

Wetlands Bureau Decision Report

Decisions Taken
07/09/2007 to 07/15/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

2005-00429 BURKE JR, JAMES
OSSIPEE Ossipee Lake

Requested Action:

Construct 347 linear ft of retaining wall landward of existing beach areas along the frontages of five properties having a combined 347 ft of frontage along Ossipee Lake in Ossipee.

Conservation Commission/Staff Comments:

Con Com requested 40 day hold on file, no follow up report filed.
NHI hit, F & G and NHI will not be responding

APPROVE PERMIT:

Construct 347 linear ft of retaining wall landward of existing beach areas along the frontages of five properties having a combined 347 ft of frontage along Ossipee Lake in Ossipee.

With Conditions:

1. All work shall be in accordance with plans and cross sections by Jim Burke as received by DES on April 25, 2007.
2. Any future work on these properties that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The retaining wall shall be constructed landward of Elevation 410.0. Elevation 410.0 shall be located, staked, and photo-documented by a licensed surveyor. A copy of the photodocumentation of the location of Elevation 410.0 shall be submitted to the file, return receipt requested, prior to construction of the wall.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. 1. This is a major impact project per Administrative Rule Env-Wt 303.02(h), alteration of more than 200 linear feet of shoreline.
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 public hearing is waived with the finding that the project impacts will not significantly impair the resources of the Ossipee Lake ecosystem.
6. The Applicant has submitted written authorization for the requested impacts from each of the affected landowners.

2005-02505 ONE BEMIS ROAD REALTY LLC, PETER KING
HOOKSETT Unnamed Wetland

Requested Action:

Amend permit to change the planting plan for the stream reconstruction.

APPROVE AMENDMENT:

Dredge and fill 25,381 square feet of a wetland including rerouting of approximately 850 linear feet of intermittent stream for construction of two box stores. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by Rizzo Associates dated June 28, 2005, and revised through December 20, 2006, as received by the Department on December 29, 2006 and plans by Bohler Engineering sheets C1, through C12, ES1 through ES3 and D1-D4 dated May 20, 2005 and revised through December 11, 2006, as received by the Department January 8, 2007, and sheets M1 and M2 dated May 20, 2005, and revised through May 1, 2007 as received by the Department on June 14, 2007.
2. This permit is contingent upon the recreation of the stream system and plantings as illustrated on plans by Bohler Associates dated May 20, 2005, and revised through July 11, 2006, as received by the Department on September 21, 2006.
3. This permit is contingent on receipt by DES of a one time payment of \$77,636.00 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. This permit is contingent on approval by the DES Wastewater Engineering Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval of the NH Department of Transportation Driveway permit.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. 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.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. All work shall be conducted during low water conditions, and there shall be no flow in the stream channel during construction of that area.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. 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.
13. No portion of the swale within existing jurisdictional areas shall be paved.
14. No portion of the wetland within 20 feet of the property line shall be disturbed.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. 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).
17. 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.
18. 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.
19. 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.
20. Silt fencing must be removed once the area is stabilized.
21. 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).
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
23. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

24. The permittee shall submit a follow up monitoring report of the proposed creation restoration area after one full growing season, including possible remediation actions if necessary.

With Findings:

The Department Reaffirms findings 1-19 of the original approval and makes the following additional findings:

20. The original planting plan approved by the Department was for a proposed on site mitigation plan designed for New England Cottontail habitat. The Department did not accept this proposal as mitigation.

21. The shrub plantings 5 feet on center is consistent with typical wetland restoration plans.

22. The Department is extending the deadline for the Aquatic Resource Mitigation Fund payment for 120 days from the date of this approval as this is considered the final approval date for the project.

2006-02235 NOREEN, ELLEN
GILFORD Lake Winnepesaukee

Requested Action:

Approve name change to: Ellen M Noreen, 95 /bent Tree Dr., East Longmeadow Dr., Ma 01028 per request received 7/2/2007.

Previous owner: Skiffington Homes.

Conservation Commission/Staff Comments:

Con Com signed Exp application

NH Fish and Game request no tree removal on the frontage to protect Eagle habitat.

Inspection Date: 10/05/2006 by Chris T Brison

Inspection Date: 07/02/2007 by Jeffrey D Blecharczyk

APPROVE NAME CHANGE:

Repair an existing 44 ft breakwater with a 6 ft gap at the shoreline and replace two piles supporting an existing 7 ft x 47 ft pier connected to a 7 ft x 47 ft piling pier by a 12 ft x 15 ft walkway in a "U" configuration, and install a permanent, piling supported boatlift in the center slip of an existing "U" shaped docking facility on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 14, 2006, as received by the Department on August 31, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. Repair shall maintain existing size, location and configuration.
8. This permit does not allow for maintenance dredging.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. This permit does not allow for any tree removal on the frontage.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

Send to Governor and Council.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a dock adjacent to a breakwater.
2. The applicant has an average of 155 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on October 05, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. NH NHI and NH Fish and Game will not be submitting comments.
7. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

-Send to Governor and Executive Council-

2006-02637 SPRINGFIELD POINT NIRVANA LLC
WOLFEBORO Lake Winnepesaukee

Requested Action:

Appellant requests reconsideration of Department's May 22, 2007 decision to deny request to construct a cantilevered dock attached to a non-conforming breakwater accessed by a permanent walkway, and construct a seasonal dock to be attached to a non-conforming crib dock by a seasonal walkway in a "U" configuration, install 2 seasonal boatlifts, and a seasonal canopy on frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Motion for Reconsideration rec'd from Jeffrey MacKenzie on 6/12/07 - np

Con Com questions dock length and canopy dimensions

NHI and NH Fish and Game will not be submitting comments

DENY RECONSIDERATION:

Reconsider and reaffirm the Department's May 22 2007 denial of the request to modify and expand the existing non-conforming docking facilities on an average of 233 ft of frontage on Lake Winnepesaukee, Wolfeboro.

With Findings:

Grounds for Reconsideration

1. The agent for the applicant states they are submitting a plan with no modifications to the existing docking structure.
2. The agent for the applicant states the modification of the non-conforming docking structure and modification of the non-conforming breakwater is the least impacting alternative.

Findings of Fact

3. On October 05, 2006, the Wetlands Bureau received an application for impacts, on the lot identified as Wolfeboro tax map 258, lot 16,(the "Lot") to construct a new 6 ft x 55 ft piling dock to be connected to an existing non-conforming 9 ft x 43 ft crib dock by a 6 ft x 12 ft permanent walkway with 2 boatlifts and a 15 ft x 40 ft seasonal canopy, and construct a 4 ft x 30 ft dock to be cantilevered off of an existing non-conforming breakwater accessed by a 4 ft x 8 ft walkway on 232 ft of frontage on Lake Winnepesaukee.
4. On December 18, 2006, the Department issued a Request for More Information letter explaining that the existing breakwater does not meet the requirements of 402.06, and therefore any modification to the non-conforming breakwater must address Env-Wt 402.20. The project as proposed failed to meet the requirements of Env-Wt 402.20 .

5. The December 18, 2006, letter also informed the Applicant that pursuant to Env-Wt 402.05, any new docking structure must be of seasonal construction.
6. On April 17, 2007 the Department received a fax copy of information replying to the Request for More Information letter, with a follow up copy via US Mail on April 19, 2007. The information submitted included a plan proposing a 6 ft x 55 ft seasonal dock to be connected to a non-conforming 9 ft x 43 ft permanent dock by a 6 ft x 12 ft seasonal walkway with 2 boatlifts and a 15 ft x 40 ft seasonal canopy and construction of a 4 ft x 30 ft dock to be cantilevered off of a non-conforming breakwater accessed by a 4 ft x 8 ft walkway on 232 ft of frontage on Lake Winnepesaukee.
7. On May 22, 2007, the Department denied the application for the proposed work on the frontage on the basis that the requirements of Rule Env-Wt 402.20 had not been met.
8. On June 12, 2007, the Department received a Motion for Reconsideration which consisting of a proposed 6 ft x 40 ft seasonal dock adjacent to a 9 ft x 43 ft permanent dock connected by a 15 ft x 40 ft seasonal canopy, modification of an existing non-conforming breakwater and construction of a 4 ft x 30 ft dock to be cantilevered off of a non-conforming breakwater.

Rulings in Support of the Decision

9. The agent for the applicant failed to submit information addressing Rules Env-Wt 402.20 and Env-Wt 402.06 and, therefore, the Department re-affirms the original May 22, 2007 based upon it's original findings.

2007-00096 SLATTERY, KEVIN & BERNARD PLANTE

NASHUA Prime Wetlands

Requested Action:

Construct a two story building, associated facilities, parking and utilities adjacent to a Prime Wetland (the Nashua Canal).

APPROVE PERMIT:

Construct a two story building, associated facilities, parking and utilities adjacent to a Prime Wetland (the Nashua Canal).

With Conditions:

1. All work shall be in accordance with plans by HSI Hayner/Swanson, Inc., revision dated April 16, 2007, as received by DES on April 18, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. 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 major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
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 his/her project, as approved and conditioned, 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 detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The project is contingent on approval by the DES Alteration of Terrain Program.
7. The approved plans depict that the project is approximately 125 feet from the prime wetland and is outside of Nashua's 75-ft. prime wetland buffer.
8. There are no direct wetlands or surface water impacts proposed for the project.
9. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
10. The project is adjacent to an existing trail system and lands owned by Nashua. The trail system is between the proposed project and the prime wetland.
11. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFG") submitted comments regarding a spotted turtle identified off of the project site.
12. The applicant provide information regarding spotted turtle and spotted turtle habitats. The species has not been identified on the site and the project area does not appear to provide spotted turtle habitat. Additionally, the off site habitat between the proposed project and the prime wetland is better suited for spotted turtle habitat.
13. The Conservation Commission submitted a favorable recommendation of the proposed project.
14. A public hearing was held at the Department on April 20, 2007. No one in opposition to this project attended the public hearing.
15. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2007-00155 VALADE, DIANE/EDWARD
HOOKSETT Merrimack River**

Requested Action:

Dredge and fill approximately 140 linear ft. (2,555 sq. ft.) of bed and bank of the Merrimack River for repair, stabilization and restoration of a failing slope resulting from the October 2005 flood event. The proposed work consists of a combination of riprap bank and bed stabilization with bioengineering techniques on the upper slope which includes the use of "Bio Roll", soil lifts and plantings with dogwood and willow live stakes/whips. Additionally, the top of bank will be planted with a 10 ft. wide native woodland buffer. In addition to the bank stabilization work an existing 4 ft. x 10 ft. walkway and 12 ft. x 12 ft. floating dock will be repaired and replaced "in-kind".

APPROVE PERMIT:

Dredge and fill approximately 140 linear ft. (2,555 sq. ft.) of bed and bank of the Merrimack River for repair, stabilization and restoration of a failing slope resulting from the October 2005 flood event. The proposed work consists of a combination of riprap bank and bed stabilization with bioengineering techniques on the upper slope which includes the use of "Bio Roll", soil lifts and plantings with dogwood and willow live stakes/whips. Additionally, the top of bank will be planted with a 10 ft. wide native woodland buffer. In addition to the bank stabilization work an existing 4 ft. x 10 ft. walkway and 12 ft. x 12 ft. floating dock will be repaired and replaced "in-kind".

With Conditions:

1. All work shall be in accordance with plans and narratives by CLD Consulting Engineers plan sheet entitled "Bank Restoration and Stabilization Plan", revision dated June 2007 and narratives dated June 13, 2007, as received by DES on June 14, 2007.
2. Work shall be done during low flow.
3. 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.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectman and the Town Conservation Commission of the start work, notification shall be given at least 5 days prior to the start of work.
5. A follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 60 days of the completion of work and after one full growing season.
6. Planted vegetation shall have at least 75% successful establishment after one growing seasons, or it shall be replanted and re-established until it is replicated in a manner satisfactory to the DES Wetlands Bureau.
7. No equipment shall enter the adjacent surface water (i.e., equipment shall work from the bank and top of bank).
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.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. 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.
12. 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.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
15. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas or woodland buffer.
16. Erosion control structures must be removed once the area is stabilized.
17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. 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.
19. 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.
20. 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 major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course 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. DES Staff conducted a field inspection of the proposed project on March 9, 2006.
6. The stabilization is needed to repair erosion damage from storm events and to protect the existing infrastructure on the property.
7. The Conservation Commission submitted comments regarding the proposed project. The commission felt that bioengineering should be better incorporated into the bank stabilization project and that the project does not comply with Administrative Rule Env-Wt 404.
8. The applicant has reduced the size of the stone key, added native plantings to the lower and upper bank slope and provided a 10 ft. wide native vegetative buffer at the top of the bank. Additionally, the applicant has provided a response for items listed under Env-Wt 404.
9. The New Hampshire Fish and Game Department and the New Hampshire Natural Heritage Bureau did not submit comments

regarding the proposed project.

10. The proposed project complies with Administrative Rule Env-Wt 302.03(c)(2) and does not require compensatory mitigation.
11. The public hearing was not held with the finding that the project impacts will not significantly impair the resources.

2007-00419 CROTHERS, EDGAR
DOVER Piscataqua River

Requested Action:

Construct a tidal dock including a 4' x 16' permanent pier, connecting to a 3' x 24' ramp, connecting to a 10' x 16' float, overall structure length 53' providing two undersized slips on 98 feet of frontage on the Piscataqua River.

Inspection Date: 06/26/2007 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal dock including a 4' x 16' permanent pier, connecting to a 3' x 24' ramp, connecting to a 10' x 16' float, overall structure length 53' providing two undersized slips on 98 feet of frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Edgar Crothers dated 1/29/2007, as received by the Department on 3/1/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh or 1:1 ratio of deck height to width as appropriate, and shall have 3/4-inch spacing between the decking planks.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction of this tidal dock including a 4' x 16' permanent pier, connecting to a 3' x 24' ramp, connecting to a 10' x 16' float, overall structure length 53' providing two undersized slips (as defined by RSA 482-A:2, VIII (a)), on 98 feet of frontage on the Piscataqua River, Dover Tax Map L OOO, Lot 112, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. The float shall be constructed such as to rest on float stops at low tide to prevent the float from sitting on the mud at low tide. Design of the float stops shall be coordinated among DES, National Marine Fisheries Service ("NMFS"), and the applicant, or applicant's marine contractor.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier, with 3/4 inch spacing between decking to prevent shading of tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on the Piscataqua River.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for

Application Evaluation, has been considered in the design of the project. The same section of river frontage as the project area was reviewed by the Pease Development Authority Division of Ports and Harbors ("DPH") for the abutter's dock. The DPH determined, per letter dated 5/22/2006, that the abutter's dock, at 88 feet in length, would have no negative effect on navigation, therefore DES finds that the Crother's proposed 53 foot dock will also not impede navigation. The proposed dock is located greater than 20 ft. off the abutting property lines. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the vicinity.

- 5. The Dover Conservation Commission intervened on the application but did not comment further.
- 6. This application has received review of the federal PGP Joint Processing Meeting on 4/19/2007. National Marine Fisheries ("NMFS") commented that the application was eligible as proposed, with the condition of float stops to be included in the permit. DES has included this condition.
- 6. This dock is consistent with other tidal dock approvals in the seacoast.
- 7. DES staff field inspection on 6/26/2007 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2006-01273 PUTZEL, JUDITH
NELSON Silver Lake

Requested Action:
Retain 112 linear ft of rip rap on frontage on Silver Lake in Nelson.

Inspection Date: 01/26/2007 by Chris T Brison

APPROVE AFTER THE FACT:
Retain 112 linear ft of rip rap on frontage on Silver Lake in Nelson.

- With Conditions:
- 1. All work shall be in accordance with plans by Edward C. Goodrich dated May 19, 2007, as received by DES on May 29, 2007.
 - 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
 - 3. This approval shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action.
 - 4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

- With Findings:
- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), disturbance of 50 to 200 linear ft along the shoreline, of a lake or pond or its bank.
 - 2. On September 18, 2006, the Department implied need for the proposed impacts per Rule Env-Wt 302.01 and informed applicant that rip-rap would be considered.

2006-02635 REYNOLDS, ROLLIN & PAULA
HOLDERNESS Unnamed Stream Wetlands

Requested Action:

Dredge and fill a total of 5108 square feet for access in the subdivision of 49 acres into 7 single family residential lots, further described as follows: Permanently impact 3596 square feet along 143 linear feet of intermittent stream and the banks of Owl Brook, and temporarily impact 1512 square feet for crossing construction.

APPROVE PERMIT:

Dredge and fill a total of 5108 square feet for access in the subdivision of 49 acres into 7 single family residential lots, further described as follows: Permanently impact 3596 square feet along 143 linear feet of intermittent stream and the banks of Owl Brook, and temporarily impact 1512 square feet for crossing construction.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated May 24, 2006, and revised through June 6, 2007 as received by the Department on June 13, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. 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.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. 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.
19. 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.
20. 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.
21. Silt fencing must be removed once the area is stabilized.
22. 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(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The proposal is to construct a an access to the usable uplands in the rear portion of the lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided a clear spanning structure 1.2 times bank full width over Owl Brook.
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(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has provided all of the information required by Env-Wt 304.09(a).
8. The applicant has provided an Alteration of Terrain application that group will verify all culverts and bridges are sized appropriately per the regulations of RSA 485-A.

2006-03228 CORNISH, TOWN OF
CORNISH Mill Brook

Requested Action:

Dredge and fill 1,160 square feet of perennial streambed and bank to replace a 4-foot x 40-foot concrete culvert with a 71-inch/41-inch x 40-foot squashed galvanized aluminum embedded culvert and install erosion controls mats along disturbed bank.

APPROVE PERMIT:

Dredge and fill 1,160 square feet of perennial streambed and bank to replace a 4-foot x 40-foot concrete culvert with a 71-inch/41-inch x 40-foot squashed galvanized aluminum embedded culvert and install erosion controls mats along disturbed bank.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks LLC as received by the Department on June 11, 2007.
2. The schedule for construction of the restoration area shall occur prior to with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
3. Work shall be done during low flow conditions.
4. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. The culvert shall be embedded.
6. No riprap shall be placed in the bed or banks of the stream.
7. Materials used to emulate a natural channel bottom within the culvert and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. There shall be no excavation or operation of construction equipment in flowing water.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. 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 twenty (20) feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather

conditions.

15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. 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).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
20. 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.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Bank stabilization areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
23. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
24. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
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.

**2007-00384 CATE BOATHOUSE REALTY TRUST
NEW LONDON Lake Sunapee**

Requested Action:

Repair/replace existing 34 ft x 46 ft crib supported boathouse and access walkway "in-kind", and remove a 5 ft x 5 ft abandoned crib support on 90 ft of frontage in New London on Sunapee Lake.

APPROVE PERMIT:

Repair/replace existing 34 ft x 46 ft crib supported boathouse and access walkway "in-kind", and remove a 5 ft x 5 ft abandoned crib support on 90 ft of frontage in New London on Sunapee Lake.

With Conditions:

1. All work shall be in accordance with boathouse dimension and boathouse support plans by Stan Graton II as received by DES on March 6, 2007, and overview plans showing walkway support locations and property lines as received by DES on June 27, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. 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. Repair shall maintain existing size, location and configuration.

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. 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 construction related debris and the abandoned crib materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. This permit does not allow for maintenance dredging.
10. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cu yd of materials from public waters.
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.

**2007-00508 KIVETT, EARL/VICKY
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 10 ft x 40 ft crib dock and construct two 6 ft x 45 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" shaped configuration, install a 3 piling ice cluster to the north, and a permanent boatlift in the center slip with a 14 ft x 30 ft canopy, on an average of 200 ft of frontage in Winter Harbor, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments about length of docks

APPROVE PERMIT:

Permanently remove an existing 10 ft x 40 ft crib dock and construct two 6 ft x 45 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" shaped configuration, install a 3 piling ice cluster to the north, and a permanent boatlift in the center slip with a 14 ft x 30 ft canopy, on an average of 200 ft of frontage in Winter Harbor, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 01, 2007, as received by the Department on March 15, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The docking facility shall not extend more than 45 ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.
10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted information on the plans in support of the requested length.

2007-00511 KILDUFF, BARRY

DERRY Beaver Lake

Requested Action:

Retain existing repaired retaining wall on 64 ft of frontage in Derry on Beaver Lake.

APPROVE AFTER THE FACT:

Retain existing repaired retaining wall on 64 ft of frontage in Derry on Beaver Lake.

With Conditions:

1. All work shall be in accordance with top view plans by Jennifer Vicich as received by DES on March 15, 2007 and cross-section plans as received by DES on June 26, 2007.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not encroach lakeward of the footprint of the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. 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.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Rip-rap installed at the base of wall shall be below the normal high water mark and shall not extend more than 1 ft lakeward from the normal high water mark elevation.
10. Pursuant to RSA 483-B:9 II, no fertilizer, except limestone, shall be used within 25 ft of the reference line of any property. Twenty-five ft and up to 250 ft from the reference line, only low phosphate, slow release nitrogen fertilizer or limestone, may be used on lawns or areas with grass.
11. Disturbed areas shall be immediately stabilized with ground cover vegetation after wall replacement is completed.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j) Repair or replacement of retaining walls that require

work in the water but with no change of height, length, width, location, and/or configuration.

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.

2007-00600 PARELLA, JOSEPH & SHARON KELLEY
ALTON Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 30 ft permanent piling supported dock with 4 tie off piles and a 3 pile ice cluster on 100 ft of frontage in Gilford on Lake Winnepesaukee.

Inspection Date: 07/06/2007 by Chris T Brison

APPROVE PERMIT:

Construct a 6 ft x 30 ft permanent piling supported dock with 4 tie off piles and a 3 pile ice cluster on 100 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by DES on July 2, 3007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility, except the ice cluster, may extend more than 30 feet from the shoreline at full lake elevation.
5. 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.
6. Unnecessary removal of vegetation shall be prohibited.
7. This permit does not allow for maintenance dredging.
8. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. 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.
11. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent docking system exceeding minimum impact criterial.
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.

2007-00632 GRANTHAM, TOWN OF
GRANTHAM Unnamed Wetland

Requested Action:

Proposal to dredge and fill 180 linear feet of perennial stream (Sawyer Brook) and 2830 sq. ft. associated wetlands to construct an emergency access road from the elementary school to the Fire Department.

WITHDRAW APPLICATION:

Application withdrawn by the Town of Grantham.

With Findings:

1. On June 27, 2007, DES received a letter from the Town of Grantham requesting withdrawal of the wetland permit due to the number of unknowns regarding the expansion of the Grantham Village School.

2007-00786 MARCOTTE, WILLIAM & MARY ELLEN
GILFORD Lake Winnepesaukee

Requested Action:

Construct two 6 ft x 30 ft piling supported docks connect by a 4 ft x 12 ft walkway in a "U" shaped configuration, install a 14 ft x 30 ft seasonal canopy over the center slip on an average of 689 feet of frontage on Timber island on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

no comments from Con Com by July 5, 2007

APPROVE PERMIT:

Construct two 6 ft x 30 ft piling supported docks connect by a 4 ft x 12 ft walkway in a "U" shaped configuration, install a 14 ft x 30 ft seasonal canopy over the center slip on an average of 689 feet of frontage on Timber island on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 28, 2007, as received by the Department on April 16, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The docking facility shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
9. The minimum clear spacing between piles shall be 12 feet.

10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. No work is authorized to the existing deck on the frontage.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that exceeds the design and construction criteria discussed for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 688 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 10 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-00851 WATERLINE INDUSTRIES CORP
SEABROOK Unnamed Wetland**

Requested Action:

Dredge and fill 3,293 sq. ft. of a previously disturbed, low value, isolated, palustrine forested/ scrub-shrub wetland to develop a commercial lot with appurtenant access, parking and drainage structures.

Conservation Commission/Staff Comments:

No comments on this project received from the Seabrook Conservation Commission.

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

APPROVE PERMIT:

Dredge and fill 3,293 sq. ft. of a previously disturbed, low value, isolated, palustrine forested/ scrub-shrub wetland to develop a commercial lot with appurtenant access, parking and drainage structures.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 3/23/07 (last revised 4/11/07), as received by DES on April 23, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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).
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 16, 2006. Field inspection found a low value, previously disturbed, isolated wetland which would not be likely to function as a vernal pool.

2007-00864 DELONG, ROBERT
MEREDITH Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 40 ft seasonal dock to be connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 12 seasonal walkway in a "U" configuration with a 14 ft x 30 ft seasonal canopy on 309 ft of frontage on Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com has no comments

Loon Preservation Committee has no concerns

APPROVE PERMIT:

Construct a 6 ft x 40 ft seasonal dock to be connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 12 seasonal walkway in a "U" configuration with a 14 ft x 30 ft seasonal canopy on 309 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated April 05, 2007, as received by DES on April 25, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the docking structures shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 309 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-00882 HOLLIS, TOWN OF
HOLLIS Unnamed Wetland Witches Brook

Requested Action:

Dredge and fill a total of 4,910 sq. ft. (400 sq. ft. permanent impacts; 4,510 sq. ft. temporary impacts) to embankments and stream bed to replace three (3) CMP culverts with a 6 ft. high x 18 ft. wide open bottom concrete box culvert with wing walls to carry South Merrimack Road over Witches Brook.

Conservation Commission/Staff Comments:

No report or comments received for this project from the Hollis Conservation Commission.

Inspection Date: 06/11/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 4,910 sq. ft. (400 sq. ft. permanent impacts; 4,510 sq. ft. temporary impacts) to embankments and stream bed to replace three (3) CMP culverts with a 6 ft. high x 18 ft. wide open bottom concrete box culvert with wing walls to carry South Merrimack Road over Witches Brook.

With Conditions:

1. All work shall be in accordance with plans by LaBOMBARD Engineering, LLC dated April 18, 2007, as received by DES on April 27, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
7. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. 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.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
10. NH DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 11, 2007. Field inspection determined that there is a demonstrated need for this project and the bottomless box culvert is the best design for this location.

MINIMUM IMPACT PROJECT

**2007-00404 GILLESPIE, CURT
NEW CASTLE Atlantic Ocean**

Requested Action:

Impact 1,333 sq. ft. in the previously disturbed upland tidal buffer zone to install a replacement subsurface septic system.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission "... voted unanimously to recommend approval of the Gillespie [Wetlands] application."

APPROVE PERMIT:

Impact 1,333 sq. ft. in the previously disturbed upland tidal buffer zone to install a replacement subsurface septic system.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 1/07, as received by DES on February 23, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

2007-00456 LITTLEFIELD, DONALD
FARMINGTON Unnamed Wetland

Requested Action:

Dredge and fill 19,900 sq. ft. of wet meadow wetland for construction of a multi-use pond.

APPROVE PERMIT:

Dredge and fill 19,900 sq. ft. of wet meadow wetland for construction of a multi-use pond.

With Conditions:

1. All work shall be in accordance with plans by Orvis Drew LLC dated 2/22/2007, as received by DES on 3/9/2007, and per soils information submitted by Orvis Drew LLC dated 6/7/2007, as received by DES on 6/12/2007.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact, and which meet the requirements of Env-Wt 303.04(p)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The pond will provide fire protection, farm and wildlife use. The applicant submitted a letter dated 3/14/2007 from the Farmington Fire Chief supporting the construction of the pond for fire protection at this location.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to a poorly drained wet meadow area.
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. The NH Natural Heritage Bureau reported that there were no species of concern associated with this site.
5. The Farmington Conservation Commission recommends approval of this project.

2007-00493 FORD REVOC TRUST, PATRICK & RUTH
RYE Tidal Buffer Zone

Requested Action:

Impact 1,684 sq. ft in the previously developed tidal buffer zone to install a replacement subsurface septic system.

Conservation Commission/Staff Comments:

The Rye Conservation Commission has reviewed this project and "... does not object to the replacement system."

APPROVE PERMIT:

Impact 1,684 sq. ft in the previously developed tidal buffer zone to install a replacement subsurface septic system.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 12/06, as received by DES on March 12, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

2007-00570 WIDEN, ANDREW
RYE Awcwin Salt Marsh

Requested Action:

Impact 1,185 sq. ft. within the previously developed tidal buffer zone to upgrade an existing sewage disposal situation (holding tanks) by adding a tank for wastewater followed by an aerobic treatment system.

Conservation Commission/Staff Comments:

No report or comments received on this project from the Rye Conservation Commission.

APPROVE PERMIT:

Impact 1,185 sq. ft. within the previously developed tidal buffer zone to upgrade an existing sewage disposal situation (holding tanks) by adding a tank for wastewater followed by an aerobic treatment system.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 1/07, as received by DES on March 23, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

7. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

2007-00592 ROMANO, ERICA
FREMONT Prime Wetland

Requested Action:

Construct a single family home with sub-surface septic system on a house lot adjacent to a prime wetland with the building envelope for all construction and alteration of terrain being entirely located in uplands more than 100 feet from the edge of the designated prime wetland.

Inspection Date: 03/09/2007 by Frank D Richardson

APPROVE PERMIT:

Construct a single family home with sub-surface septic system on a house lot adjacent to a prime wetland with the building envelope for all construction and alteration of terrain being entirely located in uplands more than 100 feet from the edge of the designated prime wetland.

With Conditions:

1. All work shall be in accordance with plans by Blaisdell Survey, LLC dated 4/05/06, as received by DES on March 26, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of areas with NH DES Wetlands Bureau jurisdiction for lot development, driveways, culverts, for septic setback or other construction activities.
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. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. Lot is adjacent to prime wetland, however, building envelope and location of septic system are more than 100 feet from edge of designated prime wetland.

2007-00608 VOELLMANN, FRANK
NEW LONDON Messer Pond

Requested Action:

Install a 240 ft long boardwalk accessing a 6 ft x 30 ft seasonal docking structure in New London on Messer Pond.

DENY PERMIT:

Install a 240 ft long boardwalk accessing a 6 ft x 30 ft seasonal docking structure in New London on Messer Pond.

With Findings:

Standards of 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. In accordance with RSA 482-A:3, XIII (a), all boat docking facilities shall be at least 20 ft from abutting property lines.

3. In accordance with Rule Env-Wt 101.82 "Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.
4. In accordance with Rule Env-Wt 101.59 "Navigable frontage" means the frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water.
5. In accordance with Rule Env-Wt 302.04, Requirements for Application Evaluation, the Applicant shall provide evidence that the proposal is the least impacting alternative.
6. Pursuant to Rule Env-Wt 302.04 (d), the Department shall not grant a permit if the project is not the least impacting alternative and will cause random or unnecessary destruction of wetlands.
7. Pursuant to RSA 482-A:3 XIII(c)."boat docking facilities may be located closer than 20 ft from an abutter's property line in non-tidal waters, if the owner of the boat docking facility obtains the written consent from the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services."

Findings of Fact

8. On June 21, 2007, the Wetlands Bureau received a Standard Dredge and Fill Application to construct 6 ft x 219 ft boardwalk to access uplands and construct a 6 ft x 20 ft boardwalk over wetlands to access surface waters with a 6 ft x 30 ft seasonal dock located within the 20 ft setback to abutting property line on property (the "Property") identified as New London Tax Map 105, Lot 11.
9. This project is classified as a Minor impact project per Rule Env-Wt 303.03 (a) projects occurring adjacent to any waters of the state that do not meet the criteria of Wt 303.02, Wt 303.04, or 303.05.
10. On April 25, 2007, the Wetlands Bureau requested a stamp surveyed plan to clearly show the normal high water mark elevation of Messer Pond and topographical line elevations in relation the Property line boundaries. The Bureau's letter also requested indication of "poorly drained" and "very poorly drained" wetland soil boundaries on said Property.
11. On June 21, 2007, the Wetlands Bureau received a submittal consisting of a stamp surveyed plan dated January 3, 1990 that did not show current conditions within the wetlands relative to property lines nor did it show normal high water Elevation 1105. The submittal also included plans stamped by a certified wetland scientist and septic designer that did not differentiate between "poorly drained" and "very poorly drained" wetland soils on the Property and a cover letter stating that plans outlining the soils would not be submitted.
12. The Applicant has not submitted notarized permission to install a docking structure within 20 ft of the abutting property identified as Town of New London Tax Map 93, Lot 14 owned by the Town of New London as required pursuant to RSA 483-A:3 XIII(c).
13. The proposal to construct a boardwalk across the entire wetland to access the proposed dock rather than taking the shortest route across the wetland to the water is not the least impacting, practicable alternative.
14. The Applicant has not provided plans which document the actual navigable frontage of the property.

Rulings in Support of the Decision

15. The Applicant has failed to provide evidence that the Property has navigable shoreline frontage as defined per Rule Env-Wt 101.59.
16. The proposal to construct a boardwalk across the entire frontage is not the least impacting alternative method of providing a docking facility on this frontage and, therefore the application is denied in accordance with Rule Env-Wt 302.04(d).
17. The proposal to locate the pier within 20 ft of an abutting property line is prohibited per RSA 482-A:3, XIII and, therefore, the application is denied.
18. Applicant failed to provide the requested soils hydrology information and, therefore, the project is denied due to failure to provide requested information in accordance with RSA 482-A:3, XIV(b).

**2007-00617 SALEM, TOWN OF
SALEM Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1,000 sq. ft. of jurisdictional wetlands for work associated with 4 miles of municipal roadway reconstruction including the replacement of culverts and other roadway maintenance activities.

Conservation Commission/Staff Comments:

The Salem Conservation Commission "... has completed its' review of [this] application, including a site visit, and has voted to recommend approval of the application and plans as submitted..."

Inspection Date: 04/27/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 1,000 sq. ft. of jurisdictional wetlands for work associated with 4 miles of municipal roadway reconstruction including the replacement of culverts and other roadway maintenance activities.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated March, 2007, as received by DES on March 26, 2007.
2. Any further alteration of areas on these properties that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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).
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

**2007-00625 FULLER, RICHARD & KELLY
FRANKLIN Unnamed Wetland**

Requested Action:

Retain existing 25-foot culvert that replaced previously existing culvert in a man made drainage ditch for access to an existing single family residence.

Conservation Commission/Staff Comments:

JSD work with SPH on this permit. Pre-existing conditions unclear causing drainage dispute.

APPROVE AFTER THE FACT:

Retain existing 25-foot culvert that replaced previously existing culvert in a man made drainage ditch for access to an existing single family residence.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
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.

2007-00768 FILDES/QUINTON, BARBARA/KEITH
HANOVER Tunis Brook

Requested Action:

Dredge and fill approximately 1,100 sq. ft. of intermittent stream, perennial stream and wet meadow wetlands for restoration of logging access impacts,, future forest management access, Class VI road stabilization and crossing and access to a new seasonal dwelling.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the Minimum Impact Expedited Application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 1,100 sq. ft. of intermittent stream, perennial stream and wet meadow wetlands for restoration of logging access impacts,, future forest management access, Class VI road stabilization and crossing and access to a new seasonal dwelling.

With Conditions:

1. All work shall be in accordance with drawings by James S. Kennedy, drawing sheets D-1 through D-4, dated April 10, 2007, as received by DES on April 17, 2007 and drawing S-1, dated April 10, 2007 and drawing S-2 dated June 13, 2007, as received by DES on June 15, 2007.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the approved work in wetlands and surface waters to assure work is conducted per this approval.
5. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Work shall be done during low flow.
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. 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.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. 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.
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 minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit access to a pie of property for a single family building lot or for noncommercial recreational uses.
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. Crossing and impacts outside of the proposed building access and Class VI road are for future forestry activities.
6. This approval provides for restoration and stabilization of multiple wetland and surface water impacts that were created prior to the current ownership.
7. The applicant provided written agreements from abutters in accordance with Administrative Rules Env-Wt 304.04.

2007-00854 PARK PLACE REALTY TRUST
SALEM Unnamed Wetland

Requested Action:

Dredge and fill 1,808 sq. ft. of jurisdictional wetlands in a man-made ditch to provide access for commercial site development and improved drainage.

Conservation Commission/Staff Comments:

The Salem Conservation Commission voted to recommend approval of the application and plans subject to revisions which have been addressed by the applicant.

APPROVE PERMIT:

Dredge and fill 1,808 sq. ft. of jurisdictional wetlands in a man-made ditch to provide access for commercial site development and improved drainage.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated December 15, 2006 (last revised 5/21/07), as received by DES on May 29, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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).
6. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

2007-00857 REA, THOMAS
NEW CASTLE Sagamore Creek

Requested Action:

Impact 160 sq. ft. in the previously disturbed upland tidal buffer zone to install a set of stone steps to provide access to the shoreline.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission "... reviewed the [Wetlands application] of Thomas Rea at 93 Campbell's Island and recommend approval of the application."

APPROVE PERMIT:

Impact 160 sq. ft. in the previously disturbed upland tidal buffer zone to install a set of stone steps to provide access to the shoreline.

With Conditions:

1. All work shall be in accordance with plans by Booth R. Hemingway/ Piscataqua Landscaping dated 5.3.07, as received by DES on May 07, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

**2007-01146 NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
PITTSBURG Lake Francis**

Requested Action:

Repair approximately 80 linear ft. of spillway bulkhead wall along the south side of the existing dam (Murphy Dam). Work includes adding new bulkhead wall to the top of the existing wall.

APPROVE PERMIT:

Repair approximately 80 linear ft. of spillway bulkhead wall along the south side of the existing dam (Murphy Dam). Work includes adding new bulkhead wall to the top of the existing wall.

With Conditions:

1. All work shall be in accordance with plans by NH DES Dam Bureau, dated August 22, 2006, as received by DES on May 22, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. 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.
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), projects deemed minimum impact by the department based on the degree of environmental 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 proposed work is along the top of the existing spillway bulkhead wall.

5. There will be no work in the water.
6. The Connecticut River Joint Commissions recommended that the project "go ahead".
7. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.
8. The Town of Pittsburg was notified of the proposed project per RSA 482-A:3, I. The Town did not submit comments.

2007-01356 APPALACHIAN MOUNTAIN CLUB
HARTS LOCATION Unnamed Wetland

Requested Action:

Dredge and fill approximately 309 sq. ft. (includes 136 sq. ft. of temporary impact) of stream bank and wetlands for removal of an existing 26 ft. long wooden pedestrian bridge and replacing it with a 56 clear span glue laminated timber bridge. The proposed work in wetlands consists of removal of the existing timber crib abutments from the wetlands and bank directly adjacent to the Saco River, restoration of the impacts created by the previous bridge construction and constructing a new concrete abutment outside of wetlands and an abutment approximately 10 ft. back from the edge of the river.

APPROVE PERMIT:

Dredge and fill approximately 309 sq. ft. (includes 136 sq. ft. of temporary impact) of stream bank and wetlands for removal of an existing 26 ft. long wooden pedestrian bridge and replacing it with a 56 clear span glue laminated timber bridge. The proposed work in wetlands consists of removal of the existing timber crib abutments from the wetlands and bank directly adjacent to the Saco River, restoration of the impacts created by the previous bridge construction and constructing a new concrete abutment outside of wetlands and an abutment approximately 10 ft. back from the edge of the river.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc., dated June 6, 2007, as received by DES on June 18, 2007.
2. Work shall be done during low flow.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The proposed temporary impacts areas shall be re-vegetated with native plant species.
6. There shall be no rip-rap used in the stream channel, banks or adjacent wetlands.
7. No machinery shall enter surface waters during demolition or construction of the crossing.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
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 proposed bridge is in disrepair and is not large enough to allow high water to pass. freely.
6. The proposed bridge will increase the river and wetland span by 30 feet and removes one abutment from wetlands.

7. The proposed bridge replacement work is going to be constructed by hand.
8. The new bridge will provide safe pedestrian passage on a highly used AMC trail and will provide for more adequate stream flow passage.

2007-01484 TEMPLE, TOWN OF
TEMPLE Temple Brook

Requested Action:

Dredge and fill 1,000 square feet of Temple Brook to repair/replace existing 10-foot wide stone arch bridge, install granite slab headwalls, and install a 4-foot x 7-foot precast overflow culvert.

APPROVE PERMIT:

Dredge and fill 1,000 square feet of Temple Brook to repair/replace existing 10-foot wide stone arch bridge, install granite slab headwalls, and install a 4-foot x 7-foot precast overflow culvert.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on July 02, 2007.
2. Work shall be done during low flow conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
16. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
17. 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.
18. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a bridge.
2. The existing stone arch bridge failed during the April 2007 floods.
3. The existing stone arch bridge will be replaced in-kind and will maintain the open-bottomed structure.
4. The existing structure lacks appropriate headwalls; only large scattered boulders exist.

5. The lack of appropriate headwalls contributed to failure of the bridge.
6. Granite slabs are proposed for headwall construction, to replace the existing large boulders.
7. Temple Brook width in this area is approximately 8 feet.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

EXPEDITED MINIMUM

**2006-00652 CLAREMONT, CITY OF
CLAREMONT Unnamed Wetland**

Requested Action:

Amendment: Request to add an additional 1,475 sq. ft. of wetlands impact for access and consruction of the Clay Hill Road Sewer Pump Station.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE AMENDMENT:

Dredge and fill approximately 2,475 sq. ft. (includes 1,000 sq. ft. of temporary impacts) of forested and emergent wetlands for access to extend an existing sewer line and for construction of a new sewer pump station and an associated access road.

With Conditions:

1. All work shall be in accordance with plans by DuBois & King, Inc., dated July 11, 2006, as received by DES on August 3, 2006, the narrative entitled "Addendum to Minimum Impact Expedited Permit Application" received on August 3, 2006 and "Clay Hill Road Pump Station" plan, sheet 11 of 17, dated May 2007, and the narrative entitled "Addendum to Minimum Impact Expedited Permit Application", as received by DES on June 15, 2007
2. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All work shall be conducted under low flow or low groundwater conditions.
4. Equipment used in wetlands shall be designed to have low ground contact pressure or placed on temporary mats so as to minimize rutting of the soils. Mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer 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.

11. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
12. Any clearing required in utility rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
13. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
14. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
15. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
16. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. 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.
20. 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), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the extension of an existing sewer line to provide public sewage service to residents.
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 Wt 302.03. The sewer line extension was configured to minimize wetlands impacts by minimizing wetlands crossings. A perennial stream crossing will be contained within the shoulder of an existing roadway and will not require additional wetlands impacts. The sewer line crossing over the Sugar River will be within an existing sleeve and will not impact the river channel or banks.
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. Per Wt 501.01, notification of abutters is not required for projects in utility rights-of-way.
6. The applicant requested an amendment to the original permit due to changes in the proposed sewer line configuration. The new configuration will result in less wetlands impacts by avoiding one of the originally proposed wetland crossings.
7. The applicant requested a second amendment to the original permit after reviews of alternative alignments and problems with easements.

2007-00087 LEBANON, CITY OF
WEST LEBANON Tributary To Connecticut River

Requested Action:

Dredge and fill 540 square feet of intermittent stream bank to replace an existing metal storm drain outlet and replace an existing rock outfall with a plunge pool and riprap swale.

APPROVE PERMIT:

Dredge and fill 540 square feet of intermittent stream bank to replace an existing metal storm drain outlet and replace an existing

rock outfall with a plunge pool and riprap swale.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce as received by the Department on January 18, 2007.
2. The Town shall obtain all construction easements from affected landowners outside of the existing road right-of-way prior to construction
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. 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(n), alteration of less than 50 linear feet of an intermittent stream channel or its banks.
2. This project is part of an ongoing combined sewer separation effort to reduce discharge of untreated wastewater to the Mascoma and Connecticut River.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Lebanon Conservation Commission.
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.

2007-00982 YOUNG, THOMAS & MARY MOYNIHAN
LEE Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,930 sq. ft. of previously disturbed emergent wetland, including 1,473 sq. ft. of temporary impact, and 1,457 sq. ft. of permanent impact, associated with installation of a 30,000 gallon sealed cistern for fire protection.

APPROVE PERMIT:

Dredge and fill a total of 2,930 sq. ft. of previously disturbed emergent wetland, including 1,473 sq. ft. of temporary impact, and 1,457 sq. ft. of permanent impact, associated with installation of a 30,000 gallon sealed cistern for fire protection.

With Conditions:

1. All work shall be in accordance with plans by American Engineering Consultants Corp. dated 3/20/2007, as received by DES on 5/11/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. No fill shall take place in Atlantic white cedar swamps.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. 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.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The cistern will provide a fire protection water source for an adjacent proposed development.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impacts associated with installation of the cistern are temporary. The cistern itself is sealed, and will be filled with water from off-site. The only permanent impact is to maintain an access to utilize the cistern.
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. The project has been reviewed by NH Fish & Game Department relative to species of concern reported in the project vicinity, including American brook lamprey and Eastern brook trout, and had determined that the species will not be affected by the project. The Spruce Hole kettle hole bog is over .5 miles away from the site and will be unaffected by the project.
5. The Lee Conservation Commission signed the expedited application.

AGRICULTURE MINIMUM

2007-01002 WOOSTER, BRUCE
WINCHESTER Unnamed Wetland

Requested Action:

Dredge and fill approximately 100 square feet of wet meadow and forested wetlands to install two (2) spring wells for agriculture irrigation.

APPROVE PERMIT:

Dredge and fill approximately 100 square feet of wet meadow and forested wetlands to install two (2) spring wells for agriculture irrigation.

With Conditions:

1. All work shall be done in accordance with plans by NRCS, dated June 12, 2007, as received by DES on June 19 2007.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.

With Findings:

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

GOLD DREDGE

2007-01555 LIBBY, BRIAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01556 LASKOSKI, LUKE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2007-01490 GERLACK, ROBERT H & NANCY L
ENFIELD Mascoma Lake

COMPLETE NOTIFICATION:
Enfield, NH Tax map 31 Lot 56
Mascoma Lake

2007-01491 DESROCHES, RICHARD & JUDITH
SANBORNVILLE Lovell Lake

COMPLETE NOTIFICATION:

Sanbornville, NH Tax map 208 Lot 25
Lovell Lake

2007-01502 LATRONICO, KENNETH
BRISTOL Newfound Lake

COMPLETE NOTIFICATION:
Bristol, NH Tax map R5 Lot 40 Block 3
Newfound Lake

2007-01541 FOSS, CAROL
NEW LONDON Little Lake Sunapee

COMPLETE NOTIFICATION:
New London, NH Tax map 45 Lot 38
Little Lake Sunapee

2007-01548 ACKERMAN, WILLIAM
DERRY Lower Shields Pond

COMPLETE NOTIFICATION:
Derry, NH Tax map 11 Lot 10 Block 68
Lower Shields Pond

2007-01549 GOSSELIN, PAUL
RINDGE Contoocook Lake

COMPLETE NOTIFICATION:
Rindge, NH Tax map 45 Lot 26
Contoocook Lake

2007-01550 DANDREO, ROBERT
WEARE Horace Lake

COMPLETE NOTIFICATION:
Weare, NH Tax map 103 Lot 13
Horace Lake

2007-01554 DONNELLY, WILLIAM & DOREEN
WAKEFIELD Horn Pond

COMPLETE NOTIFICATION:
Wakefield, NH Tax map 156 Lot 4
Horn Pond

ROADWAY MAINTENANCE NOTIF

**2007-01527 NH DEPT OF TRANSPORTATION
HENNIKER Unnamed Stream**

COMPLETE NOTIFICATION:

Stabilize approximately 500 feet of roadway embankment with Class A(18-24inches)and/or B (12-18-inches)fractured stone adjacent to NH Route 114 near Colby Crossing Road using BMP's 5,7 though 12 as appropriate.

**2007-01528 NH DEPT OF TRANSPORTATION
NORTHUMBERLAND Unnamed Stream**

COMPLETE NOTIFICATION:

Culvert replacement same size, same location USE BMP #1,3,7,10,12,4

**2007-01529 NH DEPT OF TRANSPORTATION
HENNIKER Unnamed Stream**

COMPLETE NOTIFICATION:

Repair failing headwall that is causing voids in the roadway shoulder using BMP's 1,2 though 10,12 and 13 as appropriate and clean roadside ditch and culvert inlet and outlet

**2007-01553 NH DEPT OF TRANSPORTATION
NEW BOSTON Unnamed Stream**

COMPLETE NOTIFICATION:

Replace failing 18-inch corrugated metal pipe(CMP)with 24-inch CMP on NH Route 13 in New Boston using BMP's 2 though 13 as appropriate

**2007-01560 NH DEPT OF TRANSPORTATION
SANBORNTON Unnamed Stream**

COMPLETE NOTIFICATION:

Replacing an 18 inch by 45 foot highway culvert with a new 2 foot by 45 foot CMP

PERMIT BY NOTIFICATION

**2007-01085 LABRIE, ALFRED
GOFFSTOWN Glen Lake**

Requested Action:

Replace existing tire retained area and install a stone retaining wall.

PBN DISQUALIFIED:

Replace existing tire retained area and install a stone retaining wall.

With Findings:

1. This project does not qualify for PBN review pursuant to Rule Env-Wt 506.01(a)(2).

2007-01255 CHALMERS, MARGARET
SUNAPEE Sunapee Lake

Requested Action:

Repair existing retaining wall "in-kind."

PBN IS COMPLETE:

Repair existing retaining wall "in-kind."

With Findings:

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

2007-01275 WAKEFIELD, TIM & SIRKKA RAASOCH
ALSTEAD Lake Warren

Requested Action:

Repair/replace existing permanent docking system.

PBN IS COMPLETE:

Repair/replace existing permanent docking system.

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.

2007-01311 MONROE, SHARON
ALTON Lake Winnepesaukee

Requested Action:

Repair existing piling supported U shaped dock.

APPROVE PERMIT:

Repair existing piling supported U shaped dock.

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.

**2007-01313 KOLLMORGEN, FREDERICK
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Replenish sand on existing beach.

PBN IS COMPLETE:

Replenish sand on existing beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) replenish sand on legally existing beach.

**2007-01321 FLOOD, JAMES
ALTON Lake Winnepesaukee**

Requested Action:

Rebuild an existing crib dock.

PBN DISQUALIFIED:

Rebuild an existing crib dock.

With Findings:

1. Pursuant to Rule Env-Wt 506.03, the application requires a plan showing all existing and proposed structurea and all other relevant features necessary to clearly define the project.

**2007-01332 MITCHELL, NANCY
ALTON Lake Winnepesaukee**

Requested Action:

Repair 7 ft x 10 ft crib and replace two ice clusters.

PBN IS COMPLETE:

Repair 7 ft x 10 ft crib and replace two ice clusters.

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.

**2007-01334 SUNRISE COTTAGE CONDO ASSN
SANBORNTON Winnisquam Lake**

Requested Action:

Replenish beach.

PBN IS COMPLETE:

Replenish beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenish legally existing beach.

**2007-01434 MORAN, MARY COFFEY
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair permanent crib supported dock.

PBN IS COMPLETE:

Repair permanent crib supported dock.

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.

**2007-01499 PALMER, ROBERT & MARGARET
WALPOLE Tributary To Cold River**

Requested Action:

Disqualify permit by notification to install a 5-foot x 8-foot x 18-foot open bottomed concrete box culvert in a perennial stream for access.

PBN DISQUALIFIED:

Disqualify permit by notification to install a 5-foot x 8-foot x 18-foot open bottomed concrete box culvert in a perennial stream for access.

With Findings:

1. Per Env-Wt 506.04(c), projects classified under Env-Wt 303.04(z) and involving stream impacts, shall only impact intermittent streams.
2. It is unclear if subdivision is proposed or was recently approved for this parcel/abutting parcels.