

# Wetlands Bureau Decision Report

Decisions Taken  
01/29/2007 to 02/04/2007

## **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.

**MAJOR IMPACT PROJECT**

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**2005-02172                      MOUNTAIN LAKE VILLAGE LLC, PHILIP BROUILLARD  
LACONIA   Unnamed Wetland**

Requested Action:

Dredge and fill 18,300 square feet of wetland and 406 linear feet of intermittent stream for installation of a waterline, a commercial subdivision and a residential subdivision. Mitigate for the proposed impacts by preserving 49.3 acres of land 3.35 acres of which is wetland and the remainder is upland.

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APPROVE PERMIT:

Dredge and fill 18,300 square feet of wetland and 406 linear feet of intermittent stream for installation of a waterline, a commercial subdivision and a residential subdivision. Mitigate for the proposed impacts by preserving 49.3 acres of land 3.35 acres of which is wetland and the remainder is upland.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith and Associates, Plan Sheet Wet-1 dated December 12, 2006 and revised through December 2006, Plan Sheets 3 and 4 of 25 by Steven Smith and Associates dated March 17, 2006 and revised through July 6, 2006, and December 22, 2006, respectively, and plan sheets titled "Cluster Subdivision Mountain Lake Village" sheet SB-2 dated January 24, 2005, and revised through July 28, 2005, and sheets 5 and 6 of 25 dated March 17, 2006, all sheets received December 26, 2006, and plans by Holden Engineering Inc dated November 28, 2005, and revised through April 25, 2006, as received by the Department 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 Water Supply Engineering Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau
5. This permit is contingent on approval by the DES Waste Water Engineering Program.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the units in this subdivision shall contain condition #6 of this approval.
8. 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.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Work shall be done during periods of non-flow and under low water conditions.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. 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).
17. Area of temporary impact shall be regraded to original contours following completion of work.
18. Mulch within the temporary impact area shall be straw.
19. Seed mix within the temporary impact 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.

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. 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.
22. 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.
23. Silt fencing must be removed once the area is stabilized.
24. 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).
25. 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:

26. This permit is contingent upon the preservation of approximately 49.36 acres as identified on Plans Sheet Wet2 by Steven J Smith Associates, Inc dated May 15, 2006. The conservation land area, which includes 3.35 acres of wetlands and approximately 46 acres of contiguous upland buffer, shall be conveyed to Town of Belmont by Warranty Deed and be under the stewardship of the Belmont Conservation Commission prior to impacts to wetlands or surface waters authorized under this permit.
27. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to Town of Belmont shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
28. A copy of the recording of the deed, and preservation lot plan, from the Belknap County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
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 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. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The proposed project is a single family residential subdivision, a commercial subdivision and the expansion of water service to serve these two new developments.
3. The applicant has provided a copy of the City of Laconia's zoning ordinance requiring the sidewalk and green panel within the wetland area.
4. The applicant has provided evidence that the Town of Belmont and City of Laconia are requiring the dual access into this proposed residential subdivision.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided a letter from the City of Laconia requiring an access road for the length of the water line.
7. The applicant has utilized steep side slopes and retaining walls in order to minimize the wetland impacts.
8. The applicant has impacted the lower function and value wetlands and those that have been previously disturbed when possible, leaving the higher functioning and quality wetlands.
9. 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.
10. The fill associated with the commercial subdivision for lot development is fill of an existing man made ditch line.
11. 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.

12. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
13. The applicant has provided mitigation in accordance with the requirements of Chapter Env-Wt 800.
14. The proposed mitigation exceeds the land area required by Table Env-Wt 800-1.
15. The Laconia Conservation Commission has provided a letter stating they have no concerns with the proposed project.
16. The Belmont Conservation Commission has provided a letter stating that they are willing to steward the proposed mitigation area.
15. The applicant has provided a waiver request per Wt 204.03, to allow work to occur within 20 feet of the property line.
16. The work is proposed approximately 18 feet from Laconia tax map 480-160-8.
17. The applicant has met with the affected abutter and sent them certified mail requesting that they send in the written agreement.
18. The wetland within 20 feet of the property line is a man made drainage ditch.
19. The proposed project will recreate a new ditch line that will be further away than the existing ditch line.
20. The affected abutter is up hill of the proposed impact area.
21. The work proposed will not divert water onto or away from the abutting property.
22. It would be an economic hardship for the owner to not have access to the existing 146 acre lot.
23. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04(a).
24. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

**2006-00072 COACH ROAD ASSOC INC**  
**MONT VERNON Tributary To Hartshorn Brook**

Requested Action:

Dredge and fill 16,325 sq. ft. palustrine emergent, forested, scrub shrub and intermittent stream wetlands for construction of two access (subdivision) roads and a single lot driveway for access to a proposed 22-lot (includes 1 open space lot) subdivision identified as Hartshorn Woods. Work in wetlands consists of the installation of 7 culverts, associated headwalls, grading and outlet protection and side slope grading for the access roadways.

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APPROVE PERMIT:

Dredge and fill 16,445 sq. ft. palustrine emergent, forested, scrub shrub and intermittent stream wetlands for construction of two access (subdivision) roads and a single lot driveway for access to a proposed 24-lot subdivision on a 96 acres parcel (includes 4 open space lots, totaling approximately 50 acres) identified as Hartshorn Woods. Work in wetlands consists of the installation of 7 culvert crossings, associated headwalls, grading and outlet protection and side slope grading for the access roadways. The project includes an approximately 5 acre conservation easement (within open space lot 2-6-25) for wetlands impact mitigation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., plans sheet 1, 2, 3, 4, 5, 6, and 7 of 14, revision dated December 11, 2006, plan sheets 8, and 9 of 14, revision dated October 10, 2006, plan sheets 10 and 11 of 14, revision dated October 17, 2006, plan sheets 12 and 13 of 14, revision dated September 25, 2006 and plan sheet 14 of 14, dated July 11, 2006, as received by the Department on January 19, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the 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.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting,

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

8. Work shall be done during low flow.

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. Dredged material shall be placed outside of the jurisdiction of the DES 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. Proper headwalls shall be constructed within seven days of culvert installation.

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. 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.

15. 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.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

18. 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.

#### Wetland and upland preservation:

19. This permit is contingent upon the execution of a conservation easement on approximately 5 acres as depicted on plans received January 19, 2007.

20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

21. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

22. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

23. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

24. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

25. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

26. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This is a major 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 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 public hearing is waived with the finding that the project impacts will not significantly impair the intermittent stream

resource.

6. The total wetlands impacts including those adjacent to the intermittent stream impacts would be classified as a minor impact project in accordance with Administrative Rule Env-Wt 303.03(h).
7. The applicant has worked with the US Environmental Protection Agency and the department to reduce potential impacts to identified vernal pools on the site.
8. The original lot design has been revised. The two proposed lots surrounding a high value vernal pool within the interior of "Bancroft Circle" have been removed and the area is now an open space lot (lot 2-6-24) with an approximately 100-ft., non-disturbance buffer surrounding the vernal pool. Additionally, two other vernal pools identified on the project site will be contained within open space lots.
9. The project site is an approximately 96 acre parcel of which approximately 50 acres will be protected through open space deed restrictions and approximately 5 acres to be protected by a conservation easement to be held by the Town of Mont Vernon Conservation Commission.
10. The applicant has provided an approximately 5 acre conservation easement as mitigation for the wetlands impacts.
11. The proposed easement area abuts existing protected lands, provides a buffer around a vernal pool and along Hartshorn Brook providing protection to wildlife habitat and water quality functions.
12. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.

**2006-01117                      WINDALIER LLC, C/O DEAD RIVER PROPERTIES  
WEST LEBANON    Mascoma River**

Requested Action:

Riprap stabilize 1,958 square feet (100 linear feet) and biostabilize 2,450 square feet (245 linear feet) of failed bank within the Mascoma River for repairs associated with the May 16, 2006, Emergency Authorization Verification, required to protect adjacent infrastructure.

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Inspection Date: 05/23/2006 by Kirsten Pulkkinen

APPROVE PERMIT:

Riprap stabilize 1,958 square feet (100 linear feet) and biostabilize 2,450 square feet (245 linear feet) of failed bank within the Mascoma River for repairs associated with the May 16, 2006, Emergency Authorization Verification, required to protect adjacent infrastructure.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated June 30, 2006 as received by the Department on July 06, 2006, and revised plans dated June 30, 2006, as received by the Department on October 17, 2006 and narrative dated October 13, 2006, as received by the Department on October 17, 2006.
2. Temporary stabilization shall be in accordance with plans by Pathways Consulting, LLC dated January 09, 2007, as received by the Department on January 09, 2007.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. The permittee shall designate a professional engineer or certified wetland scientist who will be responsible for monitoring and ensuring that the bank stabilization areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES 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.
5. This permit is contingent upon the establishment of plantings.
6. No machinery shall enter the water.
7. All work shall be done from the top of the bank.
8. Bank stabilization shall not be done to extend land into the river channel.
9. Work shall be done during annual low flow conditions and in the dry.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. The permittee shall notify in writing the DES Wetlands Bureau, the Lebanon Conservation Commission, and the Connecticut River Local Advisory Committee at least 7 days prior to the commencement of project construction.
12. 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.

13. 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.
14. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. 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.
16. 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.
17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
18. 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.
19. 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.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. Temporary cofferdams shall be entirely removed immediately following construction.
22. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
23. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
24. Only native plant species shall be planted.
25. Native live plantings shall be installed by September 15th, and dormant willows shall be planted in the spring by June 1st, or in the fall by October 30th.
26. Seed mix within the bank stabilization area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
27. Mulch used within the bank stabilization areas shall be natural straw or equivalent.
28. Riverbank stabilization areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional riverbank is replicated in a manner satisfactory to the DES Wetlands Bureau.
29. 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 DES Wetlands Bureau if the species is found in the stabilization areas during construction and during the early stages of vegetative establishment.
30. A post-construction report documenting the status of the restored bank stabilization area, including photographs during and post construction shall be submitted to the Wetlands DES within 60 days of the completion of construction.
31. 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.
32. 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), alteration of more than 200 linear feet of a perennial nontidal river channel or its banks.
2. An Emergency Authorization Verification was issued May 16, 2006, to riprap stabilize 60 linear feet of bank within the Mascoma River.
3. Emergency repairs were required to protect an adjacent water main and access way.
4. Forty(40) additional linear feet of bank failed during construction, after the Emergency Authorization Verification was issued, and subsequently was riprap stabilized.
5. An additional 245 linear feet of biostabilization is proposed for additional areas of deteriorating bank.
6. Additional stabilization for rip-rapped areas includes topsoil, loam, seed, and willow stakes.
7. The Lebanon Conservation Commission recommended approval of the proposed project with the request of fencing or

vegetative barriers between the operations of the plaza and the Mascoma River to exclude garbage and debris from entering the river; dumpster relocation and/or cleaning of the drain for the culvert located within the riprap discharging directly to the Mascoma River was suggested; and erosion channels in the gravel fill at the top of the riprap slope were noted.

- 8. Possible methods of trash deterrents will be coordinated at the local level.
- 9. In accordance with plans dated January 09, 2007, as received by the Department on January 09, 2007, loam, seed, and pinned fabric will be utilized to temporary stabilize areas of erosion.
- 10. The new 6-inch HDPE pipe replaced 25-feet of the existing 6-inch CMP, which was destroyed by the bank failure.
- 11. The Natural Heritage Bureau indicated the presence of Dwarf wedgemussell (*Alasmidonta heterodon*) and Cobblestone tiger beetle (*Cicindela marginipennis*).
- 12. In a letter dated August 3, 2006, the US Fish and Wildlife Service indicated the nearest Dwarf wedgemussell is located five miles or more downstream from the project in the Connecticut River will not likely be adversely affected by the project.
- 13. The NHFG Nongame and Endangered Species Program does not expect impacts to the Cobblestone tiger beetle as a result of the proposed project.
- 14. DES Staff conducted a field inspection of the proposed project on May 23, 2006. Field inspection documented completed riprap stabilization and bank failure downstream of repairs.
- 15. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine ecosystem.
- 16. Mitigation is not required per Env-Wt 302.03(c), projects that involve only riprap or other bank stabilization to protect existing infrastructure.
- 17. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 18. 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.
- 19. 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.

**MINOR IMPACT PROJECT**

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**2003-01787                      STEENBEKE, RAYMOND & LESLIE**  
**HOPKINTON   Blackwater River**

**Requested Action:**

Retain 92 linear feet of rip rap along the bank of the Blackwater River.

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**APPROVE AFTER THE FACT:**

Retain 92 linear feet of rip rap along the bank of the Blackwater River.

**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.
- 2. This permit is contingent upon compliance with the "Restoration Plan Approval" dated August 24, 2006.

**With Findings:**

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

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

**2005-01176                      ROUX, JOSEPH**  
**CANTERBURY Tributary To Shaker Pond**

Requested Action:

Deny permit request to dredge and fill 3500 square feet for access to a proposed home location and to upgrade the existing class 6 road.

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Conservation Commission/Staff Comments:

Per Jocelyn Degler 04/05/06, The Expedited application DES received 03/28/06 should have been a Standard Dredge & Fill application. The Expedited will be reclassified.

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

Dredge and fill 3500 square feet for access to a proposed home location and to upgrade the existing class 6 road.

With Findings:

1. A request for additional information dated October 18, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-01034                      BEGIN HOMES LLC**  
**SUTTON Unnamed Wetland**

Requested Action:

Dredge and fill 4,640 square feet of palustrine forested wetlands to install two(2) 18-inch x 30 foot HDPE culverts and a 24-inch x 30-foot HDPE culvert for common driveway access to both lots of a 2-lot subdivision on ± 13 acres.

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**APPROVE PERMIT:**

Dredge and fill 4,640 square feet of palustrine forested wetlands to install two(2) 18-inch x 30 foot HDPE culverts and a 24-inch x 30-foot HDPE culvert for common driveway access to both lots of a 2-lot subdivision on ± 13 acres.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano dated February 2006, and revised through January 2007, as received by the Department on January 08, 2007.
2. This permit is contingent on compliance with Administrative Order No. WD 06-038.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface

waters.

- 11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 12. Proper headwalls shall be constructed within seven days of culvert installation.
- 12. Culverts shall be laid at original grade.
- 14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 15. 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 minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
- 2. In a letter dated July 10, 2006, the Sutton Conservation Commission expressed concerns regarding the project, including the related enforcement file, inadequacy of the submitted photographs, crossings Thistle Brook, and erosion controls.
- 3. This permit is contingent on compliance with Administrative Order No. WD 06-038.
- 4. The Sutton Conservation Commission and DES site inspections provided additional photographs of the parcel.
- 5. The proposed common driveway access avoids crossing Thistle Brook.
- 6. The applicant revised erosion controls and a condition of this permit includes that the contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 7. NHFG recommended open bottomed culvert or spans at perennial stream crossings for aquatic species passage.
- 8. The proposed common driveway will not cross any perennial streams.
- 9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 10. 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.
- 11. 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.

**2006-01601                      GILMANTON, TOWN OF**  
**GILMANTON   Unnamed Stream Suncook River**

Requested Action:

Dredge and fill 432 square feet to extend existing twin 48-inch x 22 foot culverts to 30 feet within the Suncook River for road widening.

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APPROVE PERMIT:

Dredge and fill 432 square feet to extend existing twin 48-inch x 22 foot culverts to 30 feet within the Suncook River for road widening.

With Conditions:

- 1. All work shall be in accordance with plans by Bryan L Bailey Associates Inc dated June 2006, and revised through December 6, 2006, as received by the Department on January 12, 2006.
- 2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
- 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. At any time should it be determined that the existing culverts need replacement the proposed crossing will at a minimum be an open bottom structure 1.2 times the bank full width or meet the current stream crossing standards if they are more stringent.
- 5. 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.

6. Work shall be done during low flow.
7. All work shall be done in the dry.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
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. 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.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. 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.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. 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.
19. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant is simply extending a historical crossing and not removing the existing culverts. Should the culverts be replaced an open bottom structure shall be installed per condition number 4 of this approval.

**2006-01899 EASTMAN COMMUNITY ASSOCIATION  
GRANTHAM Unnamed Wetland**

Requested Action:

Dredge and fill 6,622 square feet of emergent and forested wetlands for the construction of clay tennis courts and associated access ways and parking.

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APPROVE PERMIT:

Dredge and fill 6,622 square feet of emergent and forested wetlands for the construction of clay tennis courts and associated access ways and parking.

With Conditions:

1. All work shall be in accordance with plans by pathways Consulting LLC dated September 15, 2006, as received by the Department on November 30, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
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. Culverts shall be properly rip-rapped.
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. 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 minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The five(5) proposed tennis courts and garden will serve the Eastman Community Association (ECA) that consists of over 1,200 residences.
3. The chosen parcel currently consists of three(3) tennis courts and the proposal allows for expansion of the existing recreational facilities.
4. Possible alternative parcels owned by the ECA have been slated for other uses.
5. Tennis court and garden placement were influenced by property line setbacks that were suggested by abutters concerned for aesthetics and noise.
6. The parking lot layout is preferred due to its close proximity to the existing and proposed tennis courts. The layout also allows the ECA to maintain the undeveloped area of land adjacent to the existing clubhouse, allowing for expansion of the clubhouse in the future.
7. Wetlands that will be impacted for tennis court construction were classified as palustrine emergent wetland and are described as, "pockets of sedges that are routinely mowed".
8. Any loss of wetland functions (habitat, pollution filtration, sediment trapping, floodwater storage, and chemical/ nutrient absorption) will be replaced by on-site pollution, sediment, surface drainage, and stormwater control devices, and/or will be maintained by remaining wetlands and adjacent uplands.
9. In a letter dated August 23, 2006, the Grantham Conservation Commission stated that given the approximately 3,500 acres that comprise the Eastman Community it was appropriate for the ECA to place a quantity of land into a permanent conservation trust. Grantham tax map/lot # 214/95 was suggested based on numerous ponds on the parcel.
10. The ECA agreed to conserve approximately six(6) acres of Grantham tax map/lot # 214/95, including what is locally called the "frog pond".
11. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
13. 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.
14. 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.

**2006-02399                      PILLSBURY LAKE WATER DISTRICT**  
**WEBSTER   Deer Meadow Brook**

Requested Action:

Temporarily impact 2102 square feet of the two perennial outlets of Deer Meadow Pond including the permanent impact of 350 square feet of perennial stream to replace an existing water main and install rip-rap to protect this main.

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APPROVE PERMIT:

Temporarily impact 2102 square feet of the two perennial outlets of Deer Meadow Pond including the permanent impact of 350

square feet of perennial stream to replace an existing water main and install rip-rap to protect this main.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineering dated August 18, 2006, as received by the Department on September 11, 2006, and the construction sequencing dated January 5, 2007, as received by the Department on January 10, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
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.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No equipment shall enter the water.
9. All work shall be done from the top of the bank.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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 previously existing water main was compromised when the previous dam failed in part due to a flooding event.

**2006-02498 PRUYN, ELIZABETH  
PORTSMOUTH Atlantic Ocean**

Requested Action:

Retain a total of 1,833 sq. ft. of previously developed upland tidal buffer zone to relocate an existing dwelling and construction of a temporary retaining wall to restore stability to an abutter's driveway.

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Conservation Commission/Staff Comments:

Con. Com. recommends approval.

Inspection Date: 09/29/2006 by David A Price

APPROVE AFTER THE FACT:

Retain a total of 1,833 sq. ft. of previously developed upland tidal buffer zone to relocate an existing dwelling and construction of a

temporary retaining wall to restore stability to an abutter's driveway.

With Conditions:

1. The work shall be in accordance with plans by Ross Engineering dated October 27, 2006 as received by DES on October 30, 2006 and the temporary retaining wall plan by Ross Engineering dated November 2, 2006 as received by the DES on November 6, 2006.
2. All temporary work within DES jurisdiction shall be restored to original condition upon completion of construction.
3. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
4. 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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. There shall be no further alteration to DES Wetlands Bureau jurisdiction without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. On September 29, 2006, DES received a complaint alleging that a dwelling was being relocated at 41 Salter Street in Portsmouth (the "Property") within DES jurisdiction without approval from DES.
2. On September 29, 2006, DES inspected the Property and determined that a dwelling was razed and was in the process of being relocated on the Property within DES jurisdiction without a Wetlands Permit which is in violation of RSA 482-A, the NH Wetlands statute. It was also determined that the relocated dwelling was within 50 ft. of the reference line which is in violation of RSA 483-B:9:II(b) of the Comprehensive Shoreland Protection Act.
3. On October 1, 2006, DES met with the owner of the Property and the owner's agent, Ross Engineering. DES explained to the owner and Ross Engineering the violations of RSA 482-A and RSA 483-B at the Property.
4. On October 2, 2006, DES issued an Alleged Violator letter to the owner of the Property stating that DES had received a complaint of unauthorized work in the tidal buffer zone and shoreland zone.
5. On October 6, 2006, DES issued a Letter of Deficiency WET 06-112 requesting that the owner submit an after-the-fact application (Standard Dredge and Fill Application) to conduct work and relocate the dwelling within the tidal buffer zone in accordance with RSA 482-A:3:I. DES also requested that the plan be redesigned to locate the dwelling landward a minimum of 50 ft. from the reference line in accordance with RSA 483-B:9:II(b).
6. On October 17, 2006, DES received a letter from Donahue, Tucker & Ciandella, PLLC, representing the owner, stating that the owner is assembling an application seeking relief under RSA 482-A and RSA 483-B.
7. On October 25, 2006, DES received a telephone call from Gove Environmental Services, Inc., agent for the owner, stating that the owner was preparing a request for a waiver from RSA 483-B:9:II(b) to relocate the dwelling within 50 ft. of the reference line. DES responded, via e-mail, to Gove Environmental Services, Inc. that the structure was located 57 ft. from the reference line prior to it being moved, which did previously conform to RSA 483-B:9:II(b). In accordance with Env-Wt 1406.04, redevelopment waivers are for property owners who wish to redevelop a property on which a pre-existing nonconforming structure exists. It is not approvable to redevelop a conforming structure into a non-conforming structure.
8. On October 30, 2006, DES received a Standard Dredge and Fill Application to retain 1,768 sq. ft. of impacts to the tidal buffer zone for the relocation of an existing dwelling. The submitted plan showed the proposed dwelling a minimum of 50 ft from the reference line which is in accordance with RSA 483-B:9:II(b).
9. On November 6, 2006, DES issued an emergency authorization to temporarily impact 65 sq. ft. of the previously developed upland tidal buffer zone to construct a temporary retaining wall to restore stability to an abutter's driveway and prevent further erosion caused by disturbance at the Property.
10. On November 15, 2006, DES received a letter from the Portsmouth Conservation Commission recommending approval of the project.
11. On November 27, 2006, DES sent a letter to the owner requesting the following information:
  - a. Owner needs to request a revision to the application to include the temporary impacts associated with the DES emergency authorization.
  - b. In accordance with Env-Wt 304.04(a), provide DES with written agreement from the direct abutter's for proposed work within

20 ft. to abutter's property lines.

c. Acknowledge and explain current conditions of the site and circumstances surrounding the DES enforcement action.

12. On December 6, 2006, DES received a letter from Ross Engineering requesting an amendment to the current application to include the temporary impacts associated with the DES emergency authorization, provided current photographs of the Property, and explained that the owner is in the process of supplying concurrence letter from direct abutters.

13. On January 5, 2007, DES received a request from Ross Engineering to waive Env-Wt 304.04, the 20ft. setback from property lines.

14. On January 13, 2007, DES received a letter from an abutter with the following concerns and comments regarding the project:

a. The abutter recalls that the Portsmouth Zoning Board of Adjustment granted variances to allow 2 ft. setbacks after a survey revealed discrepancies in property lines.

b. Hardship has always been based on the fact that there is no parking on Salter Street and there are numerous houses in the south end and downtown with the same "extreme hardship" and to the abutter's knowledge no has moved a house or building to park cars.

c. The vigorous disapproval of the Portsmouth Historic District Commission proves there was concern regarding the street integrity.

d. Abutter was uncomfortable signing a letter of concurrence for work on applicants property.

15. This is a minimum impact project per Wt 303.04(b).

16. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.

17. This proposal meets the minimum shoreland protection standards within the NH Comprehensive Shoreland Protection Act as required under RSA 483-B and Env-Ws 1405.

18. Based on the DES inspection on September 29, 2006 and the request for a waiver of Env-Wt 304.04 submitted by Ross Engineering as received by DES on January 5, 2007, DES waives Wt 304.04, requiring projects to be setback 20 ft. from abutter's property lines. The proposed location of the dwelling does not represent a danger to waterfront activities, a navigation hazard, or interfere with abutter's access to or use of their property. The Property is 30 ft. wide and the existing dwelling is 26 ft. wide. Based on review of the plan by Ross Engineering dated October 27, 2006, the existing dwelling, prior to being moved, was located on the property line along the western side of the property and setback approximately 3-4 ft. from the eastern property line. The proposed relocation of the dwelling will be centered within the lot with 2 ft. setbacks from western and eastern property lines.

**2006-02609                      FOUNDATION FOR SEACOAST HEALTH, SUSAN BUNTING  
PORTSMOUTH   Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 8,800 sq. ft. of wetlands over three locations, including 4,300 sq. ft. and 4,100 sq. ft., and 400 sq. ft., for construction of a multi-purpose field and a tennis court associated with expansion of an existing non-profit community service campus.

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**APPROVE PERMIT:**

Dredge and fill a total of 8,800 sq. ft. of wetlands over three locations, including 4,300 sq. ft. and 4,100 sq. ft., and 400 sq. ft., for construction of a multi-purpose field and a tennis court associated with expansion of an existing non-profit community service campus.

**With Conditions:**

1. All work shall be in accordance with revised plans by Underwood Engineers Inc. dated 11/30/2006, as received by the Department on 1/27/2007.
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. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Silt fencing 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. 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Growth of an existing non-profit community health service requires on-site expansion of its campus facilities, which can not occur without impacts to some on-site wetlands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impacts have been confined to the edges of the wetlands to the greatest degree practicable, and avoid fragmentation of larger contiguous wetland areas.
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:
  - a. As a result of this project, urban storm water treatment will be provided to run-off from the community campus property, as well as the extensive impervious surface of the abutting property which currently drains through the applicant's property in an untreated and an unmanaged fashion;
  - b. Proper stormwater management in post-construction conditions as described in 4a. above in will also improve conditions for the downstream neighbor Ecker, who expressed concern in a letter to DES dated 11/17/2006, received 11/20/2006, expressing concern about run-off from the new project.
  - c. The red maple - sensitive fern swamp community reported to be of concern by the NH Heritage Bureau will not be impacted by this project proposal. The applicant is proposing a no-cut buffer and 1.5 acre upland conservation easement area along the more vulnerable portion to further increase protection.
5. DES Staff conducted a field inspection of the proposed project on 1/3/2007. Field inspection determined that conditions were accurately represented in the file, and that proper stormwater management associated with the proposed project was likely to provide greater run-off protection to the Ecker property, rather than to increase flooding.
6. The Portsmouth Conservation Commission recommends approval of this project.

**2006-02739**                      **DELONG, ROBERT**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct a "Y-shaped" seasonal docking facility consisting of two 6 ft x 34 ft seasonal docks connected by a 6 ft x 12 ft walkway with a 12 ft x 30 ft seasonal canopy over the center slip, accessed by a 6 ft x 6 ft walkway, anchored by two 3 ft x 6 ft concrete anchoring pads on 200 ft of frontage in Moultonborough on Lake Winnepesaukee.

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**APPROVE PERMIT:**

Construct a "Y-shaped" seasonal docking facility consisting of two 6 ft x 34 ft seasonal docks connected by a 6 ft x 12 ft walkway with a 12 ft x 30 ft seasonal canopy over the center slip, accessed by a 6 ft x 6 ft walkway, anchored by two 3 ft x 6 ft concrete anchoring pads on 200 ft of frontage in Moultonborough on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with the original plans received by the Department on May 27, 2004 and the revised plans received on June 30, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. These docking structures as permitted shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. This permit does not allow for maintenance dredging.
7. The seasonal docks and canopy shall be removed from the lake for 5 months during the non-boating season.
8. No portion of the docking structures shall extend more than 40 feet from the shoreline at the normal high water mark.
9. Neither the owner or their agents shall place, or cause to be placed, any yard waste, slash, rock, wood, construction debris, sand, gravel, etc, in areas under the jurisdiction of the Wetlands Bureau.
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. Unnecessary removal of vegetation shall be prohibited.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), exceeds the design criteria under 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 29, 2006. Field inspection determined that the proposed project is appropriate for the site.
6. Review of DES records has determined that this site's frontage was not considered during the review of application D-00988.

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

**Requested Action:**

Applicant requests reconsideration of the Departments December 7, 2006 decision to deny the request for the hydro-rake activities based on new information provided.

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**Conservation Commission/Staff Comments:**

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

**DENY RECONSIDERATION:**

Reconsider and reaffirm December 7, 2006 decision to deny request to: Hydro-rake inlet to Stocker Pond identified as Stony Brook

covering 450 ft of shoreline.

With Findings:

Grounds for Reconsideration

1. The Applicant submitted additional narrations describing the revised hydro-rake project on January 18, 2007.

Findings of Fact

2. On December 18, 2006 the Department sent a detailed list of required project information to the project leader, by request, as per Rule Env-Wt 501.02.
3. On January 18, 2007, the Wetlands Bureau received a narrative plan proposing to hydro-rake the main Stocker Pond inlet identified as Stony Brook. The project would impact a total of 450 ft of shoreline frontage and stream bank.
4. Plans which were drawn to scale or fully dimensioned were not submitted to adequately portray the revised project.
5. The Applicant failed to provide a reasonable explanation of need for the project.
6. The Applicant had been previously notified that the conversion of a mature wetland into open water was not an approvable project.
7. Hydro-raking the inlet will not improve the association's access to Stocker Pond.
8. Stocker Pond may be accessed by a separate public boat launch area.
9. Photographs submitted to the file show the presence of mature trees and saplings in the area to be hydro-raked.
10. The proposed project would dredge mature wetlands and not simply remove aquatic plants.

Ruling in Support of the Decision

11. The applicant has failed to provide a need to hydro-rake the inlet, as per Rule Env-Wt 302.04(a) therefore, the Wetlands Bureau reaffirms the December 7, 2006 decision to deny the proposed hydro-rake in accordance with Rule Env-Wt 302.04(d) .
12. The Bureau did not receive plans meeting the requirements of Rule Env-Wt 501.02(c).
13. The project would result in the random and unnecessary destruction of wetlands and therefore is denied in accordance with Rule Env-Wt 302.04 (d)(3).

**2006-02809 MORRISON II, CHARLES & NANCY  
SUNAPEE Lake Sunapee**

Requested Action:

Relocate 2 cu yd of navigational hazard rocks to the south of an existing 6 ft x 42 ft seasonal dock on 104 ft of frontage in Sunapee, on Lake Sunapee.

\*\*\*\*\*

APPROVE PERMIT:

Relocate 2 cu yd of navigational hazard rocks to the south of an existing 6 ft x 42 ft seasonal dock on 104 ft of frontage in Sunapee, on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated october 19, 2006, as received by the Department on October 30, 2006.
2. Rock dredged from the lakebed shall be deposited in the indicated near-shore location, in water depths similar to the removal site, and in such a way as to retain viable fish habitat.
3. No more than 2 cubic yards of material shall be relocated.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Deposited materials shall not encroach within the 20 ft setback from abutting property lines or the imaginary extension of those lines into the water.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. 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 any of the structures depicted as "existing" on the approved plans were not previously permitted or grandfathered.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g)removal of no more than 20 cu yd of materials from public waters.
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.

**2006-02917                    1625 SUMMER ST LTD PARTNERSHIP  
NEW HAMPTON   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 7986 square feet further described as follows: permanently impact 6115 square feet for access in the subdivision of approximately 15 acres into two commercial lots and temporarily impact 1871 square feet for construction envelopes around the impact areas.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 7986 square feet further described as follows: permanently impact 6115 square feet for access in the subdivision of approximately 15 acres into two commercial lots and temporarily impact 1871 square feet for construction envelopes around the impact areas.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership dated November 1, 2006, and revised through December 22, 2006, as received by the Department on January 3, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. 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. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Area of temporary impact shall be regraded to original contours following completion of work.
13. Mulch within the temporary impact area shall be straw.
14. Seed mix within the temporary impact 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. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. 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.

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 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 conservation commission is concerned with the sizing of culverts under Rte 104. This permit does not include the replacement of any culverts under Rte 104.

**2006-02988                      MCCUNE, HENRY & KAREN**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Repair/replace an existing 23 ft 10 in x 27 ft boathouse in-kind with the exception that the interior slip width shall be increased from 7 ft 4 in to 8 ft 10 in and crib height shall be increased 1 foot on an average of 758 ft of frontage on Pine Island in Meredith, on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE PERMIT:

Repair/replace an existing 23 ft 10 in x 27 ft boathouse in-kind with the exception that the interior slip width shall be increased from 7 ft 4 in to 8 ft 10 in and crib height shall be increased 1 foot on an average of 758 ft of frontage on Pine Island in Meredith, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Normandin, Cheney & O'Neil PLLC as received by the Department on November 16, 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 county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
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. The ridgeline shall not to exceed 20 ft in height above the dock surfaces.
6. Existing rocks and crib ballast shall be reused. No additional rocks or ballast shall be used.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.

8. Appropriate turbidity controls shall be installed prior to construction shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
9. There shall be no change in the outside dimensions of the structure except as specific noted in the permit description.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed a minimum impact project per Rule Env-Wt 303.04(o).
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 proposed changes do not affect the structure's exterior dimensions except height as necessary to increase structural integrity.
6. The proposed modifications will result in no net increases in the impacts of the structure.

**2006-03007                      CLARK, DAVID**  
**NEW LONDON    Lake Sunapee**

Requested Action:

Remove existing 6 ft x 40 ft seasonal dock and construct a "U-shaped" dock consisting of two 6 ft x 36 ft piling supported piers, a 6 ft x 12 ft walkway, accessed by a 4 ft x 20 ft walkway with steps, install a 14 ft x 30 ft seasonal canopy and install a seasonal boat lift within the center slip on 170 ft of frontage on Lake Sunapee n New London.

\*\*\*\*\*

APPROVE PERMIT:

Remove existing 6 ft x 40 ft seasonal dock and construct a "U-shaped" dock consisting of two 6 ft x 36 ft piling supported piers, a 6 ft x 12 ft walkway, accessed by a 4 ft x 20 ft walkway with steps, install a 14 ft x 30 ft seasonal canopy and install a seasonal boat lift within the center slip on 170 ft of frontage on Lake Sunapee n New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 16, 2006, as received by the Department on November 17, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction, return receipt requested.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 36 feet from the shoreline at full lake elevation (elevation 1094.15).
5. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for 5 months during the non-boating season.
6. Seasonal boatlift shall be removed from the lake bed for 5 months during the non-boating season.
7. Unnecessary removal of vegetation shall be prohibited.
8. This permit does not allow for maintenance dredging.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
11. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
12. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
13. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.

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 minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that doesn't meet the minimum project standards.
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 property has an average fetch through compass headings 190 - 220 greater than 2 miles.

**MINIMUM IMPACT PROJECT**

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**2005-01340                      RICHARD, DAVID/STACEY**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Deny permit request to retain 1045 square feet of fill for access and lot development.

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

Deny permit request to retain 1045 square feet of fill for access and lot development.

With Findings:

1. A request for additional information dated November 2, 2005, addressed to the applicant and copied to agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-01109                      MARAZOFF, ANDREW/LISA**  
**WEST CHESTERFIELD   Town Brook**

Requested Action:

Confirm Emergency Authorization issued May 16, 2006, to replace and repair 250 linear feet of rip-rap slope.

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**CONFIRM EMERGENCY AUTHORIZATION:**

Replace and repair 250 linear feet of rip-rap slope.

With Conditions:

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project is for the replacement of 250 linear feet of previously existing rip-rap, which was washed out as a result of recent flooding events.
2. The project was necessary to protect the existing infrastructure on the lot.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 16, 2006.
4. Review of the information submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-02622                      KINSMAN, ROBERT & CHRISTINE**  
**NORTH HAMPTON   Unnamed Wetland**

Requested Action:

Impact 2,930 s.f. of forested wetland for the construction of a crossing associated with the installation of a 36-inch culvert to access buildable uplands for a residential single family residential dwelling as part of a 2-lot subdivision.

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Conservation Commission/Staff Comments:

The North Hampton Conservation Commission did not sign the Minimum Impact Expedited Application and did not submit comment.

APPROVE PERMIT:

Impact 2,930 s.f. of forested wetland for the construction of a crossing associated with the installation of a 36-inch culvert to access buildable uplands for a residential single family residential dwelling as part of a 2-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by AMES MSC dated October 2, 2006 and revised on November 2, 2006, as received by the Department on January 4, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during seasonal low flow conditions.
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. Culverts shall be laid at existing grade.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 s.f. of forested wetland.
2. The applicant intends to construct the crossing to access uplands, therefore 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, as the impact are located perpendicularly to the wetland and minimized to the furthest extend possible.
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 NH Natural Heritage Bureau (NHNHB) has identified Large Bur-reed (*Sparganium eurycarpum*) as a state-threatened rare species in the vicinity of the project.
6. DES finds that the aforementioned NHNHB species will not be directly affected as the species is not located near the proposed impacts.

**2006-02926                      BETTENCOURT, ARTHUR & JOY**  
**DOVER   Unnamed Wetland Bellamy River**

Requested Action:

Remove existing substandard dwelling and construct a new larger dwelling with attached deck in the developed upland tidal buffer zone greater than 50 ft. from the highest observable tide line, total impact area 1,700 sq. ft. Existing dwelling to be relocated out of tidal buffer zone and converted to a garage.

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APPROVE PERMIT:

Remove existing substandard dwelling and construct a new larger dwelling with attached deck in the developed upland tidal buffer zone greater than 50 ft. from the highest observable tide line, total impact area 1,700 sq. ft. Existing dwelling to be relocated out of tidal buffer zone and converted to a garage.

With Conditions:

1. All work shall be in accordance with plans by KEM Land Survey, Inc. dated October 2006, as received by the Department on November 13, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. This permit is contingent upon submission and execution of a planting plan, to be developed in coordination with the Dover Conservation Commission, to improve the integrity of the vegetated buffer on the property.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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(b), projects in the developed upland tidal buffer zone that are neither major or minor according to Rule Env-Wt 303.02 or Env-Wt 303.03.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicants wish to locate at the property permanently and need a dwelling that meets current code standards and size needs.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is recycling the existing structure by relocating it out of the tidal buffer zone and converting it into a garage; the new dwelling will be located further back from the tidal resource, and will meet the 50' primary building setback required by the Comprehensive Shoreland Protection Act.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Dover Conservation Commission recommends approval of this project.

**FORESTRY NOTIFICATION**

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**2006-03097                      TEMPONE, MARY**  
**FRANCESTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:

FRancestown Tax Map 3, Lot# 79

**2007-00078**                    **MBC-TRL LLC**  
**ROCHESTER** Unnamed Stream

COMPLETE NOTIFICATION:  
Rochester Tax Map 257, Lot# 66

**2007-00122**                    **RIVET, JAMES & ELIZABETH**  
**BARRINGTON** Unnamed Stream

COMPLETE NOTIFICATION:  
Barrington Tax Map 11, Lot# 67

**2007-00149**                    **SAMELA, JENNIFER**  
**WARNER** Unnamed Stream

COMPLETE NOTIFICATION:  
Warner Tax Map 1, Lot# 4-3

**2007-00150**                    **BLAINE, HENRY**  
**UNITY** Unnamed Stream

COMPLETE NOTIFICATION:  
unity Tax Map 8, Lot# 868-2

**2007-00167**                    **GODMAN, TODD**  
**CANDIA** Unnamed Stream

COMPLETE NOTIFICATION:  
Candia Tax Map 402, Lot# 18

**2007-00169**                    **WALSHE, JOHN**  
**EPPING** Unnamed Stream

COMPLETE NOTIFICATION:  
Epping Tax Map 27, Lot# 137

**2007-00170**                    **SAMELA, JENNIFER**  
**BRADFORD** Unnamed Stream

COMPLETE NOTIFICATION:  
Bradford Tax Map 11, Lot3 37

**2007-00171**                    **LINES, JEFFREY & CAROL**  
**MEREDITH** Unnamed Stream

COMPLETE NOTIFICATION:

Meredith Tax Map R5, Lot# 8

**2007-00172 PROCTOR ACADEMY  
ANDOVER Unnamed Stream**

COMPLETE NOTIFICATION:

Andover Tax Map 18, Lot# 840-096

**2007-00173 SALADINO, JEAN W.E.  
ROCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:

Rochester Tax Map 221, Lot# 154 & 155

**2007-00174 BROWER, HOWARD  
LANDAFF Unnamed Stream**

COMPLETE NOTIFICATION:

Landaff Tax Map 7, Lot# 26

**2007-00175 HUNT, JOHN B  
RINDGE Unnamed Stream**

COMPLETE NOTIFICATION:

Rindge Tax Map 1, Lot# 11

**2007-00176 MACKENIZE, MATT & ANNIE  
DANBURY Unnamed Stream**

COMPLETE NOTIFICATION:

Danbury Tax Map 416, Lot# 4 & 5

**2007-00181 SPAULDING FAMILY TRUST, ROBERT S WALLACE  
TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:

Tamworth Tax Map 412, Lot# 23

**2007-00182 BERGH, MICHELLE & CHERYL MORSE  
HENNIKER Unnamed Stream**

COMPLETE NOTIFICATION:

Henniker Tax map 1, Lot# 883

**2007-00183                    COFFIN JR, CHARLES**  
**DANVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Danville Tax Map 1, Lot# 25-2

**EXPEDITED MINIMUM**

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**2006-01963                    DOMENICI, STEPHEN & CYNTHIA**  
**CONCORD   Unnamed Wetland**

Requested Action:

Dredge and fill 455 square feet including installation of a 24-inch x 20 foot culvert for access in the subdivision of 39.1 acres into two single family residential lots.

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APPROVE AMENDMENT:

Dredge and fill 455 square feet including installation of a 24-inch x 20 foot culvert for access in the subdivision of 39.1 acres into two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Richard Bartlett and Associates dated September 6, 2005, as received by the Department on November 22, 2006, and Plans by Steve and Cindy Dominici, as received by the Department on November 28, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. 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.
6. Prior to conducting any work on lot 35 the property owner shall have the entire lot delineated by a Certified Wetland Scientist.
7. The deed which accompanies the sales transaction for lot 35 in this subdivision shall contain condition #6 of this approval.
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:

The Department reaffirms findings 1-10, of our original approval dated October 5, 2006.

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; and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
6. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.
7. It would be an economic hardship for the owner to have the entire 36 acre remaining lot delineated in the field.
8. If any additional work is to be conducted on the proposed remainder lot an on site delineation will be required per condition #6 of this approval.
9. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

And makes the following additional finding:

11. The installation of a common driveway was determined to be economically infeasible and therefore this crossing of only an additional 257 square feet was granted.

**2006-02117                      MIDDLE HANCOCK LLC, JOHN LORD**  
**PETERBOROUGH   Unnamed Wetland No Name Brook**

Requested Action:

Dredge and fill 750 square feet within Wetland Bureau jurisdiction to repair an existing earthen dam in the same location and configuration.

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APPROVE PERMIT:

Dredge and fill 750 square feet within Wetland Bureau jurisdiction to repair an existing earthen dam in the same location and configuration.

With Conditions:

1. All work shall be in accordance with plans by William MacAdam & Associates dated June 1976, and revised through August 21, 2006, as received by the Department on August 21, 2006.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during drawdown.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All work shall be done from the top of the bank.

9. Repair shall maintain existing size, location and configuration.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(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 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.

**2006-03000                      VANDER HOOF, PARKER**  
**WAKEFIELD   Great East Lake**

Requested Action:

Repair in kind, an existing 8 ft by 26 ft permanent dock supported by a 7 ft 6 in by 26 ft concrete wall foundation on Great East Lake, Wakefield.

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Conservation Commission/Staff Comments:

Con Com did not sign Exp Application but submitted comments requesting replacing with a seasonal structure

APPROVE PERMIT:

Repair in kind, an existing 8 ft by 26 ft permanent dock supported by a 7 ft 6 in by 26 ft concrete wall foundation on Great East Lake, Wakefield.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on January 03, 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 construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during drawdown.
7. Repair shall maintain existing size, location and configuration.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. This permit does not allow for any equipment to operate in or on the lakebed or waterbody or in areas of the Departments jurisdiction.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-00002                      BYK, JOSEPH**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Dredge and fill 1,257 sq. ft. of poorly drained scrub-shrub wetlands to construct a driveway access to a proposed home on an existing lot of record. Work in wetlands includes installation of a 15 in. x 20 ft. ADS culvert, and associated culvert headwalls, outlet protection and roadway fill and grading.

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APPROVE PERMIT:

Dredge and fill 1,257 sq. ft. of poorly drained scrub-shrub wetlands to construct a driveway access to a proposed home on an existing lot of record. Work in wetlands includes installation of a 15 in. x 20 ft. ADS culvert, and associated culvert headwalls, outlet protection and roadway fill and grading.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering, dated November 28, 2006, as received by the Department on January 3, 2007.
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 approval by the 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. Work shall be done during low flow.
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. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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. Construction equipment shall be inspected daily for leaking fuel. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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), 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.
5. The applicant has submitted an agreement from an abutter within 20 feet of the proposed wetlands impacts in accordance with

administrative rule Env-Wt 304.04(a).

**2007-00008                      WAGNER, RICHARD**  
**HEBRON   Newfound Lake**

Requested Action:

Construct a 12 ft x 35 ft perched beach and 30 linear ft of retaining wall on 240 ft of frontage in Hebron on Newfound lake.

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DENY PERMIT:

Construct a 12 ft x 35 ft perched beach and 30 linear ft of retaining wall on 240 ft of frontage in Hebron on Newfound lake.

With Findings:

Standards for Approval:

1. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."
2. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."
3. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."
4. In accordance with RSA 483-B:3, Consistency Required, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
5. In accordance with Administrative Rule Env-Wq 1405.04 "No accessory structures shall be built on land having greater than 25 percent slope."

Findings of Fact:

6. On January 4, 2007 the Department received an application to excavate into the bank and bed of Newfound Lake to construct a 12 ft x 35 ft perched beach and construct retaining walls along an additional 30 ft of shoreline on property identified as Milton Tax Map 33, lot 69.
7. Photographs of the frontage submitted by the Applicant do not support the need for the proposed retaining walls as required per Rule Env-Wt 302.04(a)(1).
8. The normal high water line of Newfound Lake is listed in the Official List of Public Waters as Elevation 588.38.
9. The plans submitted indicate that the proposed beach would be constructed below and lakeward of Elevation 588.00.
10. The average slope of the shoreland immediately adjacent to the proposed project area exceeds 25%.
11. The plans indicate that three additional patios are proposed within protected shorelands outside the jurisdiction of the Wetlands Bureau. Two of these patios would impact a slope exceeding 25% and therefore would not comply with Shoreland Program rules and the intent of RSA 483-B.

Ruling in Support of the Decision:

12. A permit is required for the construction of this structure per RSA 482-A. In accordance with RSA 483-B:3 the permit shall be issued only if the project complies with the intent and policies of RSA 483-B.
13. The construction of a perched beach below the normal high water elevation and within public lands is not approvable.
14. The construction of a beach in the bank adjacent to the proposed site would require excavation of a slope exceeding 25% and therefore would not comply with Rule Env-Ws 1405 and the intent of RSA 483-B.
15. The approval of plans showing the construction of patios on a slope greater than 25% contrary to the requirements of Rule Env-Wq 1405.04 would not be consistent with the goals of the minimum standards listed in RSA 483-B:2, and therefore is prohibited per RSA 483-B:3.
16. The applicant has not provided need for the retaining wall as per Rule Env-Wt 302.04(a)(1) and therefore the application is

denied per Rule Env-Wt 302.04(d)(3).

**2007-00019                      KOSINSKI, RICHARD & LINDA**  
**CENTER HARBOR   Lake Waukewan**

Requested Action:

Construct 20 linear ft of retaining wall and implement vegetation plan to stabilize an abandoned beach area, remove existing stone lake access steps and install 4 ft wide seasonal access steps on 155 ft of frontage on Lake Waukewan in Center Harbor.

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APPROVE PERMIT:

Construct 20 linear ft of retaining wall and implement vegetation plan to stabilize an abandoned beach area, remove existing stone lake access steps and install 4 ft wide seasonal access steps on 155 ft of frontage on Lake Waukewan in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants as received by the Department on January 5, 2007.
2. The wall proposed to stabilize the abandoned beach area shall not be installed below elevation 540.
3. The retaining wall shall not encroach upon the normal high water mark elevation 539.
4. 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 any of the structures depicted as "existing" on the approved plans were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as notification of completion of the project.
9. The new wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
10. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
11. This permit does not authorize beach replenishment or beach restoration of any sort due to the excessive slope and requirements of Rule Env-Wq 1405.
12. No ornamental, exotic or invasive species shall be used for vegetative stabilization in the restoration 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(m), projects that disturb less than 50 linear ft, measured along the shoreline.
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.

**2007-00046                      EXETER, TOWN OF**  
**EXETER   Unnamed Wetland**

Requested Action:

Impact 100 square feet within the bed and banks of Norris Brook to extend an existing culvert beneath Epping Road (Route 27) to

accommodate the installation of sidewalks.  
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Conservation Commission/Staff Comments:

The Exeter Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 100 square feet within the bed and banks of Norris Brook to extend an existing culvert beneath Epping Road (Route 27) to accommodate the installation of sidewalks.

With Conditions:

1. All work shall be in accordance with the General Plan (Sheet 13 of 32) by Underwood Engineers, Inc. dated December 13, 2006, as received by the Department on January 11, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during no flow conditions.
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. Prior to commencing work on a substructure located within Norris Brook, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. 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.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. 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(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The culvert extension is necessary to install a sidewalk for safe pedestrian passage, therefore 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, as the impacts are minimized to the fullest extent possible.
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.

**2007-00047                      STEWART, ROBERT & SALLY**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair an existing 10 ft x 39 ft permanent dock supported by a full crib and convert a existing sloped beach to an 18 ft x 9 ft perched beach on an average of 159 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

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Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**APPROVE PERMIT:**

Repair an existing 10 ft x 39 ft permanent dock supported by a full crib and convert a existing sloped beach to an 18 ft x 9 ft perched beach on an average of 159 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construcion dated November 27, 2006, 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 construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the Applicant were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Dock repairs shall maintain existing size, location and configuration.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of the normal high water line (Elevation 504.32).
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 6 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 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.
2. Converting the existing sloped beach to a perched design will less impacting on the waterbody.

**GOLD DREDGE**

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**2007-00064                      TAYLOR, JARROD**  
**(ALL TOWNS) Unnamed Stream**

**2007-00168                      MILLER, EUNICE**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2007-00101                    SPRAGUE, SUSAN & ALBERT**  
**LOCHMERE   Silver Lake**

Conservation Commission/Staff Comments:  
See Phone Note in file

COMPLETE NOTIFICATION:  
Lochmere Tax Map U3 Lot# 35

**2007-00156                    STEEVES, RICHARD & KATHLEEN**  
**NEWBURY   Lake Sunapee**

COMPLETE NOTIFICATION:  
Newbury NH Tax Map# 20 Lot# 173 Block# 507  
Lake Sunapee

**2007-00158                    CORCORAN, FRANK & VIRGINIA**  
**HOLDERNESS   Squam Lake**

COMPLETE NOTIFICATION:  
Holderness NH Tax Map# 236 Lot# 59 Squam Lake

**PERMIT BY NOTIFICATION**

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**2007-00126                    WOLFEBORO DPW, TOWN OF**  
**WOLFEBORO   Unnamed Stream**

Requested Action:  
Temporarily impact 1000 square feet of man made drainage ditch for replacement of an existing sewer line.  
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PBN IS COMPLETE:  
Temporarily impact 1000 square feet of man made drainage ditch for replacement of an existing sewer line.