

Wetlands Bureau Decision Report

Decisions Taken
03/05/2007 to 03/11/2007

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

**2006-00164 EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH Contookook River**

Requested Action:

Deny permit request to dredge and fill 2145 square feet within the bed and banks of the Contookook River to replace an existing arched culvert.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 2145 square feet within the bed and banks of the Contookook River to replace an existing arched culvert.

With Findings:

1. A request for additional information dated April 11, 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.

**2006-00715 JENESS TRUST NO ONE, MURRAY
ROCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

APPROVE PERMIT:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

With Conditions:

1. All work shall be in accordance with plans by Maguire Group Inc. dated 3/31/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C501 through C506, as received by the Department on 4/5/2006, and per revised plans by Maguire Group Inc. dated 12/12/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C108 through C121, as received by the Department on 12/14/2006.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Construction and restoration shall be according to the recommendations made by NH Soil Consultants Inc., in conjunction with the Maguire Group and RH White Construction Co. Inc., per plans cited in condition #1 above, and report entitled "Restoration & Monitoring Plan for Temporary Wetland Impacts: University of NH Proposed Biogas Pipeline" dated March 2006 as received by DES on 4/3/2006, and shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization; and in accordance with further specific conditions described herein

related to protections for exemplary natural communities as requested by the NH Natural Heritage Bureau per their memo to DES dated 3/5/2007, received by DES on 3/5/2007.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
6. With respect to work associated with the exemplary red maple floodplain forest community along Clark and Blackwater Brooks, few, if any, trees are to be removed from this area; all construction equipment shall be power-washed before being used in the community to minimize the likelihood of spreading invasive species seeds to the project area; and there shall be no non-native species planted in the restoration process.
7. With respect to the pale green orchid population on the east side of the Spaulding Turnpike near Interchange 9, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
8. With respect to the fringed gentian population near the UPS station in Dover, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
14. Excess dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
16. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
17. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. Silt fencing must be removed once the area is stabilized.
23. Area shall be regraded to original contours following completion of work.
24. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
25. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
26. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosetrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
27. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal surface waters in excess of 20,000 sq. ft. in the aggregated.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Construction of the pipeline will allow the University of NH to transport methane gas from Turnkey Landfill to use as a renewable source of energy for UNH's cogeneration plant to provide electrical power for the UNH campus.
3. DES held a public hearing on the application on 11/2/2006. Only representatives of the applicant, and one reporter attended.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant performed an extensive functional assesment of the resources to be encountered in the pipeline pathway, and categorized the resources into "major" or "minor" impacts. All impacts for installation of the 12.7 mile pipe line are limited to either temporary trench and fill impacts or directional drilling. Impacts to all surface waters, including 3 river crossings and 10 stream crossings, and all high quality wetlands, resources considered as "major" in the applicant's functional assesment, have been avoided completely by the use of directional drilling. Impacts to "minor" resources, most of which occur in existing roadway or railroad Right-of-Ways and have been previously disturbed, will have temporary trench and fill impacts. The path of the pipeline was specifically chosen to follow existing ROW's to minimize impacts.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
 - a. Eighteen species of concern were reported by the NH Natural Heritage Bureau ("NHB") in the vicinity of this project. Field survey by the environmental consultant determined that none of the species were present in the direct impact path of the pipeline. In a memo dated 3/5/2007, as received by DES on 3/5/2007, the NH Natural Heritage Bureau made recommendations regarding the protection of the exemplary community, and two particular plant species of the eighteen that could potentially be impacted by the project, and those protection recommendations have been incorporated into the permit conditions. Per DES telephone conversation on 2/16/2007 with NH Fish and Game Non-game and Endangered Wildlife Program ("NHFG"), NHFG is satisfied with the avoidance and mimization of potential impacts provided by the project design.
 - b. The applicant has provided letters of authorization and concurrence with the project from all the underlying property owners of the ROW's through which the pipeline is to pass.
6. The applicant states that presentations of the project details were given to each of the municipal conservation commissions of the four towns through which the pipeline passes; the Durham, Madbury and Rochester Conservation Commissions did not intervene or comment on the application; the Dover Conservation Commission intervened on the application, but did not report further. No conservation commission members attended the DES public hearing on this project.
7. Pursuant to Env-Wt 302.03(d), mitigation shall not be required for impacts that are not intended to remain after the project is completed, provided the areas are restored to in accordance with provisions shown in the project plans. The plans as approved herein for permits 2006-715, 716, 717, 724 condition #1, demonstrate that all impacts are to be temporary in nature, and the plans further provide details for restoration of all impact areas.
8. Pursuant to Part Env-Wt 204, DES waives the requirement of Env-Wt 304.04(a), relative to the 20' project setback from abutting property lines, with the finding that the wetlands impacts are occurring in previously existing ROW's, are temporary in nature.

**2006-00716 UNH
DURHAM Unnamed Wetland**

Requested Action:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

APPROVE PERMIT:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

With Conditions:

1. All work shall be in accordance with plans by Maguire Group Inc. dated 3/31/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C501 through C506, as received by the Department on 4/5/2006, and per revised plans by Maguire Group Inc. dated 12/12/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C108 through C121, as received by the Department on 12/14/2006.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Construction and restoration shall be according to the recommendations made by NH Soil Consultants Inc., in conjunction with the Maguire Group and RH White Construction Co. Inc., per plans cited in condition #1 above, and report entitled "Restoration & Monitoring Plan for Temporary Wetland Impacts: University of NH Proposed Biogas Pipeline" dated March 2006 as received by DES on 4/3/2006, and shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization; and in accordance with further specific conditions described herein related to protections for exemplary natural communities as requested by the NH Natural Heritage Bureau per their memo to DES dated 3/5/2007, received by DES on 3/5/2007.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
6. With respect to work associated with the exemplary red maple floodplain forest community along Clark and Blackwater Brooks, few, if any, trees are to be removed from this area; all construction equipment shall be power-washed before being used in the community to minimize the likelihood of spreading invasive species seeds to the project area; and there shall be no non-native species planted in the restoration process.
7. With respect to the pale green orchid population on the east side of the Spaulding Turnpike near Interchange 9, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
8. With respect to the fringed gentian population near the UPS station in Dover, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
14. Excess dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
16. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
17. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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stabilized within 14 days by seeding and mulching.

21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

22. Silt fencing must be removed once the area is stabilized.

23. Area shall be regraded to original contours following completion of work.

24. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.

25. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.

26. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.

27. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal surface waters in excess of 20,000 sq. ft. in the aggregated.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Construction of the pipeline will allow the University of NH to transport methane gas from Turnkey Landfill to use as a renewable source of energy for UNH's cogeneration plant to provide electrical power for the UNH campus.

3. DES held a public hearing on the application on 11/2/2006. Only representatives of the applicant, and one reporter attended.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant performed an extensive functional assessment of the resources to be encountered in the pipeline pathway, and categorized the resources into "major" or "minor" impacts. All impacts for installation of the 12.7 mile pipe line are limited to either temporary trench and fill impacts or directional drilling. Impacts to all surface waters, including 3 river crossings and 10 stream crossings, and all high quality wetlands, resources considered as "major" in the applicant's functional assesment, have been avoided completely by the use of directional drilling. Impacts to "minor" resources, most of which occur in existing roadway or railroad Right-of-Ways and have been previously disturbed, will have temporary trench and fill impacts. The path of the pipeline was specifically chosen to follow existing ROW's to minimize impacts.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

a. Eighteen species of concern were reported by the NH Natural Heritage Bureau ("NHB") in the vicinity of this project. Field survey by the environmental consultant determined that none of the species were present in the direct impact path of the pipeline. In a memo dated 3/5/2007, as received by DES on 3/5/2007, the NH Natural Heritage Bureau made recommendations regarding the protection of the exemplary community, and two particular plant species of the eighteen that could potentially be impacted by the project, and those protection recommendations have been incorporated into the permit conditions. Per DES telephone conversation on 2/16/2007 with NH Fish and Game Non-game and Endangered Wildlife Program ("NHFG"), NHFG is satisfied with the avoidance and mimization of potential impacts provided by the project design.

b. The applicant has provided letters of authorization and concurrence with the project from all the underlying property owners of the ROW's through which the pipeline is to pass.

6. The applicant states that presentations of the project details were given to each of the municipal conservation commissions of the four towns through which the pipeline passes; the Durham, Madbury and Rochester Conservation Commissions did not intervene or comment on the application; the Dover Conservation Commission intervened on the application, but did not report further. No conservation commission members attended the DES public hearing on this project.

7. Pursuant to Env-Wt 302.03(d), mitigation shall not be required for impacts that are not intended to remain after the project is completed, provided the areas are restored to in accordance with provisions shown in the project plans. The plans as approved herein for permits 2006-715, 716, 717, 724 condition #1, demonstrate that all impacts are to be temporary in nature, and the plans further provide details for restoration of all impact areas.

8. Pursuant to Part Env-Wt 204, DES waives the requirement of Env-Wt 304.04(a), relative to the 20' project setback from abutting property lines, with the finding that the wetlands impacts are occurring in previously existing ROW's, are temporary in nature.

**2006-00717 NH DEPARTMENT OF TRANSPORTATION
DOVER Unnamed Wetland**

Requested Action:

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7. Pursuant to Env-Wt 302.03(d), mitigation shall not be required for impacts that are not intended to remain after the project is completed, provided the areas are restored to in accordance with provisions shown in the project plans. The plans as approved herein for permits 2006-715, 716, 717, 724 condition #1, demonstrate that all impacts are to be temporary in nature, and the plans further provide details for restoration of all impact areas.

8. Pursuant to Part Env-Wt 204, DES waives the requirement of Env-Wt 304.04(a), relative to the 20' project setback from abutting property lines, with the finding that the wetlands impacts are occurring in previously existing ROW's, are temporary in nature.

**2006-00724 UNH
MADBURY Unnamed Wetland**

Requested Action:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

APPROVE PERMIT:

Dredge and fill a total of 100,015 sq. ft. of wetlands as temporary impact associated with the installation of a 12.7 mile pipeline to transport methane gas from Turnkey Landfill in Rochester, through the towns of Rochester, Dover, Madbury, and Durham, to the University of NH, for the purpose of biogas power cogeneration.

With Conditions:

1. All work shall be in accordance with plans by Maguire Group Inc. dated 3/31/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C501 through C506, as received by the Department on 4/5/2006, and per revised plans by Maguire Group Inc. dated 12/12/2006, entitled "University of New Hampshire Biogas Pipeline, Pipeline Route," sheets C108 through C121, as received by the Department on 12/14/2006.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Construction and restoration shall be according to the recommendations made by NH Soil Consultants Inc., in conjunction with the Maguire Group and RH White Construction Co. Inc., per plans cited in condition #1 above, and report entitled "Restoration & Monitoring Plan for Temporary Wetland Impacts: University of NH Proposed Biogas Pipeline" dated March 2006 as received by DES on 4/3/2006, and shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization; and in accordance with further specific conditions described herein related to protections for exemplary natural communities as requested by the NH Natural Heritage Bureau per their memo to DES dated 3/5/2007, received by DES on 3/5/2007.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas

and shall not be buried in wetlands.

6. With respect to work associated with the exemplary red maple floodplain forest community along Clark and Blackwater Brooks, few, if any, trees are to be removed from this area; all construction equipment shall be power-washed before being used in the community to minimize the likelihood of spreading invasive species seeds to the project area; and there shall be no non-native species planted in the restoration process.
7. With respect to the pale green orchid population on the east side of the Spaulding Turnpike near Interchange 9, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
8. With respect to the fringed gentian population near the UPS station in Dover, the population shall be relocated and a protective buffer of 25 feet shall be placed around the plants.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
14. Excess dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
16. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
17. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. Silt fencing must be removed once the area is stabilized.
23. Area shall be regraded to original contours following completion of work.
24. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
25. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
26. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
27. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal surface waters in excess of 20,000 sq. ft. in the aggregated.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Construction of the pipeline will allow the University of NH to transport methane gas from Turnkey Landfill to use as a renewable source of energy for UNH's

cogeneration plant to provide electrical power for the UNH campus.

3. DES held a public hearing on the application on 11/2/2006. Only representatives of the applicant, and one reporter attended.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant performed an extensive functional assesment of the resources to be encountered in the pipeline pathway, and categorized the resources into "major" or "minor" impacts. All impacts for installation of the 12.7 mile pipe line are limited to either temporary trench and fill impacts or directional drilling. Impacts to all surface waters, including 3 river crossings and 10 stream crossings, and all high quality wetlands, resources considered as "major" in the applicant's functional assesment, have been avoided completely by the use of directional drilling. Impacts to "minor" resources, most of which occur in existing roadway or railroad Right-of-Ways and have been previously disturbed, will have temporary trench and fill impacts. The path of the pipeline was specifically chosen to follow existing ROW's to minimize impacts.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
 - a. Eighteen species of concern were reported by the NH Natural Heritage Bureau ("NHB") in the vicinity of this project. Field survey by the environmental consultant determined that none of the species were present in the direct impact path of the pipeline. In a memo dated 3/5/2007, as received by DES on 3/5/2007, the NH Natural Heritage Bureau made recommendations regarding the protection of the exemplary community, and two particular plant species of the eighteen that could potentially be impacted by the project, and those protection recommendations have been incorporated into the permit conditions. Per DES telephone conversation on 2/16/2007 with NH Fish and Game Non-game and Endangered Wildlife Program ("NHFG"), NHFG is satisfied with the avoidance and mimization of potential impacts provided by the project design.
 - b. The applicant has provided letters of authorization and concurrence with the project from all the underlying property owners of the ROW's through which the pipeline is to pass.
6. The applicant states that presentations of the project details were given to each of the municipal conservation commissions of the four towns through which the pipeline passes; the Durham, Madbury and Rochester Conservation Commissions did not intervene or comment on the application; the Dover Conservation Commission intervened on the application, but did not report further. No conservation commission members attended the DES public hearing on this project.
7. Pursuant to Env-Wt 302.03(d), mitigation shall not be required for impacts that are not intended to remain after the project is completed, provided the areas are restored to in accordance with provisions shown in the project plans. The plans as approved herein for permits 2006-715, 716, 717, 724 condition #1, demonstrate that all impacts are to be temporary in nature, and the plans further provide details for restoration of all impact areas.
8. Pursuant to Part Env-Wt 204, DES waives the requirement of Env-Wt 304.04(a), relative to the 20' project setback from abutting property lines, with the finding that the wetlands impacts are occurring in previously existing ROW's, are temporary in nature.

2006-00829 OXBOW REALTY TRUST, TANCRETI/DENEALT TRUSTEE
CONCORD Unnamed Wetland Unnamed Streams

Requested Action:

Approve name change to: Oxbow Realty Trust, Michael D. Trancreti & Barbara A Deneault, Trustee, 84 Lake St., Nashua NH 03060 per request received 3/2/2007. Previous Owner: Edward Sullivan Family Trust.

APPROVE NAME CHANGE:

Request to relocate existing trail to impact approximately 2,700 sq. ft. of wetlands and to restore approximately 4,400 sq. ft. Install bridge structures at stream crossings where 4 of 5 stream crossings will span the stream channels. Stabilize existing erosion and disturbance to upland portions of the trail.
Restore approximately 29,000 sq. ft. of wetlands within powerline ROW and grading and seeding of adjacent areas.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, Inc. as received by the Department on April 17, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. 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.
6. 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.
7. Silt fencing must be removed once the area is stabilized.
8. This permit is contingent on the restoration of the previously rutted wetlands within 2 years.
9. A monitoring report documenting wetlands by a certified wetland scientist shall be submitted to the Wetlands Bureau after each growing season following trail relocation until the restoration is complete. The first report shall be submitted no later than September 15.

With Findings:

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

2006-01897 NH DEPT OF TRANSPORTATION
ALSTEAD Warren Brook

Requested Action:

Reconstruct approximately 2,450 ft. of NH Rte. 123 and 350 ft. of Cobb Hill Rd.; replace a 10 ft., 9 in. x 40 ft. multiplate arch with a 12 ft. (w) x 10 ft. (h) x 60 ft. box set into the stream bed and stabilize the brook banks impacting 52,289 sq. ft. (4,995 sq. ft. temporary) of streams and banks.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Consultant for Cold River watershed study commented on plantings and irrigation.

Inspection Date: 11/08/2005 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct approximately 2,450 ft. of NH Rte. 123 and 350 ft. of Cobb Hill Rd.; replace a 10 ft., 9 in. x 40 ft. multiplate arch with a 12 ft. (w) x 10 ft. (h) x 60 ft. box set into the stream bed and stabilize the brook banks impacting 52,289 sq. ft. (4,995 sq. ft. temporary) of streams and banks. (NHDOT #14541I)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 10/19/06, as received by the Department on October 27, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans in accordance with and specific to Rule Wt 404.04.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. 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.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; and 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. 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.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
19. The impacts associated with the temporary work shall be restored immediately following construction.
20. Stream bank planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
21. The Mad Brook step pool outlet design shall not preclude the restoration recommendations of the Cold River, Bower Brook and Warren Brook Restoration Plan.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) and (i), disturbance of more than 20,000 sq. ft. of nontidal wetlands or banks and more than 200 linear feet of impacts to a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the project area on November 8, 2005. Field inspection determined that the October flooding scoured the wetlands, waterways, and banks causing significant damage to the highways, roadways, bridges and culverts in the watershed.
6. As a result of the widespread damage the DES determined that the mitigation rules would not pertain to restoration of this roadway system.
7. The project will eliminate the existing temporary detour and will improve public safety.
8. The revegetation plan will improve wildlife habitat along with aesthetics and the bridge over Mad Brook has been designed to provide a natural stream bottom and to promote fish passage.
9. On August 9, and December 1, 2006, the NHDOT requested additional time to coordinate with the consultant assessing other areas in the watershed that were damaged from the October, 2005 flood.
10. Numerous meetings and consultations were held to coordinate projects within the watershed.
11. On March 5, 2007, the NHDOT requested the application and permit process move forward.
12. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

2006-01911 **MANCHESTER, CITY OF**
MANCHESTER Merrimack River

Requested Action:

Withdraw application per letter dated February 9, 2007, from CLD Engineers.

WITHDRAW APPLICATION:

Withdraw existing application to temporarily impact 51693 square feet within the bed and banks of the Merrimack River to rehabilitate an existing utility bridge into a pedestrian bridge.

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. DES requested more information on October 13, 2006, to complete the file.
3. DES Staff conducted a field inspection of the proposed project on October 18, 2006. Field inspection determined the western bank of the river has well developed vegetation.
4. The file is withdrawn in accordance with the letter from the agent dated February 9, 2007.

**2006-03128 WILLIAMS, MATT
DOVER Cocheo River**

Requested Action:

Construct a tidal docking structure consisting of a 6' x 6' permanent pier connecting to a 3' x 40' ramp connecting to a 20' x 10' float, overall structure length 54', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 450' of frontage on the Cocheo River.

Inspection Date: 02/22/2007 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 6' permanent pier connecting to a 3' x 40' ramp connecting to a 20' x 10' float, overall structure length 54', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 450' of frontage on the Cocheo River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 11/27/2006, as received by the Department on 12/05/2006.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the tidal marsh or 1:1 ratio of deck height to width as appropriate, and shall have 3/4-inch spacing between the decking planks.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction of this tidal docking structure consisting of a 6' x 6' permanent pier connecting to a 3' x 40' ramp connecting to a 20' x 10' float, overall structure length 54', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 450' of frontage on Dover Tax Map N Lot 20 on the Cocheo River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

11. The float shall be constructed such as to rest on float stops at low tide to prevent the float from sitting on the mud at low tide. Design of the float stops shall be coordinated among DES, National Marine Fisheries Service ("NMFS"), and the applicant, or applicant's marine contractor.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed at one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on the Cocheco River.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There will be no shoreline tree removal as a result of this project to affect the easement held by the Dover Conservation Commission; the plant communities reported by the NH Natural Heritage Bureau will not be affected by this structure. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 12/20/2006; and the dock is located greater than 20 feet off the abutting property lines. The Dover Conservation Commission intervened, and voted to recommend approval. Their comments have been incorporated into this approval. With respect to their comments relative to the construction of access stairs, DES finds that stair construction in the tidal buffer zone is exempt from permitting requirements pursuant to Administrative Rule Env-Wt 303.05(i).
5. This application has received review of the federal PGP Joint Processing Meeting on 1/18/2007. National Marine Fisheries ("NMFS") commented that the application was eligible as proposed.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on 2/22/2007 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2004-00558 FIJOL, LINDA
CHESTERFIELD Unnamed Wetland

Requested Action:

Deny permit amendment to upgrade the existing permit to a 24-inch x 40 foot culvert, dredge up and drownstream wetlands for a secondary access to an existing residence.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application, though included additional comments. Questioned the potential existence for additional impacts associated with the access roadway, to include recommending a site inspection by DES staff.

Inspection Date: 01/08/2004 by Jeffrey D Blecharczyk

DENY AMENDMENT:

Deny permit amendment to upgrade the existing permit to a 24-inch x 40 foot culvert, dredge up and drownstream wetlands for a secondary access to an existing residence.

With Findings:

1. A request for additional information dated December 10, 2004, 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.

**2005-02440 CHARLESTOWN, TOWN OF
CHARLESTOWN Clay Brook**

Requested Action:

Deny permit request to retain rip rap along 75 linear feet of stream impacting 1500 square feet of Clay Brook.

Inspection Date: 06/28/2006 by Christine Bowman

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain rip rap along 75 linear feet of stream impacting 1500 square feet of Clay Brook.

With Findings:

1. A request for additional information dated April 18, 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.

**2005-02567 DERR, JAMES
WHITEFIELD Unnamed Wetland**

Requested Action:

Deny request to dredge and fill 6000 square feet of jurisdictional area to upgrade an access road for logging and other uses.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 6000 square feet of jurisdictional area to upgrade an access road for logging and other uses.

With Findings:

1. A request for additional information dated January 6, 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.

**2006-01951 BEAN, BRUCE
WILMOT Cassey Brook**

Requested Action:

Deny permit request to dredge and fill 230 square feet of wetland for bridge access to rear of the property.

Conservation Commission/Staff Comments:

10/11/06 Wilmot Con Comm requests additional time to review Bean application. Con Comm plans to discuss at 10/12/06 meeting.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 230 square feet of wetland for bridge access to rear of the property.

With Findings:

1. A request for additional information dated October 5, 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.

**2006-02013 HANNAFORD, KIMBERLY
NORTHFIELD Unnamed Wetland**

Requested Action:

Deny permit to dredge and fill 9450 square feet of wetland for access to a proposed single family home.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 9450 square feet of wetland for access to a proposed single family home.

With Findings:

1. A request for additional information dated October 18, 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.

**2006-02146 BOLLES, RUSSELL
MEREDITH Lake Winnepesaukee**

Requested Action:

Modify two existing docking structures to create a 6 ft x 59 ft piling supported dock and a 6 ft x 61 ft piling supported dock, relocate two tie off piles, install a seasonal boatlift in the center slip, install two PWC lifts along the southerly shoreline, dredge 3.1 cu yd from 335 sq ft of lakebed to provide adequate depth in the slips on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com recommends approval

APPROVE PERMIT:

Modify two existing docking structures to create a 6 ft x 59 ft piling supported dock and a 6 ft x 61 ft piling supported dock, relocate two tie off piles, install a seasonal boatlift in the center slip, install two PWC lifts along the southerly shoreline, dredge 3.1 cu yd from 335 sq ft of lakebed to provide adequate depth in the slips on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 11, 2006, revision dated December 19, 2006, as received by the Department on December 20, 2006.
2. This permit shall not be effective until it has been recorded with the Belknap 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. 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.
4. Repairs shall maintain existing size, location and configuration.
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. The docks shall not extend further lakeward than as shown on the approved plans from full lake elevation of 504.32.
7. The minimum clear spacing between piles shall be 12 feet.
8. The seasonal boatlift shall be of seasonal construction which shall be removed for the non-boating season.
9. The seasonal PWC lifts shall be of seasonal construction which shall be removed for the non-boating season.
10. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 210 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-02860 BACKUS MEYER SOLOMON & BRANCH LLP, BERTRAM BRANCH
NORTHWOOD Unnamed Wetland

Requested Action:

Retain a total of 10 sq. ft. of fill in wetlands to construct a fence.

Conservation Commission/Staff Comments:

Con. Com. did not report.

Inspection Date: 10/17/2006 by David A Price

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

APPROVE AFTER THE FACT:

Retain a total of 10 sq. ft. of fill in wetlands to construct a fence.

With Conditions:

1. The work shall be in accordance with plans by Bartram Branch dated February 15, 2007 as received by DES on February 16, 2007.
2. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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. There shall be no further alteration to DES Wetlands Bureau jurisdiction without amendment of this permit.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. On October 17, 2006, DES received a complaint alleging that a fence was being constructed in wetlands at 22 Ledges Road in Northwood (the "Property") within DES jurisdiction without approval from DES.
2. On October 17, 2006, DES inspected the Property and determined that a fence was in the process of being constructed on the Property within DES jurisdiction without a Wetlands Permit which is in violation of RSA 482-A, the NH Wetlands statute.
3. On October 24, 2006, DES met with the owner of the Property, Bartram Branch, and explained the violations of RSA 482-A at the Property.
4. On November 15, 2006, DES issued a Letter of Deficiency WET 06-138 requesting that the owner submit an after-the-fact application (Standard Dredge and Fill Application) to construct the fence within wetlands in accordance with RSA 482-A:3:I.
5. On December 18, 2006, DES received a Standard Dredge and Fill Application to retain 10 sq. ft. of fill in wetlands to construct a fence.
6. On December 21, 2006, DES issued a Notice of Administratively Incomplete letter because a plan and USGS topographic map was not provided in the Standard Dredge and Fill application.
7. On January 11, 2007, DES received a topographic map of the Property from the applicant's agent, Baldwin, Callen & Ransom, P.L.L.C.
8. On January 11, 2007, DES issued a Notice of Administratively Complete letter for the Standard Dredge and Fill Application.
9. On January 12, 2007, DES received a letter from the abutter Steeves opposing the application and alleging that the applicants have filled wetlands on the Property without approval from DES. The Steeves further state that they would approve of the application if the applicant would create an equal amount of wetlands on the Property impacted by construction of the fence. In accordance with Env-Wt 800, DES does not require mitigation for the applicant's project.
10. On February 1, 2007, DES received a letter from Baldwin, Callen & Ransom, P.L.L.C. stating that John Steeves has burned down a portion of the fence that is the subject of the referenced permit application.
11. On February 2, 2007, DES inspected the Property and found that a portion of the fence was burned.
12. On February 7, 2007, DES sent a letter to the applicant requesting the following information:
 - a. In accordance with Env-Wt 304.04(a), provide DES with written agreement from the direct abutter for proposed work within 20 ft. to abutter's property line. If written agreement cannot be obtained, then applicant may request a waiver from Env-Wt 304.04 from DES.
 - b. Provide a scaled plan of the project.
13. On February 16, 2007, DES received a scaled plan of the project from the applicant.
14. On February 20, 2007, DES received a request from Baldwin, Callen & Ransom, P.L.L.C. to waive Env-Wt 304.04, the 20ft. setback from property lines.
15. On March 5, 2007, DES received a Northwood Police Department Incident Report from Bartram Branch stating that the Northwood Police Department were dispatched to 22 Ledges Road on January 28, 2007 for a complaint of a neighbor setting a fence on fire.
16. This is a minimum impact project per Env-Wt 303.04(f).
17. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
18. The applicant has adequately demonstrated need as required by Env-Wt 302.01(b) based on property protection and personal safety considerations supported by the Northwood Police Department Incident Report dated January 31, 2007 in which the Northwood Police Department responded to a complaint by the applicant of a neighbor setting the fence on fire.
19. The applicant has adequately demonstrated avoidance and minimization as required by Env-Wt 302.03 and Env-Wt 302.04(a)(2), respectively, by positioning the fence adjacent to the property line to serve its function without causing loss of usable property space on applicant's property and moving fence elsewhere on the property moves it closer to the stream which is less desirable.
20. Based on the DES inspections on October 17, 2006 and February 2, 2007 and the request for a waiver of Env-Wt 304.04 submitted by Baldwin, Callen & Ransom, P.L.L.C. as received by DES on February 20, 2007, DES waives Wt 304.04, requiring projects to be setback 20 ft. from abutter's property lines. The proposed location of the fence does not represent a danger to waterfront activities, a navigation hazard, or interfere with abutter's access to or use of their property.

2006-02922 **GUGLIEMINO, PETER**
LACONIA Lake Winnisquam

Requested Action:

Repair/replace an existing 10 ft 6 in x 23 ft deck, access stairs, and 8 ft x 9 ft shed in the bank, replace the two existing 6 ft x 40 ft seasonal piers with a single 4 ft x 40 ft seasonal pier with a 6 ft x 8 ft seasonal extension off the dock in an "L-shaped" configuration. Repair and replenish an existing perched beach and replace existing beach stairs with 4 ft wide access steps on 153 ft of average frontage in Laconia on Lake Winnisquam.

APPROVE PERMIT:

Repair/replace an existing 10 ft 6 in x 23 ft deck, access stairs, and 8 ft x 9 ft shed in the bank, replace the two existing 6 ft x 40 ft seasonal piers with a single 4 ft x 40 ft seasonal pier with a 6 ft x 8 ft seasonal extension off the dock in an "L-shaped" configuration. Repair and replenish an existing perched beach and replace existing beach stairs with 4 ft wide access steps on 153 ft of average frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with revised plans by NH Environmental Consultants dated February 20, 2007, as received by the Department on February 26, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Deck and beach repairs shall maintain existing size, location and configuration.
4. 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.
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. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Existing rocks which have fallen shall be used for repair.
9. Seasonal docks shall be removed from the lake for five months during the non-boating season.
10. No more than 10 cu yd of sand shall be used for beach replenishment.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The steps installed for access to the water shall be located completely landward of the normal high water line.
13. New perched beach stairways shall not exceed 4 ft in width.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of a 3 silp docking facility.
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

**2005-01452 GRANITE STATE BAPTIST CHURCH
SALEM Unnamed Wetland**

Requested Action:

Deny permit request to retain 800 square feet of fill within jurisdiction for construction of a playground.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain 800 square feet of fill within jurisdiction for construction of a playground.

With Findings:

1. A request for additional information dated October 5, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-02180 THIBAUT TRUST, ALBERT
AMHERST Unnamed Stream Wetlands**

Requested Action:

Dredge and fill an additional 4,550 sq. ft. of emergent wetlands for offsite roadway improvements associated with the previously approved "Granite Hills Subdivision".

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments.

APPROVE AMENDMENT:

Dredge and fill approximately 2,000 square feet of forested wetlands to construct two common driveways for access to six lots of a 21 lot subdivision. Work to include installation of two crossings, one crossing containing an 18 inch x 35 foot ADS culvert and one crossing containing a 24 inch x 38 foot ADS culvert with associated grading, rip rap outlet protection and culvert headwalls. The project will also provide access from the proposed Odell Drive to an adjacent lot, identified as Tax Map 6, Lot 33. In addition, 35 feet of frontage identified as "Parcel A" is being provided from Lot 33 to the proposed Whiting Farm Drive. Additional offsite impacts consist of dredging and filling approximately 4,550 sq. ft. of emergent wetlands for roadway improvements located at the intersection of Route 101 and Walnut Hill Road. Work for the roadway improvements consists of roadway widening, culvert extension and relocation and reconstruction of a roadway drainage swale.

With Conditions:

1. All work shall be in accordance with plans prepared by Jones & Beach Engineers, Inc., plan sheets 1, 2, 4, 5, 6, 8 and 10 through 33 of 33 revision dated December 22, 2005 as received by the Department on January 4, 2006 and revised plan sheets 3, 9 and 11 of 37 and revised plan sheet 27 of 35, revision dated January 30, 2006 as received by the Department on March 8, 2006 and offsite improvement plans prepared by Jones & Beach Engineers, Inc., plan sheets 1, 2 and 3 of 3, revision dated December 18, 2006 as received by the Department on January 5, 2007, narratives by West Environmental, Inc., dated September 2005 as received by the Department on September 16, 2005, narrative dated December 28, 2005 as received by the Department on January 4, 2006 and narrative dated March 6, as received by the Department on March 8, 2006,
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program (Alteration of Terrain Program).

4. This permit is contingent on approval by the New Hampshire Department of Transportation for work conducted along Route 101 and Walnut Hill Road.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
8. The proposed 35 foot frontage area identified as "Parcel A" between Lots 6-79-12 and 6-79-13 shall only be used for frontage from Whiting Farm Drive to Lot 33 (previously Lots 33 and 35-4). There shall be no proposed or future impacts to wetlands or surface waters within the frontage area.
9. Work shall be done during low flow.
10. Orange construction fencing shall be placed at the limits of construction directly adjacent to wetlands and surface waters to prevent accidental encroachment.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
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.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a 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 its banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The previous onsite wetlands impacts were for a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. in swamps or wet meadows.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
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 for work associated with the offsite roadway improvements.
7. The New Hampshire Fish & Game Department (NHFG) did not submit comments regarding the onsite project.
8. The NHFG did submit comments regarding the offsite improvements. The NHFG do not expect any impacts to rare, threatened or endangered species as a result of the proposed work.
9. This permit is contingent on approval by the DES Site Specific Program (Alteration of Terrain Program).
10. The proposed subdivision will provide access to an adjacent lot, identified as Tax Map 6 Lot 33. There shall be no impacts to wetlands or surface waters for the proposed access.
11. The Department did not receive comments from abutting property owners.

2006-01106 SCHOONMAKER, EARL
LOUDON Bee Hole Brook

Requested Action:

Confirm Emergency Authorization to replace washed out twin 36-inch x 30 foot culverts with a single 72-inch x 30 foot round concrete culvert to maintain access to an existing single family residence.

Inspection Date: 01/12/2006 by Jocelyn S Degler

CONFIRM EMERGENCY AUTHORIZATION:

Replace washed out twin 36-inch x 30 foot culverts with a single 72-inch x 30 foot round concrete culvert to maintain access to an existing single family residence.

With Conditions:

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

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact;
2. The project was necessary to provide access, that was washed out in the May Flooding event, to an existing single family residence.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 16, 2006.
4. The 72-inch culvert is an increased hydrologic opening and an improvement over the previously existing culverts.
5. The original culverts were permitted under 89-101.
6. The original culverts were perched.

2006-02043 NATURES VIEW AT LACONIA LLC
LACONIA Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 60 square feet to install an open bottom culvert in a stream to access a 49 lot subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 60 square feet to install an open bottom culvert in a stream to access a 49 lot subdivision.

With Findings:

1. A request for additional information dated October 30, 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.

2006-02660 NH DEPT OF TRANSPORTATION
LIVERMORE Unnamed Wetland

Requested Action:

Upgrade guardrails impacting 201 sq. ft. of riverine and palustrine wetlands (170 sq. ft. temporary).

Conservation Commission/Staff Comments:

River Advisory Comm. no comment

APPROVE PERMIT:

Upgrade guardrails impacting 201 sq. ft. of riverine and palustrine wetlands (170 sq. ft. temporary). NHDOT project #14512.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Highway Design Bureau as received by the Department on October 11, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

FORESTRY NOTIFICATION

2007-00302 RETAIL DEVELOPMENT REALTY TRUST
SOMERSWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Somersworth Tax Map 48, Lot# 24

2007-00349 BAYROOT LLC, MOXIE TREE FARM
MILLSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Millsfield Tax Map 1623, lot# 14

2007-00350 MERRIAM, BARBARA
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 19, lot# 1

2007-00357 MIGHTY OAK REALTY LLC
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 49, Lot# 187

**2007-00378 LIBERSKY, DEAN
ROCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Rochester Tax Map 111, Lot# 47

**2007-00379 NORFOLK CORP
CARROLL Unnamed Stream**

COMPLETE NOTIFICATION:
Carroll Tax Map 407, Lot# 54

**2007-00386 BALDARELLI, MARY
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Farmington Tax Map R16, Lot# 6

EXPEDITED MINIMUM

**2005-01424 LAHEY, DENISE
PETERBOROUGH**

Requested Action:
Deny permit request to dredge and fill 60 square feet within an intermiitent stream for access.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Dredge and fill 60 square feet within an intermiitent stream for access.

With Findings:
1. A request for additional information dated September 22, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-01967 ROBINSON & JOHNSON PARTNERSHIP
SWANZEY Unnamed Wetland**

Requested Action:
Deny permit request to dredge and fill 2180 sq. ft. of wetlands for driveway access to a proposed building site.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 2180 sq. ft. of wetlands for driveway access to a proposed building site.

With Findings:

1. A request for additional information dated September 28, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-02207 EWING, ROBERT
NEW LONDON Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 420 square feet of jurisdiction for access to a proposed building location.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 420 square feet of jurisdiction for access to a proposed building location.

With Findings:

1. A request for additional information dated October 20, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-00154 SIANO, JOHN & LORI
ACWORTH Unnamed Stream Wetland

Requested Action:

Deny permit to dredge and fill 2898 square feet of jurisdiction for access to a proposed single family building location.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 2898 square feet of jurisdiction for access to a proposed single family building location.

With Findings:

1. A request for additional information dated March 2, 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.

2006-01733 MARLBOROUGH, TOWN OF
MARLBOROUGH Minniwawa River

Requested Action:

Dredge and fill 1500 square feet within the bed and banks of the Minniwawa River for bank stabilization.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1500 square feet within the bed and banks of the Minniwawa River for bank stabilization.

With Findings:

1. A request for additional information dated August 11, 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.

2006-02037 HEAFIELD, CRAIG
WEARE Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 1500 square feet of wetland for access road construction in a proposed 14 lot cluster subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1500 square feet of wetland for access road construction in a proposed 14 lot cluster subdivision.

With Findings:

1. A request for additional information dated September 13, 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.

2006-02175 NEW LONDON, TOWN OF
NEW LONDON Red Brook & Little Brook

Requested Action:

Deny permit request to dredge and fill approximately 760 square feet in three different streams to replair and replace culverts with new.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill approximately 760 square feet in three different streams to replair and replace culverts with new.

With Findings:

1. A request for additional information dated October 27, 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.

**2006-02286 HODGE, ROBERT/BONNIE
HINSDALE Bear Brook**

Requested Action:

Deny permit request to dredge and fill 96 square feet to replace an washed out bridge with a proposed 12 foot x 48 inch culvert.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 96 square feet to replace an washed out bridge with a proposed 12 foot x 48 inch culvert.

With Findings:

1. A request for additional information dated October 24, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02463 RIESENBERG, JEROME
NELSON Unnamed Wetland**

Requested Action:

Deny request to dredge and fill 500 square feet of wetlands for access to a proposed single family building location.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 500 square feet of wetlands for access to a proposed single family building location.

With Findings:

1. A request for additional information dated October 26, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02822 FEINDEL, JOSEPH & EILEEN
NORTHFIELD Unnamed Stream Wetlands / Pond**

Requested Action:

Dredge and fill 1774 square feet to install a 24-inch x 39 foot culvert for access in the subdivision of 18 acres into 4 single family residential lots.

APPROVE PERMIT:

Dredge and fill 1774 square feet to install a 24-inch x 39 foot culvert for access in the subdivision of 18 acres into 4 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by TF Bernier Inc dated October 2006, and revised through November 28, 2006, as received by the Department on December 27, 2006.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.

2006-02998 JOHNSON, ROBERT & MARILYN
SUNAPEE Lake Sunapee

Requested Action:

Place 8 cubic yards of sand on an existing sloped beach on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Place 8 cubic yards of sand on an existing sloped beach on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 08, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. No more than 8 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of sand on an existing beach.

**2006-03180 DENISE, RICHARD
NEW LONDON Messer Pond**

Requested Action:

Permanently remove an existing "L" shaped seasonal docking structure and construct a 6 ft x 30 ft seasonal wharf accessed by a 6 ft x 24 ft seasonal walkway in a "T" configuration on Messer Pond, New London.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing "L" shaped seasonal docking structure and construct a 6 ft x 30 ft seasonal wharf accessed by a 6 ft x 24 ft seasonal walkway in a "T" configuration on Messer Pond, New London.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on December 20, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
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. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
5. Seasonal piers shall be removed for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal pier or wharf if no more than 2 slips, including previously existing slips are proposed.
2. The applicant has an average of 322 feet of shoreline frontage along Messer Pond.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-00242 BESSETTE, THEODORE & LINDA
NORTHWOOD Harvey Lake**

Requested Action:

Replace existing 4 ft x 16 ft seasonal dock with a 6 ft x 30 ft seasonal dock, replace existing retaining wall with a semi-dry layered stone wall, remove existing 4 ft wide lake access stairs and install 6 ft wide lake access stairs immediately adjacent to proposed dock on 129 ft of average frontage on Harvey Lake in Northwood.

APPROVE PERMIT:

Replace existing 4 ft x 16 ft seasonal dock with a 6 ft x 30 ft seasonal dock, replace existing retaining wall with a semi-dry layered stone wall, remove existing 4 ft wide lake access stairs and install 6 ft wide lake access stairs immediately adjacent to proposed dock on 129 ft of average frontage on Harvey Lake in Northwood.

With Conditions:

1. All work shall be in accordance with plans by Mary Armstrong as received by the Department on March 5, 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. Replacement wall shall maintain existing length, height and configuration.
4. Replacement retaining wall shall not come closer to the water than the existing wall.

5. 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.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
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. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
10. 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.
11. 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.
12. All portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
13. No portion of the pier shall extend more than 30 feet from the shoreline at the normal high water mark.
14. Seasonal pier shall be removed from the lake bed for 5 months during the non-boating season.
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(c), repair or replacement of an existing retaining wall.
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.

**2007-00248 SMITH, DAVID
CENTER HARBOR Unnamed Wetland**

Requested Action:

Dredge and fill 1445 square feet of palustrine forested wetland in two locations including installation of an 18-foot x 15-inch culvert and a 26-foot x 15-inch culvert for access to a proposed building location on an existing lot of record.

APPROVE PERMIT:

Dredge and fill 1445 square feet of palustrine forested wetland in two locations including installation of an 18-foot x 15-inch culvert and a 26-foot x 15-inch culvert for access to a proposed building location on an existing lot of record.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates PC dated January 31, 2007, as received by the Department on February 12, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. 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).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The permits were previously permitted as part of a subdivision under 2001-00658.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00264 BLUE SKY ENTERPRISES
BELMONT Unnamed Wetland**

Requested Action:

Dredge and fill 88 square feet of man made drainage ditch including installation of a 12-inch x 25 foot culvert for access to a proposed gravel pit.

APPROVE PERMIT:

Dredge and fill 88 square feet of man made drainage ditch including installation of a 12-inch x 25 foot culvert for access to a proposed gravel pit.

With Conditions:

1. All work shall be in accordance with plans by Harold E Johnson, dated February 7, 2007, as received by the Department on February 13, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2007-00290 MASINICK, KIMBERLY
FRANKLIN Webster Lake

Requested Action:

Repair 4 sections of retaining wall consisting of 40 linear feet, 20 linear feet, 20 linear feet, and 40 linear feet on Webster Lake, Franklin.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 4 sections of retaining wall consisting of 40 linear feet, 20 linear feet, 20 linear feet, and 40 linear feet on Webster Lake, Franklin.

With Conditions:

1. All work shall be in accordance with plans by The Smart Associates, as received by the Department on February 20, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. 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.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Repair shall maintain existing size, location and configuration.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2007-00333 TOURRETTES TRUST
WOLFEBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 3 ft x 8 ft metal stair from the bank and permanently remove an existing 340 sq ft deck over the bank on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Permanently remove an existing 3 ft x 8 ft metal stair from the bank and permanently remove an existing 340 sq ft deck over the bank on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated February 06, 2007, as received by the Department on February 28, 2007.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Unnecessary removal of vegetation within the protected shoreland during construction shall be prohibited.
5. Any vegetation planted to stabilize the shoreline shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a 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.

GOLD DREDGE

2007-00396 DEMAREE, MITCHELL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2007-00358 TURNER, JOSEPH
GILFORD Lake Winnepesaukee

COMPLETE NOTIFICATION:
Gilford NH Tax Map# 219 Lot# 7 Block# 6 Lake
Winnepesaukee

2007-00365 TURNER, JOSEPH
GILFORD Lake Winnepesaukee

COMPLETE NOTIFICATION:
Gilford NH Tax Map# 219 Lot# 8 Block# 6 Lake
Winnepesaukee

2007-00395 ABRAMSON, KAREN
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Moultonboro NH Tax Map# 145 Lot# 28 Lake Winnepesaukee

**2007-00406 MILLERS LANDING LLC
GOFFSTOWN Glen Lake**

COMPLETE NOTIFICATION:
Goffstown, NH Tax Map# 35 Lot# 35 Glen Lake

ROADWAY MAINTENANCE NOTIF

**2007-00374 NHDOT
BELMONT Unnamed Stream**

PERMIT BY NOTIFICATION

**2007-00205 FULCHER, JOHN & ASHLEY
JEFFERSON Unnamed Stream**

Requested Action:
Dredge and fill 300 square feet within an intermittent stream to install a 36-inch x 30 foot culvert imbedded 12-inches into the channel and backfilled with native material for access to a proposed single family residence.

PBN IS COMPLETE:
Dredge and fill 300 square feet within an intermittent stream to install a 36-inch x 30 foot culvert imbedded 12-inches into the channel and backfilled with native material for access to a proposed single family residence.

**2007-00342 STARK, TOWN OF
STARK Unnamed Pond**

Requested Action:
Dredge and fill approximately 190 sq. ft. of wetlands for the installation of a dry hydrant within an existing man-made pond.

Conservation Commission/Staff Comments:
1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.

PBN IS COMPLETE:
Dredge and fill approximately 190 sq. ft. of wetlands for the installation of a dry hydrant within an existing man-made pond.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w).

2007-00356 **CHAMPAGNE, JONATHAN & JOAN**
ANDOVER **Unnamed Stream**

Requested Action:

Deny request to install a dry hydrant impacting 144 square feet of wetland adjacent to prime wetland.

PBN DISQUALIFIED:

Deny request to install a dry hydrant impacting 144 square feet of wetland adjacent to prime wetland.

2007-00369 **MERCIER, MAURICE**
PLAINFIELD **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 915 sq. ft. (approximately 36 linear ft.) of intermittent stream and associated wetlands for installation of a 24 in. x 36 ft. culvert, associated fill and headwalls for construction of a driveway to a single family building lot.

PBN IS COMPLETE:

Dredge and fill approximately 915 sq. ft. (approximately 36 linear ft.) of intermittent stream and associated wetlands for installation of a 24 in. x 36 ft. culvert, associated fill and headwalls for construction of a driveway to a single family building lot.

With Findings:

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

2007-00370 **EATON, CHARLES**
GILFORD **Unnamed Wetland**

Requested Action:

Disqualify PBN to dredge and fill 1096 square feet of wetland for access to a proposed duplex.

PBN DISQUALIFIED:

Disqualify PBN to dredge and fill 1096 square feet of wetland for access to a proposed duplex.