

# Wetlands Bureau Decision Report

Decisions Taken  
03/12/2007 to 03/18/2007

## **DISCLAIMER:**

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

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

## **APPEAL:**

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

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

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

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

**MAJOR IMPACT PROJECT**

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**2002-01715 NH DEPT OF TRANSPORTATION  
CLAREMONT Sugar River**

Requested Action:

Request to amend the permit to include 2,067 sq. ft. of area previously shown as non-jurisdictional.

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Conservation Commission/Staff Comments:

-Claremont Cons. Comm. had similar concerns to those in the DES Request for More Information sent 1/31/03

-Newport Cons. Comm. has no objections

Inspection Date: 01/27/2006 by Gino E Infascelli

APPROVE AMENDMENT:

Reconstruct 3.8 miles of NH Routes 11/113 and widen the shoulders to 10 feet impacting a total of 81,921 sq. ft. of palustrine and riverine wetlands (20,075 sq. ft. temporary). NHDOT project #10433.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and CLD Consulting Engineers as received by the Department on August 6, 2002, except plan sheets 2, 7, and 19 of 20, revised 07/02/03 as received by the Department on Sept. 9, 2003 and sheets 2 and 5 revised June 2006 as received by the Department on November 29, 2006.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to 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 relative to the rip rap in accordance with Rule Wt 404.04.
4. New drainage systems shall provide treatment prior to entry or prior to discharge to surface waters wherever practicable.
5. Planting Plan for Ram Brook shall be submitted for review and approval.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Unconfined work within the streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. 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.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall not be located within surface waters.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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).
18. 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.
19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
20. 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.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c and i), alteration of more than 20,000 sq. ft. of non-tidal wetlands and more than 200 linear feet of streams.
2. This amendment clarifies impact areas shown on the plans originally submitted although mistakenly considered as non-jurisdictional
3. This additional 2,067 sq. ft. area will have minimal change on the overall project impact.

**2005-02968 NH DEPT OF TRANSPORTATION  
WARNER Childrens Brook**

Requested Action:

Impact 3,853 sq. ft. (851 sq. ft. temporary) of Willow Brook and bank to stabilize approximately 280 linear feet of bank to protect Pumpkin Hill Road.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 01/17/2007 by Gino E Infascelli

APPROVE PERMIT:

Impact 3,853 sq. ft. (851 sq. ft. temporary) of Willow Brook and bank to stabilize approximately 280 linear feet of bank to protect Pumpkin Hill Road. NHDOT project #14774.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 2/07, as received by the Department on March 1, 2007.
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 Rule Wt 404.04.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Work 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. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; 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.
10. 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.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

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

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

15. 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.

16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. 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.

18. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of a stream and its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project or the DES Staff field inspection determined that the permit conditions could address those items not specifically addressed by the applicant.

5. DES Staff conducted a field inspection of the proposed project on January 17, 2007. Field inspection determined that the roadway embankment requires stabilization to assure safe travel and that vegetative stabilization is not a practicable alternative at this location.

6. DES Staff finds that this project will not have a significant impact on these 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.

**2006-02557 WESTON, ALAN & ANNE  
PORTSMOUTH Piscataqua River & Back Channel**

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2006-00991 LEAMAN JR, J RICHARD  
CENTER HARBOR Squam Lake**

Requested Action:

Replace an existing "U" shaped seasonal docking structure and permanent deck over the bank with a permanent "U" shaped docking structure consisting of two 6 ft x 34 ft piling piers connected by a 6 ft x 12 ft permanent walkway and construct a 504 sq ft perched beach impacting 42 linear ft of the bank on an average of 250 ft of frontage on Squam Lake, Center Harbor.

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Conservation Commission/Staff Comments:

Con Com has not submitted comments by July 21, 2006

**APPROVE PERMIT:**

Replace an existing "U" shaped seasonal docking structure and permanent deck over the bank with a permanent "U" shaped docking structure consisting of two 6 ft x 34 ft piling piers connected by a 6 ft x 12 ft permanent walkway and construct a 504 sq ft perched beach impacting 42 linear ft of the bank on an average of 250 ft of frontage on Squam Lake, Center Harbor.

**With Conditions:**

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated February 05, 2007, as received by the Department on February 06, 2007.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. The existing docking structure and deck shall be completely removed prior to the construction of the new docking system.
5. 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.
6. Repairs shall maintain existing size, location and configuration.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 34 ft lakeward at full lake elevation of 562.5.
9. The minimum clear spacing between piles shall be 12 feet.
10. Area shall be regraded to original contours following completion of work.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 562.5). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that exceeds the design and construction criteria for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has 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 250 feet of shoreline frontage along Squam Lake.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02139                      ZAMARIPAS, MARIO & JUDITH  
STODDARD Granite Lake**

**Requested Action:**

Stabilize approximately 82 linear ft. (330 square ft.) of eroded stream bank. Work in the existing bank consists of slope grading,

new bank/wall base, rip-rap toe protection, construction of the "dry stack" wall and bank tree and shrub plantings.

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**WITHDRAW APPLICATION:**

The pending application has been withdrawn and superceded by USDA-NRCS Emergency Watershed Protection (EWP) program project DSR #62 (Wetlands Bureau File #2006-3159).

**2006-02911                      LAMBERT, PHIL & SUSAN  
COLEBROOK   Unnamed Wetland**

**Requested Action:**

Temporarily impact 10,475 square feet of palustrine scrub-shrub and emergent wetlands, including approximately 50 linear feet of intermittent stream to install four (4) 38-inch culverts for the construction of a temporary gravel road to facilitate the removal of fill, required to cap an adjacent landfill.

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**APPROVE PERMIT:**

Temporarily impact 10,475 square feet of palustrine scrub-shrub and emergent wetlands, including approximately 50 linear feet of intermittent stream to install four (4) 38-inch culverts for the construction of a temporary gravel road to facilitate the removal of fill, required to cap an adjacent landfill.

**With Conditions:**

1. All work shall be in accordance with plans by Lynnfield Engineering, Inc, dated September 2006, and revised through October 17, 2006, as received by the DES Wetlands Bureau on February 21, 2007.
2. This permit is contingent upon the restoration of 10,475 square feet of palustrine scrub-shrub and emergent wetlands, including the restoration of approximately 50 linear feet of intermittent stream channel in accordance with the wetland restoration plans by Seekamp Environmental Consulting, Inc., dated February 12, 2007, as received by the Department on February 21, 2007.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
7. All material removed during work activities shall be removed down to the level of the original hydric soils.
8. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
9. Area shall be regraded to original contours following completion of work.
10. Native wetland species appropriate to the area shall be planted.
11. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
12. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
13. Materials used to emulate a natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
14. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

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

16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

17. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of each mitigation site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. This permit is contingent upon the restoration of 10,475 square feet of palustrine scrub-shrub and emergent wetlands, including the restoration of approximately 50 linear feet of intermittent stream channel.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2004-03011                      DIGIOVANNI, STEVEN & JILL**  
**MIDDLETON   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 500 sq. ft. of wetland and installation of a 2 ft x 20 ft. culvert for the construction of a shared driveway to serve two (2) residential lots on five acres. Wetland restoration of 4,800 sq. ft. of unauthorized fill is addressed under separate cover.

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Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE PERMIT:

Dredge and fill a total of 500 sq. ft. of wetland and installation of a 2 ft x 20 ft. culvert for the construction of a shared driveway to serve two (2) residential lots on five acres. Wetland restoration of 4,800 sq. ft. of unauthorized fill is addressed under separate cover.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Soil Survey dated January 2007 as received by the Department on February 6, 2007.
2. This permit is contingent upon Department of Environmental Services ("DES") Wetlands Bureau Restoration Plan Approval conditions. The DES Restoration Plan Approval is addressed under separate cover.
3. Wetland restoration shall be conducted prior to or concurrent with new driveway construction.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. 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. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
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. Restoration of unauthorized wetland impact of 4,800 sq. ft. is being addressed under separate cover.

**2006-02568 NH DEPT OF TRANSPORTATION  
OSSIPPEE Unnamed Wetland**

Requested Action:

Replace a 42 in. x 100 ft. culvert and stone header temporarily impacting 800 sq. ft. of a seasonal stream and banks.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Replace a 42 in. x 100 ft. culvert and stone header temporarily impacting 800 sq. ft. of a seasonal stream and banks. NHDOT project #M2006M307-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated 6/27/06 as received by the Department on September 26, 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.

**2006-02839 TURNER, HAROLD  
BRADFORD Unnamed Wetland Warner River**

Requested Action:

Reconsider permit denial dated January 25, 2007, to fill 2745 square feet of flood plain wetland for lot development.

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DENY RECONSIDERATION:

Deny reconsideration of permit denial to fill 2745 square feet of flood plain wetland for lot development.

With Findings:

Findings of Law:

1. This is a Minimum Impact Project per NH Code of 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. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04 (b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. In accordance with Rule Env-Wt 302.04(e)(2), the department shall not grant a permit if requirements of Env-Wt 302.03 are not met or the applicant has failed to document consideration of factors as required in 302.03(b) .
8. In accordance with RSA 482-A:1 XIV(b), applications shall be reviewed within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact.

Findings of Fact:

10. DES responded to the application in accordance with RSA 482:AI XIV(a) issuing the letter of administrative completeness on November 8, 2006.
11. DES provided a denial letter to the applicant in accordance with RSA 482:AI XIV(b) as the 75 day timeframe is based from the date of the Administrative Completeness date.
12. The applicant has stated that the impact can be reduced and avoided by utilizing alternate stabilization measures such as retaining walls or steeper side slopes.
13. The slopes adjacent to the uplands on the site for the driveway and rear of the house are 3:1 side slopes, the area of the proposed wetland impacts are a much more gentle 5:1 slope. There are no specialized stabilization requirements on the plans for these steeper sloped areas.
14. The applicant has not considered or provided information on alternate lot configurations.
15. The applicant has not provided evidence that they have sought variances from the town for the front building setback.
16. Any possible future impacts would be subject to RSA 482:A and would be subject to future permitting or enforcement actions.
17. Corrected original finding number 11: The proposed project incorporates a 20% slope into the wetland and proposes "to backfill around the proposed foundation, and create a reasonable slope for maintenance".
18. Based on the information submitted to support the application, it appears that the intended goals of the project could be met with less impacts on the wetlands and without converting wetlands to uplands through filling. For example, the applicant could use such measures such as retaining walls or steep fill slopes to reduce wetland filling.
19. The applicant has not provided the information required by Env-Wq 1409.03 (a), the number, location, basal area, and distribution of trees existing within the natural woodland buffer on the property prior to the proposed project. This information shall be submitted, in sufficient detail to allow the department to determine whether the requirements of RSA 483-B:9 will be met.
20. The applicant has not provided the information required by Env-Wq 1409.03 (b) if the trees identified pursuant to Env-Wq 1409.03(a), is dead, diseased, or otherwise unsafe and, if otherwise unsafe, the basis for the determination.

Findings in Support of Denial:

21. The applicant has failed to address RSA 483-B as they did not provide the information required by Env-Wq 1409.03.

22. The applicant has not demonstrated that the proposal is the least impacting to areas under our jurisdiction Env-Wt 302.03(a) and Env-Wt 302.04(b)(5).
23. The application is denied in accordance with Env-Wt 302.03(c), as the proposed project causes the unnecessary destruction of wetlands.
24. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.

**2006-02982                      CONTOIS, TERRY**  
**CLAREMONT   Unnamed Stream**

Requested Action:

Dredge and fill approximately 1,543 square feet of emergent wetlands for repairs associated with the stabilization of an adjacent failed slope at Sims Road, including the installation of a 24-inch HDPE stormwater pipe and plunge pool.

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APPROVE PERMIT:

Dredge and fill approximately 1,543 square feet of emergent wetlands for repairs associated with the stabilization of an adjacent failed slope at Sims Road, including the installation of a 24-inch HDPE stormwater pipe and plunge pool.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers, Inc., as received by the DES Wetlands Bureau on November 17, 2006.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of photographic evidence that Gully Brook flow is not impeded by sediment resulting from slope failure, to be submitted at the commencement of construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of photographic evidence of a stable Gully Brook, its banks, and associated palustrine emergent wetlands, to be submitted within thirty (30) days of the completion of construction.
4. There shall be no impacts to Gully Brook or its banks.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culverts shall be properly rip-rapped.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of photographic evidence that Gully Brook flow is not impeded by sediment resulting from slope failure, to be submitted at the commencement of construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of photographic evidence of a stable Gully Brook, its banks, and associated palustrine emergent wetlands, to be submitted within thirty (30) days of the completion of construction.
4. The proposed project will reduce sediment to Gully Brook by stabilizing the adjacent slope.
5. A new drain manhole will be placed upstream of the 24-inch pipe, which will include a sump to remove sediment and grease.

6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-03216                      DAIGLE, GHISLAIN**  
**GRAFTON Unnamed Wetland**

Requested Action:

Dredge and fill 150 square feet of palustrine forested and scrub-shrub wetlands to install a 12-inch x 24-foot culvert for driveway access to a single lot of a 6-lot subdivision on 20.54 acres.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 150 square feet of palustrine forested and scrub-shrub wetlands to install a 12-inch x 24-foot culvert for driveway access to a single lot of a 6-lot subdivision on 20.54 acres.

With Conditions:

1. All work shall be in accordance with plans by Cardigan Mountain Land Surveying, LLC. dated August 15, 2006, and subdivision plans dated August 22, 2006, as received by the Department on December 20, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
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.

**2007-00196                      NH DEPT OF TRANSPORTATION**  
**COLEBROOK Unnamed Wetland**

Requested Action:

Fill 1,770 sq. ft. of wet meadow to repair approximately 320 feet of roadway slope.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Fill 1,770 sq. ft. of wet meadow to repair approximately 320 feet of roadway slope. NHDOT project #M102-07-01.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by NHDOT dated 12-18-05 and 1-3-07, as received by the Department on January 24, 2007.
2. 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.
3. 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.
4. 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.
5. 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.
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. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. 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.

**FORESTRY NOTIFICATION**

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**2007-00257                      SAN DONATO, JOHN**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 405, Lot# 7

**2007-00423                      WHITNEY, MARK**  
**TILTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tilton Tax Map R14, Lot# 12 & 12A

**2007-00442                      NICHOLS, KATHLEEN**  
**NEW BOSTON   Unnamed Stream**

COMPLETE NOTIFICATION:

New Boston Tax Map 10, Lot# 7 & 8

**2007-00443 PERKINS, TODD  
WILMOT Unnamed Stream**

COMPLETE NOTIFICATION:

wilmot Tax Map 11, Lot# 24-12

**2007-00446 POZDZIAK, TAMMY  
WAKEFIELD Unnamed Stream**

COMPLETE NOTIFICATION:

Wakefield Tax Map 89, Lot# 2

**2007-00447 TOWN OF OSSIPEE  
OSSIPEE Unnamed Stream**

COMPLETE NOTIFICATION:

Ossipee Tax Map 13, Lot# 121

**EXPEDITED MINIMUM**

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**2006-00772 FERGUSON, DOUGLAS & KAREN  
NEW CASTLE Little Harbor**

Requested Action:

Applicant requests to amend approved permit to include landscaping immediately adjacent to the existing structure.

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Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE AMENDMENT:

Impact a total of 2,360 square feet within the 100-foot tidal buffer zone for the demolition of the existing single family dwelling to construct a new single family dwelling and appurtenant stairs, walkway and other landscaping on 0.38 acres with 116 linear feet of shoreline frontage on the Piscataqua River Back Channel.

With Conditions:

1. All work shall be in accordance with plans received by the Department on April 10, 2006 and February 1, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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

With Findings:

1. The Department reaffirms findings 1-6 of the 6/26/06 approval.
2. The requested structures will not impair the riverine tidal resource. Previously, the dwelling was non-conforming and within the 50-foot primary building set back ("PBS") of the Comprehensive Shoreland Protection Act. The new dwelling is moved landward from the previous location and behind the PBS. These structures are in compliance with Env-Wq 1404.

**2006-01333                      CHAGNON, MICHAEL & KRISTINE**  
**DOVER   Unnamed Wetland**

Requested Action:

Approve name change request to: MPJ Development LLC, 158 Northwood Road, Strafford, NH 03884 per request received March 9, 2007.

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Conservation Commission/Staff Comments:

Con. Com. signed Expedited Application.

APPROVE NAME CHANGE:

Fill 539 sq. ft. of wetland and installation of a 12 in. HDPE culvert for access to uplands for the construction of a 6-unit Open Spaced Subdivision and a 10-lot conventional subdivision.

With Conditions:

1. All work shall be in accordance with plans by Tritech Engineering Corporation dated May 22, 2006 as received by the Department on June 1, 2006.
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 wetlands or surface waters without amendment of this permit.
5. 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.
6. 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. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02(b).

**2006-01357                      KOEHLER, ELLEN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration on based new plans submitted with the requested information supplied in previous Request for More Information letters.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

**APPROVE RECONSIDERATION:**

Reconsider and approve permit to: Remove 69 sq ft of permanent crib and concrete docking structure from public waters, replace the remaining 377 sq ft of concrete docking structure with wood docking structure adjacent to an existing 75 foot breakwater, place 6 large rocks in the lakebed to protect the shoreline reduced docking structure from wave activity and add sand to the existing perched beach on an average of 149 feet of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated February 05, 2007, as received by the Department on February 08, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work 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. Repair shall maintain existing size, location and configuration.
9. All dredged or excavated material and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. 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 project per Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The applicant has an average of 149 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on September 21, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. Field inspection on September 21, 2006 found no obvious evidence of sand migration along this shoreline.
7. The proposed modifications to the docking facility will reduce the impacts to surface waters by 69 sq ft and therefore meet the requirements of Rule Env-Wt 402.20, Modification of Existing Structures.

**2006-01732 BUSINESS PARTNERS INC**  
**DOVER Unnamed Stream Wetlands**

Requested Action:

Approve name change to: Business Partners Inc.m PO Box 121, Dover NH 03820 per request received 3/12/2007. Previous owner: April Moyer.

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Conservation Commission/Staff Comments:

Con. Com. signed Expedited Application.

APPROVE NAME CHANGE:

Fill 375 sq. ft. of wetland and installation of a 30 in. X 30 ft. RCP culvert for access to uplands for the construction of a septic system.

With Conditions:

1. All work shall be in accordance with plans by Groover Septic Design dated May 2006 as received by the Department on August 7, 2006.
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. This permit is contingent upon DES Subsurface approval.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. 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. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-01914                      NEW ENGLAND POWER COMPANY  
LITCHFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,880 sq. ft. of scrub-shrub wetlands for construction of a new access road to the Londonderry Fish and Game Club, Inc., property. Work in wetlands consists of installation of a 12 in. x 36 ft. RCP culvert, associated headwalls, grading and filling.

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Conservation Commission/Staff Comments:

1. The Litchfield Conservation Commission signed the Minimum Impact Expedited application waiving their right to intervene.

Inspection Date: 12/20/2006 by William A Thomas

APPROVE PERMIT:

Dredge and fill approximately 1,640 sq. ft. of scrub-shrub wetlands for construction of a new access road to the Londonderry Fish and Game Club, Inc., property. Work in wetlands consists of installation of a 36 in. x 31 ft. embedded RCP culvert, associated headwalls, grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc., revision dated January 25, 2007, as received by the Department on February 12, 2007.
2. This permit is contingent on final agreement between the applicant and New England Power Company ("NEP") for construction of the access road and use of the property for an access road to the Londonderry Fish and Game Club Inc., property. A copy of the final agreement and a recorded easement shall be submitted to DES Wetlands Bureau File No. 2006-01914 prior to construction.
3. Work shall be done during low or no flow.
4. No work shall be conducted (i.e., wetlands crossing construction and associated access road construction) from March 1 through

June 1.

5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau or will require a new application and further permitting by the Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. 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.
3. The applicant has reduced the proposed wetlands impacts by redesigning the crossing from a 1,880 sq. ft. wetlands impact containing a 12 in. x 36 ft. RCP culvert to 1,640 sq. ft. of wetlands impact containing a 36 in. x 31 ft. embedded RCP culvert.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The department received a letter, dated September 12, 2006, from the attorney representing the Londonderry Fish & Game Club ("LF&G"). It was stated in the letter that the proposed crossing is to provide an alternative access to the LF&G property due to blocking of its existing access by Continental Paving Incorporated. LF&G filed action in Rockingham County Superior Court to prevent blocking their access. The access dispute is currently pending.
6. Administrative Rule Env-Wt 302.04(b) does not require the applicant to address need.
7. The applicant has revised the proposed project and moved the wetlands crossing 20 ft. from the abutting property line per Administrative Rule Env-Wt 303.04.
8. The revised crossing design eliminated the need for a waiver to Administrative Rule Env-Wt 303.04.
9. The applicant provided the department with a copy of an easement they acquired for driveway access to Lund Street. The easement does not include the proposed crossing area.
9. The applicant was not able to get permission from the landowner, New England Power Company, for use of the existing roadway that passes under the powerline area.
10. The applicant provided the department with a letter from New England Power Company/Nationalgrid, dated September 13, 2006, stating that they require the road to diverge at the property line for security reasons related to the substation at the end of the existing access road.
12. The applicant's agent informed the department that they were not able to obtain any additional security information from New England Power Company.
13. The department received comments from a direct abutter and a non-direct abutter to the proposed project. The comments were focused on their concerns about potential impacts to an adjacent vernal pool that would result from the proposed crossing and added traffic.
14. The New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program ("NHFGD") reviewed the proposed project and submitted recommendations and comments to the department on August 24, 2006.
15. The applicant revised the proposed crossing culvert from an approximately 12 in. x 36 ft. RCP culvert to an approximately 36 in. x 31 ft. embedded RCP culvert.

16. The NHFGD reviewed the upgraded culvert design and do not expect any impacts to rare, threatened and endangered species as a result of the project. Additionally, NHFGD recommended that no rip-rap be placed in the wetland or culvert.
17. There is no rip-rap proposed for the culvert installation and the culvert will be embedded with soils removed during the construction of the wetlands crossing.
18. The applicant provided a Vernal Pool Review report prepared by a field biologist. One of the conclusion summarized in the report was that the intended use of the driveway was unlikely to generative any significant traffic, especially during rainy nights, which is when many vernal pool amphibians are most likely to travel over land and are at most risk to mortality from vehicle traffic.
19. It was also recommended that construction be prohibited during the peak migration of breeding adults (normally March-April).
20. The permit is contingent on no construction from March 1 through June 1.
21. The department inspected the project site on December 20, 2006.

**2006-03038                      CONWAY, MARTY & KIM**  
**BELMONT Lake Winiisquam**

Requested Action:

Repair/replace existing 110 linear ft of retaining wall on 110 ft of frontage in Belmont on Lake Winnepesaukee.

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APPROVE PERMIT:

Repair/replace existing 110 linear ft of retaining wall on 110 ft of frontage in Belmont on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Abenaki Environmental Services dated March 7, 2007, as received by the Department on March 9, 2007.
2. Repair shall maintain existing size, location and configuration.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Replacement retaining wall shall not come closer to the water than the existing wall.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
11. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion. 12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) repair or replacement of existing retaining walls.
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.

**2007-00243                      SIX HIGH STREET LLC**  
**DOVER   Unnamed Wetland**

Requested Action:

Fill a total of 2,735 sq. ft. of wetland in four locations to widen an existing driveway to serve a ten (10) residential lot open space subdivision on 24.77 acres.

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Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

APPROVE PERMIT:

Fill a total of 2,735 sq. ft. of wetland in four locations to widen an existing driveway to serve a ten (10) residential lot open space subdivision on 24.77 acres.

With Conditions:

1. All work shall be in accordance with plans by McEaney Survey Associates, Inc. and Carex EcoSciences, LLC dated January 24, 2007, as received by the Department on February 9, 2007.
2. Applicant/owner shall coordinate with NH Fish and Game Department Non-Game and Endangered Wildlife Program relative to any tree cutting within 50 ft. of the shoreline of the Cocheco River.
3. Work within surface waters shall be done in the dry or during low flow.
4. Construction equipment shall not be located within surface waters.
5. 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.
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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. NH Fish & Game Department (NHF&G") Non-Game and Endangered Wildlife Program has record of a threatened and endangered nesting pair of bald eagles (*Haliaeetus leucocephalus*) within the vicinity of this project. NHF&G recommends protecting mature trees (greater than 8 inches d.b.h.) within 50 ft. of the shoreline of the Cocheco River to reduce the likelihood of disturbance impacts to nesting bald eagles. The permit is conditioned to require the applicant's coordination with NH Fish & Game Department Non-Game and Endangered Wildlife Program relative to any tree cutting within 50 ft. of the shoreline of the Cocheco River.
3. NH Natural Heritage Inventory (NHNHI) has record of a State endangered plant species Lined Bulrush (*Scirpus pendulus*) within the vicinity of the project. The plant species is located approximately 0.5 mile from the project and it's not likely the project will impact this species. NHNHI also has record of a natural community of low brackish tidal riverbank marsh within the vicinity of the project. NHNHI notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the proposed project does not involve ditching or tidal restrictions and a majority of the construction is beyond the 250 ft. Comprehensive Shoreland Protection setback and therefore will not likely be an

increased input of nutrients and pollutants over what currently exists.

4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2007-00320 RUFIANGE, JOSEPH & DEBRA  
PELHAM Little Island Pond**

Requested Action:

Remove an existing 10 ft of retaining wall and stairs along the shoreline, remove the fill behind the wall and regrade the slope to meet existing grades and plant with vegetation on Little Island Pond, Pelham.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Remove an existing 10 ft of retaining wall and stairs along the shoreline, remove the fill behind the wall and regrade the slope to meet existing grades and plant with vegetation on Little Island Pond, Pelham.

With Conditions:

1. All work shall be in accordance with plans by Joe Rufiange, as received by the Department on March 15, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-00367 MARCOTTE, DEBRA/DONALD  
BARRINGTON Unnamed Wetland**

Requested Action:

Fill a total of 2,231 sq. ft. of wetland in three locations to widen an existing private roadway and construct a shared driveway to serve a four (4) residential lot subdivision on 7.02 acres.

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Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Fill a total of 2,231 sq. ft. of wetland in three locations to widen an existing private roadway and construct a shared driveway to serve a four (4) residential lot subdivision on 7.02 acres.

With Conditions:

1. All work shall be in accordance with revised plans by Berry Surveying and Engineering dated February 27, 2007, as received by the Department on March 2, 2007.
2. Work within surface waters shall be done in the dry or during low flow.

3. Construction equipment shall not be located within surface waters.
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. 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).
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

**2007-00376 MOORE, COLIN & ROBERTA**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Place large boulders along the landward side of an existing sloped beach, replenish the beach with less than 10 cy of sand above elevation 504.32, and regrade two upland areas to redirect overland storm water flow away from the beach, and add native vegetation to the frontage on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Place large boulders along the landward side of an existing sloped beach, replenish the beach with less than 10 cy of sand above elevation 504.32, and regrade two upland areas to redirect overland storm water flow away from the beach, and add native vegetation to the frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company, Stephanie Sanford, dated February 19, 2007, as received by the Department on March 05, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**GOLD DREDGE**

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**2007-00427                   DAVIS, SANDRA**  
**(ALL TOWNS) Unnamed Stream**

**2007-00428                   DAVIS, ROGER**  
**(ALL TOWNS) Unnamed Stream**

**2007-00461                   SICELY, JOSEPH**  
**(ALL TOWNS) Unnamed Stream**

**2007-00462                   SICELY, SANDRA**  
**(ALL TOWNS) Unnamed Stream**

**2007-00465                   OKESSON, ROBERT**  
**(ALL TOWNS) Unnamed Stream**

APPROVE PERMIT:  
GOLD DREDGE

**SHORELAND VARIANCE / WAIV**

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**2006-02724                   MEYER, MICHAEL**  
**STODDARD Highland Lake**

Requested Action:

Raze an existing non-conforming primary structure occupying approximately 105 square feet within the primary building setback, and build a proposed non-conforming primary structure that shall occupy approximately 93 square feet within the primary building setback.

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Inspection Date: 10/12/2006 by Jeffrey D Blecharczyk

APPROVE CSPA WAIVER:

Raze an existing non-conforming primary structure occupying approximately 105 square feet within the primary building setback,

and build a proposed non-conforming primary structure that shall occupy approximately 93 square feet within the primary building setback.

With Conditions:

1. All work shall be conducted in accordance with proposed building plans designed by Forest Designs dated February 22, 2007 and received by the department on February 23, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. No portion of the existing structure shall remain other than the existing chimney.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming primary structure, as identified on the Town of Stoddard Tax Map 121, Lot 12, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 25 feet from the reference line at its closest point, and occupies approximately 105 square feet within the primary building setback.
4. The proposed primary structure is located approximately 38 feet from the reference line and shall occupy approximately 93 square feet within the primary building setback.
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
6. The applicant has proposed to move the proposed structure 13 feet further back from the reference line than the existing structure with no primary living space within the primary building setback.
7. The applicant has proposed to remove approximately 6 square feet of impervious surface within the primary building set back.
8. The applicant has proposed to plant native vegetation on the property. A mix of Mountain Laurel, Rhododendron, Maple Leaf Viburnum, Bunchberry, Jewelweed, Virginia Creeper, Foam Flower and Blue Flag Iris are proposed to provide better erosion and stabilization control.
10. The applicant has proposed to install stormwater control measures consisting of 1 foot of 1.5 inch crushed stone extending 2 feet around the perimeter of the proposed structure.
11. The applicant has proposed to upgrade the existing septic system from a dug outhouse to a
11. The applicant's proposal provides at least the same degree of protection to the public waters.
12. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

**PERMIT BY NOTIFICATION**

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**2007-00341                    DUBOIS, ANDRE**  
**LEMPSTER   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 870 sq. ft. of forested wetlands to construct a driveway for a proposed single family residence. Work in wetlands consists of installation of a 12 in. x 18 ft. HDPE culvert, associated headwalls, outlet protection, filling and grading.

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Conservation Commission/Staff Comments:

1. The Conservation Commission did not sign the PBN form. DES did not receive any comments from the Conservation Commission.

PBN IS COMPLETE:

Dredge and fill approximately 870 sq. ft. of forested wetlands to construct a driveway for a proposed single family residence. Work in wetlands consists of installation of a 12 in. x 18 ft. HDPE culvert, associated headwalls, outlet protection, filling and grading.

With Findings:

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

**2007-00407                    SHANK, JOSEPH/ELAINE**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking facility in kind.

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APPROVE PERMIT:

Repair/replace existing docking facility in kind.

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.

**2007-00421                    CARR, ROBERT & JILL**  
**NEW LONDON   Lake Sunapee**

Requested Action:

Repair/replace existing L-shaped docking facility in kind.

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PBN IS COMPLETE:

Repair/replace existing L-shaped docking facility in kind.

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.

**2007-00445                    MACDONALD, DENNIS & DOROTHY**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repari/replace existing permanent piling supported dock with two tie off piles.

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PBN IS COMPLETE:

Repari/replace existing permanent piling supported dock with two tie off piles.

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.

**SHORELAND RULE WAIVER**

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**2006-02565                    CHIPLIN ENTERPRISES**  
**LEBANON**