

Wetlands Bureau Decision Report

Decisions Taken
03/19/2007 to 03/25/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2002-02731 ARLES LLC, ATT: SUSAN CONWAY
STRATHAM Squamscott River**

Requested Action:

Original permit reads: dredge and fill a total of 79,800 sq. ft. of palustrine wetlands over 11 locations, including 6 access crossings which includes a 20 ft. steel arch crossing of Parkman Brook and a crossing of an unnamed intermittent stream; and for commercial lot development of a 44 acre site. Approve as mitigation conservation easement on 27.65 acres.

Amend original permit with the following change: Impact an additional 135 sq. ft. of Parkman Brook and 365 sq. ft. of bank impacts for the stabilization of the footings and upstream wingwall for the 20 ft. steel arch culvert which is undermined and damaged as a result of stream scour.

Conservation Commission/Staff Comments:
Recommends approval.

Inspection Date: 04/01/2003 by Dori A Wiggin

APPROVE AMENDMENT:

Original permit reads: dredge and fill a total of 79,800 sq. ft. of palustrine wetlands over 11 locations, including 6 access crossings which includes a 20 ft. steel arch crossing of Parkman Brook and a crossing of an unnamed intermittent stream; and for commercial lot development of a 44 acre site. Approve as mitigation conservation easement on 27.65 acres.

Amend original permit with the following change: Impact an additional 135 sq. ft. of Parkman Brook and 365 sq. ft. of bank impacts for the stabilization of the footings and upstream wingwall for the 20 ft. steel arch culvert which is undermined and damaged as a result of stream scour.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers Inc. dated December 28, 2001, as received by the Department on December 23, 2002, revised March 12, 2003, as received by the Department on March 12, 2003, and amended plans by Appledore Engineering, Inc. dated March 12, 2007 as received by the Department on March 14, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit is contingent on coordination with the DES Waste Management Division relative to appropriate removal and disposal of the tires and waste from the property.
6. The applicant shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

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

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

Wetland preservation:

14. This permit is contingent upon the execution of a conservation easement on 27.65 acres as depicted on plans received 12/23/02.

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

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

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

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

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

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

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

With Findings:

1. This is a major project per Administrative Rule Wt 303.02(c), projects that impact greater than 20,000 sq. ft. of wetlands.

2. Public hearing was held on 3/12/03. The applicant and DES personnel were the only attendees at the hearing.

3. The property, which is located in a commercial zone, is bordered by NH Rt. 101 to the west, NH Rt. 108/33 to the east, commercial development to the south, and contains an abandoned airstrip, the gas pipeline, and contains extensive degradation from airstrip construction; tire, solid waste and derelict vehicle dumping by current tire company site use; and disturbance from site investigations by the former Wal-mart proposal.

4. The 9/12/01 minutes of the Stratham Conservation Commission show that the Commission voted in favor of the project, based on the prospect of cleaning up the old tire dump site, and that a substantial portion of the property would be preserved.

5. Stratham Planning Board Approval requires multiple access points to abutting parcels to accommodate traffic flow and safety considerations, and so as not to land lock adjacent land.

6. Based on the above findings, the applicant has demonstrated need for the access crossings and the reasonable redevelopment of this property, per the requirements of Rule Wt 302.04(a)(1).

7. This proposal is a 27% reduction over the previous Wal-Mart proposal for this site, application number 1999-2009, which had requested to fill 2.5 acres of wetlands. The current proposal represents minimization of the impacts to the greatest degree practicable for the commercial development of this site by confining the lot development impacts to the degraded areas of the site. The applicant has further minimized the impact by placing the remaining land, over half of the land area of the site, into preservation. The applicant has therefore met the requirements of Rule Wt 302.03 and Rule Wt 302.04(a)(2) with respect to avoidance, minimization, and least impacting alternative.

8. In addition to the mitigation referenced in the above findings, the applicant is currently in negotiations to place a substantial area of undeveloped land bordering the Squamscott River, and which is contiguous with the conservation easement land to the north, into conservation. This will tie into the mitigation and enhance the over all protection of the Squamscott River estuary.

9. NH DES Site Specific permit # WPS-6304 issued for this project on 9/20/02.

10. Review of NH Natural Heritage Inventory finds no plant hits but 2 listed bird species: common moorhen and pied billed grebe. The NH Fish & Game Non-Game program has responded, per letter dated 10/18/01, that the project would not impact these species.

11. The vernal pool present on the site will be protected within the easement area.

12. The NH Division of Historic Resources recommends Phase IA archeological assessment, which is currently underway.

**2004-00763 NH DEPT OF TRANSPORTATION
KINGSTON Unnamed Wetland**

Requested Action:

Dredge and / or fill approximately 4.49 acres of palustrine and riverine wetlands to reconstruct and widen approximately 6 miles of Route 125 to provide through lanes, a center left turn lane, intersection improvements and the construction of a service road. Mitigate by providing a total of 80.8 acres of conservation land including restoration of 2 acres of wetlands.

Inspection Date: 12/02/2004 by Gino E Infascelli

APPROVE PERMIT:

Dredge and / or fill approximately 4.49 acres of palustrine and riverine wetlands to reconstruct and widen approximately 6 miles of Route 125 to provide through lanes, a center left turn lane, intersection improvements and the construction of a service road. Mitigate by providing a total of 80.8 acres of conservation land including restoration of 2 acres of wetlands. NHDOT project #10044B.

With Conditions:

1. The wetland impacts associated with this approval are based on:
 - a. The Application for the Department of the Army Permit/ NH Wetlands Bureau (hereinafter "NHDES") Permit application received on April 28, 2004 (hereinafter "the Application");
 - b. The Final Environmental Assessment and Section 4(f) Evaluation received in October, 2005 (hereinafter "the FEA");
 - c. The Application Supplemental Information on the Revised Mitigation in Kingston (March 2006 revisions) received on March 28, 2006 and
 - d. The Addendum to the FEA (March 2006 revisions) received on March 28, 2006.
2. During final design and construction work, wetland impacts that exceed 4.49 acres as represented in the Application and materials contained in NHDES file, shall require submittal of a permit amendment request to be reviewed and approved by NHDES.
3. During final design of the roadway construction plans, a joint review shall be conducted by NH Department of Transportation (hereinafter "NHDOT") and NHDES regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional jurisdictional impacts to confirm need, location, and necessity for a permit amendment.
4. Final design plans for roadway construction shall be submitted to NHDES for each construction contract with a summary of wetland impacts for the associated contract work. Review and comments from NHDES shall be considered by the NHDOT and incorporated into the design where appropriate.
5. During final design, efforts to avoid or minimize wetland and surface water impacts shall be maximized by constructing steepened side slopes, retaining walls, and accommodations for wildlife passage.
6. NHDOT will comply with the provisions of the Section 401 Water Quality certification upon its issuance and noncompliance shall be considered a violation of the conditions of this permit.
7. Dredged material shall be placed out of NHDES jurisdiction unless otherwise specified.
8. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the NHDES for review and approval. Those plans shall detail the timing and method of stream flow diversion during construction, and the temporary siltation, erosion and turbidity control measures to be implemented.
9. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Wetland and, if necessary, Watershed Bureau staff at the project site or at the NHDES or NHDOT Offices in Concord, N.H. to review the conditions of this permit, the NHDES Water Quality Certificate, and any other environmental commitments stated in other approved documents as listed in condition #1. It shall be the responsibility of NHDOT to schedule the pre-construction meeting, and the meeting shall be attended by NHDOT Bureau of Environment, the contract administrator(s), the contractor(s) responsible for performing the work and wetlands scientist(s) regarding wetland restoration/construction.
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. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction and until all areas are fully stabilized.
12. Appropriate storm water management and erosion control Best Management Practices (BMPs) shall be implemented to ensure turbidity is minimized and water quality standards are not violated. If the BMPs conflict with the terms or conditions of this permit, the terms and conditions of this permit shall control.

13. Construction equipment shall not be located within surface waters.
14. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
15. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete or have been temporarily suspended, 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 2:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. 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 and, wherever possible, with a minimum of 20 feet of undisturbed vegetated buffer.
19. The contractor responsible for completion of the work shall utilize techniques described in the NHDES 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).
20. NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as soon after construction as possible so as to minimize erosion and restore wildlife habitat.
21. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.
22. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance, invasive species such as purple loosestrife or Phragmites.
23. This permit is contingent on the execution of the mitigation components specified in the documents listed in condition #1 prior to completion of the project unless as otherwise specified in these conditions.
24. The wetland construction areas shall be properly constructed, monitored, and managed in accordance with final mitigation plans approved by NHDES.
25. Wetland construction and flood storage replacement areas shall be properly constructed, landscaped, and monitored. Remedial actions may be necessary to create functioning wetland and floodplain areas similar to those 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.
26. NHDOT shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. NHDES 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.
27. The NHDOT shall notify, in writing, NHDES and the local conservation commission(s) in the municipality(ies) where the construction is to take place of their intention to commence construction no less than 5 business days prior to construction.
28. A post-construction report, including a narrative and photographs, documenting the status of the completed mitigation projects shall be submitted to NHDES within 60 days of the completion of construction.
29. NHDOT or the designated qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation 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, third and fifth years following the completion of each mitigation site.
30. Wetland construction 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 NHDES.
31. NHDOT shall delineate the wetlands within the mitigation sites, document the delineation with US Army Corps of Engineers' data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
32. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland construction sites. 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.
33. NHDOT shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures approved by NHDES if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
34. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing the parcels. The reports shall contain photographic documentation of the areas, and shall be submitted to NHDES to serve as a baseline for future monitoring of the areas.

35. NHDOT shall provide information for review and approval by NHDES relative to the mechanisms to be used for preservation of the parcels in perpetuity. The use of a conservation easement for long-term protection of the properties is preferred and should be pursued where possible.
36. NHDOT shall provide NHDES documentation confirming the acquisition and protection of 22.3 acres of the Nichols property, located along the Powwow River in Kingston.
37. NHDOT shall provide NHDES a status report on the properties to be protected as part of the second and third year monitoring reports to insure compliance with the preservation requirements. If the preservation of the properties has not been completed after three years, yearly reports shall be submitted following the third year as to the status of protection.
38. Conservation easements that are placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement. The conservation easements shall be executed and recorded within two years of the permit issuance.
39. The boundaries of the protected properties shall be surveyed by a licensed surveyor, and marked by permanent markers/signs for purposes of identification and monitoring prior to recordation of the plan.
40. NHDES shall be notified of the placement of the permanent markers/signs to coordinate on-site review of their location.
41. The plan depicting the conservation easement along with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each property. A copy of the recording from the County Registry of Deeds Office shall be submitted to NHDES Wetlands Bureau within 90 days of recording.
42. There shall be no removal of the existing vegetative undergrowth within the preservation areas, except as specified in the approved stewardship plan, and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
43. NHDES shall be notified in writing of the transfer of any preservation lands and mitigation sites to another organization that has been retained for management purposes and the notification shall state the name of the entity responsible for continuing long-term management and/or stewardship of the lands.
44. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of NHDES, including remediation and fines.
45. The NHDOT shall comply with the conditions of permit 2003-01010 (NHDOT project #10044C), specifically #'s 17, 19 and 20 prior to any construction on this permit.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands and surface waters.
2. The purpose and need for the project has been documented, by the applicant, in the Application, the FEA and other materials contained in the NHDES file as required per Rule Wt 302.01.
3. 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.
4. On April 28, 2004, the DES received an application to impact 4.97 acres of wetlands to reconstruct and widen approximately 6 miles of Route 125 to provide through lanes, a center left turn lane, intersection improvements and the construction of a service road.
5. On November 3, 2004 a Joint Public Hearing was held with NHDES, NHDOT, the Special Committee appointed by the Governor and Executive Council, the US Army Corps of Engineers and the Federal Highway Administration.
6. DES Staff conducted a field inspection of the proposed project on December 2, 2004. Inspection determined that the project would improve vehicular safety. DES Staff also conducted previous field inspections of three other roadway improvement projects related to this application.
7. On March 28, 2006 the NHDES received a revised mitigation package including:
 - a. Acquisition of a conservation easement on 43.8 acres of land in the Kelly Brook watershed adjacent to existing conservation lands in Plaistow;
 - b. Acquisition of 14.7 acres (Sullivan properties) for the restoration of approximately 2 acres of wetlands and preservation of the remaining 13 acres as a buffer to Bayberry Pond in Kingston and
 - c. Participating in the acquisition of 22.3 acres of the Nichols property, located along the Powwow River in Kingston.
8. The mitigation package is to compensate for approximately 7.34 acres of wetland impacts for this permit 2004-00763 (NHDOT Project- Plaistow - Kingston 10044B) and for three previously approved projects including permits 2001-01916 (NHDOT Project- Plaistow, 10005), 2003-01010 (NHDOT Project- Kingston 10044C) and 2003-01089 (NHDOT Project- Plaistow 12359).
9. This proposal meets the DES Administrative Rules Part Wt 803 Compensation Mitigation Requirements.
10. All regulations cited in this approval are intended to reflect those effective at the time of the filing of this application.

11. The Final Environmental Assessment dated October 2005 shows the wetland impacts reduced to 4.49 acres for this application (NHDOT project #10044B).
12. There will be no impact to any species or communities identified by the NH Department of Resources and Economic Development Natural Heritage Bureau.
13. This approval does not infer future approvals of roads or driveways impacting additional wetlands or surface waters.

2006-00926 OLDE PORT DEVELOPMENT GROUP LLC
PORTSMOUTH North Mill Pond

Requested Action:

Amend permit to reflect receipt by DES of revised plans in response to the original permit conditions, including relocating treatment swale behind 50 ft. primary building setback as required in permit condition 1a; addition of plan notes specifying that the applicant shall coordinate with DES on-site to determine selection of trees to be removed, as required by permit condition 1b, and specifying the total area of site disturbance (43,538 sq. ft. in and out of wetlands jurisdiction) to demonstrate that an Alteration of Terrain permit is not required, as required by permit condition 3.

Inspection Date: 11/13/2006 by Dori A Wiggin

APPROVE AMENDMENT:

Impact a total of 29,578 sq. ft. of undeveloped upland tidal buffer zone, including 17,806 sq. ft. of permanent impact over two abutting lots totalling 2.6 acres, for construction of two 4-unit condominiums, one 2-car garage, one 6-car garage, associated driveways, walkways, and 11,772 sq. ft. of temporary impact for utility installation and construction staging.

With Conditions:

1. AMENDED: All work shall be in accordance with revised plans by Ambit Engineering Inc. dated 12/28/2006, as received by the Department on 1/2/2007, which address and thereby supercede original permit conditions 1a., 1b., 2., and 3.
2. The permittee shall coordinate with DES Site Specific Program on stormwater treatment relative to the required use of the standard "Green Book" versus the use of technologies such as gravel wetlands, rain gardens, etc. available through the direction of the UNH Stormwater Center. Where practicable, the most effective technology shall be applied, to increase protection to the North Mill Pond tidal estuary.
3. 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 Pease District Office in Portsmouth, 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.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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).
9. Area shall be regraded to original contours following completion of work.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. The materials submitted fulfill the requirements of original permit conditions 1a., 1b., 2., and 3., relative to relocating treatment

swale behind 50 ft. primary building setback, addition of plan notes specifying that the applicant shall coordinate with DES on-site to determine selection of trees to be removed, and specifies the total area of site disturbance at 43,538 sq. ft. in the protected shoreland (in and out of wetlands tidal buffer zone jurisdiction) to demonstrate that an Alteration of Terrain permit is not required.

2. There is no corresponding increase or decrease in the permitted square footage, nor any other substantive change in the amended plans.

**2006-01603 LAKEWOOD PARK ASSOCIATION, RICK LIVERMORE, PRES.
DERRY Big Island Pond**

Requested Action:

Restore existing association beach.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Restore existing association beach.

With Findings:

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

**2006-02404 KOPRIVA, GREGORY
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Replace rocks on two existing, irregular faced, breakwaters, each with an adjacent dock, with new rocks to create smooth surfaced breakwaters, replace rip rap along the shoreline, restore the retaining wall landward of the beach, and remove a concrete structure from the waterbody on the property line, on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

DENY PERMIT:

Replace rocks on two existing, irregular faced, breakwaters, each with an adjacent dock, with new rocks to create smooth surfaced breakwaters, replace rip rap along the shoreline, restore the retaining wall landward of the beach, and remove a concrete structure from the waterbody on the property line, on Lake Winnepesaukee, Wolfeboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major project in accordance with Rule Env-Wt 303.02(d), modification of a breakwater.
3. Rule Env-Wt 302.04(d) states that the Department shall not grant a permit if: (1) There is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction; (2) The project would cause or

contribute to significant degradation of waters of the state; (3) The project will cause random or unnecessary destruction of wetlands; or (5) The requirements of Env-Wt 302.03 are not met or where the applicant has failed to document consideration of factors as required in Env-Wt 302.04(a).

4. Pursuant to Env-Wt 302.01 "for nontidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands. The department shall place emphasis on preserving bogs and marshes. This priority shall be based on the rarity of those environments and the difficulty in restoration of value and function for those environments."

5. In accordance with Env-Wt 304.04, Setback From Property Lines, "the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests."

6. In accordance with RSA 482-A:3 "Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application."

Findings of Fact

7. On September 20, 2006, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Wolfeboro tax map 217, lot 131, to replace the existing rocks on two breakwaters adjacent to 2 docks, replace the rip rap along the shoreline, restore the retaining wall landward of the beach, and remove a concrete structure from the waterbody on the property line, on Lake Winnepesaukee.

8. On October 20, 2006 the Wetlands Bureau sent a Notification of Incomplete Expedited Application Letter to the Applicant requesting information demonstrating the need to impact these areas as requested in the application notarized permission to work within the 20 ft setback from the abutter to the west and cross sections of the proposed project. This letter clearly stated pursuant to RSA 482-A the information must be received by February 17, 2007.

9. On February 20, 2006, the Wetlands Bureau received a response to the Notification of Incomplete Expedited Application letter. The response did not include evidence of need for the proposed impacts, a waiver of the 20 ft setback from the abutter to the west, nor the cross sections of the proposed project as requested.

Rulings in Support of the Decision

10. The Applicant failed to submit the information requested by the Wetlands Bureau on October 20, 2006 in a timely manner and, therefore, the application is denied pursuant to RSA 482-A:3,XIV.

2006-03111 SAMPSON, PETER & MARIA **ALTON Lake Winnepesaukee**

Requested Action:

Fill 780 sq ft to construct a 37 ft breakwater with a 6 ft gap at the shoreline, a 4 ft x 30 ft cantilevered dock connected to a 6 ft x 36 ft crib pier by a 4 ft x 12 ft walkway, in a "h-shaped" configuration, and install a 14 ft x 30 ft seasonal canopy over the center slip on 179 ft of frontage on Rattlesnake Island, on Lake Winnepesaukee.

Inspection Date: 02/26/2007 by Chris T Brison

APPROVE PERMIT:

Fill 780 sq ft to construct a 37 ft breakwater with a 6 ft gap at the shoreline, a 4 ft x 30 ft cantilevered dock connected to a 6 ft x 36 ft crib pier by a 4 ft x 12 ft walkway, in a "h-shaped" configuration, and install a 14 ft x 30 ft seasonal canopy over the center slip on 179 ft of frontage on Rattlesnake Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Peter Sampson as received by the Department on March 14, 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 construction.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled within 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
16. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
17. The minimum clear spacing between cribs shall be 12 feet.
18. This permit does not authorize maintenance dredging.
19. 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 major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 179 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on February 26, 2007 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2007-00066 LUND, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Extend an existing 12 ft x 25 ft boathouse over public submerged lands to 12 ft x 30 ft on 106 ft of frontage in Alton on Lake Winnepesaukee.

Inspection Date: 03/09/2007 by Chris T Brison

DENY PERMIT:

Extend an existing 12 ft x 25 ft boathouse over public submerged lands to 12 ft x 30 ft on 106 ft of frontage in Alton on Lake Winnepesaukee.

With Findings:

Standards for Approval:

1. In accordance with Rule Env-Wt 303.02 (d) construction or modification of any dock adjacent or attached to a breakwater shall be deemed a major project.
2. In accordance with RSA 482-A:3, I, the permit application fee for major shoreline structure projects shall be \$100, plus \$1.00 per square foot for permanent dock surface area.
3. In accordance with Rule Env-Wt 101.08, "boathouse" means a docking facility which has a permanent roof with or without sides covering the boat slip or slips.
4. In accordance with Rule Env-Wt 402.08 Structures Disallowed, Boathouses over the water shall not be approved.

Findings of Fact:

5. On January 5, 2007 the Department received an application to modify a major docking facility consisting of a 12 ft x 25 ft boathouse with one interior slip and one exterior slip, a breakwater, and a wharf along the shore by increasing the boathouse length from 25 ft to 30 ft on a parcel identified as Alton Tax Map 42, Lot 30.
6. The appropriate filing fee for the project as proposed is \$160.00. The Applicant submitted \$100.00 in filing fees.

Ruling in support of the Decision:

7. The applicant failed to submit the appropriate impact fees as required per RSA 482-A.
8. The construction of 60 sq ft of new boathouse over public submerged lands is prohibited by Rule Env-Wt 402.08(a). Therefore the application is denied.

MINOR IMPACT PROJECT

**2004-02851 HOOKSETT, TOWN OF
HOOKSETT Unnamed Stream**

Requested Action:

Amend permit to remove the previously existing drop inlet and 27-inch culvert and replace a plunge pool at the inlet and install twin 30-inch culverts within the bed and banks of a perennial stream.

Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE AMENDMENT:

Retain 800 square feet impact to remove existing 27-inch culvert and replace with twin 70 foot 30-inch culverts in a perennial stream.

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. The work was conducted on this project in the summer of 2006.
2. The applicant has removed the barrier to fish passage by elimination of the drop inlet within the stream.
3. The applicant has provided rip-rap at the inlet and outlet of the newly installed culverts to reduce/eliminate scour.

2005-00808 **FARRELL, DAWN**
TUFTONBORO Lake Winnepesaukee

Requested Action:

Approve name change to: Dawn M. Farrell, 8 Minuteman Lane, Lexington, Ma 02421 per request received 3/20/2007. Previous owner: S. Warren Farrell.

Conservation Commission/Staff Comments:

Con Com has numerous concerns

APPROVE NAME CHANGE:

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

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 24, 2007, as received by the Department on January 30, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
14. No portion of the pier shall extend more than 25 feet from the shoreline at full lake elevation.

15. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
16. The steps installed for access to the water shall be located completely landward of the normal high water line.
17. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
18. This permit shall be used only once, and does not allow for annual beach replenishment.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2005-02036 SYLVESTER, GARY
CONWAY Unnamed Wetland**

Requested Action:

Dredge and fill 8,398 square feet of forested wetlands, including 2,772 square feet of wetland impact within the 100-year floodplain and 30 linear feet of intermittent stream, to install two (2) 15-inch x 30-foot culverts and a 13-foot x 50-foot bridge for driveway access to a single lot.

Conservation Commission/Staff Comments:

The Town of Conway Conservation Commission (Con Com) is concerned with filling approximately 750 square feet of a 100 year floodplain with two and three feet of vertical height. The proposed dike or levy would act as a dam in one direction and would restrict floodplain storage. The Town of Conway currently has an ordinance that restricts any alteration of terrain above one foot over the existing grade within the 100 year floodplain. Also, the Con Com contacted Thorne Surveys Inc. for additional information regarding the two proposed culverts and there was no hydrology data available. As of 9/15/05 the Con Com was still waiting for additional design information from Thorne Survey. The Con Com, in a unanimous vote, agreed not to recommend the proposed project.

APPROVE PERMIT:

Dredge and fill 8,398 square feet of forested wetlands, including 2,772 square feet of wetland impact within the 100-year floodplain and 30 linear feet of intermittent stream, to install two (2) 15-inch x 30-foot culverts and a 13-foot x 50-foot bridge for driveway access to a single lot.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys, Inc. dated July 19, 2005, and revised through February 13, 2007; and plans by Gagnon Engineering, Inc. dated July 26, 2006, as received by the Department on February 22, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts to the bed or bank of the perennial stream.
4. Work shall be done during annual low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

10. Culverts shall be laid at original grade.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid
14. 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.
15. Post-construction photographs documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Wetland delineation plans by Thaddeus Thorne Surveys, Inc. stamped by a NH certified wetland scientist dated July 19, 2005, and revised through August 08, 2005, were received by the Department on August 29, 2005.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The Conway Conservation Commission is concerned the finished grade elevation of the road within the 100-year floodplain, which is proposed two (2) to three (3) feet above existing grade, will act as a dam under any flood conditions.
5. A narrative prepared by a professional engineer indicated the 15-inch culverts and 50-foot bridge proposed within the floodplain would provide adequate passage for flows in order to prohibit the driveway from acting as a dam.
6. The applicant revised the original two (2) -culvert proposal to include two (2) culverts and a 50-foot span bridge over the perennial stream; in addition to the 15-inch cross culverts within the 100-year floodplain.
7. The southern abutment of the proposed bridge will be accessed via an existing logging road on an abutting property.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02771 NH DEPT OF TRANSPORTATION
ENFIELD Unnamed Stream Mascoma Lake**

Requested Action:

Request to amend permit to include additional impacts of 4,370 sq. ft. to an intermittent stream, ditchline and forested wetland to widen the road and improve drainage.

Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE AMENDMENT:

Replace a 10 ft. concrete slab over an unnamed brook, reset cut granite stones at the inlet and outlet, widen road and improve drainage impacting a total of 4,912 sq. ft. (474 sq. ft. temporary) of a stream, an intermittent stream, ditchline and forested wetland. NHDOT project #13185D.

With Conditions:

1. All work shall be in accordance with plans:
 - a. By NHDOT Bureau of Bridge Design (undated) as received by the Department on November 17, 2005 and
 - b. By NHDOT Bureau of Environment dated 10/05/06 as recieved by the Department on January 22, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands.
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 most factors listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project and indicated in the application submittal and the remaining Rule Env-Wt 302.04(a)(7) was addressed through the Natural Resource Agency meeting of January 24, 2007 and therefore there is no need for the submittal of the environmental document indicted in the inter-department memo dated November 15, 2005.

2006-00245 BROADVEST PROPERTIES INC
SWANZEY Unnamed Wetland

Requested Action:

Dredge and fill 7,340 square feet of palustrine forested wetlands to install an 18-inch x 50-foot and 18-inch x 40-foot HDPE culvert; and temporarily impact 490 square feet of palustrine forested wetlands to install a 30-foot x 24-foot x 4-foot, 10-inch bridge for road access to the final phase of a 26-lot subdivision on ± 33.6 acres (Phase II).

Conservation Commission/Staff Comments:

Reference Wetlands and Non-Site Specific Permit 2004-02803.

APPROVE PERMIT:

Dredge and fill 7,340 square feet of palustrine forested wetlands to install an 18-inch x 50-foot and 18-inch x 40-foot HDPE culvert; and temporarily impact 490 square feet of palustrine forested wetlands to install a 30-foot x 24-foot x 4-foot, 10-inch bridge for road access to the final phase of a 26-lot subdivision on ± 33.6 acres (Phase II).

With Conditions:

1. All work shall be in accordance with plans by Souhegan Valley Engineering, Inc. dated March 03, 2006, and revised through December 01, 2006, as received by the Department on December 06, 2006; and bridge summary plans dated September 27, 2006, as received by the Department on December 06, 2006.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.

8. 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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Culverts shall be laid at original grade.
13. Proper headwalls shall be constructed within seven days of culvert installation.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. 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.

RESTORATION:

17. This permit is contingent upon the restoration of 490 square feet of temporary wetlands impact in accordance with plans dated October 20, 2006, and revised through December 01, 2006, as received by the Department on December 06, 2006.
18. 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.
19. 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 impacted 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.
20. Area of temporary impact shall be regraded to original contours following completion of work.
21. Only native plant species shall be planted.
22. 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.
23. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
24. 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.
25. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
26. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands DES within 60 days of the completion of construction.
27. 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.

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. Wetlands and Non-Site Specific Permit 2004-02803 issued January 11, 2005, approved 2,236 square feet of wetlands impact for access to Phase I of the Arrowcrest Drive Subdivision.
3. Conceptual plans submitted with the 2004-02803 application estimated 10,500 square feet of wetlands impact for Phase II.
4. The applicant revised the proposed crossing types to include a bridge span in order to reduce the conceptual estimate for the Phase II wetland impacts.
5. The final phase (Phase II) approved under this permit includes 7,340 square feet of wetland impact.

6. Cumulatively Phase I (2,236 square feet) and Phase II (7,340 square feet) impact 9,576 square feet of wetlands.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
8. The Swanzey Conservation Commission recommended oversized embedded culverts with a stony substrate and suggested a possible mitigation alternative.
9. The culvert type recommended by the Swanzey Conservation Commission is appropriate for stream crossings.
10. The applicant has received written consent from the owners of Lots 55 and 56 (Tax Map 20), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Rule Env-Wt 304.04(a).
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
12. 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.
13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01642 COOPER, KEVIN & LYDIA
DOVER Unnamed Wetland

Requested Action:

Dredge and fill 3,520 sq. ft. for lot development for a commercial building in a retail commercial zone.

APPROVE PERMIT:

Dredge and fill 3,520 sq. ft. for lot development for a commercial building in a retail commercial zone.

With Conditions:

1. All work shall be in accordance with plans by Civilworks, Inc. dated 2/12/2007, as received by the Department on 3/21/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent upon construction of the treatment wetland depicted in the above-referenced plans, as requested by the Dover Conservation Commission.
4. This permit is contingent upon placement of the deed restriction on the portion of the property to be protected as New England Cottontail habitat per agreement coordinated with NH Fish & Game Department as described in a letter from Civilworks Inc. dated 2/13/2007, received by DES on 2/15/2007.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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. 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.
10. 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.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), less than 20,000 sq. ft. of alteration in the aggregate of non-tidal wetlands which exceeds the criteria if Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The wetland to be impacted is located centrally in the developable portion of the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Env-Wt 302.03. The wetland to be impacted is located in the front portion of the property and is largely isolated with a small connection to the larger, more valuable adjacent wetland. The applicant is off-setting any loss of stormwater function the wetland may have provided by constructing a forebay/afterbay wetland to the rear of the developed portion of the property. This constructed wetland will also create a buffer between the development and potential New England cottontail habitat, which is to be protected by a deed restriction on the 1.68 acres of remaining property area. The cottontail is considered a species of concern in NH and has not been found on the property; only potential habitat.

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. The applicant has replaced lost wetlands functions as requested by the Dover Conservation Commission, who recommends approval of the project; and has protected the remaining land to the satisfaction of NH Fish & Game Non-game and Endangered Wildlife Program.

2006-02802 LANDMARK PLANNING & DEVELOPMENT LLC
GREENVILLE Walker Brook

Requested Action:

Dredge and fill 7689 square feet to upgrade the existing Butternut Road and construct an access road in the subdivision of 185 acres into 6 cluster pods of single family lots (total of 40 lots) and 4 open space lots (total of approx. 50 acres) and a residual lot of 101 acres.

APPROVE PERMIT:

Dredge and fill 7689 square feet to upgrade the existing Butternut Road and construct an access road in the subdivision of 185 acres into 6 cluster pods of single family lots (total of 40 lots) and 4 open space lots (total of approx. 50 acres) and a residual lot of 101 acres.

With Conditions:

1. All work shall be in accordance with plans by The HL Turner Group Inc. further described as follows:
 - a) Sheet CS dated July 28, 2006, and revised through October 24, 2006, as received by the Department on March 12, 2007.
 - b) Sheet PP1 dated July 28, 2006, as revised through March 8, 2007 as received by the Department on March 12, 2007.
 - c) Sheets PP2-PP4 dated July 28, 2006, as revised through March 6, 2007, as received by the Department on March 12, 2007.
 - d) Sheet C1, dated July 28, 2006, as revised through July 24, 2007 as received by the Department on March 12, 2007.
 - e) Sheet C2.2 and SD2 and dated July 28, 2006, and revised through February 22, 2007, as received by the Department on March 12, 2007.
 - f) Sheet SD2 dated July 28, 2006, and revised through January 24, 2007, as received by the Department on March 12, 2007.
 - g) Sheet SK1 dated July 28, 2007, as received by the Department on March 12, 2007, but not the construction sequence thereon.
 - h) Sheets TECN, and TEC1.1, and TEC1.2, dated September 18, 2006, and revised through February 22, 2007, as received by the Department on March 12, 2007.
 - i) Sheet TEC2.1, and TEC2.2, dated September 18, 2006, and revised through March 6, 2007 as received by the Department on March 12, 2007.
 - j) Sheet TEC2.3 dated September 18, 2006, and revised through January 24, 2007 as received by the Department on March 12, 2007.
2. Work shall also be in accordance with Subdivision Plans by Chas H Sells Inc dated October 24, 2006, and revised through November 28, 2006 as received by the Department on March 12, 2007.
3. This permit is contingent on approval by the DES Alteration of Terrain.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on single family building lots and open space lots.
6. The deed which accompanies the sales transaction for each of the lots, excepting the residual 101 acre lot, in this subdivision shall contain condition #5 of this approval.
7. Prior to conducting any work outside of the delineated area on the remaining 101 acre parcel the property owner shall have the entire lot delineated by a Certified Wetland Scientist.
8. The deed which accompanies the sales transaction for the residual 101 acre parcel in this subdivision shall contain condition #7 of this approval.

9. 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.
10. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
11. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
12. Work within the perennial stream shall be done during periods of low flow.
13. Work within intermittent streams shall be done during periods of non-flow.
14. Work within wetlands shall be done in dry conditions.
15. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
16. 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.
17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
19. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. The material utilized to create the new stream channel within the open bottom structure shall emulate a natural channel bottom within the culvert. Any materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
22. Temporary cofferdams shall be entirely removed immediately following construction.
23. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
24. Proper headwalls shall be constructed within seven days of culvert installation.
25. 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).
26. 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.
27. 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.
28. 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.
29. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f); and Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant is proposing to upgrade an existing roadway for access to this subdivision.
4. The proposed impact areas have been previously disturbed by the existing roadway.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The crossing with the proposed catch basin is to connect the hydrology of the of a man made wetland to the more natural system and no stream channel exists in this location.
7. The applicant has provided an open bottom 6 foot structure within the perennial stream which is an improvement over the existing 1 foot x 1 foot box culverts.
8. 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.
9. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
10. A Certified Wetland Scientist has reviewed a NRCS Soil Maps, USGS Topographical Maps, National Wetland Inventory Maps and has reviewed aerial photography of the site. The wetlands have been generally indicated on the residual lot.
11. The applicant has had a Certified Wetland Scientist field delineate the wetlands on the development lots of the proposed residential subdivision and the open space lots 400 feet from Butternut Road.
12. It would be an economic hardship for the owner to have the entire 104 acre residual lot delineated in the field.
13. If any additional work is to be conducted on the residual lot an on site delineation will be required per condition #7 of this approval.
14. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Wt 304.09(a).
15. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2006-02920 NH DEPT OF TRANSPORTATION
EASTON Unnamed Stream

Requested Action:

Maintenance dredge 980 sq. ft. of an intermittent stream to reestablish the channel.

Conservation Commission/Staff Comments:

Cons. Comm. no comments

APPROVE PERMIT:

Maintenance dredge 980 sq. ft. of an intermittent stream to reestablish the channel. NHDOT project #M116-0101.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District #1 dated 10/26/06 as received by the Department on November 8, 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. Work shall be done during low flow.

2006-02931 MASONE, PAUL
EAST KINGSTON Unnamed Wetland Pow Wow River

Requested Action:

Dredge and fill 8,866 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing for the expansion of an existing industrial park.

Conservation Commission/Staff Comments:

The East Kingston Conservation Commission has reviewed the application, made recommendations which were incorporated in project specific permit conditions, and "... has no objections to the location of the proposed wetland crossing..."

APPROVE PERMIT:

Dredge and fill 8,866 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing for the expansion of an existing industrial park.

With Conditions:

1. All work shall be in accordance with plans by Civil Construction Management, Inc. dated 10/31/06, as received by the Department on November 13, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, septic setback or for other construction activities.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau for all new sites to be developed.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Roadway culverts to be installed shall be a minimum of 18 inches diameter.
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. Proper headwalls shall be constructed within seven days of culvert installation.
10. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

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

2006-03125 LLK TRUST
WOLFEBORO Lake Wentworth

Requested Action:

Dredge and fill 3899 square feet of palustrine wetland for access in the subdivision of 93.66 acres into 4 single family residential lots.

APPROVE PERMIT:

Dredge and fill 3899 square feet of palustrine wetland for access in the subdivision of 93.66 acres into 4 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated February 9, 2007, as received by the Department on February 16, 2007, and Subdivision Plans by Yerkes Surveying Consultants dated July 28, 2006, and revised through January 29, 2007 as received by the Department on February 16, 2007.
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 recorded permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. 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 in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f), and Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. Crossing the wetlands is the only way to access the buildable uplands to the lots.
3. The conservation commission stated in their letter dated February 13, 2007 that lot 4 could be access without crossing the wetlands.
4. The conservation commission did not provide any location where they may be able to access lot 4 without crossing wetlands and the plan set received by DES does not illustrate any upland access to the buildable uplands.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. The proposed crossings were all previously existing woods roads that are to be upgraded for single family or shared driveways.
7. The proposed culverts are all proposed to be imbedded which is an improvement over the existing situation where round culverts are located within the stream channels.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

- 10. A portion of impact area 4 is within 50 feet of the reference line of Lake Wentworth. The proposal is to upgrade the existing roadway landward of the reference line.
- 11. The slope of the alternate access to the buildable portion of lot 1 is very steep and would likely have greater impacts to the wetlands due to side slopes of roadway 1.

2007-00334 BIGONY, FRED
WOLFEBORO Lake Winnepesaukee

Requested Action:

Install two ice clusters in front of existing 25 ft 11 in x 58 ft boathouse on 287 ft of frontage in Wolfeboro on Lake Winnepesaukee.

APPROVE PERMIT:

Install two ice clusters in front of existing 25 ft 11 in x 58 ft boathouse on 287 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 19, 2007, as received by the Department on February 28, 2007.
- 2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
- 3. 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. Installation of piles shall not, by their presence, add boat slips to existing docking system.
- 5. 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.
- 6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of new tie-off piles, ice clusters, or dolphins which do not, by their presence, add boat slips to an existing docking system.
- 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

2005-01960 MATOTT, BENJAMIN
CANTERBURY Unnamed Stream

Requested Action:

Approve name change to: Benjamin A Matott, 107 Fisherville Rd., Concord, NH 03303 per requested received 3/16/2007.

Previous owner: Robyn Nelson.

Conservation Commission/Staff Comments:

The Canterbury Conservation Commission signed this minimum impact application to expedite the process of restoring and stabilizing the area.

APPROVE NAME CHANGE:

Dredge and fill 485 square feet of wet meadow and along 20 feet of intermittent stream including installation of a 15 foot x 15-inch culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying dated August 1, 2005, as received by the Department on August 24, 2005.
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.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Work shall be done during periods of non-flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

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

**2006-03024 BASSETT SELF DECLARATION TRUST, THOMAS
HAMPTON Salt Marsh**

Requested Action:

Permanently impact 1,344 square feet within the 100-foot tidal buffer zone for the removal of the existing dwelling and construction

of a new, single family modular dwelling on 0.10 acres.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission 'does not oppose the granting' of the permit with conditions.

APPROVE PERMIT:

Permanently impact 1,344 square feet within the 100-foot tidal buffer zone for the removal of the existing dwelling and construction of a new, single family modular dwelling on 0.10 acres.

With Conditions:

1. All work shall be in accordance with plans by E.J. Cote & Associates, Inc. dated November 4, 2006, as received by the Department on November 29, 2006.
2. DES staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
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. The cement pad in bank yard (north side) shall be removed and replanted.
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. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The existing dwelling does not comply with FEMA flood zone standards and the crawl space floods with 6-12" inches regularly, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03, as the new dwelling will have a smaller footprint of 1,344 s.f. compared to the 1,495 s.f. footprint of the existing dwelling. All other impervious surfaces will be removed to allow for better infiltration on the site.
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 Hampton Conservation Commission (HCC) 'does not oppose the granting' of a permit with the following stipulations: a. The cement pad be removed and replanted; b. There will be no permanent or temporary structures beneath the house or in the yard; c. The HCC is notified prior to start and at the conclusion of construction.
6. DES makes the following finding relative to the HCC stipulations: All of these are conditions in the permit.
7. In accordance with Env-Wt 304.04(a), the applicant received written concurrence from the abutter identified as Peggy Desrosiers, Hampton Tax Map 168 Lot 29, for those impacts within 20-feet of her property line.

2006-03129 DODGE SR, RICHARD
SEABROOK Atlantic Ocean

Requested Action:

Construct an outside stairway from driveway to second level balcony of existing dwelling impacting 200 sq. ft. of an area formerly associated with a sand dune which was previously impacted for lot development. In addition, remove existing 6 ft. solid wood fences on site and replace with 4 ft. vinyl picket fences. Native sand dune vegetation will be reestablished on site.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has reviewed this application and reports: "We had no objections to this proposal."

Inspection Date: 03/22/2007 by Frank D Richardson

Inspection Date: 10/11/2006 by Eben M Lewis

APPROVE PERMIT:

Construct an outside stairway from driveway to second level balcony of existing dwelling impacting 200 sq. ft. of an area formerly associated with a sand dune which was previously impacted for lot development. In addition, remove existing 6 ft. solid wood fences on site and replace with 4 ft. vinyl picket fences. Native sand dune vegetation will be reestablished on site.

With Conditions:

1. All work shall be in accordance with plans by Richard A. Dodge, Ph.D. dated 12/1/2006, as received by the Department on December 06, 2006.
2. There shall be no further alteration of areas within NH DES Wetlands Bureau jurisdiction for lot development or for other construction activities.
3. Native sand dune vegetation shall be reestablished on site per application item 5.3 as proposed by applicant.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

2006-03234 WATER STREET LOT 51 LLC

EPSOM Unnamed Stream

Requested Action:

Dredge and fill 540 square feet of palustrine forested wetland including installation of a 24-inch x 35 foot culvert for access in the shared driveway for two single family residential lots.

APPROVE PERMIT:

Dredge and fill 540 square feet of palustrine forested wetland including installation of a 24-inch x 35 foot culvert for access in the shared driveway for two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Carl Sherbloom dated October 30, 2006 as received by the Department on December 26, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require 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. Proper headwalls shall be constructed within seven days of culvert installation.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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.
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).

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 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.

2007-00141 MUIR, WARREN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair and stabilize an existing 13 ft x 27 ft 3 in boathouse, 5 ft x 40 ft piling dock and associated walkways by re-driving 14 support piles, constructing two 6 ft x 6 ft cribs, and replacing an existing dry laid stone retaining wall with 26 linear ft of a concrete wall, and construct 50 linear ft of stone retaining wall landward of an existing beach, on Lake Winnepesaukee, Wolfboro.

Conservation Commission/Staff Comments:

Con Com questions need for retaining wall at back of beach

APPROVE PERMIT:

Repair and stabilize an existing 13 ft x 27 ft 3 in boathouse, 5 ft x 40 ft piling dock and associated walkways by re-driving 14 support piles, constructing two 6 ft x 6 ft cribs, and replacing an existing dry laid stone retaining wall with 26 linear ft of a concrete wall, and construct 50 linear ft of stone retaining wall landward of an existing beach, on Lake Winnepesaukee, Wolfboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 22, 2006, as received by the Department on January 18, 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. Repair 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. 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. 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.
9. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
10. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
11. The minimum clear spacing between cribs shall be 12 feet.
12. This permit does not allow for the placement of any new sand on the existing 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 deemed to be a minimum impact project per Administrative Rule Env-Wt 303.04(o), because that boathouse support changes will not increase the impacts of the structure or the number of slips provided and the beach wall impacts less than 50 ft of frontage.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 397 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The proposed beach retaining wall will reduce the transportation of sand from over land storm flows.
8. The applicant submitted information to the file supporting the need to change the support structures under the boathouse to cribs.

2007-00252 NH DEPT OF TRANSPORTATION
LONDONDERRY Unnamed Wetland

Requested Action:

Replace guardrail & repave Rte 102 impacting 285 sq. ft. of intermittent stream and palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. no comments

APPROVE PERMIT:

Replace guardrail & repave Rte 102 impacting 285 sq. ft. of intermittent stream and palustrine wetlands. NHDOT project #13337.

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 February 6, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.

2007-00355 NYSTEDT, CHARLES
NEW DURHAM Merrymeeting Lake

Requested Action:

Replace an existing seasonal docking structure with a 4 ft x 30 ft seasonal dock, replace the existing concrete pad "in kind" on Merrymeeting Lake, New Durham.

Conservation Commission/Staff Comments:

No comments from Con Com by 03/24/07

APPROVE PERMIT:

Replace an existing seasonal docking structure with a 4 ft x 30 ft seasonal dock, replace the existing concrete pad "in kind" on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 22, 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 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
7. Seasonal piers shall be removed for the non-boating season.
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. The concrete pad shall be completely located behind the natural undisturbed shoreline.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or modification of a seasonal pier or wharf.
2. The applicant has an average of 103 feet of shoreline frontage along Merrymeeting Lake.
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 RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

FORESTRY NOTIFICATION

**2007-00415 BEARDEN, NORMA
BARRINGTON**

COMPLETE NOTIFICATION:
Barrington Tax Map 240, Lot# 15

**2007-00482 WISWALL, ERIC & ERIN
DANBURY Unnamed Stream**

COMPLETE NOTIFICATION:
Danbury Tax Map 409, Lot# 70

**2007-00489 DRED
WARNER Unnamed Stream**

COMPLETE NOTIFICATION:
Hillsboro Davisville State Forest - P1-502

2007-00499 DRED
ALLENSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Allenstown Tax Map 5, Lot# 38A-0 Bear Brook State Park P1-489

EXPEDITED MINIMUM

2006-01833 RENZI, CHRISTINE
HOLDERNESS Little Squam Lake

Requested Action:
Replace existing retaining wall with a taller one.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Replace existing retaining wall with a taller one.

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

2006-02319 LISISCHEFF, KARIN
UNITY Crescent Lake

Requested Action:
Construct a new perched beach, and replace an existing wooden perched beach retaining wall with a block retaining wall system.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Construct a new perched beach, and replace an existing wooden perched beach retaining wall with a block retaining wall system.

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

DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-02447 DRAKE, CHARLES & BARBARA
BELMONT Lake Winnisquam

Requested Action:

Repair/replace 50 linear ft of existing retaining wall back to its original configuration and location on 50 ft of frontage in Belmont on Lake Winnisquam.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Repair/replace 50 linear ft of existing retaining wall back to its original configuration and location on 50 ft of frontage in Belmont on Lake Winnisquam.

With Findings:

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

2006-02588 BURNHAM, DAVID & ALICE
BROOKFIELD Kingwood Lake

Requested Action:

Clean up existing beach area by removing a large rock, stump and tree

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Clean up existing beach area by removing a large rock, stump and tree

With Findings:

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

2006-03010 TOWN OF NOTTINGHAM
NOTTINGHAM Unnamed Wetland

Requested Action:

Approve name change to: Town of Nottingham, 139 Stage Rd., Nottingham, NH 03290 per request received 3/21/2007. Previous

owner: Nottingham School District.

APPROVE NAME CHANGE:

Dredge and fill a total of 2,905 sq. ft. of wetlands over two locations, including 1,510 sq. ft. of impact to install a 12" x 50' culvert, and 1,395 sq. of impact for driveway fill, for access to a new municipal fire station.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated 8/15/2006, as received by the Department on 11/28/2006.
2. 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.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be done during low flow.

With Findings:

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

**2006-03157 MORMORS STUGA TRUST, THOMAS JOHNSON TTEE
DUBLIN Unnamed Wetland**

Requested Action:

Dredge and fill 2810 square feet of Palustrine forested wetland including installation of a 32 foot x 18 inch culvert for access to a proposed single family residence.

APPROVE PERMIT:

Dredge and fill 2810 square feet of Palustrine forested wetland including installation of a 32 foot x 18 inch culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated November 16, 2006 as received by the Department on December 18, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be conducted during low water conditions.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has not fully reviewed the grandfathered status of the existing shoreline structures.

2006-03212 MASCOMA HYDRO CORPORATION
LEBANON Mascoma River

Requested Action:

Dredge and fill approximately 30 square feet of bank within the Mascoma River to install a concrete anchoring pad for a proposed automated intake cleaning system associated with the Mascoma River/Glen Road Dam.

APPROVE PERMIT:

Dredge and fill approximately 30 square feet of bank within the Mascoma River to install a concrete anchoring pad for a proposed automated intake cleaning system associated with the Mascoma River/Glen Road Dam.

With Conditions:

1. All work shall be in accordance with plans dated January 09, 2007, as received by the DES Wetlands Bureau on January 11, 2007.
2. Work shall be done during low flow conditions.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the Department.
2. The trashrake pulley system will automate the current manual procedure for cleaning the trashrake, which includes pulling the trashrake system upstream for cleaning.

3. The applicant has received written consent from the Lebanon Public Works Department, abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program.
5. The Natural Heritage Bureau indicated the presence of barren strawberry (*Waldsteinia fragarioides*), state endangered, in the vicinity of the project.
6. The proposed impact is limited to 30 square feet within the bank of the Mascoma River and is located southwest of the indicated location of the barren strawberry.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00008 WAGNER, RICHARD
HEBRON Newfound Lake

Requested Action:

Applicant requests reconsideration based on revised water level data.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Remove an existing nonconforming 88 sq ft deck, construct an 18 ft x 35 ft perched beach adjacent to an existing 6 ft x 36 ft seasonal pier anchored to a 3 ft x 7 ft concrete pad with 4 ft wide access steps on 240 ft of frontage in Hebron on Newfound Lake. per plans received on 02/16/2007.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company dated February 15, 2007, as received by the Department on February 16, 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 installation.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. 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.
6. Seasonal pier shall be removed from the lake for five months during the non-boating season.
7. No portion of the pier shall extend more than 36 feet from the full lake elevation 589.12.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. No further wetlands jurisdiction shall be removed, razed, filled, or excavated without further authorization from the 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(f), construction of a beach exceeding minimum criteria.
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.

2007-00153 GIACALONE, JOHN
ALTON BAY Lake Winnepesaukee

Requested Action:

Install a 14 ft x 30 ft seasonal canopy within the middle boatslip on a existing permanent "U- shaped" docking facility, install a double PWC lift within the westerly boatslip and repair/replace existing perched beach retaining wall in-kind on 145 ft of frontage in Alton Bay on Lake Winnepesaukee.

APPROVE PERMIT:

Install a 14 ft x 30 ft seasonal canopy within the middle boatslip on a existing permanent "U- shaped" docking facility, install a double PWC lift within the westerly boatslip and repair/replace existing perched beach retaining wall in-kind on 145 ft of frontage in Alton Bay on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Leonard R. Finethy dated March 15, 2007, as received by the Department on March 19, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for five months during the non-boating season.
7. Canopy shall not exceed a 20 ft height.
8. 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.
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. Replacement wall shall maintain existing length, height and configuration.
11. Replacement retaining wall shall not come closer to the water than the existing wall.
12. This permit does not authorize beach replenishment.
13. Appropriate surface water runoff diversions shall be maintained to direct runoff away from the beach.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair or replacement of a nondocking structure.
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.

2007-00429 BELIVEAU, ALFRED
BELMONT Lake Winnisquam

Requested Action:

Permanently remove an existing 4 ft x 30 ft seasonal dock from the southerly edge of the property and construct a 6 ft x 30 ft seasonal dock 24 ft from the northerly property line on Lake Winnisquam, Belmont.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 4 ft x 30 ft seasonal dock from the southerly edge of the property and construct a 6 ft x 30 ft seasonal dock 24 ft from the northerly property line on Lake Winnisquam, Belmont.

With Conditions:

1. All work shall be in accordance with plans by Fred Wheeler dated June 1999, as received by the Department on March 09, 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 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
7. The permit does not allow for any impacts to the bank or shoreline for the installation of the seasonal dock.
8. 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 dock.
2. The applicant has an average of 75 feet of shoreline frontage along Lake Winnisquam.
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 RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

TRAILS NOTIFICATION

2007-00416 BATES, GEORGE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax Map R5, Lot# 8

LAKES-SEASONAL DOCK NOTIF

2007-00478 CONKLIN / REYNOLDS, MICHAEL / DEBORAH RUTH
MEREDITH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Meredith NH Tax Map# I03 Lot# 28 Lake Winnepesaukee

PERMIT BY NOTIFICATION

2007-00464 YOUNG, PAUL & DIANE SHEEHAN
GILFORD Lake Winnepesaukee

Requested Action:
Repair/replace existing docking facility in-kind.

PBN IS COMPLETE:
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.

2007-00479 DUDGEON, DAN
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair/Replace existing crib and piling supported dock in kind.

PBN IS COMPLETE:
Repair/Replace existing crib and piling supported dock 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.

2007-00480 SWAFFIELD, NANCY
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair/Replace existing "U-shaped" docking facility in kind.

PBN IS COMPLETE:
Repair/Replace existing "U-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.

2007-00481 PALMER, PETER
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair/replace existing beach and deck retaining walls.

PBN IS COMPLETE:

Repair/replace existing beach and deck retaining walls.

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.