

# Wetlands Bureau Decision Report

Decisions Taken  
02/19/2007 to 02/25/2007

## **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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**2006-00449                      RED FOX VILLAGE  
BRISTOL    Newfound Lake**

Requested Action:

Replenish existing beach with 60 cubic yards of sand and repair an existing 7 ft by 18 ft stairway to the waterbody "in-kind" on Newfound Lake, in Bristol.

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Conservation Commission/Staff Comments:

No comments from Con Com by June 28, 2006.

Inspection Date: 08/02/2006 by Dale R Keirstead

APPROVE PERMIT:

Replenish existing beach with 60 cubic yards of sand and repair an existing 7 ft by 18 ft stairway to the waterbody "in-kind" on Newfound Lake, in Bristol.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on January 29, 2007.
2. Repairs shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. All construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. No more than 60 cu yds of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. 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.
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 major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Wt 303.04(d), or minor impact under Wt 303.03(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. DES Staff conducted a field inspection of the proposed project in August 2006. Field inspection determined the need for the requested repairs as the stairs are starting to fail and appear to be unsafe.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Newfound Lake.
6. No portion of the project will impact areas below the normal highwater line and, therefore, Governor and Executive Council approval is not required.

**2006-00742                      NH DEPT OF TRANSPORTATION  
PORTSMOUTH    Tidal Buffer Zone**

Requested Action:

Dredge 530 sq. ft. (83 linear feet) of drainage ditch to remove accumulated sediment and widen to provide a catchment area.

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Conservation Commission/Staff Comments:

Cons. Comm. approves and recommends water be pre-treated using oil water separator and a planting plan be prepared to restore saltmarsh vegetation at the outlet.

Inspection Date: 03/21/2006 by Gino E Infascelli

APPROVE PERMIT:

Dredge 530 sq. ft. (83 linear feet) of drainage ditch to remove accumulated sediment and widen to provide a catchment area. NHDOT project #2006-M610-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 3-28-06 as received by the Department on April 6, 2006 and as shown in the cross section received on Feb. 1, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Salt tolerant shrub species, such as *Rosa rugosa*, shall be planted to reduce invasives and stabilize the work area.
11. Any further upgrade of Route 1 in this area shall consider water quality treatment to reduce sediment loading in these wetland systems.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands and Env-Wt 303.02(b) alteration of areas within 100 feet of the highest observable tide line.
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) and (c), 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 March 21, 2006. Field inspection determined that modifying the existing roadway drainage outlet would provide an area to reduce the amount of sediment discharging into the wetlands, reduce the flooding in the roadway and are a benefit to the public which meets the intent of RSA 482-A:1.
6. DES Staff finds that this project will not have a significant impact on the tidal buffer zone and estuarine wetland resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.
7. The Conservation Commission approves and recommends water be pre-treated using oil water separator and a planting plan be prepared to restore salt marsh vegetation at the outlet.
8. The conditions of approval address the comments by the Conservation Commission while considering the limited scope of this maintenance project.

Requested Action:

Replenish 8400 sq ft of existing sloped beach with 104 cubic yards of sand on property having 240 ft of shoreline in Rand Cove on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com recommends no more than 10 cubic yards

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

APPROVE PERMIT:

Replenish 8400 sq ft of existing sloped beach with 104 cubic yards of sand on property having 240 ft of shoreline in Rand Cove on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on January 16, 2007.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. No more than 104 cu yd of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a community beach using more than 20 cu yd of sand.
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 public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
5. All activity shall occur above the normal highwater line and, therefore, Governor and Executive Council approval is not required.

**2006-02554                      LEVY, KIMBERLY**  
**PORTSMOUTH Piscataqua River & Back Channel**

Requested Action:

Construct a tidal docking structure consisting of a 6' x 8' permanent pier to a 3'x 40' ramp to a 10' x 20' float, overall structure length 56', providing one under-sized slip (as defined by RSA 482-A:2 VIII (a) "Boatslip") on 371.5' of frontage on the Back Channel of the Piscataqua River.

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APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 8' permanent pier to a 3'x 40' ramp to a 10' x 20' float, overall structure length 56', providing one under-sized slip (as defined by RSA 482-A:2 VIII (a) "Boatslip") on 371.5' of frontage on the Back Channel of the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 9/15/2006, as received by the Department on 9/25/2006, and per supporting materials dated 1/10/2007 as received by the Department on 1/13/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the tidal marsh or 1:1 ratio of deck height to width as appropriate, and shall have 3/4-inch spacing between the decking planks.
4. This permit shall not be effective until recorded at the Rockingham 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.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until 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.
7. Construction of this tidal docking structure consisting of a 6' x 75' permanent pier to a 3' x 40' ramp to a 10' x 20' float, providing one under-sized slip (as defined by RSA 482-A:2 VIII (a) "Boatslip") on 371.5' of frontage on the Back Channel of the Piscataqua River Portsmouth tax map 207, lot 14, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. The float shall be constructed such as to rest on float stops at low tide to prevent the float from sitting on the mud at low tide. Design of the float stops shall be coordinated among DES, National Marine Fisheries Service ("NMFS"), and the applicant, or applicant's marine contractor.

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier, at just 8' long, is dramatically shorter and less intrusive into the estuary than the typically-approved permanent pier portion of a tidal dock, which are in the 100'+ range. The permanent pier is designed at approximately one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation. In this case the pier crosses a predominately rocky shore with no tidal marsh vegetation. The remainder of the structure length consists of a seasonal ramp and float.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There were no listed species of concern reported by NH Natural Heritage Bureau as located in the vicinity of the project; no comments were received from NH Fish & Game Non-game and Endangered Wildlife Program. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors ("DPH"), who determined that the project would have no negative effect on navigation, pursuant to the DPH letter dated 10/10/2006 as received by DES on 10/11/2007; and the dock is located greater than 20 feet off the abutting property lines.
5. This application has received review of the federal PGP Joint Processing Meeting on 1/18/2007. National Marine Fisheries ("NMFS") commented that the application was eligible as proposed. Float stops are included in the design of this project.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on 2/12/2007 found that the site is accurately represented in the application, and that the proposed location allows for a significantly shorter dock than that which is typically permitted in tidal waters. DES field inspection also noted that there is currently a larger dock immediately across the channel from the subject property, the presence of which is a common element found throughout the waterbody.
8. The Portsmouth Conservation Commission recommends denial of this application pursuant to its 11/13/2006 letter, as received by DES on 11/15/2007, on the basis that 1) the dock interferes with the aesthetic interest of the general public; and that 2) it does not contribute to the health, safety and well-being of the general public.
9. DES finds that this proposed dock, which is of a standard design commonly found and routinely permitted in tidal waters, and in being significantly smaller than most docks so permitted, does not interfere with the aesthetic interests of the general public.
10. DES finds that the relevant criteria for approval that a shoreline property owner must demonstrate with respect to the health,

safety, and well-being of the general public, has been met by the NH DPH assesment that the dock as designed will not impede navigation at this location. The final determination of whether to allow construction of a private structure within the public ownership is made by the Governor and Executive Council, whose further approval is required for all major docking structures in public waters.

11. The abutters Patricia and Gary Kish, located at 70 Pleasant Point Drive, object to approval of the application, on the basis that the dock will be in their line of sight and will result in people and boat activity near their property, and affect wildlife in the area.

12. DES finds that there is no evidence provided to suggest that the presence of docks in general, nor this dock in particular, will impede wildlife use of the resource area. With respect to the sight of the dock and the presence of boats and people, there is currently a dock present a short distance across the channel in plain site of the Kish residence, and neither sight of the dock nor presence of boats and people represent a criteria for denial of an application that otherwise meets the wetlands statute and rules for abutter setback, and all other applicable regulations.

**2006-02581                    MCCARTHY REVOC TRUST, WENDY  
MOULTONBOROUGH Lake Winnepesaukee**

**Requested Action:**

Relocate an existing 6 ft x 40 ft seasonal dock to a point 43 ft from the northwest property line and dredge 108 cu yd from 1456 sq ft of lakebed on 245 ft of frontage on Lake Winnepesaukee.

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**DENY PERMIT:**

Relocate an existing 6 ft x 40 ft seasonal dock to a point 43 ft from the northwest property line and dredge 108 cu yd from 1456 sq ft of lakebed on 245 ft of frontage on Lake Winnepesaukee.

**With Findings:**

**Standards of Approval**

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:3, XIII, all boat docking facilities shall be at least 20 ft from abutting property lines.
3. In accordance with Rule Env-Wt 101.82 Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.
4. In accordance with Rule Env-Wt 101.59 "Navigable frontage" means the frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water.
4. As per Rule Env-Wt 302.04 (d), the Department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands.

**Findings of Fact**

5. On September 28, 2006, the Wetlands Bureau received a Standard Dredge and Fill Application for the after the fact approval of a 6 ft x 40 ft seasonal dock located within the 20 ft setback to abutting properties and approval to dredge 108 cu yd from 1456 sq ft of lakebed to provide adequate water depth for navigation.
6. This project is classified as a Major impact project per Rule Env-Wt 303.02 (g) dredge of more than 20 cu yd of material from public waters.
7. On December 20, 2006 the Wetlands Bureau issued a Request for More Information Letter informing the Applicant that the Bureau had evidence that the existing pier had been legally installed and that the installation of a pier and subsequent dredging within the 20 ft setback to property lines would not be approvable.
8. On January 30, 2007 the Wetlands Bureau received revised plans to relocate the existing nonconforming 6 ft x 40 ft seasonal dock 30 ft southerly of its current location and dredge 1456 sq ft lakebed around the dock for navigation.
9. Field inspection by DES staff on December 13, 2006 observed the frontage while the water level was at Elevation 503.32, 1 ft below full lake, and it was noted that large areas of the lakebed adjacent to the frontage were exposed.
10. Plans as received by the Wetlands Bureau on January 30, 2007 indicate that both the dredging impact and pier location will

encroach on the 20 ft setback to the property identified as Moultonborough Tax map 146, lot 17.

Ruling in Support of the Decision

11. Based on the observations by DES staff during the December 13, 2006 field inspection and the information submitted with the application the subject property does not have frontage that could be navigated by a boat having a 2 ft draft and, therefore, is not navigable.

12. The proposal to locate the pier within 20 ft of an abutting property line is prohibited per RSA 482-A:3, XIII and, therefore, the application is denied.

MINOR IMPACT PROJECT

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**2005-00808                      FARRELL, S. WARREN**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Dredge 19.8 cu yd from 373 sq ft lakebed and excavate 1,850 sq ft of bank and protected shoreland for the construction of a 37 ft x 37 ft dug-in boathouse. Excavate 343 sq ft of bank and protected shoreland for the construction of a 29 ft x 20 ft perched beach, reduce an existing 7 ft x 25 ft crib dock to 6 ft x 25 ft and install 2 seasonal personal watercraft lifts on an average of 160 ft of frontage along Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Com has numerous concerns

APPROVE PERMIT:

Dredge 19.8 cu yd from 373 sq ft lakebed and excavate 1,850 sq ft of bank and protected shoreland for the construction of a 37 ft x 37 ft dug-in boathouse. Excavate 343 sq ft of bank and protected shoreland for the construction of a 29 ft x 20 ft perched beach, reduce an existing 7 ft x 25 ft crib dock to 6 ft x 25 ft and install 2 seasonal personal watercraft lifts on an average of 160 ft of frontage along Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 24, 2007, as received by the Department on January 30, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant 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 boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
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 siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

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 facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
14. No portion of the pier shall extend more than 25 feet from the shoreline at full lake elevation.
15. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
16. The steps installed for access to the water shall be located completely landward of the normal high water line.
17. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
18. This permit shall be used only once, and does not allow for annual beach replenishment.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. 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.
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. On April 26, 2005, the NH DES Wetlands Bureau (the "Bureau") received an application for the construction of a dug-in boathouse, perched beach and modification of an existing crib pier on property identified as Tuftonboro tax map 51, lot 3-19 (the "Property").
2. This application was received prior to the August 12, 2005 Belknap County Superior Court decision relative to the review standard required by RSA 483-B, the Comprehensive Shoreland Protection Act, therefore this project was reviewed under the pre-existing standards.
3. This project is classified as a minor project per Rules Env-Wt 303.03(d), construction of a 3 slip, permanent facility and Env-Wt 303.03(g) dredge of less than 20 cu yd from public waters.
4. The applicant has an average of 160 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2,VIII, and therefore meets Rule Env-Wt 402.12.

**2005-02390                      COLD BROOK GRAVEL INC**  
**BOSCAWEN   Cold Brook**

Requested Action:

Dredge and fill 1300 square feet for the installation of a 44-foot high x 4-foot x 4-foot open bottom structure and a 30-foot long x 20-foot span x 8 foot high open bottom structure within the bed and banks of two perennial streams for expansion of the existing road into gravel pit.

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APPROVE PERMIT:

Dredge and fill 1300 square feet for the installation of a 44-foot high x 4-foot x 4-foot open bottom structure and a 30-foot long x 20-foot span x 8 foot high open bottom structure within the bed and banks of two perennial streams for expansion of the existing road into gravel pit.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering and Surveying dated September 12, 2005, and revised

through January 23, 2007, as received by the Department on January 25, 2007 and the project narrative also by LePene Engineering and Surveying dated January 23, 2007 as received January 25, 2007.

2. This permit is contingent on approval by the DES Site Specific Program.
3. 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.
4. Work shall be done during low flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The 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. Silt fencing must be removed once the area is stabilized.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. 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).
2. The proposed upgrade of the existing roadway is for safety purposes.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided for open bottom structures on these perennial streams.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. Letter of Deficiency Wet 06-158, was issued on December 27, 2006, for this property. This permit is an element of compliance for the compliance issues.

**2005-02857 COLLINS, CHRISTOPHER & CHRISTINE  
MEREDITH Lake Winnepesaukee**

Requested Action:

Dredge and backfill 72 sq ft of lakebed and excavate 900 sq ft along 25 linear ft of shoreline to install a water line and construct a 15 ft x 50 sq ft perched beach on 145 ft of frontage on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Dredge and backfill 72 sq ft of lakebed and excavate 900 sq ft along 25 linear ft of shoreline to install a water line and construct a 15 ft x 50 sq ft perched beach on 145 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 21, 2006, as received by the Department on January 30, 2007.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. 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.
9. 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.
10. The lakebed shall be regraded to original contours following completion of work.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), alteration removal of less than 20 cu yd of material 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.
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 average slope through the beach impact area is not more than 24.5 % percent.

**2006-00099 TUKOR REAL ESTATE & DEVELOPMENT CORP INC, JEFF WHI  
DEERFIELD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 16,400 sq. ft. of wetland for eight crossings to construct a roadway to serve a fifty (50) residential lot subdivision on 204.5 acres, including: Impact #1: 4,190 sq. ft. and install a 42 in. x 62 ft. culvert; Impact #2: 1,375 sq. ft. and install a 24 in. x 57 ft. culvert; Impact #3: 320 sq. ft. of an isolated wetland for roadway construction; Impact #5: 300 sq. ft. of wetland edge fill for roadway construction; Impact #6: 1,625 sq. ft. and install a 24 in. x 58 ft. culvert; Impact #7: 3,140 sq. ft. and install twin 24 in. x 63 ft. culverts; Impact #8: 2,400 sq. ft. and install twin 24 in. x 33 ft. culverts; Impact #9: 3,050 sq. ft. and

install 24 in. x 47 ft. culvert. Approve as mitigation, a conservation easement on 55.5 acres of wetland and upland on the property, held by the Town of Deerfield with stewardship by the Deerfield Conservation Commission.

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Conservation Commission/Staff Comments:  
Property has enforcement under File# 2005-2369.

**APPROVE PERMIT:**

Dredge and fill a total of 16,400 sq. ft. of wetland for eight crossings to construct a roadway to serve a fifty (50) residential lot subdivision on 204.5 acres, including: Impact #1: 4,190 sq. ft. and install a 42 in. x 62 ft. culvert; Impact #2: 1,375 sq. ft. and install a 24 in. x 57 ft. culvert; Impact #3: 320 sq. ft. of an isolated wetland for roadway construction; Impact #5: 300 sq. ft. of wetland edge fill for roadway construction; Impact #6: 1,625 sq. ft. and install a 24 in. x 58 ft. culvert; Impact #7: 3,140 sq. ft. and install twin 24 in. x 63 ft. culverts; Impact #8: 2,400 sq. ft. and install twin 24 in. x 33 ft. culverts; Impact #9: 3,050 sq. ft. and install 24 in. x 47 ft. culvert. Approve as mitigation, a conservation easement on 55.5 acres of wetland and upland on the property, held by the Town of Deerfield with stewardship by the Deerfield Conservation Commission.

**With Conditions:**

1. All work shall be in accordance with revised plans by Eric C. Mitchell & Associates, Inc. ("ECM") dated May 3, 2006 (Sheets R1-R12, Sheets S2-S12), as received by the Department on February 20, 2007, revised plans by ECM dated April 26, 2006 (Sheet P1, Sheets P3-P5, Sheets P7-P9, Sheets SD1-SD4, Sheets D1-D4), as received by the Department on February 20, 2007, and revised plans by ECM dated April 26, 2006 (Sheet P2 and Sheet P6) as received by the Department on February 23, 2007.
2. Culvert size/design at the wetland crossings shall be a minimum of 24 inches in diameter based on direct coordination of the applicant with NH Fish & Game ("NHF&G") Non-Game and Endangered Species Program to address NHF&G concerns about the presence of wood turtle (*Clemmys insculpa*) within the project area.
3. This permit is contingent upon completion of wetland restoration on the property addressed under separate cover.
4. Work within surface waters shall be done in the dry or during low flow.
5. Construction equipment shall not be located within surface waters.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. 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).
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. 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.
10. The DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon completion.
11. 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.
12. This permit is contingent upon approval by the DES Alteration of Terrain Program.

**Wetland Preservation:**

13. This permit is contingent upon the execution of a conservation easement on 55.5 acres as depicted on plans by Eric C. Mitchell & Associates, Inc. dated October 19, 2006, as received by the Department on November 7, 2006.
14. The conservation easements that may 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.
15. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
16. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
17. 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.
18. 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 minor impact project per Administrative Rule Env-Wt 303.03(f), alteration of less than 20,000 square feet of non-tidal wetlands in the aggregate that exceed the criteria for minimum impact projects.
2. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.01(b) by demonstrating that the proposal must cross wetlands at some locations on this property to access buildable uplands on the property.
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 by designing the proposed roadway in primarily the most narrow sections of wetland. Applicant has further minimized impacts by providing compensatory mitigation in the form of preservation of 55.5 acres of conservation easement, which exceeds the requirements of Env-Wt 803.05 Compensatory Mitigation Ratios.
4. The applicant is currently restoring unauthorized work in wetlands on the property and is addressed under separate cover.
5. The applicant has addressed the concerns of NH Fish & Game - Non-Game and Endangered Species Program relative to the sizing of the proposed culverts at the wetland crossings relative to aquatic species passage.

**2006-00586 WINSLOW, PHILIP D & MAE C**  
**RYE Atlantic Ocean**

Requested Action:

Request amendment to increase impacts in the previously developed upland tidal buffer zone from a total of 7,079 sq. ft. to a total of 10,455 sq. ft. to accommodate a redesigned dwelling, garage and driveway. No work is proposed within 50 feet of the highest observable tide line.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission participated in the site review on Jan. 04, 2007 to consider the proposed amendment and concurred that the best alternative would be for the building design to avoid any encroachment into the CSPA 50 ft. setback from the HOTL for primary structures.

Inspection Date: 04/12/2006 by Frank D Richardson

Inspection Date: 01/04/2007 by Frank D Richardson

APPROVE AMENDMENT:

Approve amendment to increase impacts in the previously developed upland tidal buffer zone from a total of 7,079 sq. ft. to a total of 10,455 sq. ft. (5,674 sq. ft. of temporary impacts & 4,781 sq. ft. of permanent impacts) to accommodate a redesigned dwelling, garage and driveway. No work is proposed within 50 feet of the highest observable tide line. An existing 86 sq. ft. shed located adjacent to the salt marsh will be removed from the site.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. Environmental Consultants dated 1/19/07, as received by the Department on January 26, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of areas within DES wetlands jurisdiction for lot development, driveways, culverts, septic setback or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a & b), alteration of 10,455 sq. ft. within the previously developed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 04, 2007. Field inspection determined this project should have no deleterious affect on the adjacent salt marsh.

**2006-00868                      NORBY, CARL & DAVID REYNOLDS**  
**ALTON   Hurd Brook**

Requested Action:

Dredge and fill 8915 square feet of palustrine forested wetland, intermittent stream and man made wetland for access in the proposed subdivision of 123.2 acres into 19 single family residential lots and on conservation lot of 36.91 acres.

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APPROVE PERMIT:

Dredge and fill 8915 square feet of palustrine forested wetland, intermittent stream and man made wetland for access in the proposed subdivision of 123.2 acres into 19 single family residential lots and on conservation lot of 36.91 acres.

With Conditions:

1. All work shall be in accordance with plan Sheets 1, 6-8, 10 and 12-25 by Brown Engineering dated March 24, 2006, and revised through January 10, 2006, as received by the Department on January 17, 2007, and Plan Sheets 9, and 11, by Brown Engineering dated Febraury 2007, and revised through Febraury 14, 2007, as received by the Department on Febraury 15, 2007, and plan sheets 26-28 by Michie Corp dated January 2007, and revised through January 10, 2007, as received by the Department on January 17, 2007, and Subdivision Plans by Fox Survey Company dated January 7, 2007, as received by the Department on January 17, 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 Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
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, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Work within the perennial stream shall be done during low flow.
11. Work in wetlands and intermittent streams shall be done during periods of non-flow.
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. 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.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
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 and tack. 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).

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) and 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. This permit is considered cumulative with permit 2005-00924, which allowed for 407 square feet of wetland impact for access in a road frontage subdivision of this lot by the same owner.
3. The proposed impacts are for access to the buildable portions of the site.
4. The town has required a dual entrance and exit into this subdivision for public safety.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. The applicant has provided a bridge structure over the perennial stream and the majority of the impacts are to man made wetlands avoiding the higher quality resource areas.
7. The applicant has utilized 2:1 slopes and headwalls to reduce the overall impacts to this wetland system.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
10. The applicant has provided all of the information required by Env-Wt 304.09.
11. The conservation commission has not voiced any objections to the proposed subdivision and development.

**2006-00900                      LARAMIE JR, SPENCER**  
**CANAAN   Unnamed Stream Wetlands**

Requested Action:

Dredge and fill 9,233 square feet of palustrine scrub-shrub and forested wetlands for wildlife/fire pond construction, including dry hydrant installation.

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APPROVE PERMIT:

Dredge and fill 9,233 square feet of palustrine scrub-shrub and forested wetlands for wildlife/fire pond construction, including dry hydrant installation.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated August 28, 2005, and revised through January 22, 2007, as received by the Department on January 26, 2007.
2. All work shall be done during annual low flow.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall be staged and refueled in upland areas.
5. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e), construction of a pond with less than 20,000 square feet of wetland impact, which does not meet the criteria of Env-Wt 303.04(p).
2. A portion of the pond construction will impact very poorly drained soils, but no stream resources will be impacted.
3. The preferred pond location provides an adequate water supply during the driest times of the year and suitable topography; and avoids possible traffic hazards associated with dry hydrant access.
4. The applicant has provided a planted shelf, which will include aquatic plantings in deeper water areas (<6 feet) and shrubs will be planted along the edge of the pond and intermittently exposed wetland areas.
5. The applicant has provided a letter of support for the proposed pond from the Canaan Fire Department.
6. The Natural Heritage Bureau indicated the presence of a red maple floodplain forest.
7. The applicant's agent stated the red maple floodplain forest is located approximately 3,000 feet from the site; indicating pond construction should not impact this community.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 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 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.

**2006-01084                      HARRIS, RICHARD**  
**WHITEFIELD   Unnamed Wetland**

Requested Action:

Retain approximately 780 square feet of forested wetland impact to replace an existing driveway culvert with a 15-inch x 40-foot culvert and install riprap in an existing driveway ditch; and restore 7,455 square feet of forested wetlands impact associated with waterline replacement and manufactured housing units concrete pad installation.

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APPROVE PERMIT:

Retain approximately 780 square feet of forested wetland impact to replace an existing driveway culvert with a 15-inch x 40-foot culvert and install riprap in an existing driveway ditch; and restore 7,455 square feet of forested wetlands impact associated with waterline replacement and manufactured housing units concrete pad installation.

With Conditions:

1. This permit is contingent upon the restoration of 7,455 square feet of wetlands in accordance with the restoration plan as received by the Department on January 24, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
4. The permittee shall designate a New Hampshire certified wetland scientist who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The 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. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. All material removed during work activities shall be removed down to the level of the original hydric soils.
7. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
8. Area shall be regraded to original contours following completion of work.
9. Native wetland species appropriate to the area shall be planted.
10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*). The receipt and contents of the wetland mix shall be supplied to NHDES within ten (10) days of application.
11. Mulch used within the wetland restoration area shall be natural straw or equivalent.
12. 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 restoration areas during construction and during the early stages of vegetative establishment.
13. Wetland restoration 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 wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.
15. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the restoration site.
16. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. This permit is contingent upon the restoration of 7,455 square feet of forested wetlands.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-01829                      PINWOOD SHORES ASSOCIATION, JAMES MILLER  
WAKEFIELD Pine River Pond**

Requested Action:

Replace an existing 10 foot diameter metal culvert with a 12 foot span concrete arch bridge impacting 898 sq. ft.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace an existing 10 foot diameter metal culvert with a 12 foot span concrete arch bridge impacting 898 sq. ft.

With Findings:

1. A request for additional information dated August 12, 2006, addressed to the applicant or agent of record, clearly identified the elements of RSA 482-A:3 requiring the applicant to submit additional information to DES within 120 days of the request. The deadline for response was 12/12/2006.
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.

**2006-01840                      DOMANI LTD TRUST, BELLA  
CHESTERFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2580 sq. ft. of forested wetlands and associated intermittent stream (approximately 150 linear feet) to retain and create additional impacts for the upgrade of 2 existing (non-permitted) culvert crossings. The upgrades are being conducted for the construction of an access road to a proposed 6 lot residential cluster subdivision (including one open space lot), identified as "Bella Vista Cluster Subdivision". Work in wetlands consists of replacement of two existing culvert crossings with 18 in. x 85 ft. HDPE culverts, associated grading and filling, culvert headwalls and rip-rap protection.

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APPROVE PERMIT:

Dredge and fill approximately 2580 sq. ft. of forested wetlands and associated intermittent stream (approximately 150 linear feet) to retain and create additional impacts for the upgrade of 2 existing (non-permitted) culvert crossings. The upgrades are being conducted for the construction of an access road to a proposed 6 lot residential cluster subdivision (including one open space lot), identified as "Bella Vista Cluster Subdivision". Work in wetlands consists of replacement of two existing culvert crossings with 18 in. x 85 ft. HDPE culverts, associated grading and filling, culvert headwalls and rip-rap protection.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates, revision dated October 24, 2006, as received by the Department on October 25, 2006.
2. This permit is contingent on approval by the DES Alteration of Terrain 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. 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. Work shall be done during low flow.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

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

16. 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).

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 or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the site on June 21, 2006. During the inspection it was determined that portions of the disturbance/stream impacts were areas created by the previous non-permitted activities and were not jurisdictional.
6. This approval was joint review by the Wetlands Bureau Permit and Compliance Sections.
7. The Wetlands Bureau Compliance Section issued a "Restoration Plan Approval" on October 1, 2006, for the restoration of approximately 1500 sq. ft. of wetlands and associated intermittent stream channel.
8. The applicant provided a "6 Lot Subdivision Plat" plan, revision dated July 13, 2006, depicting the existing conditions on the site, proposed lot lines and stamped by a New Hampshire Certified Wetland Scientist and Licensed Land Surveyor in accordance with Administrative Rule Env-Wt 304.09.

**2006-01931 CARBONE, RANDALL & PATRICIA  
WOLFEBORO Lake Wentworth**

Requested Action:

Dredge 15 cu yd from 220 sq ft of lakebed and excavate 85 sq ft of bank along 30 linear ft of shoreline to construct a 30 ft x 29.5 ft sq ft dug in boathouse, construct a 6 ft x 30 ft piling pier, install a 3 pile ice cluster, construct a 750 sq ft perched beach with 4 ft wide lake access steps along 25 linear ft of shoreline, and implement native planting landscape plan on 372 ft of frontage in Wolfeboro on Lake Wentworth.

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Conservation Commission/Staff Comments:

2nd Con Comm report received 2/14/07 - nlp

APPROVE PERMIT:

Dredge 15 cu yd from 220 sq ft of lakebed and excavate 85 sq ft of bank along 30 linear ft of shoreline to construct a 30 ft x 29.5 ft sq ft dug in boathouse, construct a 6 ft x 30 ft piling pier, install a 3 pile ice cluster, construct a 750 sq ft perched beach with 4 ft wide lake access steps along 25 linear ft of shoreline, and implement native planting landscape plan on 372 ft of frontage in Wolfeboro on Lake Wentworth.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated February 8, 2007, as received by the Department on February 12, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 554) above normal high water (Elev. 534).
4. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of

boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. 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. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable).
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 20 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. All portions of the piling pier shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
14. No portion of the piling pier shall extend more than 30 ft lakeward of the normal high water line.
15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
16. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
17. 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.
18. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
19. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

#### 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 483-B:4, II, Definitions, "[a]ccessory structure means a structure detached from the primary building on the same lot and incidental and subordinate to the primary building or use, such as a pump house, gazebo, or woodshed."
3. In accordance with RSA 483-B:10, II, "Building on nonconforming lots of record shall be limited to single family residential structures and related facilities, including, but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, consistent with state law."
4. 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."
5. 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."
6. 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."
7. In accordance with Rule Env-Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall explain the need for the proposed project.

8. In accordance with Rule Env-Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant permit if the applicant has failed to document consideration of the factors required in Rule Wt 302.04 (a).
9. In accordance with Rule Env-Wq 1405.07, Size of Water Dependent Structures, they shall have a footprint no larger than 900 square feet.
10. In accordance with Rule Env-Wq 1405.08, Slope Limitation for Water Dependent Structures, they shall not be built on land having greater than 25% slope.
11. In accordance with Rule Env-Wt 401.01, Purpose, the purpose of Chapter 400, Shoreline Structures, is to protect the public trust, and other interests of the state of New Hampshire and prevent unreasonable encroachment on surface waters. "To preserve the integrity of the surface waters of the state all structures shall be constructed so as to...minimize the reduction of water area available for public use..."
12. In accordance with Rule Env-Wt 402.08(a), Structures Disallowed, boathouses located in or over the waters are not permitted.
13. In accordance with Rule Env-Wt 402.08(b)(1), Structures Disallowed, boathouses over a dredged inlet may be permitted only where they will not adversely affect the stability of the shoreline.
14. In accordance with Rule Env-Wt 402.08(b)(2), Structures Disallowed, boathouse construction shall not result in water quality degradation.
15. In accordance with Rule Env-Wt 402.08(b)(3), Structures Disallowed, boathouse construction shall not adversely impact the existing movement of currents or sediments along the shore.
16. In accordance with Rule Env-Wt 402.08(b)(4), structures Disallowed, boathouses over a dredged inlet may be permitted only where "[a]lternative docking and storage solutions with less environmental impact do not exist."
17. In accordance with Rule Env-Wt 402.08(b)(5), Structures Disallowed, boathouse construction shall not impact wetlands, streams or similar areas.
18. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75 ft.
19. A boat slip on Lake Wentworth is defined per RSA 482-A:2, VIII as a volume of water 6 ft wide, 20 ft long, and 3 ft deep.
20. This project is classified as a minor project per Rule Env-Wt 303.03(d) construction of a docking system providing no more than 4 boat slips.

#### Findings of Fact

21. On July 27, 2006 the Wetlands Bureau received an application for bank and surface water impacts, on the lot identified as Wolfeboro Tax Map 224 Lot 8, and revised their plan as received by the Department on February 12, 2007 for the construction of a 2 slip, 885 sq ft, dug-in boathouse, a 6 ft x 30 ft piling pier, ice cluster, and a 750 sq ft perched beach.
22. 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.
23. The applicant has an average of 372 feet of shoreline frontage along Lake Winnepesaukee.
24. There is presently no boat storage provided on this frontage.
25. The existing and proposed docking facilities will provide 4 slips as defined per RSA 482-A:2, Boat slip, and therefore meets Rule Wt 402.14.
26. Two of the proposed slips will be available for year-round boat storage.
27. The alternative of constructing of a boathouse to provide storage over the water is prohibited per Rule Env-Wt 402.08(a).
28. The proposed structure is intended to store boats belonging to the resident(s) of the property and, therefore, is incidental and subordinate to the primary residential use of the property, and by definition is an accessory structure.
29. The proposed boathouse requires proximity to the water as an operational necessity and therefore is a water dependent, accessory structure.
30. The proposed boathouse meets the size restrictions of Rule Env-Wq 1405.07.
31. This project involves excavating to a point approximately 30 ft landward of the normal high water line. The frontage gains 6.25 ft in elevation over the 30 ft to be disturbed.
32. The average slope through the project area is 21.6%.
33. The 21.6% slope to be impacted is below the 25% threshold established for water dependent structures per Rule Env-Wq 1405.08.
34. The construction of a boathouse utilizing appropriate construction methods, precautions and siltation, erosion and turbidity controls will not result in water quality degradation.
35. The plans submitted illustrate that the impacted shoreline will be restabilized such that the long-term stability of the shoreline will not be adversely affected.
36. The proposed structures will be located entirely within the property of the applicant with no intrusion into the public waters.

- 37. A minimally sized 4 slip docking facility, with seasonal canopies, constructed over the water would result in 1175 sq ft of intrusion extending at least 30 ft into the public waters and would not allow for the storage of watercraft.
- 38. The proposed dug-in boathouse will be recessed 30 ft into the shoreline and less visible than a similar structure constructed within the public waters.

Rulings in Support of the Decision

- 39. The Applicant has satisfied the requirements of Rule Env-Wt 402.08(b) relative to allowing the construction of a boathouse over a dredged inlet.
- 40. The construction of a docking facility over the public waters will not meet the Applicant's storage needs.
- 41. The construction of a docking facility over the water would result in a greater intrusion into the public waters, and therefore, would not be consistent with the purpose of Chapter 400.
- 42. The language of RSA 483-B:10, II, infers that boathouses are acceptable structures under the Comprehensive Shoreland Protection Act, therefore, the Wetlands Bureau believes that the issuance of this permit is in keeping with the intent of the Act as required per RSA 483-B:3.
- 43. The Applicant has adequately addressed Rule Env-Wt 302.04(a) as required for approval per Rule Wt 302.04(d).

**2006-02367                      SKIFFINGTON HOMES INC**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair an existing 7 ft 7 in x 68 ft permanent dock supported by a 7 ft by 68 ft stone crib, impact 354 sq ft of bank along 25 linear ft of shoreline to construct a 323 sq ft perched beach with a 4 ft access stair to the waterbody on an average of 273 ft of frontage on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com submitted comments with concerns about runoff from site.

APPROVE PERMIT:

Repair an existing 7 ft 7 in x 68 ft permanent dock supported by a 7 ft by 68 ft stone crib, impact 354 sq ft of bank along 25 linear ft of shoreline to construct a 323 sq ft perched beach with a 4 ft access stair to the waterbody on an average of 273 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by David Dolan Associates dated September 06, 2006, revision date January 26, 2007, as received by the Department on January 29, 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. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
8. Dock repair shall maintain existing size, location and configuration.
9. Existing rocks which have fallen shall be used for repair. No additional rocks shall be used in the repairs.
10. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.

11. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
12. The steps installed for access to the water shall be located completely landward of the normal high water line.
13. No more than 9 cu yd of sand may be used and all sand shall be located above the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. 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.
17. Area shall be regraded to original contours following completion of work.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach for a privately owned single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 250 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The existing docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02424                      BROWN, ROBERT C.**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Applicant requests the permit be amended to allow larger boat slip dimensions.

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APPROVE AMENDMENT:

Amend permit to read: Install a 62 ft x 30 ft seasonal canopy over a 4 slip permanent docking facility consisting of two 6 ft x 32 ft piers connected by a 6 ft x 47 ft wharf in an "F" configuration, with 6 tie of pilings and 2 ice clusters, and construct 125 linear feet of stone retaining wall to reinforce a failing timber wall on an average of 240 ft of frontage on Lake Winnepesaukee, in Meredith Bay.

With Conditions:

1. All work on the retaining wall shall be in accordance with plans and cross sections by RC Brown as received by the Department on September 12, 2006.
2. In the event of any conflict between the project as depicted on the plans and the description and conditions of this approval occurs, the description and conditions as listed herein shall supercede the details of the approved plans and cross sections.
3. All work on the docking facility shall be in accordance with plans by RC Brown as received by the Department on December 12, 2006.
4. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. At no point shall the base of the new retaining wall be located more than 7 ft 6 in closer to the normal high water line than the top of the existing wall.
6. The new retaining wall shall not exceed 125 ft in length as measured along the landward edge.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
9. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.

10. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
11. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 Rules Env-Wt 303.03(d), modification of a 4 slip docking facility and Env-Wt 303.03(k) projects that disturb between 50 and 200 linear ft of 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(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The construction of the secondary wall is necessary due to the state of deterioration and height of the existing wall. Removal of the existing wall for replacement purposes would pose an unacceptable risk of slope failure.
6. The proposed modifications to the docking facility shall not increase the number of slips provided on the frontage.

**2006-02712                      CENDES, ZOLTAN**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Remove 18.7 cu yds of abandoned crib supports and install a 6 ft x 34 ft seasonal pier extending off an existing 12 ft x 24 ft crib supported deck on 396 ft of frontage in Moultonborough on Lake Winnepesaukee.

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APPROVE PERMIT:

Remove 18.7 cu yds of abandoned crib supports and install a 6 ft x 34 ft seasonal pier extending off an existing 12 ft x 24 ft crib supported deck on 396 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Matthew Wood dated February 5, 2007, as received by the Department on February 6, 2007.
2. Dredged crib material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. All portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal pier shall be removed from the lake for five months during the non-boating season.
6. No portion of the dock shall extend more than 58 ft from the shoreline at full lake elevation.
7. 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.
8. Work authorized shall be carried out to avoid or minimize impacts to spawning and nursery areas during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. This permit does not allow for maintenance dredging.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cu yd of rock, gravel, sand, mud, or other 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.

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. Removal of 18.7 cu yd of old crib material causing a navigational hazard satisfies the criteria of Rule Env-Wt 402.20.

**2006-02751                      GEORGE FAMILY TRUST**  
**LONDONDERRY   Unnamed Wetland**

Requested Action:

Dredge and fill 6,850 sq. ft. of forested wetlands to construct two commercial buildings, associated access and parking.

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Conservation Commission/Staff Comments:

1. The Londonderry Conservation Commission voted to recommend approval of the dredge and fill application.
2. The New Hampshire Fish & Game Department did not submit comments.

APPROVE PERMIT:

Dredge and fill 6,850 sq. ft. of forested wetlands to construct two commercial buildings, associated access and parking.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Associates Inc., "Wetland Impact Plan", dated October 10, 2006 and "Erosion Control Details", dated June 1, 2006, as received by the Department on October 18, 2006.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands. Fencing must be removed once construction is complete.
7. 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.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. 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.
10. 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.
11. 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.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 sq. ft. 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 applicant provided written agreements from affected landowners within 20 feet of proposed wetlands impacts in accordance with Administrative Rule Env-Wt 304.04(a).
6. The applicant's agent conducted a Wetland Functional Assessment. It was determined through the assessment that the onsite wetlands provide limited functions and have low value and there are no principal functions provided by the onsite wetlands. However, because of the surrounding land uses, the onsite wetlands serve to potentially provide sediment/toxicant retention, nutrient removal and may provide limited flood flow alteration.
7. The limited functions and values impacted by the proposed development should be provided by the proposed onsite stormwater detention and treatment.
8. This permit approval is contingent on approval by the DES Alteration of Terrain Program.

**2006-02768                      MEADOR, LARRY**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Dredge 5 cubic yards of material from 248 sq ft of lake bed to provide adequate slip depth within 3 slips provided by an existing "U" shaped piling dock and install 2 seasonal PWC lifts in Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

No Con Com comments by 01/10/07

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

APPROVE PERMIT:

Dredge 5 cubic yards of material from 248 sq ft of lake bed to provide adequate slip depth within 3 slips provided by an existing "U" shaped piling dock and install 2 seasonal PWC lifts in Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 14, 2006, revision date January 16, 2007, as received by the Department on January 17, 2007.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
4. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
5. Seasonal PWC lifts shall be removed for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other 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.

**2006-02792                      PHILIP, EDWARD & KAREN**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing "U" shaped seasonal docking system and an 18 ft long walkway along the shoreline, re-vegetate the previously impacted shoreline with native vegetation, construct two 6 ft x 30 ft piling piers connected by a 6 ft x 24 ft walkway in "U" shaped configuration accessed by a 6 ft x 16 ft walkway, install a permanent boatlift in the center slip covered by a 14 ft x 30 ft seasonal canopy, install two, 3 pile ice clusters, and install two seasonal PWC lifts along the southern shoreline in Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com does not recommend permanent dock

APPROVE PERMIT:

Permanently remove an existing "U" shaped seasonal docking system and an 18 ft long walkway along the shoreline, re-vegetate the previously impacted shoreline with native vegetation, construct two 6 ft x 30 ft piling piers connected by a 6 ft x 24 ft walkway in "U" shaped configuration accessed by a 6 ft x 16 ft walkway, install a permanent boatlift in the center slip covered by a 14 ft x 30 ft seasonal canopy, install two, 3 pile ice clusters, and install two seasonal PWC lifts along the southern shoreline in Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 20, 2006, revision date of January 24, 2007, as received by the Department on January 26, 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/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The area of the removed walkway along the shore shall be regraded to original contours following completion of work and re-planted with native vegetation.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. No portion of the pier shall extend more than 52 feet from the shoreline at full lake elevation.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. Seasonal PWC lifts shall be removed for the non-boating season.
11. The minimum clear spacing between pile bents shall be 12 feet.
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), construction of a docking system that exceeds the design and construction criteria for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has an average of 151 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-03033

PAUL, JENNIFER

NEW LONDON Lake Sunapee

Requested Action:

Permanently remove a 4 ft x 4 ft concrete pad from the lake and bank and construct two 6 ft x 31 ft piling docks connected by a 6 ft

x 10 ft permanent walkway accessed by a 6 ft by 10 ft walkway from shore, install 2 tie off piles in the southern slip and 3 tie off piles in the northern slip, and three, 3-pile ice clusters, install a permanent boatlift in center slip, a 30 ft x 30 ft seasonal canopy over the center and northern slips, and install two PWC lifts in the southern slip on Lake Sunapee, New London.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
No comments from Con Com by 02/12/07

**APPROVE PERMIT:**

Permanently remove a 4 ft x 4 ft concrete pad from the lake and bank and construct two 6 ft x 31 ft piling docks connected by a 6 ft x 10 ft permanent walkway accessed by a 6 ft by 10 ft walkway from shore, install 2 tie off piles in the southern slip and 3 tie off piles in the northern slip, and three, 3-pile ice clusters, install a permanent boatlift in center slip, a 30 ft x 30 ft seasonal canopy over the center and northern slips, and install two PWC lifts in the southern slip on Lake Sunapee, New London.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 06, 2006, as received by the Department on November 22, 2006.
2. This permit shall not be effective until it has been recorded with the Merrimack 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. 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, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The shoreline in the area of the concrete pad shall be stabilized and restored to natural conditions after the concrete pad is removed.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. This permit for the docking structure shall replace the previous permit, 2005-00774 for a seasonal docking structure on this frontage.
8. This shall be the only structure on this water frontage and all portions of the docking facility shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. No portion of the piers shall extend more than 41 feet from the shoreline at full lake elevation.
10. The minimum clear spacing between pile bents shall be 12 feet.
11. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
12. PWC lifts shall be of seasonal construction type which shall be removed for the non-boating season.
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 minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking structure that exceeds the criteria for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 150 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-00152                      LIGOTTI ET AL, ROSE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Reduce an existing 2 ft 10 in x 22 ft 8 in walkway within an existing 22 ft 10 in x 33 ft 5 in boathouse to 1 ft 3 in x 22 ft 8 in on 220 ft of frontage in Alton on Lake Winnepesaukee.

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**APPROVE PERMIT:**

Reduce an existing 2 ft 10 in x 22 ft 8 in walkway within an existing 22 ft 10 in x 33 ft 5 in boathouse to 1 ft 3 in x 22 ft 8 in on 220 ft of frontage in Alton on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 15, 2007 as received by the Department on January 29, 2007 and cross sections dated February 10, 2007 as received by the as received by the Department on February 14, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
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. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
6. Existing nonconforming crib supported dock repairs shall maintain existing size, location and configuration. The only change permitted is the middle walkway and crib within the boathouse.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. All debris from the original cribs shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. This permit does not allow for maintenance dredging.
11. 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.
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(g), The removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other 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.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2005-02786                      LITTLE MONADNOCK FAMILY TRAILS**  
**ROXBURY   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 600 square feet of wetlands along approximately 100 linear feet of intermittent stream to replace five(5) failed culverts with five(5) 12-inch x 20-foot culverts; and approximately 25 linear feet of perennial stream to replace a failed culvert with an 18-inch x 25-foot culvert for ATV trail maintenance.

\*\*\*\*\*

**APPROVE AFTER THE FACT:**

Dredge and fill approximately 600 square feet of wetlands along approximately 100 linear feet of intermittent stream to replace five(5) failed culverts with five(5) 12-inch x 20-foot culverts; and approximately 25 linear feet of perennial stream to replace a failed culvert with an 18-inch x 25-foot culvert for ATV trail maintenance.

**With Conditions:**

1. This approval is contingent upon compliance with the August 24, 2006, Restoration Plan Approval.
2. This approval is contingent upon compliance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", N.H. Department of Resources and Economic Development, copyright 1994, updated 2004.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A or change of access use to non-recreation will require a new application and approval by the Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(y), Construction of trails in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", N.H. Department of Resources and Economic Development, copyright 1994, updated 2004.
2. Determination of the dimensions of the failed/degraded culverts was not possible.
3. Culvert replacements are trail crossings funded by NH Department of Resources and Economic Development.
4. Approximately 1,400 square feet of wetlands restoration approved by the August 24, 2006, Restoration Plan Approval is complete.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. 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.
7. 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.

**2006-03101                      MARTEL, NATALIE  
HAVERHILL   Unnamed Wetland**

**Requested Action:**

Dredge and fill 800 square feet of palustrine scrub-shrub wetland, including 40 linear feet of intermittent stream to install a 36-inch x 40-foot culvert for driveway access to one lot of a 12-lot subdivision on 112 acres.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill 800 square feet of palustrine scrub-shrub wetland, including 40 linear feet of intermittent stream to install a 36-inch x 40-foot culvert for driveway access to one lot of a 12-lot subdivision on 112 acres.

**With Conditions:**

1. All work shall be in accordance with plans by Harry J. Burgess dated August 2004, as received by the Department on November 27, 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 for tax map 414, lots 109-1 through 109-4; and 109-6 through 109-9.
4. The deed which accompanies the sales transaction for each tax map 414, lots 109-1 through 109-4; and 109-6 through 109-9 in this subdivision shall contain condition #3 of this approval.
5. The property owner of the remaining tax map/lot 414/109-5 (56.86 acres) and the parcel to be annexed to tax map/lot 414/119.1 (50.16) shall have the wetlands and surface waters on the lot delineated by a Certified Wetland Scientist prior to any future

subdivision or alteration of wetlands or surface waters.

6. The deed which accompanies the sales transaction for tax map/lot 414/109-5 (56.86) and the parcel to be annexed to tax map/lot 414/119.1 (50.16) in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream channel or its banks.
2. Wetland impacts associated with Wetlands and Non-Site Specific Permit 2006-00876 were a result of subdivision by the same owner, but were not considered cumulative given the two parcels are separated by a public road.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Haverhill Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-03106                      CHANGING PLACES LLC**  
**DOVER   Unnamed Wetland**

Requested Action:

Withdraw application by request from NH Soil Consultants, Inc. letter dated February 22, 2007.

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Inspection Date: 02/15/2007 by David A Price

WITHDRAW APPLICATION:

Withdraw application by request from NH Soil Consultants, Inc. letter dated February 22, 2007.

**2007-00184                      SIEMNON REVOC TRUST, CARL**  
**WAKEFIELD**

Requested Action:

Replace an existing legal dock in-kind, including replacement of both the 12' x 12' permanent dock section, and replacement of the

4' x 16 seasonal dock section; stabilize 22 linear ft. 12" high of eroded shoreline on Lovell Lake with coir logs and natural stone; repair and stabilize 6 sq. ft. of existing road culvert outlet which discharges toward the lake.

\*\*\*\*\*

APPROVE PERMIT:

Replace an existing legal dock in-kind, including replacement of both the 12' x 12' permanent dock section, and replacement of the 4' x 16 seasonal dock section; stabilize 22 linear ft. 12" high of eroded shoreline on Lovell Lake with coir logs and natural stone; repair and stabilize 6 sq. ft. of existing road culvert outlet which discharges toward the lake.

With Conditions:

1. All work shall be in accordance with plans by Crown Point Survey & Engineering dated 9/23/2006, as received by the Department on 11/13/2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit does not allow for maintenance dredging.
4. 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.
5. Repairs shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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.
10. Work 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.
11. Work shall be done during drawdown.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance, repair, and replacement in-kind of the existing dock structures; per Rule Env-Wt 303.04 (m), projects that disturb less than 50 linear feet measured along the shoreline of a lake or pond, relative to the shoreline stabilization; and per Rule Env-Wt 303.04(x) maintenance or repair of an existing culvert, relative to the outlet repair.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The dock is deteriorated and needs repair; the shoreline and culvert outlet both have on-going erosion problems which are contributing to releasing sediment into the lake.
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 dock repair is proposed to be in-kind with no change or expansion; the shoreline stabilization proposes use of natural materials in keeping with the existing shoreline contours; culvert outlet stabilization is a standard BMP.
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 Wakefield Conservation Commission did not report.
6. The original application submitted also included an after-the-fact component that was located on a separate lot on the opposite side of the road from the shoreline work, thus the shoreline work was separated out into a new file number, and the after-the-fact request will be reviewed and addressed by the Bureau compliance section under separate cover with the original file #.

**FORESTRY NOTIFICATION**

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**2007-00279                    S&M FOREST TRUST, C/O KATHY BOHRSON  
DUNBARTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dunbarton Tax Map I3, Lot# 3

**2007-00280                    STEIN, ALEX  
LYMAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyme Tax Map 402, Lot# 17

**2007-00281                    NH FISH & GAME DEPARTMENT  
GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R3, Lot# 1

**2007-00293                    CIVITELLA, ANTHONY & JENNIFER  
HANCOCK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R2, Lot# 46A

**2007-00295                    ANDERSON, HJALMER & CHRISTINE  
FREMONT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Fremont Tax Map 6, Lot# 60

**2007-00296                    COOK, PETER  
OSS�PEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 13, Lot# 183

**2007-00303                    COLSMANN, PAUL  
ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 71, Lot# 333

**EXPEDITED MINIMUM**

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**2004-02715                    ONE CHESTNUT HILL DEV LLC, ALBERT BELL  
NEW BOSTON   Unnamed Wetland**

Requested Action:

Approve name change to: One Chestnut Hill Development. LLC, 281 East Rd., Frankestown, NH 03043 per request received 2/15/2007. Previous owner: Harvey Dupuis Family Trust.

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Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE NAME CHANGE:

Dredge and fill approximately 2,078 of palustrine forested wetlands to provide roadway access in a proposed 14-Lot subdivision known as Olde Colony at New Boston.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc. dated October 1, 2004, as received by the Department on November 8, 2004.
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. 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.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low or non flow conditions.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

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

**2006-00655 STAFF, RHODA  
UNITY Unnamed Wetland**

Requested Action:

Proposed amendment is to relocate an approved wetland crossing/driveway to the west side of the property in order to reduce wetlands impacts and the amount forested upland disturbance. The previous permit impacted 400 square feet of forested wetlands. The proposed crossing area consists of approximately 334 square feet of forested wetlands and intermittent stream impact.

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Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE AMENDMENT:

Dredge and fill approximately 334 square feet of wetlands and associated intermittent stream to install one (1), 24-inch x 15-foot ADC culvert to construct a driveway for access to one (1) lot of a 2-lot residential subdivision.

With Conditions:

1. All work shall be in accordance with amended plan by Beaver Tracks, LLC, dated February 21, 2007, as received by the DES Wetlands Bureau on February 21, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. 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.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of a driveway to one (1) lot of a 2-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The driveway was configured to cross the wetland at the narrowest point.
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 Conservation Commission signed the original application but did not submit comments.
6. The DES Wetlands Compliance Section informed the Wetlands Bureau Permitting Section that the Unity Conservation Commission was present at the DES Compliance inspection and was in favor of the amendment design.
7. On November 17, 2006, the applicant was issued a "Restoration Plan Approval" from the DES Wetlands Bureau Compliance Section for non-permitted impacts on the property.
8. The applicant has obtained a right-of-way and written permission from the property owner within 20 feet of the proposed wetlands impact.
9. The applicant provided a subdivision plan for the original application, "Subdivision Plan of Land" by Paton Surveys, P.L.L.C. dated July 14, 2006 (revised), as received by the DES Wetlands Bureau on July 17, 2006. The lot design will remain the same, however, the proposed driveway location has been changed to the west side of the property as depicted on the plan by Beaver Tracks, LLC, as received by the DES Wetlands Bureau on December 18, 2006.

**2006-02289                      ROBBINS, JOHN  
MEREDITH**

Requested Action:

Removal of large rocks from end of dock.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Removal of large rocks from end of dock.

With Findings:

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

**2006-02710                      STEVENS, GERARD  
LACONIA   Lake Winnepesaukee**

Requested Action:

Dredge and fill 45 square feet to construct an outlet structure within the bank of Lake Winnepesaukee, Laconia.

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APPROVE PERMIT:

Dredge and fill 45 square feet to construct an outlet structure within the bank of Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering dated August 2006 and revised through September 20, 2006, as received by the Department on January 25, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the NH Department of Transportation.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
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 lots 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. 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.
10. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
11. The culvert across the railroad corridor must be installed prior to any other earthwork or drainage installation on the main subdivision project.
12. Work shall be conducted during low water conditions.
13. 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.
14. 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.
15. All work shall be done from the top of the bank.
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. 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).
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. Silt fencing must be removed once the area is stabilized.
23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
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.

**2006-02870                      HYPERTHERM INC**  
**HANOVER   Unnamed Wetland**

Requested Action:

Dredge and fill 10 square feet and temporarily impact 40 square feet of wetlands to construct an elevated pathway for pedestrian and golf cart travel between office buildings.

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APPROVE PERMIT:

Dredge and fill 10 square feet and temporarily impact 40 square feet of wetlands to construct an elevated pathway for pedestrian and golf cart travel between office buildings.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated November 07, 2006, as received by the DES Wetlands Bureau on November 13, 2006.
2. There shall be no impacts to the intermittent stream channel or its banks.
3. Work shall be done during frozen 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
10. Mulch used within the temporary impact areas shall be natural straw or equivalent.
11. 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 mitigation areas during construction and during the early stages of vegetative establishment.
12. A post-construction report documenting the status of the completed project, including photographs during and post construction shall be submitted to the Wetlands DES within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Hanover Conservation Commission signed the expedited application.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-03194 LAUDERDALE, JAMES  
SPRINGFIELD Unnamed Wetland**

Requested Action:

Dredge and fill 693 square feet of palustrine forested wetlands to install an 18-inch x 24-foot HDPE culvert for driveway access to a single family building lot.

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APPROVE PERMIT:

Dredge and fill 693 square feet of palustrine forested wetlands to install an 18-inch x 24-foot HDPE culvert for driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated November 16, 2006, as received by the Department on December 21, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.

4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
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 minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Springfield Conservation Commission did not sign the expedited application and they felt the impact will be greater than necessary and that an alternate crossing with lesser impact is available.
4. The applicant's agent indicated a crossing area with less square feet of impact exists, but requires crossing a defined stream channel.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. 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.
7. 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.

**2007-00097                      SCHROEDER FAMILY REVOC TRUST**  
**DUNBARTON   Unnamed Wetland**

Requested Action:

Dredge & fill 1,620 square feet of forested wetlands to provide access to one lot of a two lot subdivision. Work in wetlands consists installation of a driveway containing two 18 in. x 28 ft. plastic arch culverts associated headwalls, grading and filling.

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APPROVE PERMIT:

Dredge & fill 1,620 square feet of forested wetlands to provide access to one lot of a two lot subdivision. Work in wetlands consists installation of a driveway containing two 18 in. x 28 ft. plastic arch culverts associated headwalls, grading and filling.

With Conditions:

1. All work shall be in accordance with plans by FWS Land Surveying P.L.L.C., "Wetland Crossing" plan, dated January 8, 2007, "Subdivision Plat" plan, dated December 29, 2006, and "Cross Section View Of Driveway Crossing", as received by the Department on January 19, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for "Proposed Lot 1" shall contain condition #2 of this approval.
4. 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.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. All work in wetlands shall be at least 20 feet from the abutting property line unless a written agreement from the affected abutter concurring with the work is submitted to the DES Wetlands Bureau for review and approval prior to the commencement of work.
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. Work shall be done during low flow.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The Minimum Impact Expedited Application was received by the department on January 19, 2007.
4. The New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program submitted comments regarding a species of concern, Blanding's Turtle, identified in the vicinity of the proposed project. It was requested that the applicant provide 100 ft. no-cut buffers around significant vernal pools, no contaminated stormwater directed to vernal pools, oversized culverts be utilized to maximize flow and provide passage opportunities.
5. The proposed crossing is for one lot (5.074 acres) of a two lot subdivision. The parent lot is now a 103.88 acre parcel. A permit was issued for an access road to the parent lot in 2001 (Wetlands Bureau File # 2001-202). During a phone conversation with the applicant on February 20, 2007, the department was informed that the previous crossing was constructed to the parent lot and no future development for that lot is proposed.
6. The photographs submitted for the proposed crossing area appear to depict forested wetlands with braided drainage areas through the forested wetlands.
7. The proposed building lot contains a Town of Dunbarton 125 foot Wetland Conservation District Structure Setback line.
9. The wetlands proposed to be crossed are approximately 80 feet from Robert Rogers Road and run parallel to the road. It appears this wetland area is the only wetlands on the proposed lot. There are wetlands to the north of the proposed building lot.
10. The answer for question #6 on the submitted application inadvertently included wording from another project and town. The applicant and the Town of Dunbarton submitted corrected information (i.e., corrected answer and new approval statement).
11. The Wetlands Bureau permit for the parent lot access expired on July 25, 2006.

**2007-00104                      LOKER, ROBERT & SUSAN**  
**FARMINGTON   Unnamed Stream**

Requested Action:

Dredge and fill 2280 sq. ft. of wetlands (150 linear ft. of perennial stream) to install twin 36" x 30' culverts to construct a stream crossing to access upland for forestry management.

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APPROVE PERMIT:

Dredge and fill 2280 sq. ft. of wetlands (150 linear ft. of perennial stream) to install twin 36" x 30' culverts to construct a stream crossing to access upland for forestry management.

With Conditions:

1. All work shall be in accordance with plans by Gerald Lang dated 9/27/2006, as received by the Department on 1/22/2007.
2. Pursuant to Administrative Rule Env-Wt 303.04(g) any change of the property for which this permit is approved to a non-forestry use, such as development as a house lot or lots, shall require submission of a new application and approval by DES.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. 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.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Work shall be done during low flow.
7. 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.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
11. No fill shall be done for lot development.
12. No fill shall take place in Atlantic white cedar swamps.

With Findings:

1. This project meets the requirements for minimum impact forestry crossing project pursuant to Administrative Rule Env-Wt 303.04(g)(1)-(5), for installation of a culvert and associated fill to permit vehicular access to a piece of property for forest management.
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 Farmington Conservation Commission signed the expedited application.

**2007-00115                      LAKES REGION GOLF COURSES INC**  
**GILFORD   Jewett Brook**

Requested Action:

Temporarily impact 360 square feet of the bed and banks of Jewett Brook for temporary access to a proposed drilling site.  
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APPROVE PERMIT:

Temporarily impact 360 square feet of the bed and banks of Jewett Brook for temporary access to a proposed drilling site.

With Conditions:

1. All work shall be in accordance with plans by GEI Consulting dated January 2007, as received by the Department on January 23, 2007.
2. This permit is contingent on approval by the DES Waste Management Division.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No equipment shall enter the water.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
9. Silt fencing must be removed once the area is stabilized.
10. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands

Bureau within 60 days of the completion of construction.

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 a temporary bridge access to construct wells to determine the extent of a possible contamination.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00192 CHABOT, GEORGE  
NEW DURHAM Meerymeeting Lake**

Requested Action:

Construct a 375 sq ft perched beach adjacent to, and repair the existing access stairs, on Merrymeeting Lake, New Durham.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 375 sq ft perched beach adjacent to, and repair the existing access stairs, on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated September 26, 2006, as received by the Department on February 02, 2007.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Area shall be regraded to original contours following completion of work.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 647). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
7. The steps installed for access to the water shall be located completely landward of the normal high water line.
8. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. 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.
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 minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach which shall serve a privately-owned single family residence.

**2007-00217 KLOPFER, EDWARD  
ALTON Lake Winnepesaukee**

Requested Action:

Repair existing 10 ft x 29 ft crib and deck, retain existing 6 ft 11 in x 12 ft 8 in wooden jet-ski ramp on 175 ft of shoreline frontage in Alton on Lake Winnepesaukee.

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APPROVE PERMIT:

Repair existing 10 ft x 29 ft crib and deck, retain existing 6 ft 11 in x 12 ft 8 in wooden jet-ski ramp on 175 ft of shoreline frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 6, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Jet ski ramp and deck will serve no other purpose other than for the temporary storage of PWC's.
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. This permit does not allow for maintenance dredging.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. 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.
9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
10. Repairs shall maintain existing size, location and configuration.
11. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 minimum impact project per Administrative Rule Env-Wt 303.04(o) projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Existing jet ski ramp is on a rocky shoreline and does not cause detrimental impacts to the shoreline.

**GOLD DREDGE**

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**2007-00283                      HAMMOND, JOSHUA**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

**2007-00297                    LEBLANC, EDMUND**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

**2007-00298                    TAYLOR III, GERALD**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

**SHORELAND VARIANCE / WAIV**

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**2006-02838                    LEBLANC, RONALD & JANET**  
**SALEM   Arlington Pond**

Requested Action:

Request a waiver from RSA 483-B:9, II,(b), to allow construction of a non-conforming structure that is approximately 1200 square feet on a .27 acre lot having approximately 138.5 feet of frontage on Arlington Lake.

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Inspection Date: 12/07/2006 by Thomas Gilbert

**APPROVE CSPA WAIVER:**

Request a waiver from RSA 483-B:9, II,(b), to allow construction of a non-conforming structure that is approximately 1200 square feet on a .27 acre lot having approximately 138.5 feet of frontage on Arlington Lake.

With Conditions:

1. All work shall be conducted in accordance with plans designed by Ronald C. LeBlanc dated January 9, 2007 and received by the department on January 10, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The existing sheds will be removed
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. Two existing non-conforming structures, as identified on the Town of Salem Tax Map 28 Lot 5077 are located within the 50 foot primary building setback to public waters and therefore fail to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
- 2. The existing non-conforming primary structures are located approximately 14 feet from the reference line and 0 feet from the reference line and occupy approximately 800 square feet.
- 3. The existing sheds are located approximately 60 feet from the reference line and 52 feet from the reference line and occupy approximately 180 square feet.
- 4. The proposed primary structure will occupy approximately 1200 square feet within the primary building setback
- 5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 6. The applicant has proposed to remove 2 existing non-conforming primary structures occupying approximately 800 square feet.
- 7. The applicant has proposed to remove 2 existing sheds from the property occupying approximately 180 square feet.
- 8. The applicant has proposed to plant native vegetation around the proposed structure and along the shoreline. A mix of 8 Blue Iris, 7 Juniper, 12 Rhododendron and 1 Red Dogwood are proposed to provide better erosion and stabilization control.
- 9. The applicant proposes to remove approximately 254 square feet of impervious surface.
- 10. The applicant has proposed to upgrade existing sewer system to an enviro septic system.
- 11. The applicant's proposal provides at least the same degree of protection to the public waters.
- 12. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

**PERMIT BY NOTIFICATION**

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**2007-00127                    CATAPANO, FRANK**  
**SANBORNTON   Unnamed Stream**

Requested Action:

Dredge and fill 160 square feet of jurisdictional wetland for access to a proposed single family dwelling on a lot of record.

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PBN IS COMPLETE:

Dredge and fill 160 square feet of jurisdictional wetland for access to a proposed single family dwelling on a lot of record.

**2007-00203                    LEWANDOWSKI, RICHARD**  
**EAST DERRY   Unnamed Wetland**

Requested Action:

Impact 800 square feet of roadside drainage ditch for the construction of a driveway and installation of utility lines for a single family residential lot on 2.00 acres.

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Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 800 square feet of roadside drainage ditch for the construction of a driveway and installation of utility lines for a single family residential lot on 2.00 acres.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses and Env-Wt 303.04 (ae) Installation of residential utility lines and associated temporary impacts to permit utility services for a single family building lot.

**2007-00261                      MAIURI, LEWIS & CHERYL  
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair/replace existing crib supported nonconforming dock.

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PBN IS COMPLETE:

Repair/replace existing crib supported nonconforming dock.

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.

**2007-00266                      DOHERTY BUILDERS INC, KEVIN  
AMHERST Unnamed Wetland**

Requested Action:

Impact 629 square feet within the bed and banks of an intermittent stream for the installation of a 35-inch by 24-foot arch CMP culvert to gain access to buildable uplands on a single family residential lot of 8.489 acres.

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Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 629 square feet within the bed and banks of an intermittent stream for the installation of a 35-inch by 24-foot arch CMP culvert to gain access to buildable uplands on a single family residential lot of 8.489 acres.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

**2007-00267                      STEVENS TRUST, CAROLINE**  
**PLYMOUTH   Unnamed Stream**

Requested Action:

Dredge and fill 220 square feet including installation of two 18-inch x 12 foot culverts within intermittent streams for non commercial recreational access to the rear of the property.

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PBN IS COMPLETE:

Dredge and fill 220 square feet including installation of two 18-inch x 12 foot culverts within intermittent streams for non commercial recreational access to the rear of the property.

**2007-00268                      DOHERTY BUILDER INC, KEVIN**  
**AMHERST   Unnamed Wetland**

Requested Action:

Impact 278 square feet within the bed and banks of an intermittent stream for the installation of a 28-inch by 20-foot arch CMP culvert to gain access to buildable uplands on a single family residential lot of 5.006 acres

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Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 278 square feet within the bed and banks of an intermittent stream for the installation of a 28-inch by 20-foot arch CMP culvert to gain access to buildable uplands on a single family residential lot of 5.006 acres

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.