams, and a complex of vernal pools and are pristine in nature. These wetlands have greater functions and values than those of the wetlands lost with the construction of this project.
18. The mitigation proposal submitted to DES exceeds the mitigation compensation ratios for upland buffer preservation as required by Rule Env-Wt 803.05, Table Env-Wt 800-1.
19. The Hooksett Planning Board voted to conditionally approve the site plan.
20. The NH Fish and Game Commission has agreed to hold the proposed preservation area in fee.
21. The Hooksett Conservation Commission has no objections to the proposed project.

**2006-01800 NORTHUMBERLAND, TOWN OF
NORTHUMBERLAND Upper Ammonoosuc River**

Requested Action:

Dredge and fill approximately 1,750 square feet (90 linear feet) within the bank of the Upper Ammonoosuc River to stabilize an eroding segment of riverbank.

APPROVE PERMIT:

Dredge and fill approximately 1,750 square feet (90 linear feet) within the bank of the Ammonoosuc River to stabilize an eroding segment of riverbank.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, PLLC dated September 2006, as received by the Department on October 03, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stabilization areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
4. Work shall be done during annual low flow conditions.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project
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. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering wetland or surface water.
9. All work shall be done from the top of the bank.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Bank stabilization shall not be done to extend land into the river channel.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
14. 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.
15. 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.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
19. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
20. 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.
21. Seed mix within the stabilization area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
22. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
23. Riverbank stabilization areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until the riverbank is replicated in a manner satisfactory to the DES Wetlands Bureau.
24. A post-construction report documenting the status of the stabilized jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
25. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration or disturbance of less than 200 linear feet of a river channel or its banks.
2. The 90 linear feet of bank stabilization is the only work proposed in the protected shoreland.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Northumberland Conservation Commission.
4. The Department suggested top-of-bank plantings and additional bank plantings.
5. The applicant indicated maintaining the lawn at the top-of-bank was preferred and that alders would take over the bank.
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.

Requested Action:

Construct a 6 ft by 40 ft seasonal dock on frontage with an existing 44 ft 6 in by 37 ft boathouse on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com approves of proposed project

APPROVE PERMIT:

Construct a 6 ft by 40 ft seasonal dock on frontage with an existing 44 ft 6 in by 37 ft boathouse on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 10, 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 prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The existing docking facility provides 2 boatslips on the frontage.
5. The applicant has an average of 240 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-02652 ROBERTS, JOHN
MEREDITH Lake Winnepesaukee

Requested Action:

Replace existing 6 ft x 26 concrete walkway with a 6 ft x 26 ft wood walkway which will provide access for 2 existing 4 ft x 30 ft seasonal piers on 100 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Replace existing 6 ft x 26 concrete walkway with a 6 ft x 26 ft wood walkway which will provide access for 2 existing 4 ft x 30 ft seasonal piers on 100 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Don Carey as received by the Department on January 10, 2007.
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. All portions of the docking facility shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal docks shall be removed from the lake for five months during the non-boating season.
5. No portion of the docking facility shall extend more than 36 ft from the shoreline at full lake elevation.
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. 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.
- 8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
- 10. All construction related debris and material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d)(2), modification of an existing docking system.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has 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

2003-02240 AYER, DANIEL
DOVER Cocheco River

Requested Action:

Amend permit to change culvert detail from two 24" x 35' culverts, to one 36" x 35' culvert, per the request of the City of Dover Engineer, with no change in wetlands impact square footage.

Conservation Commission/Staff Comments:

The Dover Conservation Commission voted unanimously to endorse the application.

Inspection Date: 10/18/2004 by Frank D Richardson

Inspection Date: 11/13/2003 by Christina Altamari

APPROVE AMENDMENT:

Dredge and fill 1,438 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing of a seasonal stream, including installation of a 36" x 35' culvert, to access a 27 acre parcel of land for a proposed residential subdivision.

With Conditions:

- 1. All work shall be in accordance with plans by David J. Allain, CSS, CWS d/b/a Round Pond Soil Survey dated March 2003, revised by the applicant on 10/18/2006 as received by the Department on November 02, 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. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
- 5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

- 7. Proper headwalls shall be constructed within seven days of culvert installation.
- 8. Culvert outlets shall be properly rip rapped.
- 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; and per Rule Env-Wt 303.04(n) projects that disturb less than 50 linear ft. of an intermittent stream.
- 2. This action represents change in culvert number and dimensions only for a previously approved project.

2004-01437 ARSENAULT, JOHN
RINDGE Lake Monomonac

Requested Action:

Remove an existing 11 ft 7 in x 24 ft boathouse and install a permanent lift within the remaining 11 ft 7 in x 24 ft dug-in basin located adjacent to an 8 ft x 16 ft seasonal pier accessed by a 4 ft x 32 ft seasonal walkway and an existing personal watercraft lift on 115 ft of frontage on Lake Monomonac.

Inspection Date: 08/29/2006 by Jeffrey D Blecharczyk

APPROVE AFTER THE FACT:

Remove an existing 11 ft 7 in x 24 ft boathouse and install a permanent lift within the remaining 11 ft 7 in x 24 ft dug-in basin located adjacent to an 8 ft x 16 ft seasonal pier accessed by a 4 ft x 32 ft seasonal walkway and an existing personal watercraft lift on 115 ft of frontage on Lake Monomonac.

With Conditions:

- 1. All work shall be in accordance with plans received by the Department on November 3, 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 shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
- 4. Seasonal piers shall be removed for the non-boating season.
- 5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

This project is classified as a minor impact project per Rule Env-Wt 303.03(d), modification of a 3 slip docking facility.

2006-00184 LAKEWOOD HOMES LLC
WOLFEBORO Unnamed Stream Wetland

Requested Action:

Dredge and fill a total of 465 square feet further described as follows: Permanently impact 220 square feet of palustrine forested wetland for access to the rear of the proposed home and temporarily impact 245 square feet of palustrine forested wetland for construction access.

APPROVE PERMIT:

Dredge and fill a total of 465 square feet further described as follows: Permanently impact 220 square feet of palustrine forested wetland for access to the rear of the proposed home and temporarily impact 245 square feet of palustrine forested wetland for construction access.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated December 2005 and revised through December 15, 2006, as received by the Department on December 20, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. Mulch within the restoration area shall be straw.
10. 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.
11. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. 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 Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. This is the only reasonable building location on this existing lot.
3. Reasonable access is needed for long-term maintenance of the proposed structure.
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.

**2006-00674 GRAPPONE, TOM
CONCORD Unnamed Wetland Merrimack River**

Requested Action:

Dredge and fill 171 square feet of man made stormwater ditch including installation of a 48-inch x 20 foot culvert for access.

APPROVE PERMIT:

Dredge and fill 171 square feet of man made stormwater ditch including installation of a 48-inch x 20 foot culvert for access.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering dated March 21, 2006 and revised through December 8, 2006, as received by the Department on December 21, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Prior to the construction authorized under this permit the applicant or their agent shall consult with NH DRED Natural Heritage Bureau for its recommendations to minimize impacts to the exemplary natural community identified on the property.

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 periods of non-flow and in the dry.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. No equipment shall enter the water.
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. 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 applicant has addressed and has avoided impacts to the leopard frog.
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.

**2006-02166 YEATON, SUSAN
MEREDITH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft by 46 ft seasonal dock and install a 6 ft by 46 ft seasonal dock attached to a 6 ft by 4 ft concrete pad, reduce an existing 7 ft by 7 ft deck to 6 ft by 7 ft, perch an existing 20 ft by 22 ft beach area with a 6 ft access stair to the waterbody on an average of 100 ft of frontage along Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing 4 ft by 46 ft seasonal dock and install a 6 ft by 46 ft seasonal dock attached to a 6 ft by 4 ft concrete pad, reduce an existing 7 ft by 7 ft deck to 6 ft by 7 ft, perch an existing 20 ft by 22 ft beach area with a 6 ft access stair to the waterbody on an average of 100 ft of frontage along Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 10, 2006, revision date November 15, 2006, as received by the Department on December 20, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This 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. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 46 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.

- 8. 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).
- 9. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 10. This permit shall be used only once, and does not allow for annual beach replenishment.
- 11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 12. 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.
- 13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock providing 2 slips.

2006-02948 CALLAHAN, STEPHEN
HAMPTON Salt Marsh

Requested Action:

Install a 14'x16' brick patio impacting 224 square feet within the 100-foot tidal buffer zone.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Install a 14'x16' brick patio impacting 224 square feet within the 100-foot tidal buffer zone.

With Conditions:

- 1. All work shall be in accordance with plans by Stephen Callahan, as received by the Department on November 20, 2006.
- 2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
- 3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 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. 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(b), projects within the previously disturbed 100-foot tidal buffer zone.
- 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.

FORESTRY NOTIFICATION

2007-00051 HILLSIDE OF WILTON LLC
WILTON Unnamed Stream

COMPLETE NOTIFICATION:
Wilton Tax Map D, Lot# 80

2007-00054 BAGSHAW, JANICE
EAST KINGSTON Unnamed Stream

COMPLETE NOTIFICATION:
East Kingston Tax Map 13, Lot# 3-12

2007-00055 KAMINSKI, DONALD
DANVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Danville Tax Map 1, Lot# 19B

2007-00062 RICHARDSON, JOHN & CICELY
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 7-32, Lot# 27 & 27B

2007-00063 ADAMS, DENISE
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map 18, Lot# 73.4

2007-00073 REAGAN, SCOTT
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 17, Lot# 59F

2007-00074 KINGS ARROW REALTY TRUST, CRAIG CHAMBERLAIN
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 3, Lot# 39

2007-00075 HERTEL SR, VAN
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 13, Lot# 5

2007-00076 GREEN, CAROLE
SALISBURY Unnamed Stream

COMPLETE NOTIFICATION:
Salisbury Tax Map 216, Lot# 12

2007-00077 BERGLUND, ERICK
DEERFIELD Unnamed Stream Seasonal Drainage

COMPLETE NOTIFICATION:
Deerfield Tax Map/Lot# 21/33 & 409/76

2007-00081 MASSARONE, GEORGE
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax Map 9, Lot# 18

2007-00083 NEW ENGLAND SALEM CHILDRENS TRUST
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:
Rumney Tax map 2, Lot# 3

EXPEDITED MINIMUM

2006-01228 GORDON, PETER
HEBRON Unnamed Pond

Requested Action:
Maintenance dredge 3900 square feet of existing man made pond. Retain existing 4 ft x 8 foot dock on existing unnamed pond.

APPROVE PERMIT:
Maintenance dredge 3900 square feet of existing man made pond. Retain existing 4 ft x 8 foot dock on existing unnamed pond.

- With Conditions:
1. All work shall be in accordance with plans by Provan and Lorber dated November 28, 1995, and revised through June 2006, as received by the Department on June 27, 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. Work shall be done during drawdown.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The Permittee shall monitor the weather and will not commence work, when rain is in the forecast.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proposed dredge shall maintain original size, location and configuration.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
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.

2006-01357 KOEHLER, ELLEN
ALTON Lake Winnepesaukee

Requested Action:

Remove 60 sq ft of permanent crib and docking structure from public waters, remove approximately 377 sq ft of concrete docking structure, and construct approximately 480 sq ft of permanent docking structure, place 6 large rocks in the lakebed to protect the grandfathered structure from wave activity and add sand to the existing perched beach all adjacent to a grandfathered breakwater on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY PERMIT:

Remove 60 sq ft of permanent crib and docking structure from public waters, remove approximately 377 sq ft of concrete docking structure, and construct approximately 480 sq ft of permanent docking structure, place 6 large rocks in the lakebed to protect the grandfathered structure from wave activity and add sand to the existing perched beach all adjacent to a grandfathered breakwater on Lake Winnepesaukee, Alton.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wt 501.02, Additional Data(c)(2), Applications shall include a drawing or drawings which show the footprint of all existing and proposed structure on the property.
2. This project is classified as a major impact project per Rule Env-Wt 303.02(d), modification of a docking system that includes a

breakwater.

Findings of Fact

3. On June 5, 2006 the NH Wetlands Bureau received an application for the modification of a breakwater and attached docking facility.
4. The plans submitted with the application did not show the full footprint of the breakwater and did not accurately depict the breakwater and attached pier.
5. On June 27, 2006 the Wetlands Bureau issued a letter to the Applicant requesting plans which fully and accurately depicted the breakwater and docking facility.
6. On September 1, 2006 the Bureau received a letter from the Applicant indicating that the structure would be repaired in kind. This correspondence did not include the requested plans.
7. On September 13, 2007 the Bureau notified the applicant in writing that the plans submitted failed to fully show the footprint of the breakwater and also appeared to misrepresent the size of the breakwater.
8. On September 21, 2006 Wetlands Bureau staff inspected the property and found the majority of the breakwater had a total width at the toe of slope of 8 ft with the exception of one rock which resulted in a maximum width of 18 ft.
9. On November 3, 2006 the Bureau sent an additional letter requesting plans showing the footprint of the toe of slope of the breakwater.
10. On December 18, 2006 the Applicant submitted plans showing the toe of slope of the breakwater had a 26 ft wide footprint.

Ruling in Support of the Decision

11. The plans submitted by the Applicant fail to accurately portray the structures on the frontage as observed by Wetlands Bureau staff on September 21, 2006.
12. The Applicant has failed to submit the plans requested by the Bureau on June 27, 2006, September 13, 2007, and November 3, 2006, and therefore the application is denied.

**2006-02592 PSNH
FITZWILLIAM Unnamed Wetland**

Requested Action:

Dredge and fill 125 square feet of wetlands to install five (5) utility poles and guide wire anchors.

APPROVE PERMIT:

Dredge and fill 125 square feet of wetlands to install five (5) utility poles and guide wire anchors.

With Conditions:

1. All work shall be in accordance with plans by Public Service of New Hampshire dated March 06, 2006, as received by the Department on October 10, 2006.
2. Work in jurisdiction shall not occur outside of the Town of Fitzwilliam's 50-foot right-of-way on Number 4 Road.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The applicant recognized the error on the plan by Public Service of New Hampshire dated March 06, 2006, as received by the Department on October 10, 2006, which indicates work will occur on abutting property tax map/lot# 12/8 and confirmed boundaries on the plan are approximate and no wetland impacts will occur outside of the Town of Fitzwilliam's 50-foot right-of-way on Number 4 Road.
3. This permit is conditioned that no work in jurisdiction shall occur outside of the Town of Fitzwilliam's 50-foot right-of-way on Number 4 Road.
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.

2006-02647 NELSON, ROBERT
HAMPTON Salt Marsh

Requested Action:

Replacement of an existing deteriorated 8"x6'x95' concrete retaining wall with a concrete retaining wall of the same dimensions and in the same location adjacent to the Hampton River tidal marsh with 95 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Replacement of an existing deteriorated 8"x6'x95' concrete retaining wall with a concrete retaining wall of the same dimensions and in the same location adjacent to the Hampton River tidal marsh with 95 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Robert J. Nelson, as received by the Department on December 1, 2006.
2. DES staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Work shall be done during low tide only.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The siltation fence shall be installed immediately adjacent to the existing wall prior to the walls removal.
6. All work shall be done from the top of bank.
7. No machinery shall enter the water or encroach on the marsh.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Repair shall maintain existing size, location and configuration.
10. The construction of the footing for the wall shall occur landward of the existing walls footprint.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
12. 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.
13. The owner shall plant smooth cordgrass(*Spartina alterniflora*) after the wall is constructed in accordance with condition no.14.
14. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters [low tide], and that results in no change in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the failure of the existing was eminent.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the wall will be replaced in-kind.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The existing bulkhead is near failure with backfill spilling out onto the adjacent tidal marsh.
6. This project is consistent with other recent approvals by the Bureau to replace deteriorated wooden bulkheads with concrete or block retaining walls in the region.
7. The Hampton Conservation Commission (HCC) does not oppose the granting of the permit. However, the HCC would like the owner to plant smooth cordgrass (*Spartina alterniflora*) after the wall is constructed.
8. NH Natural Heritage Bureau (NHNHB) has identified High salt marsh and related communities as an exemplary natural communities. DES review of this application and field inspection finds that the NHNHB identified communities will not be impacted as a result of this project.

2006-02951 DARAGON, JAMES
STODDARD Unnamed Wetland Highland Lake

Requested Action:

Install a 6 ft x 10 ft elevated walkway over a seasonal stream and install a 6 ft x 33 ft elevated walkway to access a 6 ft x 30 ft seasonal floating dock and remove floating debris on 127 ft of frontage in Stoddard on Highland Lake.

APPROVE PERMIT:

Install a 6 ft x 10 ft elevated walkway over a seasonal stream and install a 6 ft x 33 ft elevated walkway to access a 6 ft x 30 ft seasonal floating dock and remove floating debris on 127 ft of frontage in Stoddard on Highland Lake.

With Conditions:

1. All work shall be in accordance with plans by Christopher Danforth revised January 4, 2007, as received by the Department on January 11, 2007.
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. The 6 ft x 30 ft seasonal pier shall be the only docking 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.
4. Unnecessary removal of vegetation shall be prohibited.
5. Foot path, wetland crossings and dock shall not exceed a 6 ft width.
6. Seasonal pier shall be removed from the lake for five months the non-boating season.
7. No portion of the dock shall extend more than 30 feet from the shoreline at full lake elevation.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action pertaining to these structures.
11. 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.
12. Floating debris removed shall result in no further wetland impact, and shall be deposited completely outside wetlands jurisdiction.
13. The banks of the seasonal stream shall not be impacted. The stream shall not be altered in any way.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) installation of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Information submitted with the file shows that the property has navigable frontage.

**2006-03134 HARTSHORN, BRUCE & BARBARA
LANCASTER Unnamed Wetland**

Requested Action:

Dredge and fill 1,660 square feet of wetlands to install five(5) 15-inch x 20-foot HDPE culverts, and a 15-inch x 40-foot HDPE culvert for access to four(4) reconfigured, previously subdivided lots.

APPROVE PERMIT:

Dredge and fill 1,660 square feet of wetlands to install five(5) 15-inch x 20-foot HDPE culverts, and a 15-inch x 40-foot HDPE culvert for access to four(4) reconfigured, previously subdivided lots.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc. dated November 2006, as received by the Department on December 13, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the three(3)lots reconfigured from current tax map/lot numbers P13/46&47&55; P13/48&49&55; and P13/50&51&55.
3. The deed which accompanies the sales transaction for each of the three(3)lots reconfigured from current tax/map lot numbers P13/46&47&55; P13/48&49&55; and P13/50&51&55 shall contain condition #3 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. 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The lots proposed for reconfiguration are served by town water and sewer.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-03196 BARRY, JOHN & NANCY CARVER
EPPING Unnamed Wetland

ROADWAY MAINTENANCE NOTIF

2007-00080 NH DEPT OF TRANSPORTATION
NEW BOSTON Unnamed Stream

PERMIT BY NOTIFICATION

2006-03151 KLOPFER, EDWARD
ALTON Lake Winnepesaukee

Requested Action:

Repair existing crib dock.

PBN DISQUALIFIED:

Repair existing crib dock.

With Findings:

1. After the Fact approval of a nonconforming jet ski ramp does not qualify under the Permit By Notification Process.

2006-03155 PAULUCCI REALY TRUST, PETER PAUL
ALTON Lake Winnepesaukee

Requested Action:

Repair existing retaining wall in the back of an existing beach.

PBN DISQUALIFIED:

Repair existing retaining wall in the back of an existing beach.

With Findings:

1. As per Env-Wt 506.01(b) After-the Fact applications shall not qualify for the permit by notification process.

2006-03208 BOYD, RICHARD
BRENTWOOD Unnamed Wetland

Requested Action:

Impact 1,270 square feet of forested wetland to construct a crossing including a 15-inch culvert to gain access to buildable uplands for the construction of a single family residential dwelling on 10.78 acres.

Conservation Commission/Staff Comments:

The Brentwood Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

Impact 1,270 square feet of forested wetland to construct a crossing including a 15-inch culvert to gain access to buildable uplands for the construction of a single family residential dwelling on 10.78 acres.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), impacts associated with the construction of a crossing to access a single family residential dwelling.

2007-00059 HUNTER, PATRICIA
MARLBOROUGH Unnamed Stream

Requested Action:

Dredge and fill 300 square feet of forested wetlands along 20 linear feet of intermittent stream to install a 30-inch x 20-foot culvert for driveway access to a single family building lot.

PBN IS COMPLETE:

Dredge and fill 300 square feet of forested wetlands along 20 linear feet of intermittent stream to install a 30-inch x 20-foot culvert for driveway access to a single family building lot.

With Findings:

1. This project meets the criteria of Env-Wt 506.01(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
2. The wetland delineation plan is stamped by a NH certified wetland scientist.
3. The ±18.05 acre parcel was subdivided in 2001.