

Wetlands Bureau Decision Report

Decisions Taken
04/23/2007 to 04/29/2007

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

**2006-01599 THE HOME DEPOT, NEW ENGLAN DIVISION
PLYMOUTH Unnamed Wetland**

Requested Action:

Deny permit request to dredge and fill 3.0 acres of palustrine wetland and interrupt 1130 linear feet of intermittent stream and man made drainage ditch for the construction of a Home Dept Retail Store.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 3.0 acres of palustrine wetland and interrupt 1130 linear feet of intermittent stream and man made drainage ditch for the construction of a Home Dept Retail Store.

With Findings:

1. A request for additional information dated November 6, 2006, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

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

Requested Action:

Applicant requests reconsideration of the Department's March 21, 2007 decision that the Applicant failed to file a timely response to a written request for more information.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

DENY RECONSIDERATION:

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 Env-Wt 303.02(d), modification of a breakwater.
3. In accordance with RSA 482-A:3, The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other

projects under this chapter.

4. 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).
5. 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."
6. 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."
7. In accordance with Env-Wt 101.02 "Abutter" means any person who owns property immediately adjacent and contiguous to the property on which the project will take place.
8. 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."
9. In accordance with Env-Wt 402.06 (k), Breakwaters, breakwaters shall have an irregular face to diffuse wave energy.

Findings of Fact

10. On September 20, 2006, the Wetlands Bureau received a Minimum Impact Expedited 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.
11. The Applicant submitted a \$100 application fee with the application to the Department.
12. 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.
13. 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.
14. On March 22, 2007, the Department denied the application based on an untimely submittal of the requested information as discussed in Notification of Incomplete Expedited Application letter dated October 20, 2006.
15. On April 12, 2007, the Wetlands Bureau met with the applicant and the agent for the applicant. Information was submitted to the file indicating the information requested in the Notification of Incomplete Expedited Application letter dated October 20, 2006 was submitted to the file in a timely manner. Additional information was submitted to the file at this time.
16. The additional information submitted included a signed notarized permission letter from the owner of tax map 217, lot 133 for work within the abutter 20 ft setback. Based on the information submitted to the file, tax map 217, lot 133 is not the affected abutting lot.

Rulings in Support of the Decision

17. The Applicant failed to submit information to the file pursuant to 302.01 clearly demonstrating the need for the proposed impacts and, therefore, is denied in accordance with Env-Wt 302.04 (d).
18. The Applicant failed to submit a signed permission letter for work within the abutter 20 ft setback from the owner of tax map 217, lot 132.
19. The Applicant failed submit the required fee for the proposed impacts pursuant to RSA 482-A:3.
20. The proposal to construct a smooth face over the existing breakwaters fails to comply with Env-Wt 402.06(k).
21. The applicant did not submit the requested cross sectional diagrams of the existing and proposed grades as requested in Notification of Incomplete Expedited Application dated October 20, 2006 and, therefore, the application is denied pursuant to RSA 482-A:3,XIV.

**2006-02808 WINDHAM, TOWN OF
WINDHAM Cobbetts Pond**

Requested Action:

Replenish the beach sand on the Cobbetts Pond town owned beach with approximately 90 cubic yards of sand and construct water diversion devices including a water bar in parking area; replacement of the existing catch basin with a deeper sump basin; regrading the area adjacent to the catch basin and lining this area with crushed stone; flush out the existing culvert leading to the pond; and protect the culvert outlet with riprap.

Conservation Commission/Staff Comments:

No comments were received from the Windham Conservation Commission.

Inspection Date: 04/09/2007 by Eben M Lewis

APPROVE PERMIT:

Replenish the beach sand on the Cobbetts Pond town owned beach with approximately 90 cubic yards of sand and construct water diversion devices including a water bar in parking area; replacement of the existing catch basin with a deeper sump basin; regrading the area adjacent to the catch basin and lining this area with crushed stone; flush out the existing culvert leading to the pond; and protect the culvert outlet with riprap.

With Conditions:

1. All work shall be in accordance with materials and plans as received by DES on January 31, 2007 and March 23, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
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. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. All sand shall be located above and landward of the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. The culvert outlet shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o) Construction of or replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. Annual storm events and the lack of proper water diversion devices have caused a major portion of the beach to erode. This erosion posed a public safety issue, 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 beach replenishment will be performed concurrently with the installation of water diversion devices.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 4/9/07. Field inspection determined that the proposed work will greatly improve the drainage in the area of the beach thereby reducing the possibility of further erosion.
6. This decision does not warrant a public hearing with the following findings: There is no significant environmental impact as this resource is not rare and the impacts will not effect the drainage in the area and there is no substantial public interest relative to RSA 482-A:1.

2006-03090 CHESHIRE COUNTY
WESTMORELAND Connecticut River

Requested Action:

Dredge and fill approximately 368 linear feet of bed and bank (184 linear ft. of bank and 184 ft. of bed) of the Connecticut River and fill approximately 3,200 sq. ft. (160 linear feet) of wetlands along Partridge Brook. The work is being conducted to stabilize the banks of the river and wetlands in order to secure the existing water treatment lagoons at the Cheshire Country Sewage Treatment Plant. The project has been designed by the U.S. Army of Corps of Engineers, New England District and is known as the Water Resources Development Project, Section 14, Emergency Streambank Protection Project Partridge Brook, Westmoreland, NH. Work along the Connecticut River consists of rip-rap bed, toe and bank protection, which will be incorporated with natural river bed materials, constructed fish habitat, articulated concrete revetments with plantings and plantings along the bank and top of bank. Work along Partridge Brook consists of the installation of approximately 160 linear feet of buried sheet pile in wetlands adjacent to the brook.

APPROVE PERMIT:

Dredge and fill approximately 368 linear feet of bed and bank (184 linear ft. of bank and 184 ft. of bed) of the Connecticut River and fill approximately 3,200 sq. ft. (160 linear feet) of wetlands along Partridge Brook. The work is being conducted to stabilize the banks of the river and wetlands in order to secure the existing water treatment lagoons at the Cheshire Country Sewage Treatment Plant. The project has been designed by the U.S. Army of Corps of Engineers, New England District and is known as the Water Resources Development Project, Section 14, Emergency Streambank Protection Project Partridge Brook, Westmoreland, NH. Work along the Connecticut River consists of rip-rap bed, toe and bank protection, which will be incorporated with natural river bed materials, constructed fish habitat, articulated concrete revetments with plantings and plantings along the bank and top of bank. Work along Partridge Brook consists of the installation of approximately 160 linear feet of buried sheet pile in wetlands adjacent to the brook.

With Conditions:

1. All work shall be in accordance with plans by U.S. Army Engineer District Corps of Engineers, Concord, Massachusetts dated April 16, 2007, as received by DES on April 16, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. 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.
4. No construction equipment shall enter surface waters (i.e., equipment shall work from the bank and adjacent uplands). All work activities within jurisdiction shall be confined within appropriate erosion, sedimentation and turbidity controls.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Work shall be done during low flow.
7. Cheshire County shall coordinate with the Wantastiquet Region River Subcommittee to incorporate silver maple tree plantings into the current plantings plan design and investigate the feasibility of additional plantings within and adjacent to the project site. A final planting plan shall be submitted to DES.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
12. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
13. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
14. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
15. 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.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. 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.
18. 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(i) projects that alter the course of or disturb 200 or more linear feet of intermittent or perennial nontidal stream or river channel or its banks.
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 project is needed to repair and stabilize existing erosion and to prevent a breach of the adjacent sewage lagoons. If the area is not stabilized it could result in untreated wastewater entering Partridge Brook and the Connecticut River.
6. The applicant reviewed six other alternative stabilization concepts.
7. A public hearing was not held with the finding that the project impacts will not significantly impair the resources of this wetland/surface water ecosystem.
8. The Wantastiquet Region River Subcommittee agreed that the erosion is a strong threat to the sewage lagoons. The Subcommittee has approved the project with recommendations of additional plantings and planting of native silver maple trees.
9. The permit is contingent on coordination of the applicant with the Wantastiquet Region River Subcommittee for development a final planting design.
10. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program recommended a natural restoration of the riverine and stream buffers (minimum of 50 ft. along the Connecticut River and 35 ft. along Partridge Brook).
11. There is minimal tree removal along Partridge Brook and the vegetation removed for the project along the Connecticut River will be replanted. There is limited space between the existing water treatment lagoons and the surface waters for the creation of additional vegetated buffers.
12. The applicant will be working with Wantastiquet Region River Subcommittee to provide additional plantings and additional tree species.
13. The New Hampshire Natural Heritage Bureau records identified eight State Threatened plant species and two Natural Communities within the vicinity of the proposed project.
14. The U.S. Army Corps of Engineers conducted an on site plant survey and found only one of the State Threatened plant species on the project site. Four individual plants were found on the edge of the proposed construction site. The plants were flagged for future avoidance and protection.
15. The applicant does not expect any impacts to the identified Natural Communities because the proposed sheet piling will be perforated and will allow normal flow of ground water to the banks of Partridge Brook and the Connecticut River. Additionally, the sheet piling will be buried and all work proposed will be kept as close as possible to the berm of the existing sewage lagoons.
16. DES received a letter from The United States Department of the Interior, Fish and Wildlife Service approving the proposed

project.

17. The U.S. Army Corps of Engineers, designed/engineered the proposed stabilization and delineated the jurisdictional boundaries.

2007-00066 LUND, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration of the Department's March 26, 2007 decision to deny the request to extend an existing 12 ft x 25 ft boathouse over public submerged lands to 12 ft x 30 ft based on new information provided.

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

DENY RECONSIDERATION:

Reconsider and reaffirm March 26, 2007 decision to deny request to: 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:

Grounds for Reconsideration

1. The Applicant maintains that the proposed expansion of the boathouse meets the requirements of Rule Env-Wt 402.20, Modification of Existing Structures.
2. The Applicant has submitted additional filing fees sufficient for the impacts requested.

Standards for Approval

3. In accordance with Rule Env-Wt 402.08 Structures Disallowed, Boathouses over the water shall not be approved.

Findings of Fact

4. On March 22, 2008 the Department denied a request for a permit to expand the boathouse on property identified as Alton Tax Map 42, lot 30 on the grounds that the applicant failed to submit adequate filing fees and that the project was prohibited by Rule Env-Wt 402.08.
5. On April 11, 2007 the Department received a Motion for Reconsideration which included the outstanding filing fees as well as an explanation of how the Applicant has attempted to address Rule Env-Wt 402.20.
6. The Applicant maintains that other boathouses have been constructed such that the boathouse roof is "squared off" with the ends of associated docking facilities.
7. The Motion for Reconsideration filed by the Applicant does not address Rule Env-Wt 402.08.

Ruling in Support of the Decision

8. The Department reaffirms its March 22, 2008 decision to deny the application because the construction of 60 sq ft of additional boathouse over public submerged lands is prohibited by Rule Env-Wt 402.08(a).

MINOR IMPACT PROJECT

2005-00974 NH FISH & GAME DEPARTMENT
PITTSBURG Big Brook Bog

Requested Action:

Fill 1,200 square feet within the banks of Big Brook (impacting approximately 85 linear feet) to repair an existing deteriorated dam and temporarily impact 7,500 square feet for cofferdam and construction purposes.

APPROVE PERMIT:

Fill 1,200 square feet within the banks of Big Brook (impacting approximately 85 linear feet) to repair an existing deteriorated dam and temporarily impact 7,500 square feet for cofferdam and construction purposes.

With Conditions:

1. All work shall be in accordance with plans by the DES Dam Safety Bureau dated May 9, 2005, as received by DES Wetlands Bureau on May 11, 2005.
2. This permit is contingent upon the final recordation of the "Easement Deed" which allows for repair and reconstruction of the existing dam structure.
3. This permit is contingent on approval by the DES Dam Safety Program.
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. 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. Work shall be done during low flow conditions.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Temporary cofferdams shall be entirely removed immediately following construction.
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.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(l), as impacts within the banks are less than 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule 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 September 18, 2003, and found the impoundment drawn down and the dam in need of repair work.

2005-02220

MITTELMAN, GERALDINE

RYE Rye Harbor

Requested Action:

Amendment request to add an additional 100 square feet of temporary impact for the installation of an underground propane tank within the previously developed 100-foot tidal buffer zone.

Conservation Commission/Staff Comments:

The Rye Conservation Commission endorses the project.

Inspection Date: 09/09/2005 by Eben M Lewis

APPROVE AMENDMENT:

Amend the impacts to include an additional 100 square feet of temporary impact which includes 2,068 square feet of permanent impact and 1,372 square feet formerly 1,272 s.f.) of temporary impact for the removal of an existing shed, dwelling, and concrete walk, and the construction of a new dwelling, relocate the septic system towards the tidal marsh, permeable driveway, and an underground propane tank on a single family residential lot of 0.09 acres within previously developed 100-foot tidal buffer zone from 3,341 square feet.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated August 2005 and revised on April 25, 2007, as received by the Department on April 25, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on the approval of Comprehensive Shoreland Act Variance No. 2005-2189.
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, for septic setback, or any other construction related activities.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(b) Projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Wt 303.02.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the wish to reconstruct the dwelling.
3. Per Wt 302.03, 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, as there will be a reduction of the total square footage of structure on the property by 87 square feet and a new septic system. The existing septic system is near failure and poses a threat to both the abutters and the environment.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 9, 2005.
6. Pursuant to Wt 304.04, the applicant is required to obtain written concurrence for impacts within 20-feet of the boundary lines of the following property owners: Collier, Ray Tax Map 9.2 Lot 11; Foss, Rye Tax Map 9.2 Lot 12; and Holihan, Rye Tax Map 9.2 Lot 15.
- 7; and McCrae Trust, Rye Tax Map 9.2 Lot 13.
7. Applicant only received written concurrence from Collier and none of the other aforementioned abutters.
8. Because the applicant made a good-faith effort by using certified mail to obtain written consent from those abutter, the applicant is seeking a waiver from Wt 304.04.
9. Based on the field inspection the Department hereby waives Wt 304.04, with the finding that the aforementioned properties will not suffer any negative environmental impacts as a result of the proposed project and will actually be benefited by the septic system replacement.
10. NH Natural Heritage Bureau (NHNHB) has record of two natural communities, Brackish marsh and High salt marsh. NHNHB also has record of two state threatened plant species within the project vicinity, Beach Grass (*Ammophila breviligulata*) and Salt-marsh-Gerardia (*Agalinis maritima*). NHNHB has record of one endangered plant species within the project vicinity, Dwarf Glasswort (*Salicornia bigelovii*). NHNHB has record of one vertebrate species within the project vicinity, Black-crowned Night-heron (*Nycticorax nycticorax*).
11. DES finds that none of the NHNHB identified items will be impacted as a result of this project, as the property is currently fully developed and does not support the listed plant/animal species.
12. DES received a request to amend the original permit to included impacting a total of 3,340 square feet within the TBZ from the

original impact amount of 3,341 square feet to relocate the septic system closer to the tidal marsh.

2006-02250 JRS REALTY LLC
PELHAM Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,095 sq. ft. (approximately 80 linear ft.) of wetlands and intermittent stream for access to 3-lots of a 4-lot residential subdivision (1 existing residential lot). Work in wetlands consists of the installation of twin 24 in. x 81 ft. reinforced concrete pipe culverts, concrete deep manholes and associated outlet protection, grading and filling.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the Minimum Impact Expedited Application.
2. The NH Natural Heritage Bureau did not submit comments.

APPROVE PERMIT:

Dredge and fill approximately 2,095 sq. ft. (approximately 80 linear ft.) of wetlands and intermittent stream for access to 3-lots of a 4-lot residential subdivision (1 existing residential lot). Work in wetlands consists of the installation of twin 24 in. x 81 ft. reinforced concrete pipe culverts, concrete deep manholes and associated outlet protection, grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc., Soils & Existing Conditions Plan, sheet 3 of 8, Proposed Conditions Plan, sheet 4 of 8 and Construction Specification sheets 7 and 8 of 8, dated June 2006, as received by DES on September 1, 2006 and Road Profile sheet 6 of 15 and Road Entrance Grading Detail and Wetland Crossing Detail sheet 7 of 15, revision dated February 28, 2007, as received by DES on March 26, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
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 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.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

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 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 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 provided alternative crossing designs.
6. The crossing design was needed to meet Town road engineering requirements, reduce square footage of wetland impacts and to prevent wetland impacts from being within 20 feet of the abutting property line.
7. The applicant submitted storm drainage calculations to demonstrate the wetlands are not detaining stormwater during a 50 year storm event.

2006-02713 JAFFREY/RINGE SCHOOL DISTRICT SAU-47
JAFFREY Unnamed Wetland

Requested Action:

Dredge and fill 2,450 square feet of palustrine forested wetlands for grading associated with the proposed Conant High School athletic field and associated access ways; and retain approximately 750 square feet of perennial stream impact for an existing 53-inch x 48-inch x 32-foot closed bottom corrugated metal arch culvert for access.

APPROVE PERMIT:

Dredge and fill 2,450 square feet of palustrine forested wetlands for grading associated with the proposed Conant High School athletic field and associated access ways; and retain approximately 750 square feet of perennial stream impact for an existing 53-inch x 48-inch x 32-foot closed bottom corrugated metal arch culvert for access.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc., dated July 14, 2006, and revised through March 26, 2007, as received by the DES Wetlands Bureau on April 02, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent upon the establishment of a vegetated buffer in accordance with the landscape plan by Meridian Land Services, Inc. dated April 10, 2007, as received by the Department on April 12, 2007.
4. There shall be no temporary or permanent impacts to the bed and bank of the unnamed perennial stream.
5. The permittee shall notify in writing the DES Wetlands Bureau and the Jaffrey Conservation Commission at least 7 days prior to the commencement of project construction.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
13. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.

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. Slope plantings areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until vegetation is established in a manner satisfactory to the DES Wetlands Bureau.
16. A post-construction report documenting the status of the planting area, including photographs during and post construction shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.
17. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the planting area and schedule remedial actions if necessary. A report outlining the project status including photographs and any 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 project.

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 impact; and Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream channel or its banks.
2. The NHFG Nongame and Endangered Wildlife Program indicated the presence of Wood turtle and Blanding's turtle, both state species of concern, in the project's vicinity; and recommend a perennial stream crossing that is 1.2 times the bankfull width; and a minimum 35-foot no-cut/disturbance buffer along wetland and stream edges.
3. The applicant revised plans to eliminate the proposed 15-foot culvert extension and maintain the existing culvert.
4. The applicant provided an approximate 15-foot buffer along the perennial stream and plantings on the adjacent slope.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00237 ASHER CONSTRUCTION LLC
MARLBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 5,914 square feet of forested wetlands to install three (3) 18-inch x 30-foot culverts for two (2) wetland crossings for common driveway access to two (2) lots of a 7-lot subdivision on ± 84.92 acres.

APPROVE PERMIT:

Dredge and fill 5,914 square feet of forested wetlands to install three (3) 18-inch x 30-foot culverts for two (2) wetland crossings for common driveway access to two (2) lots of a 7-lot subdivision on ± 84.92 acres.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated January 22, 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 registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. 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.

10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The 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.

2007-00316 NE PETROLEUM LTD PARTNERSHIP
BRENTWOOD Unnamed Wetland

Requested Action:

Dredge and fill a total of 7,805 square feet of palustrine scrub-shrub wetland (including 2,770 square feet of man-made wetland pockets) for the construction of a culvert crossing, commercial enterprise development with associated parking lot and an underground stormwater management system.

Conservation Commission/Staff Comments:

The Brentwood Conservation Commission "... do not have objections to the application in its latest form."

APPROVE PERMIT:

Dredge and fill a total of 7,805 square feet of palustrine scrub-shrub wetland (including 2,770 square feet of man-made wetland pockets) for the construction of a culvert crossing, commercial enterprise development with associated parking lot and an underground stormwater management system.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc dated August 8, 2006 and revised through February 7, 2007, as received by DES on February 16, 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. Work shall be done during seasonal low flow conditions.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 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).
2. Due to site distance requirements of NHDOT for the proposed impacts associated with the access and construction of parking area, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The wetland crossing will be constructed at the narrowest portion of wetland. These impacts include 2,770 square feet of man-made wetland pockets. 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(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00573 WESTMORELAND, TOWN OF
WESTMORELAND Unnamed Stream**

Requested Action:

Remove approximately 150 linear foot gravel bar, Install stream diversions and Riprap approximately 200 linear feet of Mill Brook at DSR # 51, Request to riprap approximately 400 linear feet of riprap on the banks of Partridge Brook Remove approximately 250 linear feet of channel deposition, Place large stones at toe of longitudinal stone and backfill behind the stone(DSR 52),and other associated work as flagged or directed by NRCS engineer; as identified by the Town of Westmoreland and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 2, 5, 6, 8, 11, 23, 61, 95.

APPROVE PERMIT:

Remove approximately 150 linear foot gravel bar, Install stream diversions and Riprap approximately 200 linear feet of Mill Brook at DSR # 51, Request to riprap approximately 400 linear feet of riprap on the banks of Partridge Brook Remove approximately 250 linear feet of channel deposition, Place large stones at toe of longitudinal stone and backfill behind the stone(DSR 52),and other associated work as flagged or directed by NRCS engineer; as identified by the Town of Westmoreland and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 2, 5, 6, 8, 11, 23, 61, 95.

With Conditions:

1. All work shall be in accordance with plans received by the Department on March 30, 2007.
2. Prior to commencing work, the applicant shall submit a "Pollution Control Plan" and to the DES Wetlands Bureau for review an approval.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectmen, the Town Conservation Commission at least (2) days prior to the start of work.
5. A finalized set of plans and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.

- 9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
- 10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
- 11. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
- 12. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03.
- 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 DES Wetlands Bureau'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. These stabilization sites were identified by the Town of Westmoreland following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
- 6. The shoreline stabilization and remediation sites were identified by the Town because the ongoing erosion causes threat to downstream infrastructure or adjacent infrastructure.
- 7. The DES Wetlands Bureau and DES Watershed Management Bureau many of the project sites with NRCS staff on September 20, 2006.
- 8. The Fish and Game Department was satisfied with the existing riparian buffer at this project.

MINIMUM IMPACT PROJECT

2004-00446 CLARK, MICHAEL
PORTSMOUTH Piscataqua River / Belle Isle

Requested Action:

Deny the construction of a house and swimming pool in place of an existing structure, remove basketball court, replace and rebuild driveway and replace boathouse pilings due to an untimely response.

With Findings:

- 1. A request for additional information dated November 23, 2004, addressed to the applicant and agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
- 2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-00773 K & M MICHAEL REALTY TRUST
DERRY Unnamed Wetland

Requested Action:

Request reconsideration of the August 30, 2006 decision to approve a permit to impact 1,535 square feet of forested wetland for the installation of 15-inch by 25-foot culvert to construct a driveway to a single family residential lot on 5.13 acres as part of a 3 lot

subdivision of 11.34 acres.

Conservation Commission/Staff Comments:

The Derry Conservation Commission did not sign the Minimum Impact Expedited Application and submitted concerns - see findings.

Inspection Date: 08/09/2006 by Eben M Lewis

DENY RECONSIDERATION:

Deny reconsideration to overturn the August 30, 2006 decision to approve a permit to impact 1,535 square feet of forested wetland for the installation of 15-inch by 25-foot culvert to construct a driveway to a single family residential lot on 5.13 acres as part of a 3 lot subdivision of 11.34 acres.

With Findings:

STANDARDS FOR APPROVAL:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts must be demonstrated by the applicant per NH Administrative Rule Env-Wt 302.01.
3. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant must demonstrate by plan an example that each of the factors listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation have been considered in the design of their project.

FINDINGS OF FACT:

5. In the original application received by DES on April 12, 2006, the applicant requested 2,985 square feet of wetland impact to construct an driveway to a single family residential lot on 5.13 acres as part of a 3 lot subdivision of 11.34 acres.
6. In a letter dated April 14, 2006, DES sent a "Notice of Administrative Completeness" to confirm that the application was accepted as administratively complete.
7. On April 19, 2006, DES received a letter from an abutter to the project (map 03, lot 116-001) to express concerns and comments with the applicant's proposal.
8. On May 4, 2006, DES received a letter from an abutter to the project (map 06, lot 11) to express concerns and comments with the applicant's proposal.
9. On May 4, 2006, DES received a letter from an abutter to the project (map 06, lot 002-002) to express concerns and comments with the applicant's proposal.
10. On May 8, 2006, DES received a letter from an abutter to the project (map 03, lot 116-001) to express additional concerns and comments with the applicant's proposal.
11. On May 9, 2006, DES received a letter from the Derry Conservation Commission (DCC) stating that they have serious concerns about the proposed use of the property, and asked DES to consider several issues including: access to the site, alternative site layouts, a least impacting alternative analysis, wetland functional assessment, runoff and treatment from site development, and changes in surface water hydrology.
12. On May 10, 2006, DES received a letter from an abutter to the project (map 06, lot 110) to express concerns and comments with the applicant's proposal.
13. In a letter dated June 8, 2006, DES sent a "Notification of Incomplete Standard Dredge and Fill Application" to the applicant to meet specific NH Wetlands Bureau Administrative Rules. DES summarized that the application did not appear to avoid and minimize overall wetland disturbance, and did not provide evidence that the alternative is the one with the least impact to wetlands or surface waters on-site.
14. On June 20, 2006, DES received a letter of response and full-sized plans from Promised Land Survey, LLC (the applicant's consultant and CWS), to satisfy part of the requested items from DES' September 16, 2005 letter.
15. On June 22, 2006, DES sent an electronic mail (email) letter to request additional information. In summary, this email requested the consultant to consider the least impacting alternative, verify the location and sizing for the culvert within the proposed crossing, and address the concerns of the DCC.
16. On July 11, 2006, DES received a letter of response and full-sized plans from Promised Land Survey, LLC, to comply with the items requested from DES letters dated September 16, 2005 and June 22, 2006. This letter included revised plans depicting a

reduction of impact from 2,985 square feet to 1,535 square feet, the installation of a 15-inch culvert with supporting drainage calculations.

17. On August 9, 2006, DES personnel inspected the site with the consultant. During the inspection DES verified the location of the wetland boundaries and all proposed lot lines. At the time of the inspection DES asked the consultant if the application would consider a 25-foot no cut buffer around the perimeter of the pond.

18. On August 21, 2006, DES received an email from the consultant in response to the August 9, 2006 inspection. The applicant is willing to offer a 25-foot no cut buffer along the edge of the wetland.

19. On August 30, 2006, DES approved a permit to impact 1,535 square feet of forested wetland for the installation of 15-inch by 25-foot culvert to construct a driveway to a single family residential lot on 5.13 acres as part of a 3 lot subdivision of 11.34 acres.

20. On September 19, 2006, DES received an email from an abutter to the project (map 06, lot 002-002) requesting reconsideration of the decision to approve the wetland permit.

21. On September 20, 2006, DES received an email from an abutter (17 Lawrence Road, Derry) requesting reconsideration of the decision to approve the wetland permit.

22. On September 20, 2006, DES received an email from an abutter (71 Island Pond Road, Derry) requesting reconsideration of the decision to approve the wetland permit.

23. On October 1, 2006, DES received an email from an abutter (71 Island Pond Road, Derry) requesting DES to hold a public hearing for this reconsideration.

24. On October 2, 2006, DES received an email from an abutter (map 06, lot 11) requesting DES to hold a public hearing for this reconsideration.

25. On October 12, 2006, DES received a letter from the DCC supporting the denial of the August 30, 2006 decision and requests a public hearing be held.

FINDINGS FOR DENYING RECONDISERATION:

26. Final review of the information submitted by the aforementioned abutters and the DCC for reconsideration failed to provide significant new information that would warrant a department reversal of the approved wetlands permit.

FINDINGS FOR RECONFIRMING APPROVAL:

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

28. 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 crossing will occur within the smallest portion of wetland and the road will be constructed with 2:1 slopes to further minimize impacts, and the culvert is over-sized to ensure proper drainage.

29. 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.

30. This decision does not warrant a public hearing with the following findings: a.) This project is classified as a minimum impact project; b.) There is no significant environmental impact as this resource is not rare and the impacts will not effect the drainage in the area of the crossing. The proposed culvert is over-sized and drainage calculations support the fact that the crossing will not impound water, constrict flow, or increase flow, and otherwise exacerbate any existing drainage issues; c.) There is no substantial public interest relative to RSA 482-A:1.

31. DES does not mandate a setback from jurisdictional wetland; therefore DES cannot regulate the location and proximity of a dwelling to jurisdictional wetland on the proposed lot.

32. The applicant voluntarily agreed to maintain a 25-foot no cut buffer landward from the delineated wetland edge. This will afford the wetland greater protection against run-off from the building site.

33. The construction of the driveway and the materials used for the construction of the driveway are not pertinent to the review of DES, DES approval is based on the square footage of dredge and fill impacts only.

34. The approved permit issued by DES on August 30, 2006 is contingent upon the approval of the NH DES Subsurface Bureau (NHDESSB). The NHDESSB is responsible for the review of the septic system on the parcel, not the Wetland Bureau.

2006-02264 HILSON, JOHN
BELMONT Lake Winnisquam

Requested Action:

Repair/replace existing retaining wall and reface up to 6 inches.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Repair/replace existing retaining wall and reface up to 6 inches.

With Findings:

1. A request for additional information dated October 25, 2006, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. On February 21, 2007, the Bureau received a request for time extension for a complete response. The Bureau the granted a 60 day time frame extension in accordance with RSA 482-A:3 XIV.(c)(3), extending the due date from February 22, 2007 to April 23, 2007.
4. DES did not receive the requested additional information within the granted extended due date and therefore the application has been denied.

2006-02571

NEFF, WALTER

ANTRIM

Requested Action:

Deny for untimely response to satisfy the more information request of 11/28/06 for the repair of a damaged secondary egress, back door and bridge deck damaged during spring floods.

With Findings:

1. A request for additional information dated November 28, 2006, addressed to the applicant, 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.

2006-03141

GILE COMMUNITY HOUSING REAL ESTATE LLC

HANOVER Unnamed Wetland

Requested Action:

Dredge and fill 796 square feet of forested wetlands for access ways and parking facilities associated with a ± 369,310 square foot 12-unit residential buildings (120 units total) on 21.2 acres.

APPROVE PERMIT:

Dredge and fill 796 square feet of forested wetlands for access ways and parking facilities associated with a ± 369,310 square foot 12-unit residential buildings (120 units total) on 21.2 acres.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated November 17, 2006, as received by the Department on March 26, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. 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.
4. Work shall be done during low flow conditions.

5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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 or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The submitted datasheets for the "hydric soil area" concluded this area does not meet the three parameters set forth in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January, 1987.
3. Two (2) NH Certified Wetlands Scientists confirmed the on-site wetland classifications and "hydric soil area" determination.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. 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.

2007-00235 DAVIS, RICK & GAIL
JACKSON Unnamed Wetland

Requested Action:

Dredge and fill approximately 8,100 sq. ft. of wet meadow wetlands to construct a fire suppression pond.

APPROVE PERMIT:

Dredge and fill approximately 8,100 sq. ft. of wet meadow wetlands to construct a fire suppression pond.

With Conditions:

1. All work shall be in accordance with plans by David Weathers "Dugout Fire Pond" plan sheet, dated November 2006, as received by DES on January 31, 2007 and "X-Section" plan sheet, as received by DES on January 31, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. No work in jurisdictional wetlands or surface waters shall occur within 20 feet of an abutting property line without a written agreement from the affected abutter. If applicable the agreement shall be submitted to and approved by DES prior to the start of construction.
4. Work shall be done during low flow.
5. 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.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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 minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a letter from the Town Fire Chief supporting the project and the benefits of having a fire pond.

FORESTRY NOTIFICATION

2007-00802 NASH, MICHAEL
ALLENSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Allenstown Tax Map 402, Lot# 113 & 114

2007-00804 DANIELS LAKE DEVELOPMENT, WAYNE DANIELS
WEARE Unnamed Stream Daniels Lake

COMPLETE NOTIFICATION:
Weare Tax Map 411, Lot# 191

EXPEDITED MINIMUM

2005-02599 PSNH, RICHARD PERRON
MANCHESTER Unnamed Wetland

Requested Action:
Remove 27 wood transmission poles within and adjacent to wetlands along the existing I-158 ROW as part of the ongoing transmission line upgrade.

APPROVE AMENDMENT:
Dredge and fill approximately 890 sq. ft. of scrub/shrub wetlands and install "Dura-Base Composite Mat System", a temporary matting system, to install 40 new transmission line wood poles and remove existing poles within the transmission line right of way as part of a transmission line upgrade. Work also includes an approved amendment to remove the remaining 27 wood transmission poles by hand and under non-frozen ground conditions within the Londonderry section of the I-158 right of way.

With Conditions:
1. All work shall be in accordance with plans and narratives submitted by Public Service of New Hampshire, narratives dated October, 2005 and plans dated June 7, 2005, as received by the Department on October 24 and 28, 2005 and November 21, 2005 and amended narratives dated February 2, 2006 and amended plans dated February 1, 2006, as received by the Department on

- February 3, 2006 and amended narratives dated April 11, 2007, as received by the department on April 19, 2007.
2. All work shall take place during frozen ground conditions or by the use of approved "Dura-Base Composite Mat System" ("temporary matting system") as proposed in narratives and plans received by the Department on February 3, 2006.
 3. Hand removal of 27 poles shall be allowed under non-frozen ground conditions through May 1, 2007.
 4. The applicant shall notify the Department five days prior to the installation of the temporary matting system.
 5. The temporary matting system shall be removed before the beginning of the 2006 growing season. The applicant shall notify the Department within five days after removal of the temporary matting system.
 6. This permit is contingent on the applicant submitting pre- and post-construction monitoring reports prepared by a NH Certified Wetland Scientist (CWS). The reports shall include, but not be limited to, photographs and narratives depicting the status of the wetland areas that will contain the proposed temporary matting systems. The pre-construction report shall be submitted to the Department prior to installation of the temporary matting system. Post-construction monitoring reports shall be submitted upon installation of the temporary matting system, within five days following the removal of the temporary matting system and at the end of the first growing season following completion of the transmission line installation.
 7. To prevent the introduction of invasive plant species to the site, the contractor(s) shall clean all soils and vegetation from construction equipment and matting before it is moved to the site.
 8. There shall be no impacts to wetland soils, wetlands hydrology or surface waters from the installation of the temporary matting system.
 9. Any impacts to wetlands or surface waters from the installation of the temporary matting system shall be restored in-kind within one growing season of the completion of the transmission line. A restoration plan shall be prepared by a CWS and submitted to the Department for approval prior to conducting any restoration activities.
 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. Wetland and surface water boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands and surface waters.
 12. Siltation/erosion controls shall be placed at the limits of construction in all areas where work in uplands is within 20' of the wetland boundary to prevent accidental encroachment on adjacent wetlands.
 13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 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. All other matting shall be utilized only under frozen ground conditions and shall be removed before thawing occurs.
 16. Pole removal shall consist of cutting the poles off at ground level and shall not involve any excavation. Pole removal shall be conducted only under frozen ground conditions or by access from the temporary matting system.
 17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
 18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
 19. Faulty equipment shall be repaired prior to entering jurisdictional areas.
 20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
 21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined that the temporary matting system, as proposed by the applicant, will have no impact or at most no more impact to wetlands than working under frozen ground conditions.
6. The wetlands which will contain the temporary matting system have been classified by the applicant's Certified Wetland Scientist as Palustrine, Scrub-Shrub, Broad Leaf Deciduous, Seasonally Flooded-Saturated (PSS1E) wetlands.

7. The Natural Heritage Bureau has identified a seasonally flooded red maple swamp, an exemplary natural community, on a portion of the project area. The primary threat to this type of community is changes in water level in the adjacent stream and introduction of invasive species.
8. The proposed project will be conducted within a maintained transmission line right of way, under frozen ground conditions or by the use of a "Dura-Base Composite Mat System", temporary matting system, and there are no proposed changes to water levels on the site or the adjacent stream.
9. The construction equipment and temporary matting system will be cleaned of soils and vegetation before entering the site to prevent the introduction of invasive plant species.
10. The New Hampshire Fish & Game Department had no concerns with the project as proposed, as long as the work is conducted under frozen ground conditions and there is no work within the Merrimack River Corridor.
11. The temporary matting system will be used during winter months/conditions and removed before the start of the 2006 growing season.
12. The New Hampshire Fish & Game Department had no concerns with the proposed amendment to remove 27 transmission poles by hand.

**2006-02869 MORNEAU, CHARLES & SUSAN
SUNAPEE Lake Sunapee**

Requested Action:

Construct stone patio, stone retaining wall, lake access steps, and replace existing wooden walkway with a stone walkway.

Conservation Commission/Staff Comments:

RMI Time extension request 3/20/2007, Due date extended to April 23, 2007

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct stone patio, stone retaining wall, lake access steps, and replace existing wooden walkway with a stone walkway.

With Findings:

1. A request for additional information dated November 22, 2006, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. On March 20, 2006, the Bureau received and granted a requested time frame extension from March 23, 2007 to April 23, 2007.
4. DES did not receive the requested additional information within the granted time frame extension, April 23, 2007, and therefore the application has been denied.

**2006-03009 QUINLAN, JOHN
MEREDITH Lake Winnepesaukee**

Requested Action:

Install a 14 ft x 30 ft seasonal canopy over an existing boatslip repair a 2 ft x 36 ft 2 in piling pier attached to a 6 ft x 47 ft piling pier by a 2 ft x 14 ft walkway, install a boatlift and two seasonal personal watercraft lifts adjacent to a 55 ft long wharf on 135 ft of frontage in Meredith on Lake Winnepesaukee.

DENY PERMIT:

Install a 14 ft x 30 ft seasonal canopy over an existing boatslip repair a 2 ft x 36 ft 2 in piling pier attached to a 6 ft x 47 ft piling pier by a 2 ft x 14 ft walkway, install a boatlift and two seasonal personal watercraft lifts adjacent to a 55 ft long wharf on 135 ft of frontage in Meredith on Lake Winnepesaukee.

With Findings:
Standards for Approval:

1. As per RSA 482-A:3(I) "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 Rule Env-Wt 302.05, applications received after work is completed shall be subjected to the same review as any other application. Consideration of an after-the-fact application shall not preclude or limit the department's exercise of any enforcement powers it possesses.
3. In accordance with RSA 482-A:3, I, the permit application fee for standard applications shall be \$100, plus \$1.00 per square foot for permanent dock surface area, \$.50 per square foot of seasonal docking structures, and \$.10 per square foot of dredge or fill within wetlands jurisdiction.
4. In accordance with Rule Env-Wt 402.12, a maximum of 2 boat slips may be permitted on 135 ft of frontage.
5. Pursuant to RSA 482-A:2 VIII.(a) On water bodies over 10,000 acres, a boat slip is a volume of water 25 ft long, 8 ft wide, and 3 ft deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
6. As per Rule Env-Wt 501.02(a)(2) a drawing or drawings must show all existing and proposed structures and all other relevant features necessary to clearly define the project.

Findings of Fact:

7. On April 28, 1987, the Wetlands Board approved (Permit Z-52) the construction of a 6 ft x 40 ft piling pier with a 2 ft walkway (pier) and railing to replace originally approved tie-off pilings on the subject frontage. The exception was made to allow the non-conforming 2 ft wide walkway to accommodate the needs of the owner's disabled son with the condition that the walkway approval was valid only while the property was owned by the previous applicant, Stanley Zis.
8. On November 28, 2006, the Department received an application, from the new owner of the subject property, to install a 14 ft x 30 ft seasonal canopy and seasonal boatlift, repair the existing nonconforming "U-shaped" dock, and install two seasonal PWC lifts property identified as Meredith Tax Map U-17, Lot 9.
9. In accordance with the approval condition of Permit Z-52 the 2 ft wide pier, walkway and railing were no longer authorized and were subject to removal upon transfer of ownership from Stanley Zis to the current owner, John Quinlan.
10. The existing 6 ft x 47 ft piling pier exceeds the 6 ft x 40 ft dimensions allowed per Z-52.
11. The scale on the plans submitted to the Department on November 28, 2006, does not match the dimensions indicated on the plan.
12. Department records indicate that a 6 ft x 40 ft dock and a perched beach are the only shoreline structures permitted on the property. No permit was issued for the construction of the nonconforming 55 ft wharf along the shoreline.
13. The application fee for an After-the-Fact permit to retain the existing structures and proposed new structures was calculated at \$741.50. The Applicant submitted \$100.00 in filing fees.
14. The 55 ft nonconforming walkway cannot be permitted after-the-fact as it fails to comply with RSA 483-B, Shoreland Rules Part Env-Wq 1405, RSA 482-A, and Wetlands Rules Chapters Env-Wt 300 and 400.
15. A single 6 ft x 40 ft with tie off pilings would be the least impacting method of providing the 2 slips allowed on this frontage per Rule Env-Wt 402.12.
16. The Applicant maintains that Permit #1999-625 authorizing the construction of a perched beach on the frontage implied approval of all of the docking structures which existed at the time of issuance.
17. Condition #1 of permit 1999-625 specifically states that the permit does not cover work to any of the docking structures on the frontage. Permit 1999-625 does 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

Rulings in Support of the Decision:

18. The subject property is no longer owned by Stanley Zis. Therefore, in accordance with the condition under which Permit Z-52 was issued, the 2 ft wide pier, walkway and railing should be removed from the frontage.
19. The existing 6 ft x 47 ft dock exceeds the permitted dimensions and the existing 55 ft wharf was not legally constructed. The department shall not permit the modification of the docking facilities until the frontage is brought into compliance with the current Rules or the existing permit, #Z-52.
20. The applicant failed to submit the appropriate impact fees as required per RSA 482-A.

2007-00207 REAGAN, DELMA
SALISBURY Unnamed Wetland

Requested Action:

Dredge and fill 850 square feet along 30 linear feet of intermittent stream for access to a proposed single family residence.

APPROVE PERMIT:

Dredge and fill 850 square feet along 30 linear feet of intermittent stream for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by FWS Land Surveying dated December 27, 2006, as received by the Department on February 5, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no subdivision of this lot without an additional wetland permit from the DES Wetland Bureau.
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 done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. 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. 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(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational use.
2. The available uplands for development are isolated from the roadway by this resource area.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. If a future buyer of this lot decides to subdivide this lot Env-Wt 302.03 shall be adhered to.
5. The proposed subdivision plan does not appear to be the least impacting alternative. DES Wetlands is concerned with the proposed access to the conceptual lot 3.03.
6. The applicant has provided evidence which demonstrates that this proposed access for this lot 3.04 is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00576 HAMPSHIRE HOSPITALITY HOLDINGS
MEREDITH Lake Winnepesaukee

Requested Action:

Install a 13 ft x 27 ft seasonal canopy over an existing "U-shaped" permanent docking structure on 186.4 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Install a 13 ft x 27 ft seasonal canopy over an existing "U-shaped" permanent docking structure on 186.4 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants LLC dated March 22, 2007, as received by DES on April 2, 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. 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. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for five months during the non-boating season.
6. Seasonal canopy shall not exceed a 20 ft height as measured from the normal high water mark elevation.
7. 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.
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(o), installation of a seasonal canopy.
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.

**2007-00577 MCGOWN JR LIVING TRUST, WILLIAM
SUNAPEE Lake Sunapee**

Requested Action:

Repair an existing 10 ft x 28 ft permanent dock supported by a 10 ft x 10 ft crib on 78 ft of frontage, Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Repair an existing 10 ft x 28 ft permanent dock supported by a 10 ft x 10 ft crib on 78 ft of frontage, Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated March 28, 2007, as received by DES on April 02, 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 DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. 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. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-00621 MCLAREN, JOHN & ARLENE
MOULTONBOROUGH Squam Lake**

Requested Action:

Install a 6 ft x 40 ft seasonal dock to a 4 ft x 6 ft concrete pad on 237.8 ft of frontage on Squam Lake in Moultonborough.

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock to a 4 ft x 6 ft concrete pad on 237.8 ft of frontage on Squam Lake in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 25, 2007, as received by DES on April 4, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate 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. 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.
4. Seasonal pier shall be removed from the lake for five months during the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-00828 BOUCHER, ALBERT
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:

cc: Bath Con Comm

2007-00829 BOUCHER, REGINA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath Con Comm

2007-00833 HOPKINS, GALE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath Con Comm

2007-00841 CARLE, CHARLES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2007-00842 KELLY, DONALD & PATRICIA
SANBORNTON Hermit Lake

COMPLETE NOTIFICATION:

Sanbornton NH Tax Map# 8 Lot# 4 & 10 Hermit Lake

2007-00844 DEMARAIS, WENDY
SPRINGFIELD Lake Kolemooke

COMPLETE NOTIFICATION:

Springfield NH Tax Map# 23 Lot# 612 Block# 271

Lake Kolemooke

SHORELAND VARIANCE / WAIV

2006-00820 BAUDER, STUART
GREENLAND Great Bay

Requested Action:

Addition of a second floor that shall add approximately 390 square feet of living space to a non-conforming primary structure with approximately 154 feet of frontage on Great Bay in Greenland.

Inspection Date: 02/06/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Addition of a second floor that shall add approximately 390 square feet of living space to a non-conforming primary structure with approximately 154 feet of frontage on Great Bay in Greenland.

With Conditions:

1. All work shall be conducted in accordance with proposed landscape plans designed by Linehan Landscaping dated January 24, 2007 and received by the department on January 26, 2007 and building plans designed by Promised Land Survey, LLC received by the department on November 20, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Greenland Tax Map R13, Lot 13, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 24 feet from the reference line at its closest point, and has approximately 600 square feet of living space within the primary building setback.
3. The proposed primary structure shall be located approximately 24 feet from the reference line at its closest point, and shall have approximately 990 square feet of living space within the primary building setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to remove approximately 260 square feet of impervious surface within the 100 foot tidal buffer zone.
6. The applicant has proposed to plant native vegetation along the shoreline of the property. A mix of Lowbush Blueberry, Juniper and sweet Fern are proposed to provide better erosion and stabilization control.
7. The applicant has proposed to install stormwater control measures consisting of a gutter system that shall drain into an infiltration trench under the existing deck.
8. The applicant has proposed to install a new septic system with an "enviro-septic" brand leach field.

9. The applicant's proposal includes a reduction in impervious surface, native plantings, stormwater controls, and a septic upgrade. With these findings, the applicant provides at least the same degree of protection to the public waters.
10. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

2006-01540 HACKETT, CAROL & GEORGE
PELHAM Little Island Pond

Requested Action:

Construct a foundation for a non-conforming primary structure within the primary building setback, raising the ridgeline height by approximately 2 feet 11 inches, and construct an addition that shall occupy approximately 95 square feet within the primary building setback on property with approximately 100 feet of frontage on Little Island Pond in Pelham.

Inspection Date: 02/16/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Construct a foundation for a non-conforming primary structure within the primary building setback, raising the ridgeline height by approximately 2 feet 11 inches, and construct an addition that shall occupy approximately 95 square feet within the primary building setback on property with approximately 100 feet of frontage on Little Island Pond in Pelham.

With Conditions:

1. All work shall be conducted in accordance with proposed septic plans designed by Presby Environmental Inc. dated August 15, 2006 and received by the department on October 23, 2006, and landscape plans designed by Ronald C. LeBlanc dated January 9, 2007 and received by the department on January 10, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The existing sheds will be removed
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Pelham Tax Map 30 Lot 11-187 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 35 feet, 5 inches from the reference line, has a ridgeline height of approximately 25 feet, 8 inches and occupies approximately 314 square feet within the primary building setback.
4. The proposed primary structure shall be located approximately 35 feet, 5 inches from the reference line, have a ridgeline height of approximately 28 feet, 7 inches and shall occupy approximately 406 square feet within the primary building setback.

5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
8. The applicant has proposed to plant native vegetation around the proposed structure and along the shoreline. A mix of Blue Flag Iris *Iris versicolor*, Rhodora *Rhododendron canadense*, Sweetpepperbush *Clethra anifolia*, Cinnamon Fern *Osmunda Cinnamomea* and Swamp Azaleas *Rhododendron Viscosum* are proposed to provide better erosion and stabilization control.
9. The applicant has proposed to install stormwater controls consisting of a 3 foot wide by 2 feet deep gravel bed along the road side portion of the proposed structure and a gutter system on the lake side portion of the proposed structure that shall empty into a gravel bed with plants.
10. The applicant has proposed to upgrade the existing septic system to a trademarked "Clean Solutions" brand septic system.
11. The applicant's proposal includes native vegetation, stormwater controls and a septic upgrade. With these findings, the applicant's proposal provides at least the same degree of protection to the public waters.
12. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II. Therefore, the waiver is approved.

2006-02312 HARRINGTON, WILLIAM
DERRY Beaver Lake

Requested Action:

Raze an existing 1157 square foot non-conforming primary structure located approximately 8 feet from the reference line and construct a proposed 1440 square foot non-conforming primary structure located approximately 15 feet from the reference line on property with approximately 75 feet of frontage on Beaver Lake in Derry.

Conservation Commission/Staff Comments:

Came in as Variance but should be a Waiver! EMS Sept 13, 2006

Inspection Date: 02/16/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing 1157 square foot non-conforming primary structure located approximately 8 feet from the reference line and construct a proposed 1440 square foot non-conforming primary structure located approximately 15 feet from the reference line on property with approximately 75 feet of frontage on Beaver Lake in Derry.

With Conditions:

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

With Findings:

- 1. The existing non-conforming structure, as identified on the Town of Derry Tax Map 56 Lot 12 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
- 2. The existing non-conforming primary structure is located approximately 8 feet from the reference line and occupies approximately 1157 square feet within the primary building setback.
- 3. The proposed primary structure shall be located approximately 15 feet from the reference line and occupy approximately 1440 square feet within the primary building setback.
- 4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 5. The applicant has proposed to remove approximately 809 square feet of concrete walkway and patio within the primary building setback.
- 6. The applicant has proposed to move the proposed structure approximately 7 feet further back from the reference line than the existing structure.
- 7. The applicant has proposed to plant native vegetation around the proposed structure and along the shoreline. A mix of 8 Blue Iris, 7 Juniper, 12 Rhododendron and 1 Red Dogwood are proposed to provide better erosion and stabilization control.
- 8. The applicant has proposed stormwater controls consisting of a gutter system which empties into a dry well on the east side of the property and an infiltration trench on the west side of the property.
- 9. The applicant's proposal includes a decrease in impervious surface by approximately 526 square feet, an increased setback to public waters by approximately 7 feet, proposed native plantings, and stormwater controls. With these findings, the applicant's proposal provides at least the same degree of protection to the public waters.
- 10. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

Requested Action:

Raze an existing 1155 square foot non-conforming primary structure and build a proposed 1440 square foot non-conforming primary structure on a .1 acre lot on Beaver Lake in Derry.

DENY CSPA WAIVER:

Raze an existing 1155 square foot non-conforming primary structure and build a proposed 1440 square foot non-conforming primary structure on a .1 acre lot on Beaver Lake in Derry.

**2006-02626 BELVISO, JOHN AND KELLEY
MEREDITH Lake Winnisquam**

Requested Action:

Expansion of a non-conforming primary structure by approximately 338 square feet within the primary building setback on property having approximately 107 feet of frontage on Lake Winnisquam in Meredith.

Inspection Date: 01/10/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Expansion of a non-conforming primary structure by approximately 338 square feet within the primary building setback on property having approximately 107 feet of frontage on Lake Winnisquam in Meredith.

With Conditions:

1. All work shall be conducted in accordance with proposed building plans designed by Schauer Environmental Consultants, LLC dated February 12, 2007 and received by the department on March 21, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
7. There shall be no granite stairway leading to the water as agreed upon during a meeting with a representative of Schauer Environmental consultants on 3/21/07.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Meredith Tax Map R07 Lot 45 is located within the 50 foot primary building setback to public waters and therefore fail to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 24 feet from the reference line, has a rideline height of approximately 14 feet and occupies approximately 820 square feet within the primary building setback.
3. The proposed primary structure shall be located approximately 18 feet from the reference line, shall have a ridgeline height of approximately 25 feet and 3 inches and shall occupy approximately 1120 square feet within the primary building setback.
4. A parking area consisting of approximately 150 square feet of grass pavers within the primary building setback is proposed.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to remove 530 square feet of asphalt patio within the primary building setback, creating an overall decrease in impervious surface of 230 square feet within the primary building setback.
6. The applicant has proposed to remove an existing beach located approximately 3.5 feet from the reference line and occupying approximately 510 square feet and replace with sod.
7. The applicant has proposed to install stormwater controls consisting of a drip strip on the proposed structure.
8. The applicant's proposal includes a reduction in impervious surface of approximately 230 square feet with approximately 150 square feet of semi-permeable parking area within the primary building setback, removal of an existing beach that occupies approximately 510 square feet and replaced with sod and a stormwater control plan consisting of installation of a drip strip on the proposed structure. With these findings, the applicant's proposal provides at least the same degree of protection to the public waters.
9. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

2006-02853 WRIGHT, TIMOTHY & BB
CENTER OSSIPEE Ossipee Lake

Requested Action:

Raze an existing non-conforming primary structure occupying approximately 1979 square feet within the primary building setback and construct a non-conforming primary structure that shall occupy approximately 223 square feet within the primary building setback on property with approximately 137 feet of frontage on Ossipee Lake in Center Ossipee.

Inspection Date: 11/29/2006 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing non-conforming primary structure occupying approximately 1979 square feet within the primary building setback and construct a non-conforming primary structure that shall occupy approximately 223 square feet within the primary building setback on property with approximately 137 feet of frontage on Ossipee Lake in Center Ossipee.

With Conditions:

1. All work shall be conducted in accordance with proposed building plans designed by Roaring Brook Consultants, Inc. dated February 5, 2007 and recieved by the department on February 26, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming structure, as identified on the Town of Ossipee Tax Map 44, Lot 21, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming primary structure is located approximately 6 feet from the reference line at its closest point, and occupies approximately 1979 square feet within the primary building setback.
3. The proposed primary structure is located approximately 41 feet from the reference line at its closest point, and shall occpy approximately 223 square feet within the primary building setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to move the proposed structure approximately 35 feet further back from the reference line than the existing structure.

6. The applicant has proposed to remove approximately 1979 square feet of primary living space between the primary building set back and the reference line.
7. With the removal of the existing structure and addition of a peastone walkway and retaining wall, the applicant shall have a reduction of 228 square feet of impervious surface within the primary building setback.
8. The applicant has proposed to plant native vegetation along the shoreline of the property. A mix of Lowbush Blueberry and wintergreen are proposed to provide better erosion and stabilization control.
9. The applicant has proposed to install stormwater control measures consisting of 3 feet of pea gravel and 3/4 inch washed crushed stone extending 2 feet around the proposed structure with a perforated pipe that will send storm water to a proposed drywell.
10. The applicants proposal includes a decrease in impervious surface within the primary building setback, elimination of primary living space with the primary building setback, an increased setback to the reference line, native vegetation, and stormwater controls. The applicant's proposal provides at least the same degree of protection to the public waters.
11. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

**2007-00135 MALLARDS LANDING
BELMONT Lake Winnisquam**

Requested Action:

Addition of a second story to a non-conforming primary structure that is located approximately 28 feet from the reference line and occupies approximately 352 square feet within the primary building setback on a lot with approximately 40 feet of frontage on Lake Winnisquam in Belmont.

Inspection Date: 03/16/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Addition of a second story to a non-conforming primary structure that is located approximately 28 feet from the reference line and occupies approximately 352 square feet within the primary building setback on a lot with approximately 40 feet of frontage on Lake Winnisquam in Belmont.

With Conditions:

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

With Findings:

1. The existing non-conforming structure, as identified on the Town of Belmont Tax Map 110 Lot 2 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming structure is located approximately 28 feet from the reference line, has a ridgeline height of approximately 11 feet, 8 inches and occupies approximately 352 square feet within the primary building setback.
3. The proposed primary structure shall be located approximately 28 feet from the reference line, have a ridgeline height of approximately 18 feet, 5 inches and occupy approximately 352 square feet within the primary building setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to relocate an existing shed that occupies approximately 15 square feet outside the 50 foot setback, remove approximately 63 square feet of asphalt driveway, approximately 42 feet of concrete walkway and approximately 40 square feet of concrete patio, creating a total reduction of 160 square feet of impervious surface within the primary building setback.
6. The applicant has proposed to replace the remaining 429 square feet of asphalt driveway with porous pavers.
7. The applicant has proposed to plant native vegetation around the proposed structure and along the shoreline. A mix of Highbush Blueberry *Vaccinium corymbosum* and Red Oiser Dogwood *Cornus Stolonifera* are proposed to provide better erosion and stabilization control.
8. The applicant has proposed to install stormwater controls consisting of a gutter system that shall direct roof runoff into a bed of 2 inch crushed rock that shall be 2 feet deep by 6 feet wide by 16 feet long.
9. The applicant's proposal includes a reduction in impervious surface by approximately 160 square feet, replacement of approximately 429 square feet of asphalt with porous pavers, native plantings and stormwater controls. With these findings, the applicant's proposal provides at least the same degree of protection to the public waters.
10. The applicant's proposal is more nearly conforming and meets RSA 483-B:11 II. Therefore, the waiver is approved.

2007-00208 DOWNING, MARK & CHERYL
BARRINGTON Swains Lake

Requested Action:

Addition of a dormer to a non-conforming primary structure on property with approximately 157 feet of frontage on Swains Lake in Barrington.

Inspection Date: 03/14/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Addition of a dormer to a non-conforming primary structure on property with approximately 157 feet of frontage on Swains Lake in Barrington.

With Conditions:

1. All work shall be conducted in accordance with proposed site plans designed by Berry Surveying & Engineering with a revision date of March 26, 2007 and received by the department on March 30, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from

DES.

- 7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. The existing non-conforming structure, as identified on the Town of Barrington Tax Map 122 Lot 20 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
- 2. The existing non-conforming structure is located approximately 18.9 feet from the reference line and occupies approximately 630 square feet within the primary building setback.
- 3. The proposed non-conforming structure includes the addition of a dormer that shall create approximately 125 square feet of living space within the primary building setback.
- 4. The proposed non-conforming structure shall be located approximately 18.9 feet from the reference line and occupy approximately 630 square feet within the primary building setback.
- 5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 6. The applicant has proposed to plant native vegetation along the shoreline. A mix of Rhododendron and Partridgeberry bushes are proposed to provide better erosion and stabilization control.
- 7. The applicant proposes stormwater controls consisting of crushed stone extending 3 feet from the house and 1 foot deep to catch roof runoff.
- 8. The applicant has proposed to install landscape timbers around the existing parking area that are 6 inches high to prevent stormwater from washing loose gravel down towards the lake.
- 9. The applicant's proposal includes native vegetation, stormwater controls and a barrier around an existing gravel parking area with no increase in impervious surface. With these findings, the applicant's proposal provides at least the same degree of protection to the public waters.
- 10. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II. Therefore, the waiver is approved.

2007-00286 SMITH, BENTON
WAKEFIELD Great East Lake

2007-00368 DURNIN, THOMAS
WAKEFIELD Lovell Lake

Requested Action:

Request a variance from RSA 483-B:9 V(b)(2)(A)(iii) to install a septic system 51 feet from the reference line on property with approximately 371 feet of frontage on Lovell Lake in Wakefield.

Inspection Date: 04/12/2007 by Thomas Gilbert

APPROVE CSPA VARIANCE:

Request a variance from RSA 483-B:9 V(b)(2)(A)(iii) to install a septic system 51 feet from the reference line on property with approximately 371 feet of frontage on Lovell Lake in Wakefield.

2007-00382 CORRICELLI, GUY & CATHY
DERRY Beaver Lake

Requested Action:

Raze a portion of a non-conforming primary structure that occupies approximately 30 square feet within the primary building setback and rebuild a new addition on the same footprint that shall occupy approximately 19 square feet within the primary building setback.

Inspection Date: 04/04/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze a portion of a non-conforming primary structure that occupies approximately 30 square feet within the primary building setback and rebuild a new addition on the same footprint that shall occupy approximately 19 square feet within the primary building setback.

With Conditions:

THIS WAIVER IS SUBJECT TO THE FOLLOWING CONDITIONS:

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

With Findings:

1. The existing non-conforming structure, as identified on the Town of Derry Tax Map 135 Lot 51050 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing non-conforming structure is located approximately 25 feet from the reference line and occupies approximately 606 square feet within the primary building setback.
4. The proposed primary structure shall be located approximately 25 feet from the reference line and shall occupy approximately 595 square feet within the primary building setback
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

COMPLETE NOTIFICATION:

conduct roadside ditch maintenance approximate 40' west of a 18" R.C.P.Including the cleaning of the 18" R.C.P.On the Northern side of Route 102

PERMIT BY NOTIFICATION

2007-00668 DERR, JOHN S
CENTER HARBOR Kimballl Island

Requested Action:

Remove existing 6 ft x 30 ft seasonal dock and install a 6 ft x 39 ft 6 in seasonal dock hinged to a concrete pad.

PBN IS COMPLETE:

Remove existing 6 ft x 30 ft seasonal dock and install a 6 ft x 39 ft 6 in seasonal dock hinged to a concrete pad.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) install a seasonal docking structure.

SHORELAND RULE WAIVER

2006-03169 PALOMARES, CARLOS/ROBIN
MADISON Silver Lake

Requested Action:

Expansion and adjoining of 2 existing non-conforming primary structures occupying a total of approximately 1931 square feet within the primary building setback, creating a proposed non-conforming primary structure that shall occupy approximately 1929 square feet within the primary building setback on property having approximately 200 feet of frontage on Silver Lake in Madison.

Inspection Date: 01/03/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Expansion and adjoining of 2 existing non-conforming primary structures occupying a total of approximately 1931 square feet within the primary building setback, creating a proposed non-conforming primary structure that shall occupy approximately 1929 square feet within the primary building setback on property having approximately 200 feet of frontage on Silver Lake in Madison.

With Conditions:

1. All work shall be conducted in accordance with proposed building plans designed by Briggs Land Surveying dated November 6, 2006 and received by the department on March 1, 2007 and landscape plans designed by Belknap Landscape Company, Inc. dated January 29, 2007 and received by the department on March 1, 2007.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.

4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The existing wooden planks serving as a patio behind the retaining wall along the shorefront must be removed as required by Env-Wq 1405.04.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing non-conforming primary structures, as identified on the Town of Madison Tax Map 133, Lot 1, are located within the 50 foot primary building setback to public waters and therefore fail to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
2. The existing 2 bedroom non-conforming primary structure is located approximately 30 feet from the reference line at its closest point, and occupies approximately 443 square feet within the primary building setback.
3. The existing 3 bedroom non-conforming primary structure is located approximately 22 feet from the reference line at its closest point, and occupies approximately 1488 square feet within the primary building setback.
4. The proposed primary structure shall be located approximately 22 feet from the reference line at its closest point, and shall occupy approximately 1929 square feet within the primary building setback.
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
6. The applicant has proposed to move the existing 2 bedroom nonconforming primary structure 4 feet further back from the reference line than its current location.
7. The applicant has proposed to install stormwater controls on the proposed structure that consists of a gutter system which will empty into a dry well that shall be approximately 6 feet and 6 inches deep and contain 1.5 inch washed stone.
8. The applicant has proposed to plant native vegetation along the shoreline and around the property. A mix of Lowbush Blueberry, Red Osier Dogwood, American Hazelnut, Hay-Scented Fern, Partridge Berry, Northern Wild Raisin, Elderberry, Sweet Pepperbush, Mountain Lauerl, Winterberry Holly, Sheep Lauerl, Osterich Fern, Jewel weed, Interrupted Fern, Christmas Fern, Bunchberry and Striped maple. and Eastern Hemlock are proposed to provide better erosion and stabilization control.
10. The applicant has proposed to upgrade the existing septic system and move the proposed system an additional 28 feet further back from the reference line, meeting the 75 foot septic setback. The proposed septic system will include an "enviro-septic" brand leach field located approximately 112 feet from the reference line.
11. The applicants proposal includes stormwater controls, an aggressive planting plan of native vegetation, a septic upgrade which includes a greater setback from the reference line and a decrease in impervious surface within the primary building setback by 2 square feet. The applicant's proposal provides at least the same degree of protection to the public waters.
12. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.