

Wetlands Bureau Decision Report

Decisions Taken
04/09/2007 to 04/15/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2006-01771 RIVERMOOR LANDING CONDOMINIUM, C/O EVERGREEN MANAG
NEWMARKET Lamprey River**

Requested Action:

Stabilize a total of 350 linear ft. (3,413 sq. ft. of tidal wetlands and 1,464 sq. ft. of developed tidal buffer zone) of failing tidal river seawall, collapsing roadway paving and sinkholes by constructing a rip rap slope against existing wall, including permanent repair of 50 linear ft. repaired under emergency authorization 2004-1683 with under-sized rip rap, and 300 linear ft. of collapsed or deteriorating granite stone wall.

APPROVE PERMIT:

Stabilize a total of 350 linear ft. (3,413 sq. ft. of tidal wetlands and 1,464 sq. ft. of developed tidal buffer zone) of failing tidal river seawall, collapsing roadway paving and sinkholes by constructing a rip rap slope against existing wall, including permanent repair of 50 linear ft. repaired under emergency authorization 2004-1683 with under-sized rip rap, and 300 linear ft. of collapsed or deteriorating granite stone wall.

With Conditions:

1. All work shall be in accordance with revised plans by Waterfront Engineers LLC dated 10/12/2006, as received by the Department on 10/12/2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas. All work shall occur between July 15 and September 1, to protect smelt spawning period and other fisheries concerns pursuant to comments from NH Fish & Game Department Marine Fisheries received 3/6/2007.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Work shall be done during low tide.
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
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing wall is experiencing severe erosion resulting in failure in some locations, with one emergency authorization already granted and a second being considered per email from the applicant's consultant dated 4/2/2007, and is weak in others resulting in sink holes developing in the immediately adjacent roadway threatening safe passage between the former mill building and the river, as well as the cover integrity of the municipal sewer line.
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. There is insufficient space to cut back a slope at this

location, which basically consists of the river, the existing seawall, the roadway, and the wall of the building. The applicant is proposing a steep rip rap slope to avoid making land in the river, and which will provide not only shoreline stabilization, but protect the integrity and current load capacity of the roadway, and which will be expeditious to construct. Reconstruction of the dry-set granite wall is not practicable as it would require disruption of the municipal sewer line, excavation at depth into historic fill which is greater than 100 years old and has an unknown and thus unpredictable consistency. In order to provide the load rating for the for the 18-wheel, 80,000-90,000 tractor trailers using the road with only wall reconstruction, road bed replacement would be necessary, exposing the sewer line in mid-air, and entailing estimated construction costs of \$1.5 to \$2 million dollars based on the cost of similar projects, which is unattainable for a condominium association consisting of individual condominium owners. The cost of the proposed means of repair is estimated at approximately \$100,000.

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

a. several plant species of concern were reported by the NH Natural Heritage Bureau, including the salt-loving spike rush, mudwort, large saltmarsh aster, false water pimpernel, and eastern lilaepsis. These plants are known to be located well downstream from the project site, primarily in the Lamprey River "Narrows", and are not present at this frontage.

b. NH Fish and Game Department Marine Fisheries Division ("NHFG") reported on fisheries concerns, including smelt spawning and river herring runs. The permit has been conditioned to reflect the construction window of July 15 - September 1 specified for protection of these species by NHFG pursuant to telephone communication with DES dated 3/6/2007.

5. The Town of Newmarket, through its town administrator, expressed opposition to this application in a letter dated 10/12/2007, received by DES on 10/13/2007, on the basis of the repair interfering with the Town's future riverwalk plans. In response DES finds that the Rivermoor Landing Condominium property and its frontage on the Lamprey River is private property to the mean high water mark (public boundary), with no easements or right-of-way granted in favor of the Town for public access. Access to this private property for construction of a municipal riverwalk by the Town is a civil matter between the parties. The wetlands application proposal reviewed herein represents necessary repair to a failing structure, which if not repaired in the near future, will result in significant private property damage, and potential damage to the municipal sewer line.

6. The Newmarket Conservation Commission ("NCC") has commented in opposition to the application in a letter dated 7/25/2006, received by DES on 7/27/2006, and further in a letter dated 8/13/2006, received 8/15/2006. The NCC subsequently attended a meeting on 12/13/2006 with the applicant, the applicant's engineer, the Newmarket Town Planner, a representative of the Newmarket Community Development Corporation, and DES. Their concerns, which the NCC indicated were generally answered by the conclusion of the meeting, included the following:

a. location, and potential disturbance to the municipal sewer line located close to the retaining wall. DES finds that the proposed design will place the rip rap stabilization against the existing granite wall and will not expose the sewer line, and will in fact protect the sewer line from further degradation of its bedding material from on-going sinkhole erosion.

b. work to be done in phases over 5 years involving multiple impacts, and concerns regarding impact to fisheries habitats. DES finds that although the permit is valid for 5 years, the expectation of the applicant is that, based on expense, the need to thoroughly complete a permanent repair, and the timing constraints associated with NHFG fisheries concerns stated in finding 4.b., it is necessary to complete the project in one construction event, which can be accommodated by the construction window prescribed by NHFG.

c. use of more natural buffers and erosion control, erosion of a slope into the deep water channel, ice moving the stone, flooding of downtown, failure of previous granite repairs, loss of aesthetics, effect on the Riverwalk and Chick's Weir. DES finds that although the historic cut granite wall will be replaced with rip rap, the shoreline will then more closely mirror the natural rocky shoreline on the opposite side of the river, and the design incorporates creation of a vegetated buffer at the top of the slope where one currently does not exist. DES finds that a properly engineered rip rap slope consisting of large 3-5 ft. stone tightly keyed with smaller stone and appropriately bedded, will secure long-term stabilization of the frontage, including replacement of the temporary, undersized material placed in one 50 lin. ft. section of the frontage as emergency repair under DES Emergency Authorization ("EA") 2004-1683, will not be moved by ice, and will reflect more energy than the previous wall, and will not increase flooding. The "Chick's Weir" fishing net structure is unrelated to this project.

7. An abutter, the Newmarket Community Development Corporation ("NCDC"), a quasi-public/private development entity redeveloping an adjoining section of the overall mill complex, has expressed opposition based on the following:

a. proposed method of repair will detract from the NCDC's ability to redevelop its adjacent mill properties. DES finds that the repair will secure the safety and integrity of the deteriorated section of the private roadway which provides access behind the entire mill complex including both Rivermoor and the NCDC sections, and will otherwise be unrelated to the redevelopment of the NCDC condos.

b. proposed method of repair will complicate installation of the proposed riverwalk. As stated in finding 5 above, the installation of a public riverwalk on private property is a civil matter between the parties, and is beyond the scope of the review of the application

before DES to conduct necessary repair on private property to prevent further property and potential municipal sewer line damage.

c. similar repairs made in the past have not solved the problem and were only an interim solution. As stated in finding no. 6c. above, the new proposal will replace the under-sized rip rap placed as a temporary emergency measure under authorization 2004-1683.

d. the finished repair will not be aesthetically pleasing considering its proximity to other public amenities. DES finds that properly designed and installed rip rap is a commonly accepted and applied method for tidal shoreline stabilization employed throughout the seacoast, including at such public amenities as Prescott Park, Four Tree Island and Pierce Island parks in Portsmouth on the Piscataqua, and associated with the Exeter riverwalk on the Squamscott River in Exeter in the vicinity of the Exeter Mills.

8. Administrative Rule Env-Wt 304.04(a) relative to 20' abutter setback is waived on the basis that it is necessary to bring the rip rap to the southerly property line of abutter Serbagi to correct the undersized rip rap placed under EA 2004-1683, and fully complete the repair and to avoid any impact to the abutting shoreline. Abutter Serbagi was granted a permit for repair extending to the Rivermoor Landing property line under permit 2003-42 under similar circumstances, and did not obtain the permission of Rivermoor Landing.

9. DES personnel field inspected the site in the Fall of 2005, 10/4/2005, and 3/27/2007. The original Fall 2005 inspection was conducted in response to concerns voiced by the Newmarket Code Enforcement Officer regarding remediation of the under-sized rip rap associated with EA 2006-1683. The subsequent 10/4/2005 inspection was a pre-application meeting with representatives of Rivermoor to discuss overall repairs to the deteriorating shoreline wall, including upgrade of the emergency material placed. On 3/27/2007 DES inspected for current status and found continuing progression of the sink holes in the roadway and failure of the wall granite.

-Send to Governor and Executive Council-

**2006-01842 JONES, GREGORY & BARBARA
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Fill 1060 sq ft to construct 50 linear ft of breakwater with a 6 ft gap at the shoreline and a 4 ft x 43 ft cantilevered pier connected to a 4 ft x 34 ft piling pier and a 4 ft x 28 ft piling pier by a 6 ft x 32 ft 3 in walkway in a "W" configuration and install two 3-pile ice clusters on 363.5 ft of frontage in Tuftonboro on Lake Winnepesaukee.

APPROVE PERMIT:

Fill 1060 sq ft to construct 50 linear ft of breakwater with a 6 ft gap at the shoreline and a 4 ft x 43 ft cantilevered pier connected to a 4 ft x 34 ft piling pier and a 4 ft x 28 ft piling pier by a 6 ft x 32 ft 3 in walkway in a "W" configuration and install two 3-pile ice clusters on 363.5 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as received by the Department on April 3, 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 with 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. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. 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 Applicant has provided evidence that 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 363.5 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 boat slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per 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 October 3, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on October 3, 2006 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**2006-02310 DEPAOLO, MICHAEL & BARBARA COMAN
BERLIN Unnamed Wetland**

Requested Action:

Construct a medium-security Federal Correctional Institution including several related facilities and the infrastructure needed to support them on 700 acres impacting a total of 16.72 acres of riverine and palustrine wetlands and mitigate by restoring and enhancing approximately 8 acres of stream channels and wetlands, constructing vernal pools and preserving approximately 493 acres of property.

Conservation Commission/Staff Comments:

Public hearing held 11-16-06

Cons. Comm. no comment.

Inspection Date: 12/09/2004 by Gino E Infascelli

Inspection Date: 11/17/2006 by Gino E Infascelli

APPROVE PERMIT:

Construct a medium-security Federal Correctional Institution including several related facilities and the infrastructure needed to support them on 700 acres impacting a total of 16.72 acres of riverine and palustrine wetlands and mitigate by restoring and enhancing approximately 8 acres of stream channels and wetlands, constructing vernal pools and preserving approximately 493 acres of property.

With Conditions:

1. All work shall be in accordance with plans and application by The Louis Berger Group, Inc. received by the Department on September 5, 2006, April 9, 2007 (dated March 20, 2007) and as conditioned below.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the NHDES Wetlands Bureau for review and approval. Those plans shall detail the timing and method of stream flow diversion during

construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.

3. This permit is contingent on approval by the NHDES Alteration of Terrain Program and the same plan set to be submitted to the NHDES Wetlands Bureau file.

4. This permit is contingent on approval by the NHDES Dam Safety Program.

5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless otherwise approved for use in the wetland restoration areas.

6. Construction equipment shall not be located within surface waters.

7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. 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.

9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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

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

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. 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.

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

15. Standard precautions shall be taken to prevent import or transport of seed stock from nuisance and invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*).

16. A copy of the deed(s) shall be submitted to the DES Wetlands Bureau following the applicant's purchase of the property. The Wetlands Bureau shall be notified of subsequent transfers of the property to another agency that has been retained for management purposes.

17. The final mitigation plans, including a planting schedule and deadlines for completion for the restoration and enhancement of approximately 8 acres of stream channels and wetlands and construction of vernal pools, shall be submitted to the Wetlands Bureau for review and approval.

18. The schedule for mitigation construction shall be submitted to the Wetlands Bureau for review.

19. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland construction site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.

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

21. Wetland restoration, enhancement and construction areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

22. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

23. The permittee 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 and third years following the initial completion of each mitigation site. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as built plans.

24. Areas indicated as temporary impacts shall not be stumped or regraded leaving the original soil intact and all fill material shall

be placed on fabric. The impacts associated with the temporary work shall be remediated immediately following construction.

25. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this NHDES wetlands permit, the NHDES Alteration of Terrain permit, the NHDES Water Quality Certificate, and any environmental commitments stated in the approved documents. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), wildlife professional, and the contractor(s) responsible for performing the work.

Wetland construction:

26. This permit is contingent upon the restoration of approximately 8 acres of wetlands in accordance with plans received September 5, 2006 and further detailed plans including existing and proposed site conditions, grading and planting specification, soil erosion and sediment controls details, and cross sections as stated in the application on Page III-43.
27. The schedule for mitigation construction shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
28. The acreage of wetland construction, enhancement, wetland preservation, and upland preservation for the selected sites shall be consistent with that described in the application received on September 5, 2006.
29. The permittee 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. The 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.
30. The mitigation areas shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
31. The applicant shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
32. Areas indicated as temporary impacts shall not be stumped or regraded leaving the original soil intact and all fill material shall be placed on fabric. All temporary fill material shall be removed as soon as possible.

Wetland preservation:

33. This permit is contingent upon the execution of legal agreements for the purposes of protection and preservation similar to conservation easement(s) and herein after called "preservation areas", on 493 acres (273 acres allow public access) as depicted on Exhibit 12 (Page III-41) of the application received September 5, 2006.
34. The legal agreements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this legal agreement(s).
35. Draft protection and preservation language shall be submitted to the Wetlands Bureau for review and approval prior to final recordation.
36. The plan noting the preservation areas with a copy of the final protective and preservation language shall be recorded with the Registry of Deeds Office for each appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
37. The preservation areas:
- Shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction;
 - The boundaries of the protected properties shall be surveyed by a licensed surveyor, and marked by permanent markers/signs for purposes of monitoring; and
 - The legal agreements for the preservation area shall be completed within one year of permit issuance.
38. The DES shall be notified in writing of any transfers of the preservation lands and mitigation sites to another organization that has been retained for management purposes and the name of the entity responsible to continue long-term management and/or stewardship of the lands.
39. 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.
40. Activities in contravention of the legal agreements for the preservation areas 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).
41. Failure to execute the mitigation components in a timely or successful manner will be subject to permit revocation and restoration of permitted impact areas.

With Findings:

1. This is a major impact project per Administrative Rule Env-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 Final Environmental Impact Statement and other materials contained in the NH Department of Environmental Services Wetlands Bureau (herein after "DES") file as required per Rule Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
4. On September 5, 2006, the DES received an application to impact 16.72 acres of riverine and palustrine wetlands (4.03 acres temporary) to construct a medium-security Federal Correctional Institution including several related facilities and the infrastructure needed to support them on 700 acres. Mitigation included restoring and enhancing approximately 8 acres of stream channels and wetlands, constructing vernal pools and preserving approximately 493 acres of property.
5. Field inspections conducted over several years by DES in coordination with federal agency representatives found that, in the wetland areas reviewed, the delineation, functions and values, and impact analysis were consistent with the information submitted with the application. It should be noted that the wetland delineations were performed on four parcels of land over 2,000 acres of land, much of which had the over-story removed from recent logging activity.
6. On November 16, 2006 a Joint Public Hearing was held with DES and the US Army Corps of Engineers at the Berlin Junior High School, 200 State Street, Berlin.
7. Testimony provided at the public included that the project does not meet the NH policy of No net loss, only net gain. A review of the NHDES policies did not find any such policy, but does find the applicant has met and exceeded the DES Administrative Rules Part Env-Wt 803 Compensation Mitigation Requirements.
8. At the public hearing held on November 16, 2006, a map was presented to the record indicating an area of inaccurate wetland delineation.
9. On November 17, 2006 the DES conducted an inspection, along with the US Army Corps of Engineers, and found wetlands not shown on the application plans. The NHDES also found that the map, presented at the hearing, did not reflect some of the associated flagging located "on the ground". At one area, field measurements using a 100-foot tape measure found the distance between 2 flags to be 44 feet when the map scaled this measurement as 60 feet. Another area of the map did not locate (missed) 3 wetland delineation flags resulting in the adjacent upland area being shown as wetland on the map. NHDES estimated that the missed wetland area to be less than ½ acre and requested the agent to provide a corrected map.
10. At the public hearing held on November 16, 2006, testimony included concerns relative to the disturbance to moose wallows and a map was presented to the record locating some of those areas.
11. On November 17, 2006 the DES conducted an inspection and viewed the proposed wetland impacts for the road upgrade and the facility site as they relate to the moose wallow areas. The inspection noted that the easterly wallow area is not at the facility site as shown on the map submitted at the hearing and found it is located approximately 1,000 feet to the east.
12. On January 11, 2007, the DES requested the applicant to avoid the moose wallows by upgrading the road on the northerly side and provide further information regarding the discontinuance of Success Loop Road.
13. On February 1, 2007 the applicant's agent, Louis Berger Group provided a corrected plan locating the wetlands found on November 17, 2006.
14. On March 26, 2007, the applicant's agent, Louis Berger Group provided a detailed response relative to the discontinuance of Success Loop Road, which addresses Rule Env-Wt 302.04(a)(10).
15. On April 9, 2007, the DES received an overview plan (1 inch = 200 ft.) proposing to upgrade the access road on the north side to avoid any permanent impacts to the moose wallow areas noted during the November 17, 2006 site inspection.
16. The plan received on April 9, 2007 shows the limit of work for constructing the facility to be at least 500 from the northerly property boundary.
17. The purpose of the mitigation work is to compensate for the loss of functions and values provided by the wetlands, which will be destroyed by the project including flood flow attenuation, sediment and toxicant retention, nutrient removal, retention and transformation, sediment and shoreline stabilization, wildlife habitat, and recreational value.
18. All regulations cited in this approval are intended to reflect those effective at the time of the filing of this application.
19. There will be no impact to any species or communities identified by the NH Department of Resources and Economic Development Natural Heritage Bureau.

Requested Action:

Applicant requests reconsideration of the Departments February 22, 2007 decision to deny the request for a dredge of 108 cu yd from 1456 sq ft of lakebed and install a 6 ft x 30 ft seasonal dock based on new information, including previous permit number, provided.

DENY RECONSIDERATION:

Reconsider and reaffirm the Department's February 22, 2007 decision to deny the request for a dredge of 108 cu yd from 1456 sq ft of lakebed and install a 6 ft x 30 ft seasonal dock.

With Findings:

Grounds for Reconsideration:

1. The Applicant submitted a narrative history of the site including a previous permit number and pre-application meeting notes within the statutory time frames.
2. The Applicant contests DES observations stating that they do not have navigable frontage citing existing permit #M-1520 for a dock.

Findings of Fact:

3. The submittal referenced previous File #M-1520, issued to Michael McCarthy on November 3, 1987.
4. On November 19, 1987 the NH Wetlands Board notified Michael McCarthy in writing of their decision to approve a 4 ft x 20 ft seasonal pier and deny the proposal to dredge within this cove because the existing wetlands served a useful function.
5. On March 22, 1988, the applicant filed a request for reconsideration of the November 19, 1987 decision, and the Department reaffirmed the denial on the basis that the existing wetlands serve a useful function.
6. The existing seasonal dock on the frontage that does not conform to permit #M-1520.
7. This project is classified as a major impact project as per Rule Env-Wt 303.02(g) dredge of more than 20 cu yd of material from public waters.
8. On December 13, 2006, Wetlands Bureau inspection determined that permit for a longer dock cannot be issued at this time because the landowner does not have navigable frontage under current rules.
9. The applicant stated that notarized consent is not needed to put a dock within 20 ft of abutting property lines and that the Department did not notify them of such requirements.
10. The applicant submitted pre-application meeting notes with the reconsideration that clearly stated that notarized consent is needed if the dock was to be installed within 20 ft of the abutting property lines, as per RSA 482-A:3 XIII(d), and therefore has been duly informed of such requirements.
11. Plans propose a dredge that encroaches over an abutting property line.
12. The Applicant has addressed the setback to the northwesterly property line but has failed to address the setback to the north east property line.

Ruling in Support of the Decision:

13. The Applicant does not have frontage that could be navigated by a boat having a 2 ft draft, and therefore, does not have navigable frontage.
14. The applicant has a existing Wetlands permit #M-1520, and can retain a 4 ft x 20 ft seasonal dock in its permitted location.
15. The Department has previously denied and reaffirmed denial of similar proposals on this site on the basis that the existing wetlands serve a useful function, and the Bureau further supports this decision on that basis.
16. The Applicant failed to provide notarized consent to install a seasonal dock within 20 ft of an abutting property line as per RSA 482-A:3 XIII(c).
17. The Department cannot authorize dredging that encroaches over abutting property lines and cannot permit a longer dock in this location.

2007-00260 **COUTURE, CAROL**
ALTON Lake Winnepesaukee

Requested Action:

Reduce a 50 ft breakwater to 44 linear ft to provide a 6 ft gap between breakwater and the normal high water line, construct 6 ft x 30 ft crib dock attached to the existing 4 ft x 43 ft cantilevered dock by a 6 ft x 12 ft permanent walkway in a "U-shaped" configuration on 147 ft of frontage in Alton on Lake Winnepesaukee.

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

APPROVE PERMIT:

Reduce a 50 ft breakwater to 44 linear ft to provide a 6 ft gap between breakwater and the normal high water line, construct 6 ft x 30 ft crib dock attached to the existing 4 ft x 43 ft cantilevered dock by a 6 ft x 12 ft permanent walkway in a "U-shaped" configuration on 147 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised March 30, 2007, as received by the Department on April 5, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to 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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
7. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
9. Support cribs shall be spaced a minimum of 12 ft apart as measured center to center.
10. The gap between the breakwater and the shoreline shall be maintained at 6 ft in width.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. All materials removed in order to open the gap in the break water shall either be used as crib ballast or completely remove from the jurisdiction of the Wetlands Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), modification.
2. The applicant has an average of 140 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on March 9, 2007, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. Field inspection on March 9, 2007 found no obvious evidence of sand migration along this shoreline.
7. The opening of the 6 ft gap at the shoreline will bring the existing breakwater into compliance with current breakwater requirements.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2004-01881 FLENNIKEN, KEITH & LAURA
HOLDERNESS Little Squam Lake

Requested Action:

Amend permit to install 123 linear feet of rip rap with mixed plantings.

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE AMENDMENT:

Stabilize 227 ft of existing shoreline with a combination of native plantings, vegetative shoreline stabilization techniques, and 123 linear feet of rip rap and repair of existing structures as noted on the approved plan dated January 07, 2005 by Anthony Randall and planting plan revision dated April 2007, by Zachary Berger Associates on Little Squam Lake, Holderness.

With Conditions:

1. All work shall be in accordance with plans by Anthony Randall dated January 07, 2005, as received by the Department April 04, 2007, and Zachary Berger Associates revision dated April 2007, as received by the Department on April 04, 2007.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. This permit for repair and stabilization does not allow for the existing shoreline to be extended lakeward.
7. No more than 10 cubic yards of sand may be used for the restoration of the beach.
8. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k), projects that disturb between 50 and 200 linear feet of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

2006-01293 LONDONDERRY DPW, TOWN OF
LONDONDERRY Unnamed Stream Nesenkeag Brook

Requested Action:

After the fact approval for work conducted under an Emergency Authorization issued by the Department on June 1, 2006 to repair damage resulting from the May 2006 flood events. Dredge and fill approximately 1,575 sq. ft. (approximately 70 ln. ft.) of perennial stream, bed, bank and associated forested wetlands for replacement of an approximately 18 in. x 43 ft. RC culvert (includes 24 in. ADS culvert extensions) with twin 36 in. x 48 ft. RCP culverts, associated flared end sections and rip-rap inlet and outlet protection.

APPROVE AFTER THE FACT:

After the fact approval for work conducted under an Emergency Authorization issued by the Department on June 1, 2006 to repair

damage resulting from the May 2006 flood events. Dredge and fill approximately 1,575 sq. ft. (approximately 70 ln. ft.) of perennial stream, bed, bank and associated forested wetlands for replacement of an approximately 18 in. x 43 ft. RC culvert (includes 24 in. ADS culvert extensions) with twin 36 in. x 48 ft. RCP culverts, associated flared end sections and rip-rap inlet and outlet protection.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP, revision dated March 9, 2007, as received by the Department on March 12, 2007.
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.

With Findings:

1. This is a minor impact project per 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, 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 has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The application and approval are a result of an Emergency Authorization issued by DES on June 1, 2006 to address impacts resulting from the May 2006 flood events.
6. The impacts were needed to replace the existing culvert in order to provide safe passage and improve the flow capacity of the crossing.

**2006-01294 LONDONDERRY DPW, TOWN OF
LONDONDERRY Shields Brook**

Requested Action:

After the fact approval to dredge and fill approximately 3,400 sq. ft. (approximately 180 linear ft., includes 800 sq. ft. temporary wetlands impacts) of perennial stream bed and bank and associated forested wetlands to replace existing twin 3 ft. high x 4.5 ft. span x 23 ft. run box culverts with twin 3 ft. high x 6 ft. span x 33 ft. run concrete box culverts, stone headwalls and associated grading, filling and rip-rap outlet and inlet protection. The application and approval is a follow-up to the Emergency Authorization issued by the Department on June 1, 2006.

APPROVE AFTER THE FACT:

After the fact approval to dredge and fill approximately 3,400 sq. ft. (approximately 180 linear ft., includes 800 sq. ft. temporary wetlands impacts) of perennial stream bed and bank and associated forested wetlands to replace existing twin 3 ft. high x 4.5 ft. span x 23 ft. run box culverts with twin 3 ft. high x 6 ft. span x 33 ft. run concrete box culverts, stone headwalls and associated grading, filling and rip-rap outlet and inlet protection. The application and approval is a follow-up to the Emergency Authorization issued by the Department on June 1, 2006.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP, revision dated March 9, 2007, as received by the Department on March 12, 2007.
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.

With Findings:

1. This is a minor impact project per 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, 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 has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The application and approval are a result of an Emergency Authorization issued by DES on June 1, 2006 to address impacts resulting from the May 2006 flood events.
6. The impacts were needed to replace the existing failed culverts in order to provide an adequate stream flow area, safe passage and a safe barrier to the stream and embankments.

**2006-01871 ANTRIM, TOWN OF
ANTRIM Unnamed Stream**

Requested Action:

Dredge and fill 2,200 square feet along 40 linear feet of unnamed perennial stream and temporarily impact 400 square feet of emergent wetlands/perennial stream bank to replace an existing 10-foot x 10-foot x 21-foot arch concrete span with a 12-foot x 10-foot x 40-foot precast single cell closed bottom concrete box culvert with a natural stream bed bottom.

APPROVE PERMIT:

Dredge and fill 2,200 square feet along 40 linear feet of unnamed perennial stream and temporarily impact 400 square feet of emergent wetlands/perennial stream bank to replace an existing 10-foot x 10-foot x 21-foot arch concrete span with a 12-foot x 10-foot x 40-foot precast single cell closed bottom concrete box culvert with a natural stream bed bottom.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated January 22, 2007, as received by the Department on January 23, 2007.
2. This permit is contingent on receipt by the DES Wetland Bureau of the recorded easements from affected landowners outside of the existing road right-of-way.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion 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.
4. Work shall be done during annual low flow conditions.
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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert.
10. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
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. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
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.

TEMPORARY IMPACT:

- 15. This permit is contingent upon the restoration of 400 square feet of temporary emergent wetlands/stream bank impact in accordance with plans received January 23, 2007.
- 16. Area of temporary impact shall be regraded to original contours following completion of work.
- 17. Only native plant species shall be utilized to renegotiate the stream bank.
- 18. 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.
- 19. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
- 20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
- 21. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (2) growing season, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 22. 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.
- 23. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the restoration site.
- 24. 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.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream channel and its banks.
- 2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Antrim Conservation Commission.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-02423 RAMSDELL, DIANE
MEREDITH Lake Winnepesaukee

Requested Action:

Repair 53 linear feet of dry stone retaining wall and add 4 ft access stairs to the water and repair 12 linear feet of concrete capped retaining wall on an average of 176 ft of frontage on Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com recommends approval

APPROVE PERMIT:

Repair 53 linear feet of dry stone retaining wall and add 4 ft access stairs to the water and repair 12 linear feet of concrete capped retaining wall on an average of 176 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

- 1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated March 19, 2007, as

received by the Department on March 20, 2007.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. Repair shall maintain existing size, location and configuration.
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. The access stairs shall be located landward of full lake elevation
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet of shoreline and do not meet the criteria of Env-Wt 303.02.

2006-03195 T & T MOUNTAIN INVESTMENTS LLC
LITTLETON Unnamed Wetland Stream

Requested Action:

Dredge and fill 2813 square feet including installation of a 7 foot x 50 foot culvert embedded 2.1 to 3.5 feet within a perennial stream for access to an existing multi-family or commercial lot.

APPROVE PERMIT:

Dredge and fill 2813 square feet including installation of a 7 foot x 50 foot culvert embedded 2.1 to 3.5 feet within a perennial stream for access to an existing multi-family or commercial lot.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc dated November 27, 2006 and revised through March 7, 2007, as received by the Department on March 12, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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 equipment shall enter the water.
8. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
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. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The stream runs the entire length of the road frontage for this lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. This is a wetland crossing for a commercially zoned property so a two lane roadway is required.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has specified an embedded culvert in accordance with the "Design of Road Culverts for Fish Passage" manual, WA Dept of Fish and Wildlife 2003.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-03220 WBTSCC INC
RYE Unnamed Wetland

Requested Action:

Excavate, regrade and/or otherwise alter terrain within a total of 45,686 sq. ft. of previously developed upland tidal buffer zone and 262 sq. ft. of previously disturbed wetlands within the TBZ for work associated with golf course maintenance, reconstruction and drainage improvements. A removable 10'x10' deck accessed by a 6'x45' removable boardwalk will be anchored to a rock outcrop to serve as a seasonal tee.

Conservation Commission/Staff Comments:

" The [Rye Conservation] Commission encourages WBTSCC to continue to utilize Best Management Practices with an eye toward reducing overall use of fertilizers and pesticides."

Not opposed to project.

Inspection Date: 11/16/2006 by Frank D Richardson

APPROVE PERMIT:

Excavate, regrade and/or otherwise alter terrain within a total of 45,686 sq. ft. of previously developed upland tidal buffer zone and 262 sq. ft. of previously disturbed wetlands within the TBZ for work associated with golf course maintenance, reconstruction and drainage improvements. A removable 10'x10' deck accessed by a 6'x45' removable boardwalk will be anchored to a rock outcrop to serve as a seasonal tee.

With Conditions:

1. All work shall be in accordance with plans by AMES MSC Architects & Engineers dated November 4, 2006 (last revised 03/05/07), as received by the Department on March 08, 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/or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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.

9. 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.
10. A Phragmites control program will be implemented in the area delineated on sheet 6 of 13 of the approved plans and as described on page 2 of 6 of the application narrative dated December 20, 2006 as received by the Department on December 21, 2006.
11. The seasonal tee and boardwalk shall be removed for the non-golfing season and stored outside of the tidal buffer zone.
12. 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(a)&(b), projects located within 100 feet of the highest observable tide line or within 50 feet of a salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 16, 2006. Field inspection determined all work is within the previously developed upland tidal buffer zone and a small area of previously impacted wetland. There is no impact to tidal wetlands.

2007-00143 ST GERMAIN, MIKE
ALTON Lake Winipisaukee

Requested Action:

Construct a 6 ft x 30 ft piling pier with 4 tie off piles (2 each side) on an average of 180 feet of frontage on Sleeper Island, Lake Winnipisaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Construct a 6 ft x 30 ft piling pier with 4 tie off piles (2 each side) on an average of 180 feet of frontage on Sleeper Island, Lake Winnipisaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans dated January 08, 2007, as received by the Department on January 19, 2007.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. Repairs shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow for maintenance dredging.
7. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
8. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the

design and construction criteria for minimum impact docks classified under Env-Wt 303.04.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

5. The applicant requests the construction of a permanent dock to safely access this island property.

6. The applicant has an average of 180 feet of shoreline frontage along Lake Winnepesaukee.

7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.

8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

MINIMUM IMPACT PROJECT

**2005-00479 LOOSIGIAN, WILLIAM & FLORENCE
HAMPTON Seabrook Harbor Inlet**

Requested Action:

Repair and reconstruct 74.14 linear feet (approx. 2000 sq. ft.) of large stone rip-rap seawall which collapsed during a northeast storm event. In addition, the wooden beach access stairway will be repaired in-kind.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for repair of the seawall at 15 Thornton Street."

Inspection Date: 02/16/2005 by Frank D Richardson

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

APPROVE PERMIT:

Repair and reconstruct 74.14 linear feet (approx. 2000 sq. ft.) of large stone rip-rap seawall which collapsed during a northeast storm event. In addition, the wooden beach access stairway will be repaired in-kind.

With Conditions:

1. All work shall be in accordance with plans by Meisner Brem Corporation dated November 4, 1998, as received by the Department on September 08, 2005.
2. Repairs shall maintain existing size, location and configuration.
3. This permit provides for in-kind maintenance repairs of the stone rip-rap and/or wooden beach access stairway until the expiration date provided notice of such activity is given to the NH DES Wetlands Bureau Southeast Region Staff and the Hampton Conservation Commission prior to the start of work.

**2006-00297 HILLCROFT REALTY LLC, BRIAN COLSIA
LACONIA Paugus Bay**

Requested Action:

Permanently remove an existing, unpermitted "U" shaped permanent docking structure and access stairs and install a single 6 ft by 40 seasonal docking structure with access steps over the bank on leased frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

Con Com has numerous comments

APPROVE PERMIT:

Permanently remove an existing, unpermitted "U" shaped permanent docking structure and access stairs and install a single 6 ft by 40 seasonal docking structure with access steps over the bank on leased frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans dated March 26, 2007, as received by the Department on March 29, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
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 seasonal dock shall not be installed until the restoration as required by specific condition #2 of Restoration Plan Approval letter dated April 06, 2007 has been completed.
5. The seasonal dock shall not be installed until the existing docking facility and stairs over the bank have been completely removed from the jurisdiction of the Wetlands Bureau.
6. The dock shall be located on the land leased from the New Hampshire Department of Transportation as identified in the lease dated September 26, 2006 and received by the Department on October 13, 2006.
7. The access stairs shall be installed with no disturbance to the bank and shall be constructed over the bank.
8. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. The seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
11. This pier shall be removed if for any reason the lease is terminated or not renewed.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
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 leased an average of 75 feet of shoreline frontage along Lake Winnepesaukee from the New Hampshire Department of Transportation, Bureau of Rails.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.127.
7. The seasonal dock shall not be installed until the unpermitted dock has been completely removed from the waterbody and the restoration as required by Restoration Plan Approval dated April 06, 2007 has been completed.

2007-00484 FINK, DAVID
GILFORD Lake Winnepesaukee

Requested Action:

Replace two tie off piles adjacent to an existing 4 ft x 51 ft permanent docking structure and install a seasonal boatlift and a 14 ft x 30 ft seasonal canopy over the westerly boat slip on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

Con Com questions height of canopy

APPROVE PERMIT:

Replace two tie off piles adjacent to an existing 4 ft x 51 ft permanent docking structure and install a seasonal boatlift and a 14 ft x 30 ft seasonal canopy over the westerly boat slip on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 20, 2006, as received by the Department on March 07, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. 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. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
9. The boatlift shall be of seasonal construction type be removed from the waterbody for the non-boating season.
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(v), repair of existing docking structures.
2. The applicant has provided a signed notarized letter from the affected abutter for the proposed work and installation of the seasonal boatlift and canopy within the abutter's 20 ft setback.

FORESTRY NOTIFICATION

2007-00649 HARDWICK SR, DONALD
BENNINGTON Unnamed Wetland

COMPLETE NOTIFICATION:
Bennigton Tax Map 11, Lot# 16

2007-00651 CANTWELL, EDWARD & DEBBIE
FARMINGTON Unnamed Wetland

COMPLETE NOTIFICATION:
Farmington Tax Map R13, 15, 18 & 19

2007-00656 STEPHENSON, SAM
LISBON Unnamed Wetland

COMPLETE NOTIFICATION:
Lisbob Tax Map R41, Lot# 9

**2007-00657 STEPHENSON, SAM
SUGAR HILL Unnamed Stream**

COMPLETE NOTIFICATION:
Sugar Hill Tax Map 225, Lot# 1

**2007-00658 NORTHRUP JR, WILLIAM
HOOKSETT Unnamed Stream**

COMPLETE NOTIFICATION:
Hooksett Tax Map 19, Lot# 13

**2007-00659 NILES, THOMAS
SUTTON Unnamed Stream**

COMPLETE NOTIFICATION:
Sutton Tax Map 9, Lot# 749,285, 764,235,777,250 & 829,298

EXPEDITED MINIMUM

**2006-02892 SALMON MEADOW REALTY TRUST
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Dredge out a boatslip in front of an existing area paralleling the shoreline, install a 10 ft x 30 ft perched beach, rip-rap 89 linear ft of shoreline, install 4 pilings at dock paralleling the shoreline, and repair/replace concrete shoreline structure on 215 ft of frontage in Moultonborough on Lake Winnepesaukee.

DENY PERMIT:

Dredge out a boatslip in front of an existing area paralleling the shoreline, install a 10 ft x 30 ft perched beach, rip-rap 89 linear ft of shoreline, install 4 pilings at dock paralleling the shoreline, and repair/replace concrete shoreline structure on 215 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Findings:

Standards for Approval:

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance Rule Env-Wt 303.02(g) removing no more than 20 cu yd from the lakebed is classified as a Minor project.
4. As per Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
6. As per Rule Env-Wt 501.02(2)(a) the applicant shall submit a drawing or drawings of an overview of the property and proposed

impact areas in relation to the property lines.

7. As per Rule Env-Wt 501.04(3) the applicant shall submit photographs mounted on 8 1/2" x 11" sheets depicting portions of wetland, shoreline, or surface waters where impact will occur, and showing all existing structures.
8. As per Rule Env-Wt 1409.03 all shoreland projects require a plan with the number, location, basal area, and distribution of trees existing within 150 ft natural woodland buffer on the property prior to the proposed project, and also have all trees that are dead, diseased, or otherwise unsafe, appropriately labeled along with any basis for these determinations.
9. As per Rule Env-Wt 404.04(c) all applications to use rip-rap adjacent to great ponds, or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.
10. As per Rule Env-Wt 404.04(b)(5) applications for rip-rap shall include cross-section and plan views of the proposed installation.

Findings of Fact:

11. On November 15, 2007, the Wetlands Bureau received an application to dredge out a boat slip parallel to the shoreline, fill the public waters to construct a perched beach, rip-rap 89 linear ft of shoreline, install pilings along a wharf, and repair/replace a concrete shoreline structure on 215 ft of frontage on property identified as Moultonborough Tax Map 174, Lot 10 (the Property).
12. A request for additional information dated November 27, 2006, addressed to the Agent and copied to the Applicant, clearly identified that applicant was required to submit additional information to DES by March 28, 2007, 120 days from the date of the request. The additional items required included the need for additional wall, documentation that the project as proposed was the least impacting alternative, plans showing all proposed impacts relative to property lines, photographs of all impact areas, an inventory of the natural woodland buffer, stamped surveyed plans locating the proposed rip-rap, and cross sections of the proposed rip-rap.
13. The Applicant failed to submit the requested information by March 28, 2007.
14. On April 3, 2007 the Bureau agreed to extend the deadline for reponse until April 30, 2007.
15. The Bureau received a response to the Request for More Information on April 9, 2007.
16. The Applicant's response as received by the Department on April 9, 2007, did not contain the following requested items: photos showing the conditions of all structures as required per Rule Env-Wt 501.04(3); plans showing extent of all proposed work; a cross-section of the rip-rap; and an inventory of the natural woodland buffer.

Ruling in support of the Decision:

17. The Department requires certain items to be submitted with the application as per Rule Env-Wt 501.02, Env-Wt 404.04(c) & 404.04(b)(5), so that the project is clearly defined and understandable. Plans received by the Bureau on April 9, 2007 do not adequately portray the proposed project, and therefore this application has been denied.
18. The Applicant has failed to submit the information requested, and therefore, the application is denied.
19. The Applicant has failed to provide documentation of need for the rip-rap and extension of the wall as required per Rule Env-Wt 302.04(a), and therefore, is denied in accordance with Rule Env-Wt 302.04(e).

2007-00114 RAGUSA, CHRISTOPHER/HOLLY
KINGSTON Unnamed Wetland

Requested Action:

Impact 1,900 square feet of forested wetland for the construction of a driveway of which will contain a 15-inch by 24-foot culvert for access to a single family residential lot of 10.28 acres.

Conservation Commission/Staff Comments:

The Kingston Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 1,900 square feet of forested wetland for the construction of a driveway of which will contain a 15-inch by 24-foot culvert for access to a single family residential lot of 10.28 acres.

With Conditions:

1. All work shall be in accordance with the Wetland Impact Plan by Civilworks Construction, Inc. dated November 10, 2006, as received by the Department on January 23, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary for access to buildable upland, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts occur at the narrowest portion of wetlands, therefore the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2007-00679 FRALICK, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con-Comm

LAKES-SEASONAL DOCK NOTIF

2007-00660 COWETTE, DANIEL
PITTSBURG First Connecticut Lake

COMPLETE NOTIFICATION:
Pittsburg NH Tax Map# U12 LOT# 28A Block# 5
First Connecticut Lake

**2007-00665 COLOSI, PHILIP
EAST WAKEFIELD Pine River Pond**

COMPLETE NOTIFICATION:
East Wakefield NH Tax Map# 92 Lot# 14 Pine River Pond

**2007-00676 LOWELL, KAY
WEBSTER Winnepocket Lake**

COMPLETE NOTIFICATION:
Webster NH Tax Map# 13 Lot# 19 Winnepocket Lake

PERMIT BY NOTIFICATION

**2007-00471 POLIMENO, LAWRENCE
WOLFEBORO Lake Winnepesaukee**

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

PBN DISQUALIFIED:
Repair/Replace existing crib and piling supported "U-shaped" docking facility in kind.

With Findings:
1. As per rule Env-Wt 506.01(g) the Department shall disqualify PBN applications when the applicant fails to provide the department and local governing body with the information necessary to correct all deficiencies as cited pursuant to 506.02(e), within 20 days following issuance of the written notice of incompleteness, the notice of incompleteness shall disqualify the project from the permit by notification process provided the notice states in full the reasons why the project does not qualify for the permit by notification review.

**2007-00522 MONAHAN FAMILY LAND PRESERVATION TRUST, LINDA MONA
TUFTONBORO Lake Winnepesaukee**

Requested Action:
Install seasonal boatlift within existing boatslip.

PBN IS COMPLETE:
Install seasonal boatlift within existing boatslip.

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

**2007-00636 SANDRA K SCHULSON REVOCABLE TRUST, ERLAND SCHULSON
ENFIELD Mascoma Lake**

Requested Action:

Repair/replace existing retaining wall.

PBN DISQUALIFIED:

Repair/replace existing retaining wall.

With Findings:

1. Plans and photos indicate change in the wall dimensions.

**2007-00637 RINEHIMER, WILL & LORI
STODDARD Unnamed Wetland**

Requested Action:

Temporarily impact 250 square feet of forested wetlands for sewer line installation.

PBN IS COMPLETE:

Temporarily impact 250 square feet of forested wetlands for sewer line installation.

**2007-00666 STARK, TOWN OF
STARK Roberts Brook**

Requested Action:

Dredge and fill 80 sq. ft. of bed and bank within Roberts Brook for the installation a dry hydrant.

PBN IS COMPLETE:

Dredge and fill 80 sq. ft. of bed and bank within Roberts Brook for the installation a dry hydrant.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w), Excavation of less than 10 liner feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant.