

Wetlands Bureau Decision Report

Decisions Taken
02/26/2007 to 03/04/2007

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2006-00238 ATTITASH MOUNTAIN SERVICE CO
BARTLETT Unnamed Wetland Razor Brook

Requested Action:

Amend permit to include a finding that the purpose of the conservation easement was to mitigate wetland impacts for past, present and future phases of development for as shown on the conceptual master plan for all phases of construction.

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 20,860 square feet within palustrine forested wetlands to construct an access road that will serve a 40-lot residential subdivision. Mitigate wetland impacts for past, present and future phases of development by executing a conservation easement on 51.9 acres of undeveloped land along Razor Brook.

With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Company, Inc. dated July 20, 2006, as received by the Department on July 25, 2006
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within this phase of the development known as Parker Ridge Road (lots A23 through A63).
3. The deed which accompanies the sales transaction for each of the lots within this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Future phases of development within the Stillings' Grant parcel (map 5STLNG, lot A00000) that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and further permitting by the Wetlands Bureau and the Land Resources Management Program.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Work shall be done during low flow conditions.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

MITIGATION CONDITIONS:

- 19. This permit is contingent upon the execution of a conservation easement on 51.9 acres of undeveloped land as depicted on plans received July 25, 2006.
- 20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
- 21. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
- 22. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 23. 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.
- 24. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

- 1. This is a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 4. This project was previously approved by the Wetland Bureau on October 29, 1991 (permit #1989-0664) to fill 58,650 square feet of wetlands to construct roads and driveways for a 262-lot subdivision on 509 acres.
- 5. DES Staff conducted multiple field inspections in the last decade because of past excavation activities that were done without appropriate permits. Restoration was required and completed in 2000 and 2001 to stabilize a portion of this property.
- 6. The applicant has proposed to mitigate wetland impacts for past, present and future phases of development by executing a conservation easement on 51.9 acres of undeveloped land along Razor Brook; therefore compensatory mitigation ratios under chapter 800 have been met for this phase, as well as future phases as depicted in the conceptual "Development Master Plan" with a revised date of February 9, 2007, as received by DES on February 12, 2007.
- 7. The applicant has submitted a master plan for potential future phases of development in accordance with Env-Wt 304.09.
- 8. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.87.

2006-00709 BAUDER, STUART
GREENLAND Great Bay

Requested Action:

Construct a 4 ft. X 22 ft. permanent timber pier with a 3 ft. X 20 ft. aluminum ramp to a 6 ft. X 12 ft. seasonal float on 154 linear feet of shoreline frontage on Great Bay. In addition, an 18 ft. set of wooden stairs with railing will be installed to provide access to the pier over the embankment. No other shoreline structures are extant or will be constructed on this frontage.

Conservation Commission/Staff Comments:

No comments received from the Greenland Conservation Commission.

Inspection Date: 11/06/2006 by Frank D Richardson

APPROVE PERMIT:

Construct a 4 ft. X 22 ft. permanent timber pier with a 3 ft. X 20 ft. aluminum ramp to a 6 ft. X 12 ft. seasonal float on 154 linear feet of shoreline frontage on Great Bay. In addition, an 18 ft. set of wooden stairs with railing will be installed to provide access to the pier over the embankment. No other shoreline structures are extant or will be constructed on this frontage.

With Conditions:

- 1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated March 2006, as received by the Department on

September 07, 2006.

2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. This shall be the only docking structure permitted on this frontage.
4. This permit shall not be effective until it has been recorded with the Rockingham 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. Seasonal ramp (gangplank) and float shall be removed for the non-boating season.
6. The decking of the dock shall have a minimum of 4 feet clearance from the surface of the tidal marsh or intertidal zone and shall have 3/4-inch spacing between the decking planks.
7. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. 1. This is a major impact project per Administrative Rule Env-Wt 303.02(a & b).
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 November 06, 2006. Field inspection determined the proposed pier w/ seasonal ramp & float will have no adverse environmental impact. Installation of the wooden stairway to access the pier will eliminate disturbance and potential erosion of the embankment by foot traffic.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this estuarine wetland ecosystem.

-Send to Governor and Executive Council-

**2006-02421 STABILE MEREDITH LLC, GABRIEL
 MEREDITH Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 320 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

No comments from Con Com by 12/28/06

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

Inspection Date: 03/01/2007 by Dale R Keirstead

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 320 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 25, 2006, as received by the Department on September 12, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.

3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Material excavated for the beach construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
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. 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.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 8 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.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(m), any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. The applicant has an average of 165 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
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(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on March 1, 2007. Field inspection determined the impacts will not adversely affect the waterbody.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2006-02422 STABILE MEREDITH LLC, GABRIEL
MEREDITH Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 280 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

No comments from Con Com by 12/28/06

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

Inspection Date: 03/01/2007 by Dale R Keirstead

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 280 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 25, 2006, as received by the Department on September 12, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Material excavated for the beach construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
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. 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.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 8 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.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(m), any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. The property has an average of 181 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
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(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on March 01, 2007. Field inspection determined the impacts will not adversely affect the waterbody.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2006-02433 STABILE MEREDITH LLC, GABRIEL
MEREDITH Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 280 sq ft perched beach with 4 ft access stairs to the waterbody on Lake

Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

No comments from Con Com by 12/28/06

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

Inspection Date: 03/01/2007 by Dale R Keirstead

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 280 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 16, 2006, as received by the Department on September 12, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Material excavated for the beach construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
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. 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.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 8 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.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(m), any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. The applicant has an average of 176 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
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(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on March 1, 2007. Field inspection determined the impacts will not adversely affect the waterbody.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2006-02434 STABILE MEREDITH LLC, GABRIEL
MEREDITH Lake Winnepesaukee**

Requested Action:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 290 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

No comments from Con Com by 12/28/06

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

Inspection Date: 03/01/2007 by Dale R Keirstead

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway in a "U" configuration attached to two 6 ft by 4 ft concrete pads located in the bank, construct a 290 sq ft perched beach with 4 ft access stairs to the waterbody on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 18, 2006, as received by the Department on September 12, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Material excavated for the beach construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
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. 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.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 8 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.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(m), any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. The applicant has an average of 181 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.

4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
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(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on March 01, 2007. Field inspection determined the impacts will not adversely affect the waterbody.
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2006-02801 PILLSBURY LAKE WATER DISTRICT
WEBSTER Pillsbury Lake

Requested Action:

Dredge and fill a total of 4510 square feet along 210 linear feet of stream further described as follows: Temporarily impact 550 square feet for construction access and 900 square feet within the bed of Pillsbury Lake for water diversion structures and permanently impact 3060 square feet for dam reconstruction and reconfiguration.

Inspection Date: 01/09/2007 by Dawn Buker

APPROVE PERMIT:

Dredge and fill a total of 4510 square feet along 210 linear feet of stream further described as follows: Temporarily impact 550 square feet for construction access and 900 square feet within the bed of Pillsbury Lake for water diversion structures and permanently impact 3060 square feet for dam reconstruction and reconfiguration.

With Conditions:

1. All work shall be in accordance with plans by The Turner Group dated October 13, 2006 and revised through January 19, 2007, as received by the Department on January 23, 2006 and impact plans by The Smart Associates as received by the department on February 2, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
6. 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.
7. All wetlands that have been impacted and are not part of this wetland permit shall be restored with a DES Approved Restoration Plan by June 1, 2007, to the satisfaction to the DES Compliance section.
8. Wetland impacts permitted under the emergency authorization 2006-3116, issued December 11, 2006, shall be restored at the completion of the dam reconstruction and prior to the refilling of the impoundment and no later than June 1, 2007, per condition 9 of the Emergency Authorization.
9. Work shall be done during low flow.
10. 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.
11. No equipment shall enter the water.
12. 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.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

14. Work below the high water line, 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.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. 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.
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau
20. 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.
21. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
22. Banks shall restored to their original grades and to a stable condition within three days of completion of construction.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. Area of temporary impact shall be regraded to original contours following completion of work.
26. All material removed during work activities shall be removed down to the level of the original hydric soils.
27. Mulch within the temporary impact area shall be straw.
28. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
29. 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.
30. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and no later than July 1, 2007.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The project is to replace a previously existing dam that was destroyed as part of the May 2006 flooding events.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The proposal is in compliance with the dam safety bureau's regulations.
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.
5. DES Staff conducted a field inspection of the proposed project on January 9, 2007. Field inspection determined work had begun and was not in compliance with the proposed plans or RSA 482-A.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this Lacustrine system.

**2006-02921 NH FISH & GAME DEPARTMENT
LACONIA Winnepesaukee River**

Requested Action:

Dredge 1,100 cu yards from 11,095 sq ft of river bed and excavate 4,225 sq ft of bank along 198 linear ft of shoreline to construct two 12 ft wide boat ramps separated by a 6 ft x 40 ft floating pier accessed by a 4 ft x 16 ft gangway and install an 18 ft x 85 ft pier accessed by a 10 ft x 50 ft walkway and an 18 ft x 57 ft pier accessed by a 10 ft x 33 ft walkway on 198 ft of frontage on the Winnepesaukee River, in Laconia.

APPROVE PERMIT:

Dredge 1,100 cu yards from 11,095 sq ft of river bed and excavate 4,225 sq ft of bank along 198 linear ft of shoreline to construct two 12 ft wide boat ramps separated by a 6 ft x 40 ft floating pier accessed by a 4 ft x 16 ft gangway and install an 18 ft x 85 ft pier accessed by a 10 ft x 50 ft walkway and an 18 ft x 57 ft pier accessed by a 10 ft x 33 ft walkway on 198 ft of frontage on the Winnepesaukee River, in Laconia.

With Conditions:

1. All docking facility and ramp construction, dredging and bank impacts shall be conducted in accordance with plan sheets 5, 7, 8a, 19, and 24 by Fay, Spofford, & Thorndike as revised on February 22, 2007, and received by the Department on February 26, 2007.
2. All other site work shall be conducted in accordance with plans by Fay, Spofford, & Thorndike dated October 6, 2006, and received by the Department on November 9, 2006.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. The boat ramp shall be utilized indefinitely as a public access to Lake Winnisquam and shall not change in use.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. 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.
8. All unpaved areas landward of the boat ramp shall be vegetatively stabilized, to minimize the potential for erosion of materials into the Winnepesaukee River and Lake Winnisquam.
9. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
10. NH Fish & Game (the "Applicant") shall monitor the local wintering Bald Eagle population to determine if any construction activities, which may be conducted between December 1st and March 30th, has an adverse effect on the Bald Eagles' ability to utilize the project site.
11. The Applicant shall immediately cease construction activities if the project is observed to have an adverse effect on the Bald Eagles' ability to utilize the project site and shall not resume construction activities until after April 1st.
12. The Applicant shall plant at least 3 White Pine saplings to replace the 2 White Pines to be removed for the construction of the ramp and docking facilities. The Applicant shall monitor each of the White Pines for a period of 2 years, and within those 2 years, shall replace any Pine which fails to survive or which shows signs of stress or disease.
13. The Applicant shall restrict access to the site and shall not remove snow from the site between December 1st and March 30th as specified by the US Fish and Wildlife Service.
14. Particular care shall be taken to ensure that construction of the proposed facilities does not cause any physical harm to the existing Digester Building owned by the NH DES Winnepesaukee River Basin Program.
15. Within 180 days of the effective date of the permit, the Applicant shall submit a Maintenance Plan outlining the monitoring care and maintenance of the bio-remediation areas as needed to maintain proper drainage and infiltration of stormwater.
16. Failure by the Applicant to adhere to the Maintenance Plan shall be considered a violation of this permit.
17. All dredging of the lakebed and excavation of the bank shall be done during low flow conditions.
18. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
19. 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.
20. There shall be no dredge below Elevation 477.00 with the exception of that necessary within the footprint of the ramp to allow the ramp surface to be placed at grade with the adjacent river bed.
21. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
22. Discharge from dewatering of dredge materials shall be to sediment basins that are: a) located in uplands, and; b) lined with hay bales or other acceptable sediment trapping liners.
23. Construction equipment shall be inspected daily to detect leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
24. Faulty equipment, including any fuel, oil or other fluid leaks, shall be repaired prior to entering jurisdictional areas.
25. 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 their use.

26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
27. 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.
28. All activities shall be conducted accordance with the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3 "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 483-B:3, Consistency Required, "All 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."
3. In accordance with RSA 483-B:2, Minimum Standards Required, the standards developed under RSA 483-B shall serve to "conserve shoreline cover and points of access to inland and coastal waters."
4. In accordance with RSA 482-A:2, VIII, on the Winnepesaukee River and Lake Winnisquam a boat slip is a volume of water 20 feet long, 6 feet wide, and 3 feet deep.
5. In accordance with Rule Env-Wt 402.05, Permanent Docks, permanent docks shall only be permitted on lakes over 1000 acres and only where the site experiences sufficient wave action to render seasonal dock construction unsafe.
6. In accordance with Rule Env-Wt 402.02, Dimensions, the width of a dock shall not exceed 6 ft.
7. In accordance with Rule Env-Wt 402.13, Exceptions to Frontage Criteria, the requirements limiting the number of slips allowed on a given amount of frontage may be waived when evidence is provided that the applicant's use of the waters is in the public's interest.
8. In accordance with Rule Env-Wt 204.04, Criteria, a waiver will be granted if the project will not have an adverse impact to the environment or natural resources of the state, public health, or public safety, and the strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the Applicant.

Findings of Fact

9. On November 9, 2006, the Wetlands Bureau received an application from the NH Department of Fish and Game for impacts to the bed and bank of the Winnepesaukee River for the purpose of constructing a boat launching facility to provide public access to Lake Winnisquam.
10. This project is classified as a major impact project per Rule Env-Wt 303.02 (g), dredge of more than 20 cu yd from a public water.
11. The Loon Preservation Committee stated in a letter dated March 7, 2005 that the proposed project will not have a direct impact on nesting or chick-rearing areas utilized by Common Loon on Lake Winnisquam.
12. The application included a letter from the US Fish and Wildlife Service dated August 21, 2006 outlining actions to be taken by NH Fish and Game to ensure the project will not adversely effect Bald Eagles that may utilize the project site as a winter roost area.
13. This approval has been conditioned to incorporate the recommendations of the US Fish and Wildlife Service regarding the protection of the Bald Eagles that may utilize the project site. Therefore this project should have no adverse impact on any threatened or endangered species.
14. The application includes correspondence from the Nation Marine Fisheries Service dated February 28, 2007 indicating that the project will not have an adverse impact on fisheries or essential fish habitat.
15. On January 11, 2007, the Wetlands Bureau conducted a public hearing to obtain comments and information regarding the proposed project as required per RSA 482-A:8.
16. Concern was raised during the public hearing that the project could provide additional access and parking if the existing Digester Building were razed.
17. Concern was raised during the public hearing that the existing Digester Building contained hazardous waste.
18. The existing Digester Building is owned by the NH DES Winnepesaukee River Basin Program, not by the Applicant, and therefore it is neither available to the Applicant to create additional parking nor is it the responsibility of the Applicant to address any waste issues that may be present within the building.
19. The NH DES Winnepesaukee River Basin Program will be responsible for retaining a qualified professional to remove any and

all hazardous materials, such as asbestos and lead based paints used in the construction of the Digester Building. Removal of these materials shall be conducted prior to any alteration of the structure.

20. Concern was raised during the public hearing that the Digester Building still contained significant quantities of sludge.
21. According to the NH DES Winnepesaukee River Basin Program there has been no sludge in the Digester Building for approximately 20 years.
22. Concern was raised during the public hearing that the subject property was not the least impacting location to provide public access to Lake Winnisquam and that alternative locations in Belmont or within Ahern State Park would be less impacting.
23. The selected site is predominantly flat, previously disturbed, and relatively clear of vegetation.
24. Both the Belmont and the Ahern locations have intact natural woodland buffers and uneven terrain that would need to be disturbed and regraded in order to construct suitable public access.
25. The redevelopment of a previously disturbed site is less impacting than disturbing the natural woodland buffer in an undisturbed location.
26. The concern was raised during the public hearing that Vinyl Chlorides and other contaminants, from an adjacent property, had been detected at unsafe levels in an on site monitoring well and that the site may be unsafe for public use.
27. Review of the data from the on-site monitoring well has found no instances of Vinyl Chloride or other petroleum related contaminants exceeding acceptable levels during 2006.
28. Concern was raised at the public hearing that the subject site would be unavailable for the launching of kayaks during the winter shutdown of the site required by the US Fish and Wildlife Service.
29. There is an alternative site within 1/2 mile of the proposed boat launch from which to launch canoes and kayaks on the Winnepesaukee River during the winter months.
30. Concern was raised at the public hearing that the use of pavement in the parking areas, as proposed, would not be less impacting than previous paving alternatives.
31. The soils present at this location have a higher susceptibility frost heaving than would allow for the practical use of permeable paving systems.
32. Written concern was submitted at the public hearing that the dredge would occur next to an adjacent exotic Milfoil infestation.
33. Field inspection by the Exotic Aquatic Species Program staff found small Milfoil infestations consisting of a few plants located downstream of the proposed dredge site and not in areas that would be disturbed by the construction of the proposed boat launch.
34. Written concern was submitted at the public hearing that the dredge would stabilize the riverbed and might cause sedimentation downstream from the project site.
35. The proposed dredge will not stabilize the riverbed or cause sedimentation downstream from the project site.
36. Written concern was submitted at the public hearing that the flows of the Winnepesaukee River exceeded 2000 cubic ft per second (cfs) and that the proposed launch would be putting boaters into unsafe conditions.
37. The normal operational discharge range of the dam at Lakeport, upstream of the proposed project site, is 250 cfs to 1050 cfs. The upper limit of 1050 cfs is only exceeded during extreme flood events.
38. The proposed launch site is located on the inside of a bend in the river and is subject to slower currents than those present at the existing commercial launch located directly across the river.
39. The proposed construction of 18 ft wide docks will not adversely effect the environment, natural resources of the state, public health, or public safety.
40. The proposed docking facility is to be utilized by the general public for access to public waters and thus will experience greater volumes of pedestrian traffic than could safely use the facility if the deck width were limited to the standard of 6 ft.
41. The proposed construction of permanent docks in this location will not adversely effect the environment, natural resources of the state, public health, or public safety.
42. The proposed docking facility is to be utilized by the general public for access to public waters and thus will experience greater volumes of pedestrian traffic and loading than a seasonal structure could safely support.
43. The proposed dredge to Elevation 477.00 is necessary to provide 3 ft of water in the launch and slip areas under low water conditions.

Rulings in Support of the Decision

44. The selected location is the least impacting, available site from which to provide public access to Lake Winnisquam.
45. The launch facilities as proposed are the least impacting method of providing public access at this location.
46. This proposal to redevelop a previously disturbed site instead of impacting an undeveloped site would be consistent with the intent of the Comprehensive Shoreland Protection Act as stated in RSA 483-B:2.
47. The project as designed and conditioned will not adversely impact any threatened or endangered species.

- 48. The Applicant has provided documentation that the project will not adversely impact fisheries or essential fish habitat.
- 49. The proposed launch site will not present a hazard to public safety or navigation.
- 50. There is no evidence that this site is unsuitable for public use.
- 51. The construction of this public access facility is in the public's interest and, therefore, the standard frontage criteria is waived in accordance with Rule Env-Wt 402.13.
- 52. The Applicant has met the requirements outlined in Rule Env-Wt 204.04, and, therefore, the width requirements of Rule Env-Wt 402.02 are waived.
- 53. The Applicant has met the requirements outlined in Rule Env-Wt 204.04, and, therefore, Rule Env-Wt 402.05 is waived to allow the construction of a permanent docking facility.
- 54. The Applicant has met the requirements of Rule Env-Wt 302.04 (a), Requirements for Application Evaluation, and Chapter Env-Wt 400, Shoreline Structures, and, therefore, this application is approved.

-Send to Governor and Executive Council-

2006-03031 MARRIOTT, RICHARD
TUFTONBORO Lake Winnepesaukee

Requested Action:

Install 5 tie off piles and install two 14 ft x 30 ft seasonal canopies adjacent to an existing 14 ft 3 in x 88 ft permanent dock, permanently remove 1484 sq ft of existing breakwater, and dredge 44 cubic yards of leaf litter from 4500 sq ft on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com has no comments by 02/13/07

APPROVE PERMIT:

Install 5 tie off piles and install two 14 ft x 30 ft seasonal canopies adjacent to an existing 14 ft 3 in x 88 ft permanent dock, permanently remove 1484 sq ft of existing breakwater, and dredge 44 cubic yards of leaf litter from 4500 sq ft on Lake Winnepesaukee, Tuftonboro.

With Conditions:

- 1. All work shall be in accordance with plans by Folsom Design Group dated October 16, 2006, as received by the Department on November 21, 2006.
- 2. This permit shall not be effective until it has been recorded with the Carroll 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. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 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. This permit does not allow dredge of lake bed sediments, only organic materials and breakwater materials shall be removed from the waterbody.
- 8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
- 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(g), removal of more than 20 cubic yards of rock, gravel,

sand, mud, or other 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. DES Staff has conducted numerous field inspections of the proposed project site. Field inspection determined the proposed impacts will not adversely affect the waterbody and are enclosed within a man made basin.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The proposed impacts reduce the permanent impact to public submerged lands by reducing a breakwater by 1484 sq ft.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2005-02907 CARON, GARY & JAN
SANDOWN Unnamed Wetland**

With Findings:

1. A request for additional information dated February 21, 2006, addressed to the applicant and 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.

**2006-00767 DARTMOUTH HITCHCOCK MEDICAL CENTER
LEBANON Unnamed Wetland**

Requested Action:

Dredge and fill 1,280 square feet of palustrine scrub-shrub wetlands (PSS1); and 6,420 square feet of excavated wetlands (R4SB7X/R4SB2X), which are part of the existing stormwater conveyance system, for the realignment of an existing loop road and associated stormwater treatment for proposed expansion of an existing medical facility.

APPROVE PERMIT:

Dredge and fill 1,280 square feet of palustrine scrub-shrub wetlands (PSS1); and 6,420 square feet of excavated wetlands (R4SB7X/R4SB2X), which are part of the existing stormwater conveyance system, for the realignment of an existing loop road and associated stormwater treatment for proposed expansion of an existing medical facility.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated April 03, 2006, and March 27, 2006, as received by the DES Wetlands Bureau on April 07, 2006.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent upon receipt of the recorded boundary line adjustment.

4. Additional requests for wetland impacts for related projects shall not be considered until a complete comprehensive conceptual plan for future development is submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. 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.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culverts shall be properly rip rapped.
11. Proper headwalls shall be constructed within seven days of culvert installation.
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).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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. Cumulative wetland impacts approved under Wetlands and Non-Site Specific Permit 2000-02715 (4,690 square feet of palustrine forested wetland impacts) and wetland impacts approved under this permit (7,700 square feet) total 12,390 square feet.
3. Wetland impact totals for this permit include: a) 1,280 square feet of Palustrine, Scrub-Shrub, Broad-Leaved Deciduous (PSS1); b) 6,140 square feet of Riverine Intermittent Streambed, Vegetated, Excavated (R4SB7X); and c) 280 square feet of Riverine Intermittent Streambed, Rubble, Excavated (R4SB2X).
4. The primary stormwater conveyance function of the 6,420 square feet of wetlands classified as riverine intermittent streambed vegetated/rubble excavated or the existing stormwater conveyance system will be recreated by the proposed stormwater treatment.
5. Wetlands and Non-Site Specific Permit 2000-02715 included 5,500 of wetland creation and the installation of twin 4-foot x 6-foot box culverts for wildlife passage.
6. Phase I of the proposed project includes construction of the loop road and certain stormwater treatment systems. Phase II will include development of the site bounded within the new loop road and will not result in additional wetland impacts.
7. The applicant's agent confirmed the certified wetland scientist's wetland delineation did not identify any vernal pools.
8. This permit is contingent upon receipt of the recorded boundary line adjustment.
9. Additional requests for wetland impacts for related projects shall not be considered until a complete comprehensive conceptual plan for future development is submitted to the DES Wetlands Bureau.
10. In a letter dated April 27, 2006, the Lebanon Conservation Commission recommended approval for the proposed project.
11. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
13. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
14. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-02331 RUIVO, LINDA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct a 19 ft x 30 ft perched beach with 3 ft wide lake access steps on 300 ft of frontage on Long Island in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 19 ft x 30 ft perched beach with 3 ft wide lake access steps on 300 ft of frontage on Long Island in Moultonborough on

Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Linda Ruivo, as received by the Department on February 26, 2007.
2. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. 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).
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 11 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. 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.
11. 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.
12. 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.
13. No more than .25 cu yd or rock shall be removed for safe lake access.
14. No work is authorized to the existing dock on the frontage. This approval for beach construction does not in any way infer that the docking facility has been found by the Bureau to be a legal structure.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f) construction of a beach with use of more than 10 cu yd of sand but not more than 20 cu yd.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02783 DOXON REALTY TRUST, SYLVIA TENN
LONDONDERRY Unnamed Wetland**

Requested Action:

Dredge and fill approximately 3,748 sq. ft. of wet meadow and scrub-shrub wetlands (includes 808 sq. ft. of temporary impacts) for access and sewer line connection for a proposed 45-unit elderly housing condominium development, identified as "Cider Mill Crossing". Work in wetlands consist of connection to municipal sewer, installation of twin 25 in. x 35 in. x 38 ft. elliptical arch culverts, associated grading and outlet protection for construction of an access road crossing from Mammoth Road and filling grading for access to units along the south side of the property. The wetlands impacts for the sewer line connection and access to the south side of the property were previously approved under Wetlands Bureau permit #2003-2375, the previously approved project was not constructed.

APPROVE PERMIT:

Dredge and fill approximately 3,748 sq. ft. of wet meadow and scrub-shrub wetlands (includes 808 sq. ft. of temporary impacts) for access and sewer line connection for a proposed 45-unit elderly housing condominium development, identified as "Cider Mill

Crossing". Work in wetlands consist of connection to municipal sewer, installation of twin 25 in. x 35 in. x 38 ft. elliptical arch culverts, associated grading and outlet protection for construction of an access road crossing from Mammoth Road and filling grading for access to units along the south side of the property. The wetlands impacts for the sewer line connection and access to the south side of the property were previously approved under Wetlands Bureau permit #2003-2375, the previously approved project was not constructed.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants, Inc. plan sheet #C5, revision dated December 12, 2007 (date error, intent 2006), as received by the Department on February 6, 2007, plan sheet #S1, revision dated January 16, 2007 and plan sheet #C2, revision dated October 12, 2006, as received by the Department on February 20, 2007.
2. This permit shall supercede previous Wetlands Bureau permit file #2003-2375 issued for wetlands impacts on the property.
3. This permit is contingent on approval by the DES Alteration of Terrain Program (Site Specific Program).
4. The temporary wetlands impacts for the proposed sewer line connection shall be restored with "in-kind"/same native wetlands plant species. Wetland restoration must result in a functioning wetland to the satisfaction of the Department. Restoration shall be completed immediately following the completion of the sewer line connection.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. This permit shall not be effective until it has been recorded with the 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.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The 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 previous permit file #2003-2375 approved impacts to 1,698 sq. ft. of wetlands. The new permit adds an additional 2,050 sq. ft. of wetlands impacts on an additional lot that was added to the property.
6. The previous permit was for impacts for commercial development. This approval is for residential development.
7. The New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program did not submit comments.
8. The Conservation Commission voted to approve the project with addition of double culverts in place of the proposed single culvert.
9. The applicant revised the plans to include twin 24 in. x 35 in. x 38 ft. elliptical culverts.

2006-02807 BISSON, EDWARD
CONWAY Unnamed Wetland

Requested Action:

RRetain 3,030 square feet of forested wetlands impact, including an existing 12-inch x 35-foot and 12-inch x 24-foot corrugated plastic culvert, and the installation of a 12-inch x 20-foot corrugated plastic replacement culvert for driveway access to a single family residence; and dredge and fill 534 square feet of forested wetlands to install a 12-inch x 20-foot corrugated plastic culvert for farming/forestry access.

APPROVE PERMIT:

Retain 3,030 square feet of forested wetlands impact, including an existing 12-inch x 35-foot and 12-inch x 24-foot corrugated plastic culvert, and the installation of a 12-inch x 20-foot corrugated plastic replacement culvert for driveway access to a single family residence; and dredge and fill 534 square feet of forested wetlands to install a 12-inch x 20-foot corrugated plastic culvert for farming/forestry access.

With Conditions:

1. All work shall be in accordance with plans dated September 04, 2006, as received by the Department on October 30, 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. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The applicant has provided a waiver request per Env-Wt 204.03, to waive the abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
3. The proposed impacts within the 20-foot setback have previously occurred and have not affected the abutting property.
4. The applicant has unsuccessfully attempted to contact the abutting property owner of tax map/lot 280/6.2.
5. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
6. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
7. The applicant's agent indicated much of the area east of Benlor Drive is palustrine-forested wetlands and the design utilizes existing impact areas, which cross wetlands at their narrowest locations.
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.

**2006-03171 FRANKLIN, MARK & LAURIE
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct two 5 ft x 30 ft crib docks and a 6 ft x 30 ft crib dock connected by a 6 ft x 39 ft crib supported walkway in a "W" configuration, install a permanent boatlift in the northern slip with a 14 x 30 ft seasonal canopy, install a seasonal boatlift in the southern center slip, install 2 PWC lifts in between the dock and the shoreline, and install 5 ft wide seasonal access stairs from the dock to the waterbody on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by February 23, 2007

APPROVE PERMIT:

Construct two 5 ft x 30 ft crib docks and a 6 ft x 30 ft crib dock connected by a 6 ft x 39 ft crib supported walkway in a "W" configuration, install a permanent boatlift in the northern slip with a 14 x 30 ft seasonal canopy, install a seasonal boatlift in the southern center slip, install 2 PWC lifts in between the dock and the shoreline, and install 5 ft wide seasonal access stairs from the dock to the waterbody on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 20, 2006, as received by the Department on December 13, 2006.
2. This permit shall not be effective until it has been recorded with the Carroll 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 action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow for maintenance dredging.
7. This permit does not allow for any excavation of the bank for the construction of the cribs.
8. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
9. 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.
10. The minimum clear spacing between cribs 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. The PWC lifts shall be removed for the non-boating season.
13. The seasonal boatlift shall be removed for the non-boating season.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any 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 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 507 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 7 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.

**2006-03214 SOUTHERN III, JAMES
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Modify an existing 31 ft 6 in x 36 ft 5 in boathouse by reducing the center pier dimensions from 10 ft 3 in x 34 ft to 2 ft 10 in x 30 ft and replacing with existing cribs supporting the center pier with piles and by reducing the width of the pier adjacent to the south wall of the boathouse from 6 ft to 4 ft 7 in, and repair foundation voids with rock, on 502 ft of frontage in Wolfeboro on Lake Winnepesaukee.

APPROVE PERMIT:

Modify an existing 31 ft 6 in x 36 ft 5 in boathouse by reducing the center pier dimensions from 10 ft 3 in x 34 ft to 2 ft 10 in x 30 ft and replacing with existing cribs supporting the center pier with piles and by reducing the width of the pier adjacent to the south wall of the boathouse from 6 ft to 4 ft 7 in, and repair foundation voids with rock, on 502 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans received by the Department on December 20, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. All construction related debris and material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit does not allow for maintenance dredging.
6. 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.
7. 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.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. There shall be no expansion of the exterior boathouse dimensions.
10. The rip-rap and rubble preventing the use of the walkway along the northerly side of the boathouse shall not be removed. The walkway along the northerly side of the boathouse is not currently suitable for docking and shall not be made suitable for docking in the future.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-00460 GREER, THOMAS & KELLIE
EAST WAKEFIELD Pine River Pond

Requested Action:

Applicant requests to amend permit to add 16 linear feet of retaining wall along the shoreline.

Conservation Commission/Staff Comments:

Con Com has not submitted comments

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

Inspection Date: 02/12/2007 by Dale R Keirstead

DENY AMENDMENT:

Replace existing timber retaining walls around a 23 ft x 8 ft perched beach and add 16 linear ft of wall to expand the beach area on approximately 150 ft of frontage on Pine River Pond.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Env-Wq 1405.05, Slope Limitation for Accessory Structures, "No accessory structure shall be built on land having greater than 25% slope."
3. In accordance with Env-Wt 304.04 Setback From Property Lines, "the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests."
4. In accordance with RSA 483-B:9, Natural Woodland Buffer, "not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place."
5. In accordance with Env-Wt 304.08, Beaches, "No new private beach shall use more than 20 percent of the applicant's contiguous shoreline up to a maximum of 50 feet of the applicant's contiguous shoreline."

Findings of Fact

6. On March 06, 2006, the Wetlands Bureau received an application for bank impacts adjacent to surface water, on the lot identified as Wakefield tax map 53, lot 20, to repair and expand an existing 216 square foot perched beach on Pine River Pond.
7. On April 4, 2006, the Department sent a Request for More Information letter explaining that the Comprehensive Shoreland Protection Act did not allow construction in slopes greater than 25% and requested the applicant to submit revised plans with no new construction in the bank.
8. The April 4, 2006, Request for More Information letter further explained that beaches shall not exceed 20% of the applicant's contiguous property and requested plans for repair of the existing beach only.
9. The April 4, 2006, Request for More Information letter stated that the Department would not allow steps to be dug into the bank. The Department requested plans showing steps constructed over the bank.
10. The April 4, 2006, Request for More Information requested plans indicating the volume of sand to placed on the beach.
11. On August 24, 2006, the Department received plans showing a repair in kind of the existing perched beach with the addition of no more than 8 cubic yards of sand placed on the beach and stairs constructed over the bank to access the perched beach.
12. On December 1, 2006, the Department received an amendment request from Lise McNaughton requesting to replace an additional 20 feet of railroad ties adjacent to the perched beach.
13. On December 15, 2006, the Department contacted the agent by telephone and letter copied to the applicant stating the amendment request needed plans submitted to the Department for review. This letter stated no work could be done beyond the original permit and plans without an approved amendment.

14. On January 8, 2007, the Department received the requested amendment plans. The information submitted with the plans stated the requested amendment work was already completed.
15. On February 12, 2007, the Department met the agent on site to conduct a field inspection. Field inspection found the work completed was not done in accordance with the approved plans.

Rulings in Support of the Decision

19. The amended project would impact previously undisturbed slopes steeper than 25% and fails to meet the requirements of Env-Wq 1405.05.
20. The expanded beach area fails to meet the requirements of Env-Wt 304.08, therefore, the amendment request to expand the perched beach is denied.

**2006-02598 CLAREMONT DPW, CITY OF
CLAREMONT Unnamed Stream**

Requested Action:

Dredge and fill an area of 430 square feet within the bed and banks of a perennial stream to remove accumulated sediments in and around the culvert and slip-line the existing 36-inch culvert for continued usefulness.

Conservation Commission/Staff Comments:

No comments were received from the Claremont Conservation Commission.

Inspection Date: 06/28/2006 by Christine Bowman

APPROVE PERMIT:

Dredge and fill an area of 430 square feet within the bed and banks of a perennial stream to remove accumulated sediments in and around the culvert and slip-line the existing 36-inch culvert for continued usefulness.

With Conditions:

1. All work shall be in accordance with the Site Plans (Sheet 1 of 2) by Darrow Civil Engineering dated September 11, 2007, as received by the Department on September 29, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions only.
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. 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. 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 minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. Sediment has accumulated in and around the inlet and outlet of the existing culvert which is constricting the flow of water, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments

under the department's jurisdiction per Env-Wt 302.03, as all the impacts will not increase the width of the stream.

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.

**2006-02600 CLAREMONT DPW, CITY OF
CLAREMONT Redwater Brook**

Requested Action:

Dredge and fill a total of 1,140 square feet within the bed and banks of Redwater Brook to include dredging 32 cubic yards of accumulated sediment to replace an existing 18-inch culvert with a pair of 24-inch culverts with riprap stone aprons to properly convey flow.

Conservation Commission/Staff Comments:

No Comments were received from the Claremont Conservation Commission.

Inspection Date: 06/28/2006 by Christine Bowman

APPROVE PERMIT:

Dredge and fill a total of 1,140 square feet within the bed and banks of Redwater Brook to include dredging 32 cubic yards of accumulated sediment to replace an existing 18-inch culvert with a pair of 24-inch culverts with riprap stone aprons to properly convey flow.

With Conditions:

1. All work shall be in accordance with the Site Plans (Sheet 1 of 2) by Darrow Civil Engineering dated September 11, 2007, as received by the Department on September 29, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions only.
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. 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. 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 minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. Sediment has accumulated in and around the inlet and outlet of the existing culvert which is constricting the flow of water. Additionally, the existing culvert is undersized and cannot handle the current drainage flows, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03, as all the impacts will not increase the width of the stream.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00089 **VELCRO USA INC**
MANCHESTER Tannery Brook

Requested Action:

Emergency repair of approximately 1,000 sq. ft. (70 linear feet) of concrete channel within Tannery Brook. The collapsed concrete channel will be removed and replaced with riprap stone and geotextile to prevent further collapse and erosion.

Conservation Commission/Staff Comments:

The Conservation Commission did not comment on the proposed project.

APPROVE PERMIT:

Emergency repair of approximately 1,000 sq. ft. (70 linear feet) of concrete channel within Tannery Brook. The collapsed concrete channel will be removed and replaced with riprap stone and geotextile to prevent further collapse and erosion.

With Conditions:

1. All work shall be in accordance with plans by the City of Manchester Department of Highways Engineering Division, dated January 2007, as received by the Department on January 9, 2007.
2. This permit is contingent on the City of Manchester obtaining written permission or temporary construction easements from affected landowners outside of the existing City right-of-way or property. The City shall supply copies of the authorization to DES Wetlands File No. 2007-00089 prior to the start of construction.
3. Work shall be done during low flow.
4. There shall be no excavation or operation of construction equipment in flowing water.
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. 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 in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation are to be revegetated within one growing season following the completion of this project.
9. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur in an upland staging area away from surface waters and wetlands.

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. New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program (NHFG) submitted comments. NHFG was concerned with the amount of proposed rip-rap, however, if the rip-rap was being placed within the previous concrete slab area it was acceptable. Additionally, DES spoke with NHFG and it was determined that no permanent changes were proposed in the streambed down gradient of the previous concrete slab.
6. The repairs should alleviate further erosion, potential downstream sediment impacts and potential impacts to the down gradient culvert/railroad bed crossing.

2007-00239 RICCI, MICHAEL & LORI
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove existing 6 ft x 34 ft seasonal dock and replace with a 6 ft x 40 ft seasonal dock attached to the existing concrete pad on 107 ft of frontage in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Remove existing 6 ft x 34 ft seasonal dock and replace with a 6 ft x 40 ft seasonal dock attached to the existing concrete pad on 107 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 2, 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 registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons', breeding and nesting areas shall be avoided.
5. The existing dock shall be removed from Wetlands Jurisdiction before installation of the proposed seasonal pier.
6. This permit does not allow for maintenance dredging.
7. This shall be the only dock on this frontage.
8. Seasonal pier shall be removed from the lake for five months during the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

FORESTRY NOTIFICATION

2007-00331 ERNSTROM, EDWARD
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:
Grafton Tax Map 15, Lot# 1069

**2007-00332 GREEN ACRE WOODLANDS INC
RUMNEY Unnamed Stream**

COMPLETE NOTIFICATION:
Rumney Tax Map 11, lot# 7-8 & 7-9

**2007-00339 NH DIVISION OF FORESTS AND LANDS
HILL Unnamed Stream**

COMPLETE NOTIFICATION:
Hill Tax Map William Thomas State Forest

**2007-00340 COTTON, HAROLD
CHESTERFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Chesterfield Tax Map 24, Lot# D4

**2007-00344 MOULTON, ROBERT,ELIZABETH,CHARLES
NEW HAMPTON Unnamed Stream**

COMPLETE NOTIFICATION:
New Hampton Tax Map 16, Lot# 15

**2007-00345 ROYSTAN, ROBIN & LISA
BATH Unnamed Stream**

COMPLETE NOTIFICATION:
Bath Tax map 9, lot# 62 & 63

**2007-00346 FAULKNER, JANICE
RUMNEY Unnamed Stream**

COMPLETE NOTIFICATION:
Rumney Tax Map 11, Lot# 9

EXPEDITED MINIMUM

**2003-00991 DICK TRUST, HERBERT
LACONIA Lake Winnepesaukee**

Requested Action:

Reset rocks on existing 90 linear ft stone jetty, replace 6 fender pilings and install a seasonal watercraft lift between an existing 6 ft x 35 ft piling pier and an existing 2 ft x 31 ft piling pier on an average of 105 ft of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE AMENDMENT:

Reset rocks on existing 90 linear ft stone jetty, replace 6 fender pilings and install a seasonal watercraft lift between an existing 6 ft x 35 ft piling pier and an existing 2 ft x 31 ft piling pier on an average of 105 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised October 27, 2006, as received by the Department on October 30, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. 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.
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. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. 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.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repair shall maintain existing size, location and configuration.
10. 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.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-01862 CORBETT, JAMES & PATRICIA MCGOWAN
KINGSTON Unnamed Wetland**

With Findings:

1. A request for additional information dated August 29, 2006, addressed to the 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.

2006-02103 BEIQUÉ, GERARD
WINDHAM Unnamed Wetland

With Findings:

1. A request for additional information dated October 12, 2006, 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.

2007-00009 MAKO, ANDREW & NANCY
WOLFEBORO Crescent Lake

Requested Action:

Remove existing 3 ft x 30 ft seasonal pier and construct a 16 ft x 26.5 ft perched beach in its location and install a 6 ft x 30 ft seasonal dock hinged to a 6 ft x 4 ft concrete anchoring pad on 136 ft of frontage in Wolfeboro on Crescent Lake.

APPROVE PERMIT:

Remove existing 3 ft x 30 ft seasonal pier and construct a 16 ft x 26.5 ft perched beach in its location and install a 6 ft x 30 ft seasonal dock hinged to a 6 ft x 4 ft concrete anchoring pad on 136 ft of frontage in Wolfeboro on Crescent Lake.

With Conditions:

1. All work shall be in accordance with revised plans by Folsom Design Group, as received by the Department on February 28, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. 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).
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. 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.
10. Shall perched beach wall(s) fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
11. Shall perched beach require more than one replenishment every 6 years, the landowner shall file a new application for perched beach replenishment with an erosion control plan stamped and prepared by a certified professional in erosion and sediment control, and site may be subject to further NHDES evaluation and requests.
12. Seasonal dock shall be removed from the lakebed for 5 months during the non-boating season.
13. Dock shall extend no further than 30 ft from the normal high water mark elevation.
14. Anchoring pad shall be completely landward of the normal high water mark elevation
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2007-00263 LONGVIEW TRUST, TIMOTHYSULLIVAN TRUSTEE
ALTON Lake Winnepesaukee

Requested Action:

Repair 12 linear ft of existing retaining wall on 375 ft of frontage in Alton on Lake Winnepesaukee.

APPROVE PERMIT:

Repair 12 linear ft of existing retaining wall on 375 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 30, 2006 as received by the Department on February 14, 2007.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. 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.

GOLD DREDGE

**2007-00322 ATOMANUK, JAMES
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:
cc: Bath Con Comm

**2007-00351 SAWYER, JOHN
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

**2007-00311 BEDROCK BUILDERS LLC
MOULTONBOROUGH Lake Winnepesaukee**

COMPLETE NOTIFICATION:
Moultonborough NH Tax Map# 131 Lot # 2 & 3
Lake Winnepesaukee

SHORELAND VARIANCE / WAIV

**2006-02500 ALBERT, CHERYL
WINDHAM Cobbetts Pond**

Requested Action:
Request a waiver from RSA 483-B:9, II,(b), to allow construction of a non-conforming structure with approximately 601 square feet within the primary building setback on a .54 acre lot having approximately 107 feet of frontage on Cobbetts Pond in Windham, NH.

Inspection Date: 11/02/2006 by Thomas Gilbert

APPROVE CSPA WAIVER:
Request a waiver from RSA 483-B:9, II,(b), to allow construction of a non-conforming structure with approximately 601 square feet within the primary building setback on a .54 acre lot having approximately 107 feet of frontage on Cobbetts Pond in Windham, NH.

With Conditions:

1. All work shall be conducted in accordance with proposed landscape plans designed by Linehan Landscaping dated January 24, 2007 and received by the department on January 26, 2007 and building plans designed by Promised Land Survey, LLC received by the department on November 20, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. 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.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Windham Tax Map 21, block H, Lot 14, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 23.4 feet from the reference line and occupies approximately 790 square feet within the primary building setback.
4. The proposed primary structure will occupy approximately 601 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 move the proposed structure 5.8 feet further back from the reference line than the existing structure.
7. The applicant has proposed to remove approximately 564 square feet of impervious surface between the primary building set back and the reference line.
7. The applicant has proposed to remove a stone fire pit located within the 20 foot accessory structure set back.
8. The applicant has proposed to plant native vegetation in place of removed impervious surface. A mix of 3 Mountain Laurel, 2 Dogwood, 2 Red Sprite Winterberry Holly, and 3 Blue Flag Iris are proposed to provide better erosion and stabilization control.
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.

2006-03248 **FRIEDLINE, DAVID & JULIA**
EAST ANDOVER **Highland Lake**

Requested Action:

Raze an existing non-conforming structure with 1243 square feet of living space within the primary building setback and build a proposed structure with 1149 square feet of living space within the the primary building setback on property having approximately 95 feet of frontage on Highland Lake in East Andover.

Inspection Date: 01/10/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing non-conforming structure with 1243 square feet of living space within the primary building setback and build a proposed structure with 1149 square feet of living space within the the primary building setback on property having approximately 95 feet of frontage on Highland Lake in East Andover.

With Conditions:

1. All work shall be conducted in accordance with proposed landscape plans designed by Linehan Landscaping dated January 24, 2007 and received by the department on January 26, 2007 and building plans designed by Promised Land Survey, LLC received by the department on November 20, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. 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.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Windham Tax Map 21, block H, Lot 14, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 23.4 feet from the reference line and occupies approximately 790 square feet within the primary building setback.
4. The proposed primary structure will occupy approximately 601 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 move the proposed structure 5.8 feet further back from the reference line than the existing structure.
7. The applicant has proposed to remove approximately 564 square feet of impervious surface between the primary building set back and the reference line.
7. The applicant has proposed to remove a stone fire pit located within the 20 foot accessory structure set back.
8. The applicant has proposed to plant native vegetation in place of removed impervious surface. A mix of 3 Mountain Laurel, 2

Dogwood, 2 Red Sprite Winterberry Holly, and 3 Blue Flag Iris are proposed to provide better erosion and stabilization control.

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.

**2007-00006 HALVERSON, DAVID
MOULTONBOROUGH**

Requested Action:

Raze an existing non-conforming primary structure occupying approximately 446 square feet within the primary building setback, and build a proposed non-conforming primary structure that shall occupy approximately 462 square feet within the primary building setback on property having approximately 138 feet of frontage on Lake Winnepesaukee in Moultonborough, NH.

Inspection Date: 02/06/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing non-conforming primary structure occupying approximately 446 square feet within the primary building setback, and build a proposed non-conforming primary structure that shall occupy approximately 462 square feet within the primary building setback on property having approximately 138 feet of frontage on Lake Winnepesaukee in Moultonborough, NH.

With Conditions:

1. All work shall be conducted in accordance with proposed landscape plans designed by David Halverson, received by the department on February 9, 2007, storm water drainage plans designed by David Halverson, received by the department on February 15, 2007, and building plans designed by David Halverson, received by the department on February 9, 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 by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. 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.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Moultonborough Tax Map 196, Lot 4, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 43 feet from the reference line at its closest point, and occupies approximately 446 square feet within the primary building setback.
4. The proposed primary structure shall be located approximately 43 feet from the reference line at its closest point, and shall occupy approximately 462 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 plant native vegetation around the proposed structure. A mix of White Pine, Norway Spruce, Silky Dogwood, Swamp Azalea, Balsam Fir, Swamp White Oak, Mountain Laurel, Pussy Willow, and Rhodora are proposed to provide better erosion and stabilization control.
7. The applicant has proposed to install stormwater control measures consisting of a gutter system to carry collected stormwater to 1 of 2 dry wells that are 4 feet deep and filled with 1.5 - 3 inch stone.
8. The applicant has proposed to upgrade the existing septic system to a trade marked "enviro-septic."
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.

2007-00061 RAYMOND, ROBERT & COLLEEN
MERRIMACK Baboosic Lake

Requested Action:

Raze an existing non-conforming primary structure occupying approximately 812 square feet of living space within the primary building setback, and build a proposed non-conforming primary structure that shall occupy 642 square feet of living space within the primary building setback.

Inspection Date: 02/06/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing non-conforming primary structure occupying approximately 812 square feet of living space within the primary building setback, and build a proposed non-conforming primary structure that shall occupy 642 square feet of living space within the primary building setback.

With Conditions:

1. All work shall be conducted in accordance with proposed landscape plans designed by Linehan Landscaping dated January 24, 2007 and received by the department on January 26, 2007 and building plans designed by Promised Land Survey, LLC received by the department on November 20, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. 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.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of East Andover Tax Map 6A-1, Lot 113, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 21 feet from the reference line at its closest point, and has approximately 812 square feet of living space within the primary building setback.
4. The proposed primary structure is located approximately 38.5 feet from the reference line at its closest point, and shall have approximately 642 square feet of living space 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 move the proposed structure 20 feet further back from the reference line than the existing structure with a porch that encroches 7 feet towards the reference line, making the proposed structure 13 feet further back from public waters than the existing structure.
7. The applicant has proposed to remove approximately 170 square feet of primary living space between the primary building set back and the reference line.
8. The applicant has proposed to plant native vegetation along the shoreline and around the property. A mix of Highbush Blueberry, Grey Dogwood, American Mountain Ash, Red Oak and Eastern Hemlock are proposed to provide better erosion and stabilization control.
10. The applicant has proposed to install stormwater control measures consisting of 1 foot of 3/4 inch crushed stone extending 4 feet around the perimeter of the proposed structure and a 4 inch permiated pipe to carry collected stormwater to a dry well.
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.

2007-00148 PALUMBO, GARY
RICHMOND Lamprey River

Requested Action:

Build a proposed primary structure occupying approximately 1720 square feet within the 50 foot setback and located 22 feet from the reference line on the footprint of a previously existing primary structure, destroyed by floodwaters, that occupied approximately 2110 square feet within the 50 foot setback and located 22 feet from the reference line on property having approximatly 280 feet of frontage on the Lamprey River in Raymond, NH.

Inspection Date: 02/05/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Build a proposed primary structure occupying approximately 1720 square feet within the 50 foot setback and located 22 feet from the reference line on the footprint of a previously existing primary structure, destroyed by floodwaters, that occupied approximately 2110 square feet within the 50 foot setback and located 22 feet from the reference line on property having approximatly 280 feet of frontage on the Lamprey River in Raymond, NH.

With Conditions:

1. All work shall be conducted in accordance with plans designed by James M. Lavelle Assoc., LLC. dated January 4, 2007 and received by the department on January 26, 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 by certified mail, return reciept requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. This approval does not allow lakeward expansion of the primary structure.
5. 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).

- 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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

- 1. The previously existing non-conforming residence was located within the 50 foot primary building setback and destroyed by flood waters.
- 2. The previously existing non-conforming structure was approximately 2110 square feet and was located 22 feet from the reference line.
- 3. The proposed primary structure is located on the footprint of the previously existing primary structure and is approximately 1720 square feet and 22 feet from the reference line.
- 4. A greater setback for the proposed structure is not possible due to a town setback to roadways. A variance to this restriction is not possible due to time restraints because of limits on temporary housing.
- 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 reconstruct a reasonably sized primary structure that is approximately 390 square feet smaller than the previously existing structure, providing a reduction of 390 square feet of impervious surface.
- 7. The applicant currently has a completely vegetated shoreline. Lack of funds restricts the applicant from proposing to plant any additional plantings.
- 8. The applicants proposal provides at least the same degree of protection to the public waters.
- 9. The applicants proposal is more nearly conforming and meets RSA483-B:11,II, and, therefore the waiver is approved.

PERMIT BY NOTIFICATION

2007-00139 VAUGHN, BRETT
MERRIMACK Unnamed Stream Wetland

Requested Action:

Fill approximately 800 sq. ft. of forested wetlands and intermittent stream (approximately 20 linear feet) to install a 12 in. x 20 ft. culvert and associated fill for a recreational access road crossing. Any non-recreational use of the crossing or additional impacts to jurisdictional areas shall require additional permitting by the Department.

PBN IS COMPLETE:

Fill approximately 900 sq. ft. of forested wetlands and intermittent stream (approximately 20 linear feet) to install a crossing for recreational access road crossing. Any non-recreational use of the crossing or additional impacts to jurisdictional areas shall require additional permitting by the Department.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z).
- 2. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program did not submit comments.
- 3. The Conservation Commission signed the PBN, waiving its right to intervene on the project.
- 4. The applicant submitted a letter stating he is aware that any additional work in wetlands will require further permitting by the

Department.

2007-00312 WYSZYNSKI, ROBERT & JOANNE
ALTON Unnamed Stream

Requested Action:

Temporarily impact 4 square feet to install a proposed sewer line to service a single family residence.

PBN IS COMPLETE:

Temporarily impact 4 square feet to install a proposed sewer line to service a single family residence.

2007-00313 SHERIDAN VIEWS LLC
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 350 square feet including installation of an 18-inch x 20 foot culvert in an intermittent stream for access to a proposed single family residence on an existing lot of record.

PBN IS COMPLETE:

Dredge and fill 350 square feet including installation of an 18-inch x 20 foot culvert in an intermittent stream for access to a proposed single family residence on an existing lot of record.