

Wetlands Bureau Decision Report

Decisions Taken
07/23/2007 to 07/29/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2005-01671 MANOR ESTATE CONDO ASSOCIATION, LYNDA FERGUSON
BRISTOL Newfound Lake**

Requested Action:

Amend permit to relocate the proposed docking structure closer to the center of the property.

Conservation Commission/Staff Comments:

Con Com has not submitted comments as of 10/07/05

Inspection Date: 10/25/2005 by Jeffrey D Blecharczyk

APPROVE AMENDMENT:

Permanently remove an existing 4 ft by 32 ft seasonal dock, permanently reduce a existing grandfathered deck by removing a 5 ft by 32 ft section over the water, construct a 6 ft by 54 seasonal dock with six 4 ft by 20 ft seasonal fingers providing 10 boatslips on an average of 682 ft of frontage on Newfound Lake, Bristol.

With Conditions:

Amend Conditions to read:

1. All work shall be in accordance with plans by Lynda Ferguson dated May 27, 2005, as received by the Department on June 06, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
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. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 54 feet from the shoreline at full lake elevation.
8. The 5 ft by 32 ft section of the deck shall be removed prior to the construction of any new structure on the frontage.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 682 feet of frontage along Newfound Lake.
3. A maximum of 10 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 10 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on October 25, 2005, with the finding that the project impacts will not significantly impair the resources of Newfound Lake.
6. The relocation of the proposed docking facilities will result in no increase in impacts.

-Send to Governor and Executive Council-

**2007-00816 BEANE, KAREN
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Amend permit to include second seasonal pier providing a fifth slip.

APPROVE AMENDMENT:

Amend permit to read: Construct two 6 ft x 40 ft seasonal piers approximately 162 ft and 174 ft northwesterly of an existing 50 ft breakwater with a 6 ft gap at the shoreline and a 6 ft x 54 ft 7 in cantilevered dock on an average of 403 ft of frontage on Cow Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with seasonal dock plans by Mark Degrace as received by DES on April 18, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only docking 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. The seasonal piers shall be removed from the lake for five months during the non-boating season.
5. No portion of the seasonal piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. This permit does not authorize any modifications to existing cantilevered dock, breakwater, and beach. These existing structures shall remain in their original location, dimensions, and configuration as previously permitted per Permit #1994-1006 and Permit #2002-877.
7. This permit does not authorize maintenance dredging.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. 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.
10. 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.
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 major impact project per Administrative Rule Env-Wt 303.02(j), modification of a docking facility associated with a breakwater.
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 July 6, 2007. The field inspection found that the docking facilities will not negatively impact navigation within the channel. The Windswept Island residents navigational channel for docking is not compromised.
6. The applicant has an average of 403 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2006-01698 MCCAULEY, KEVIN
HILLSBOROUGH Beard Brook

Requested Action:

Dredge and fill approximately 30 linear ft. of perennial stream bank and 200 sq. ft. of wetlands for replacement and upgrade of an existing bridge on Beard Brook and replacement of an existing 8 in. culvert with a 30 in. x 36 ft. CPP culvert within an existing right-of-way.

Conservation Commission/Staff Comments:

DES granted a 30-day time extension to the 120 day request for more information.

DENY PERMIT:

Dredge and fill approximately 30 linear ft. of perennial stream bank and 200 sq. ft. of wetlands for replacement and upgrade of an existing bridge on Beard Brook and replacement of an existing 8 in. culvert with a 30 in. x 36 ft. CPP culvert within an existing right-of-way.

With Findings:

Findings of Law:

1. This is a Minor Impact Project per NH Code of 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). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks;
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
4. RSA 482-A:11, II prohibits the Department from issuing a permit that shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

Findings of Fact:

5. The applicant has failed to demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. On March 23, 2007, the Department issued a Request for More Information, which questioned how the proposed block walls and grading is considered maintenance in accordance with the Superior Court judgment and requested how the proposed project would not result in an impact on the abutting properties.
7. The requested bridge does not constitute repair, but an expansion and reconstruction beyond the limits of its original footprint.
8. The court found in its order dated November 20, 2005 that the right of entry includes "the right to perform reasonable maintenance activities such as plowing and piling snow, performing repairs and reclaiming gravel washed away by flooding".
9. The court did not allow for expansion of a permanent structure onto abutting land.
10. Pursuant to RSA 482-A:11, II before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant.
11. The court found that the petitioner did not obtain an adverse possession right over the property.
12. The Department does not have reasonable proof that the applicant has sufficient ownership interest in the property to construct a permanent structure on the abutters land.
13. The Department does not have reasonable proof that the proposed structure will not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
14. If the applicant obtained permission or purchased an easement beyond the 20 foot right away from impacted abutters, DES would allow the upgraded crossing.

2006-02176 POLLI, DAVID
HANOVER Unnamed Stream Wetlands

Requested Action:

Dredge and fill 1,249 square feet of wetlands and create a rip-rapped lined channel for construction of a yard and access around a proposed house. Tree, shrub, and perennial/vine plantings are proposed.

DENY PERMIT:

Dredge and fill 1,249 square feet of wetlands and create a rip-rapped lined channel for construction of a yard and access around a proposed house. Tree, shrub, and perennial/vine plantings are proposed.

With Findings:

Findings of Law:

1. This is a Minimum Impact Project per NH Code of Administrative Rule (Rule) Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. The need for the proposed impacts shall be demonstrated by the applicant prior to Department of Environmental Services Wetlands Bureau (Department) approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01(b).
5. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Rule Env-Wt 302.03.
6. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
7. In accordance with Rule Env-Wt 302.04(d), the Department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the Department's jurisdiction, the project will cause or contribute to significant degradation of waters of the state, or the project will cause random or unnecessary destruction of wetlands.
8. In accordance with Env-Wt 304.04 (a), the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
9. In accordance with Env-Wt 204.04 (a)(1), subject to 204.04(b), a request for waiver shall be granted if granting the request will not result in: a) an adverse effect to the environment or natural resources of the state, public health, or public safety; or b) an impact on abutting properties that is more significant than that which would result from complying with the rule.
10. In accordance with Env-Wt 204.04(a)(2), subject to 204.04(b), a request for waiver shall be granted if one or more of the following conditions is satisfied: a) granting the request is consistent with the intent and purpose of the rule being waived; and b) strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

Findings of Fact:

11. On August 21, 2006, the Department received a Standard Dredge and Fill Application to install a culvert and fill 452 square feet of palustrine emergent wetlands for yard construction and to allow for construction of a new residence (in the same footprint as the existing residence) on a pre-existing non-confirming lot.
12. On August 29, 2006, the Department issued a Notice of Administrative Completeness Standard Dredge and Fill Application letter.
13. On November 28, 2006, the Department issued a Request for More Information, which stated the proposed alternative was not approvable; less impacting alternatives should be considered; and the application should be revised or withdrawn.
14. On November 09, 2006, the Department received revised plans that addressed additional information requested by the Town of Hanover. The revised plans were not a response to the November 28, 2006, Request for More Information. Revisions included, but were not limited to proposed grading, culvert, and landscaping.
15. On December 05, 2006, the Department issued a general letter, which stated the November 09, 2006, submittal is not a complete response to the November 08, 2006, Request for More Information and the required submittal of materials requested in the November 08, 2006, Request for More Information by March 08, 2007, was reiterated.
16. On December 28, 2006, a meeting was held at the DES Lobby, with agent, Peter Spears, Natural Resource Consulting Services (NRCS) and DES staff. Revised plans were not available for review at the meeting. Mr. Spears stated jurisdictional areas upstream

of the property were wet meadow; Mink Brook is downstream and across Harbor Center Road; historically wetlands were likely dredge/filled for house construction; the property owner's wife is in a wheel chair and the proposal will address safety concerns; and that relocating the ditch a couple feet is a possible alternative. DES staff stated safety appeared to be the foremost concern and the feasibility of a barrier, such as a fence should be addressed prior to consideration of an alternative that proposed wetland impacts; evidence from the town confirming the structure must be constructed in the existing footprint and that the house cannot be relocated to the east to eliminate proposed impacts would be required; abutter permission would be required for impacts to jurisdictional areas within 20 feet of abutting property lines; and relocation would be limited to restoration/stabilization that aims to maintain the existing channel and includes plantings; confirmation would be required that a stream channel does not exist upstream; and the Department reiterated the barrier option appears to be the less impacting alternative.

17. On January 08, 2007, the Department received revised plans that proposed to dredge and fill 1,249 square feet of wetlands and create a rip-rapped lined channel for construction of a yard and access around a proposed house. Tree, shrub, and perennial/vine plantings are proposed. Work was proposed within 20 feet of abutting property lines.

18. On February 06, 2007, the Department issued a Request for More Information, which summarized the December 28, 2006, meeting and requested response to the discussed items, including confirmation from the town that the structure must be constructed in the existing footprint; additional photographs of the upstream wetlands; per Env-Wt 304.04, abutter permission for proposed work within 20 feet of abutting property lines; and discussion of alternatives. The request also stated relocating the entire jurisdictional area as proposed does not appear to be the least impacting alternative and that relocation/restoration would be considered for the northwest portion of the lot only to allow for access, reconstruction, and maintenance; stated concern for redirection of high flows that may result from the sharp angle of the proposed realignment; requested relocation of the driveway turnaround to extend east; removal of roof drain; and submittal of a cross-section of the creation area.

19. On March 23, 2007, the Department received a letter dated March 19, 2007, from Lynn A. Sheldon and Benjamin B. Steele, abutters to the lot on which the project is proposed, in which they stated concern for water quality; impacts to wetlands on their property and proposed septic system impacts.

20. On March 29, 2007, the Department received revised plans and narrative response to the February 06, 2007, Request for More Information. The revised project proposed to dredge and fill 1,249 square feet of wetlands and create a rip-rapped lined channel for construction of a yard and access around the proposed house. Project revisions included tree, shrub, and perennial/vine plantings. The submittal included a function and value assessment. Attachments included additional photographs, a letter dated March 14, 2007, from the Town of Hanover, and a copy of the March 19, 2007, letter from abutters Lynn A. Sheldon and Benjamin B. Steele.

21. On April 21, 2007, the Department received a forwarded email from Peter Spears, NRCS, which included an email from the applicant, in which the applicant commented on issues regarding the proposed project and abutters.

22. On April 26, 2007, the Department received a letter from Laura B. Scott and Nicholas R. Ormen Jr., abutters to the lot on which the project is proposed, which stated concern the proposed project will impact their existing access, drainage, and water quality.

23. On April 30, 2007, the Department received a letter from Peter Spears, NRCS, a response to the letter received by DES on March 23, 2007, from Laura B. Scott and Nicholas R. Ormen Jr. Mr. Spears stated the abutters live upstream of the proposed project, there is no history of flooding up or down gradient of the subject parcel, the project will not impact their property, and that the project is property designed and will not impact water quality or drainage.

24. On April 26, 2007, the Department issued a Request for More Information in response to the March 29, 2007, submittal, stating if abutter permission cannot be obtained a waiver can be requested per Env-Wt 204.02, to Env-Wt 304.04, Setback from Property Lines; cited Env-Wt 204.04 (a)(1) &(2) and stated as the project was currently proposed and after review of abutter comments, the Department was not confident the waiver criteria can be satisfied. The Department also stated, "As previously stated, and given abutter permission is obtained per Env-Wt 304.04, DES will consider relocation/restoration of the jurisdictional area in areas adjacent to the northwest corner of the house in order to allow for access, reconstruction, and maintenance; and recreation should be stream channel type restoration with rounded stone. DES is still concerned the proposed northwest angle may result in the redirection of high flows; adversely impacting the abutting property. The revised plans have not satisfied these revision requests and concerns."

25. On June 22, 2007, the Department received an email from Peter Spears, NRCS, stating a waiver request was submitted. The Department responded via email a waiver request had not been received. Mr. Spears responded via email and cc'd David Polli that a waiver request had been sent to Mr. Polli for signature. Mr. Spears also questioned if the waiver request was, "...the last remaining piece of information that you (the Department) need to further process the application..."

26. The Department did not respond to Mr. Spear's final June 22, 2007, email; the April 26, 2007, Request for More Information clearly states the required information.

27. On June 25, 2007, the Department received a waiver request.

Findings in Support of Denial:

28. The applicant has not addressed Env-Wt 302.01(b) to the Department's Satisfaction, and therefore is denied in accordance with Env-Wt 302.04(d)(3), as the project causes unnecessary destruction of wetlands.
29. The applicant failed to address Env-Wt 302.03 and Env-Wt 302.04(b)(5), and therefore is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
30. The applicant has failed to address Env-Wt 302.04(b)(3), and therefore is denied in accordance with Env-Wt 302.04(d)(2), as the project would cause or contribute to significant degradation of waters of the state.
31. The applicant failed to address Env-Wt 302.04(b)(4).
32. In accordance with Env-Wt 204.04(a)(1), the waiver request failed to prove granting the request would not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact of abutting properties that is more significant than that which would result from complying with the rule.
33. In accordance with Env-Wt 204.04 (a) (2), the waiver request failed to prove granting the request is consistent with the intent and purpose of the rule being waived; and strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
34. The Department did not receive a complete response to the December 05, 2006, February 06, 2007, and April 26, 2007, Requests for More Information within the 120 days, and therefore the application has been denied.

2006-03223 SALOIS, CLAIRE
SALEM Arlington Pond

Requested Action:

Applicant requests reconsideration of the Departments June 22, 2007 decision to deny the request to retain a larger replacement retaining wall with change of configuration based on the new information provided.

DENY RECONSIDERATION:

Reconsider and reaffirm June 22, 2007 decision to deny request to: retain the larger and reconfigured replacement retaining wall on 72 ft of frontage in Salem on Arlington Pond.

With Findings:

Grounds for Reconsideration

1. On July 10, 2007 the Department received additional comments, photographs, and a sketch plan from the applicant describing reasoning behind constructing a larger and reconfigured retaining wall replacement.

Findings of Fact:

2. On June 20, 2007, personnel from DES spoke with the Salem Planning Director (the "Director") and asked if he knew the contractor's name on the day of his November 22, 2006 inspection. He stated, "He didn't know because there was a language barrier." The Director stated that he duly informed the applicant prior to construction that a Wetlands permit was required prior to any work.
3. Pursuant to Rule Env-Wt 404.05(a)(4) stamp surveyed plans were not submitted with the request for reconsideration as received by the Department on July 10, 2007.
6. Pursuant to Rule Env-Wt 404.05(a)(2) a cross section and plan views were not submitted with the reconsideration.
7. The reconsideration did not include the appropriate impact fee for this After-the-fact Minor Impact project.
8. The applicant contested that the markings left on the lakebed from "wheeled and tracked vehicles" were from all terrain vehicles ("ATV's") that routinely "rip" around the lakebed, when there is clear and convincing evidence that those markings were left by a skid steer and not a ATV's as shown in photos within a Town of Salem inspection report as dated November 22, 2006. Use of a "Skid Steer" on the lake bed for the construction of a larger retaining wall is not the least impacting alternative.
9. The applicant's reconsideration again refuted to provide the name, telephone number, and address of the contractor/agent/landscaper/company (the "Company") responsible for the work conducted on the property as shown on photos taken during a Town inspection dated November 22, 2006, and the landowner refused to provide name of the Company by stating that her "Nephew's did it".
10. Pursuant to Rule Env-Wt 302.04(a)(1), the applicant failed to provide any evidence of the need for the increased height and

altered location and configuration of the retaining wall.

11. The reconsideration does not contest that applicant knowingly constructed a retaining wall without a permit.
12. The reconsideration included photos submitted with the reconsideration in comparison with the Town of Salem's inspection report's photos clearly show manipulation of the wall to deceive the Department into believing the retaining wall has not been completed.

Ruling in Support of the Decision:

13. The applicant failed to provide any evidence of the need for the increased height and altered location and configuration of the retaining wall as required pursuant to Rule Env-Wt 302.04(a)(1).
14. The project, including the change in grade of the shoreline, is not consistent with the policies of the CSPA, therefore the Wetlands Bureau reaffirms the June 22, 2007 decision to deny the proposed project in accordance with RSA 483-B.
15. The applicant has failed to provide documentation that the project impacts were not avoidable as per Env-Wt 302.04(a)(2), therefore the application is denied.
16. The applicant has failed to provide the appropriate filing fee pursuant to RSA 482-A:3.

2007-00237 ASHER CONSTRUCTION LLC
MARLBOROUGH Unnamed Wetland

Requested Action:

Amendment request to remove/amend condition #2, permit contingent on approval by the DES Subsurface System Bureau.

APPROVE AMENDMENT:

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

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated January 22, 2007, as received by the Department on February 16, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. 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.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided evidence that there is adequate area for individual disposal systems (septic system) on each lot.
6. The proposed lots are greater than five acres and do not require Subdivision approval by the DES Subsurface Systems Bureau. Approval will be needed for individual septic systems.

**2007-00348 CONOVER, FRED
MEREDITH Lake Winnisquam**

Requested Action:

Construct a "U-shaped" docking facility consisting of two 6 ft x 40 ft seasonal docks extending from a permanent piling supported 6 ft x 24 ft walkway accessed by a 6 ft wooden access stairs constructed over the bank, and construct a 18 ft x 25 ft perched beach with 4 ft wide steps built over the bank on 164 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a "U-shaped" docking facility consisting of two 6 ft x 40 ft seasonal docks extending from a permanent piling supported 6 ft x 24 ft walkway accessed by a 6 ft wooden access stairs constructed over the bank, and construct a 18 ft x 25 ft perched beach with 4 ft wide steps built over the bank on 164 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants LLC revised July 18, 2007, as received by DES on July 19, 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. Seasonal docks shall be removed from the lake for five months during the non-boating season.
4. No portion of the docking system shall extend more than 46 feet from the shoreline at full lake elevation.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Piling supports shall be maintained at a minimum of a 12 ft spacing center to center.
13. 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.
14. Unnecessary removal of vegetation shall be prohibited.
15. This permit does not allow for maintenance dredging.
16. 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.
17. 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.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent docking system not exceeding 4 boat slips.
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 submitted dated water depths as evidence of the need for the 46 ft of pier length.

2007-00460 HILLSBOROUGH, TOWN OF
HILLSBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill approximately 3,480 square feet of intermittent drainage and wetlands along a woods road (Moore Road), including relocation of the intermittent drainage to allow for access to and construction of a sewer pump station and a force water and sewer main extension.

Conservation Commission/Staff Comments:

7/19/07 - Charlie Gore, Proj. Mgr from Stantek called for status and said best to reach him on his cell#857-928-4139. He can also be reached at 603-669-8672. np

Dan called spoke to Kirsten he wants to be added to the list. They did the design for the project. JoAnn Robinson

APPROVE PERMIT:

Dredge and fill approximately 3,480 square feet of intermittent drainage and wetlands along a woods road (Moore Road), including relocation of the intermittent drainage to allow for access to and construction of a sewer pump station and a force water and sewer main extension.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services Inc. dated December 01, 2006, and revised through June 28, 2007, as received by the Department on June 29, 2007.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. 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. Culverts shall be properly rip-rapped.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

CREATION:

11. The schedule for construction of the recreated swales shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
12. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the recreation areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the

Wetlands DES within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The project's NH certified wetland scientist has stated the intermittent drainages or eroded narrow sloped drainages follow the footprint of the existing woods road (Moore Road) and that it appears the drainages are largely influenced by drainage from Bible Hill Road.
3. The proposed relocation and stabilization of the intermittent drainages will improve the ability of the site to reduce the ongoing erosion and minimize sedimentation to downstream Beards Brook.
4. The Town of Hillsborough has obtained easements for construction of the water and sewer pipeline in areas that is not within the Moore Road right-of-way.
5. The applicant revised the stone materials within the recreated channels from riprap to rounded stone, to more closely recreate the existing resource.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Hillsborough Conservation Commission.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00708 PUBLIC SERVICE OF NH
CHESTER Unnamed Wetland**

Requested Action:

Dredge and fill 4,458 sq. ft. of previously disturbed palustrine scrub-shrub/ emergent wetlands to construct a driveway/ culvert crossing within a designated easement to access a residential building lot in uplands.

Conservation Commission/Staff Comments:

No comments received from the Chester Conservation Commission.

APPROVE PERMIT:

Dredge and fill 4,458 sq. ft. of previously disturbed palustrine scrub-shrub/ emergent wetlands to construct a driveway/ culvert crossing within a designated easement to access a residential building lot in uplands.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout & Design, Inc. dated 3-28-07 (last revised 4/2/07), as received by DES on April 10, 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, for septic setback or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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).
8. 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. PSNH has provided permission to Lamphere Construction, Inc. to construct a driveway within an existing access easement within its #373 and #391 transmission line corridor.

2007-00811 MACONE, THOMAS/DEBRA
GILFORD Lake Winnepesaukee

Requested Action:

Dredge 10 cubic yards of debris and sand from 1025 sq ft on 150 ft of frontage on Governor's Island in Gilford on Lake Winnepesaukee.

APPROVE PERMIT:

Dredge 10 cubic yards of debris and sand from 1025 sq ft on 150 ft of frontage on Governor's Island in Gilford on Lake Winnepesaukee.

With Conditions:

1. Dredging activity shall be in accordance with plans by Robert C. Brown dated June 12, 2007, as received by DES on July 10, 2007.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. This permit does not authorize annual maintenance dredging, and is only good for one dredge. Further activity within Wetlands jurisdiction shall require another permit.
5. This permit does not authorize after-the-fact approval for any existing structures.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if DES later determines that the docking system, walkways, stairways, breakwater, rock fill, beach, retaining walls, natural woodland buffers, nonconforming patio with umbrella, and any other structures requiring a wetlands permit, as depicted as "existing" on the plans submitted by the applicant, and indicated within DES inspection photos, were not previously permitted or grandfathered.
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(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.
5. DES Staff conducted a field inspection of the proposed project on May 25, 2007. Field inspection determined that 6 ft breakwater gap was filling with sand, and that sand migration has many indirect variations, including culvert causing turbidity.

2007-01576 WILLEY, DESMOND & KELLY
CLAREMONT Sugar River

Requested Action:

Emergency repair and replacement of 60 linear feet of an existing retaining wall along the Sugar River.

APPROVE PERMIT:

Emergency repair and replacement of 60 linear feet of an existing retaining wall along the Sugar River.

With Conditions:

1. All work shall be in accordance with plans by M & W Soils engineering, Inc., dated June 18, 2007, as received by DES on July 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. 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. 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.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game Department.
6. 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.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. No equipment shall enter the river, equipment shall work from the bank and top of the bank.
9. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
10. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
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. Temporary cofferdams shall be entirely removed immediately following construction.
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 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. 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.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. A post-construction report documenting the status of the project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. 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 (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). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the 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 existing retaining wall and building foundations are failing from recent and past storm events.

- 5. The proposed project is needed for public safety and protection of the existing infrastructure adjacent to the river.
- 6. The area is a highly urbanized section of the river. The river bank to be repaired consists building foundations and a rock retaining wall. The bank area upstream and downstream of project consists of building foundations.
- 7. There is no vegetation associated with the proposed repair area.

MINIMUM IMPACT PROJECT

2005-02180 WHITING FARM REALTY TRUST, LINDA WATT TRUSTEE
AMHERST Unnamed Stream Wetlands

Requested Action:

Approve name change to: Whiting Farm Realty Trust, Linda Watt, Trustee, 7E Taggart Dr., Nashua NH per request received 7/24/2007. Previous owner: Merton Winn Capital Inc.

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments.

APPROVE NAME CHANGE:

Dredge and fill approximately 2,000 square feet of forested wetlands to construct two common driveways for access to six lots of a 21 lot subdivision. Work to include installation of two crossings, one crossing containing an 18 inch x 35 foot ADS culvert and one crossing containing a 24 inch x 38 foot ADS culvert with associated grading, rip rap outlet protection and culvert headwalls. The project will also provide access from the proposed Odell Drive to an adjacent lot, identified as Tax Map 6, Lot 33. In addition, 35 feet of frontage identified as "Parcel A" is being provided from Lot 33 to the proposed Whiting Farm Drive. Additional offsite impacts consist of dredging and filling approximately 4,550 sq. ft. of emergent wetlands for roadway improvements located at the intersection of Route 101 and Walnut Hill Road. Work for the roadway improvements consists of roadway widening, culvert extension and relocation and reconstruction of a roadway drainage swale.

With Conditions:

- 1. All work shall be in accordance with plans prepared by Jones & Beach Engineers, Inc., plan sheets 1, 2, 4, 5, 6, 8 and 10 through 33 of 33 revision dated December 22, 2005 as received by the Department on January 4, 2006 and revised plan sheets 3, 9 and 11 of 37 and revised plan sheet 27 of 35, revision dated January 30, 2006 as received by the Department on March 8, 2006 and offsite improvement plans prepared by Jones & Beach Engineers, Inc., plan sheets 1, 2 and 3 of 3, revision dated December 18, 2006 as received by the Department on January 5, 2007, narratives by West Environmental, Inc., dated September 2005 as received by the Department on September 16, 2005, narrative dated December 28, 2005 as received by the Department on January 4, 2006 and narrative dated March 6, as received by the Department on March 8, 2006,
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. This permit is contingent on approval by the DES Site Specific Program (Alteration of Terrain Program).
- 4. This permit is contingent on approval by the New Hampshire Department of Transportation for work conducted along Route 101 and Walnut Hill Road.
- 5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
- 8. The proposed 35 foot frontage area identified as "Parcel A" between Lots 6-79-12 and 6-79-13 shall only be used for frontage from Whiting Farm Drive to Lot 33 (previously Lots 33 and 35-4). There shall be no proposed or future impacts to wetlands or surface waters within the frontage area.
- 9. Work shall be done during low flow.

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

With Findings:

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

2005-02272 TAYLOR, SCOTT
RYE Atlantic Ocean

Requested Action:

Owner wishes to amend permit to include the extension of the existing seawall southwest, add stone steps within the extension leading down to the beach, and create a large boulder retaining wall landward of the seawall.

Conservation Commission/Staff Comments:

The Rye Conservation Commission did not sign the Minimum Impact Expedited Application.

Inspection Date: 07/18/2005 by Eben M Lewis

APPROVE AMENDMENT:

Impact a total of 2,740 square feet of the 100-foot tidal buffer zone to include 1,434 square feet of temporary impact and 1,306 square feet of permanent impact for the reconstruction of the existing dwelling, replacement of the existing wooden retaining wall with a dry laid boulder retaining wall, extension of the existing seawall to the southwest corner of the property, construction of stone steps leading down to the beach, and enhancement plantings of native dune vegetation on a single family residential lot of 0.278 acres.

With Conditions:

1. All work shall be in accordance with the following plans by NH Soil Consultants, Inc.:
 - a.) DES Wetlands Bureau Application Plan (Sheet 1 of 1) dated July 2005 with revisions through July 21, 2005, as received by the Department on December 8, 2005;
 - b.) Revised Plant Table for Buffer Plantings at 1090 Ocean Boulevard, Rye, NH, as received by the Department on January 26, 2006;
 - c.) DES Wetlands Bureau Amendment Plan (Sheet 1 of 1) dated July 2005 and revised through July 11, 2007, as received by DES on June 19, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Replacement of the existing retaining wall shall maintain existing size, location and configuration.
7. Only native dune vegetation shall be planted in the designated areas.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. Per Env-Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as these impacts are necessary to reconstruct the existing dwelling.
3. Per Env-Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the existing dwellings footprint will be used; planting of native dune vegetation; and the replacement of the wooden retaining wall with boulders to protect and enhance the frontage.
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. A field inspection was conducted by DES personal on July 18, 2005.
6. NH Natural Heritage Bureau (NHNHB) has identified five state listed threatened species within the vicinity of the project: Beach Grass (*Ammophila breviligulata*); Large Bur-reed (*Sparganium eurycarpum*); Salt-loving Spike-rush (*Eleocharis halophila*); Slender Blue Flag (*Iris prismatica*); and Small Spike-rush (*Eleocharis parvula*); Tall Wormwood (*Artemisia campestris*). NHNHB has identified one vertebrate species of special concern, Virginia Rail (*Rallus limicola*). In addition, the NHNHB identified one natural community, High salt marsh.
7. DES review of this application and field inspection finds that the NHNHB identified species will not be impacted as a result of this project as this site is developed and does not support the aforementioned species.
8. Relative to Env-Wt 304.04, the applicant is required to obtain written concurrence for the impacts within 20-feet from the abutting property owners identified as Azzi (Hampton Tax Map 19.4 Lot 76) and Carmen (Hampton Tax Map Lot 75).
9. Pursuant to Wt Env-304.04, the applicant received written concurrence from the Azzi residence.
10. The abutter identified as Carmen is in objection to the project and will not sign a letter of concurrence per Env-Wt 304.04. The following concerns were identified: a.) The request for a waiver is incomplete due to the plan lacking the distance from the proposed structure to the property line of the Carmen's; b.) Issues are raised concerning the uses within the dwelling and to the location of certain living spaces; c.) No permit was issued from the state or town for the porch; d.) The size of the proposed gazebo and the proximity of it to the primary structure setback; e.) Concerns of the proposed dwellings height; f.) Location of the existing and proposed shower and the grading associated with the relocation of the shower; g.) Decreases in the enjoyment of the Carmen property and the proposed dwelling will impair the view shed; h.) This will result in a adverse effect to the environment by having the development closer to the ocean; i.) Concern with the mature heights listed for the Beach Heather, 3' to 8', the American Beach Grass, up to 3 ½', and Seaside Goldenrod 3' to 4'. The Carmen's strongly object to these plantings because of the maximum height. It would affect their use, enjoyment, and value of their property by blocking their views and is not consistent with the oceanfront in this area; j.) Changes in grading and door location on the north side of the proposed Taylor residence is not sufficient to and unnecessarily impacts the tidal buffer zone (TBZ); k.) The location and configuration of the deck on the east side of the Taylor residence is an illegal structure. Moreover, the Town of Rye is currently seeking enforcement action for said deck as the deck was built without any approval from the Town of Rye; l.) The proposed location of the dwelling is encroaching closer to the highest observable tide line(HOTL), the height of the proposed dwelling, and does not minimize the impacts within the TBZ and the Rye Conservation Commission supports this comment; m.) The new roof and/or its overhangs will come within 20-feet of the Carmen property and is a violation of Env-Wt 304.04; n.) The Carmen's claim the plans submitted to DES are inconsistent with the plans submitted to the Town of Rye Zoning board of Adjustment (ZBA).
11. DES makes the following findings regarding the aforementioned comments from the Carmen's: a.) The plan, as submitted and required by DES, is of 1-inch = 20-foot scale, therefore the plan meets the waiver requirement; b.) DES does not have jurisdiction of the living spaces within the dwelling; c.) DES does not require permits for decks Env-Wt 304.05(i); d.) The agent clarified that the gazebo will be used as a three-season area and will not be used for living space in accordance with Env-Ws 1406.03; e.) DES does not have jurisdiction on the height of dwellings outside the 50-primary building setback in accordance with RSA 483-B:9(b); f.) The shower is not within DES jurisdiction and grading from the Carmen side of the Taylor dwelling and there will be no new impacts on the side adjacent to the Carmen property; g.) The proposed dwelling is entirely outside the 50-foot primary building setback, therefore DES does not have jurisdiction over the height of the dwelling and its effect of the Carmen's view shed in accordance with RSA 483-B:9(b); h.) As proposed, this application is consistent with other applications approved by DES. This lot is already developed and there will not be any adverse environmental affects to the Carmen property. The Taylor's propose native sand dune vegetation planting to enhance the property and are replacing a deteriorating wooden retaining wall with boulders to

protect from erosion. i.)The applicant's agent, NH Soil Consultants, Inc.(NHSC), submitted a revised planting list as follows: American beach grass will only be planted in the southwestern portion of the enhancement area, therefore, not impacting the Carmen's view shed; removed beach heather, seaside goldenrod, and American beach grass from the restoration area as labeled on the approved plan. The new plants proposed for the enhancement area are as follows: beach pea (*Lathyrus japonicus*) and dusty miller (*Artemisia stelleriana*), both species are low growing and will not affect the Carmen's view shed. Additionally, the aforementioned species commonly exist along the New Hampshire seacoast; j.)The Department finds that the impacts associated with the proposed door on the north side of the Taylor residence will not have any adverse affect to the tidal buffer zone and the Carmen's as this area is previously developed tidal buffer zone; k.) The Department reaffirms finding 11(c) in regard to said porch. The Town of Rye has jurisdiction on the legality of the porch; l.)DES finds the proposed dwellings footprint does not encroach seaward any further. Although a portion of the proposed dwelling is converted into living space from the existing porch, the design does not encroach seaward and the impervious area remains unchanged. All of these impacts are landward of the 50-foot primary building setback pursuant to RSA 483-B therefore, DES reaffirms findings 11(b), 11(d), and 11e); m.)DES reaffirms finding 11(e); n.) The plan as submitted to DES is specifically for permitting review and not for the ZBA review process. Although the plan represents the same project, the plan for DES review identifies those impacts within the TBZ, whereas the ZBA plan depicts those impacts for the entire lot.

12. Pursuant to Env-Wt 304.04, the owner did not obtain written concurrence from the Carmen's and submitted a request to waive Wt 304.04.

13. Issues brought forth by the abutter, identified as Carmen; Rye Tax Map 19.4 Lot 75, in opposition to this project, have been duly considered in the review of this application and are found to provide no substantive evidence that this project would be deleterious to the current use of the abutting property. The Department hereby waives Env-Wt 304.04 with the findings outlined in #11.

14. A letter dated September 26, 2005 from the Rye Conservation Commission (RCC) recommends relocating the proposed dwelling as far landward from the HOTL as possible to minimize impacts within the TBZ.

15. The DES reaffirms finding 11(i) in response to the RCC comments.

16. On July 19, 2007 DES received a request to amend the existing permit. Due to the frequency of storms battering their seawall, the owner wishes to extend their seawall southwest to the Azzi property.

17. Pursuant to Env-304.04, the owner received written consent for the impacts occurring within 20-feet of the Azzi property.

**2006-00299 KEDE REALTY TRUST
NEW DURHAM Meerymeeting Lake**

Requested Action:

Retain 6 cubic yards of sand placed on an existing beach area, relocate the existing 4 ft by 40 ft seasonal dock on Merrymeeting Lake, New Durham.

Conservation Commission/Staff Comments:

Con Com requests 40 day hold.

APPROVE AFTER THE FACT:

Retain 6 cubic yards of sand placed on an existing beach area, relocate the existing 4 ft by 40 ft seasonal dock on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans as received by DES on June 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.

5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. No more than 6 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach with no more than 10 cubic yards of sand.

**2006-02601 CLAREMONT DPW, CITY OF
CLAREMONT Unnamed Stream Manmade Ditch Line**

Requested Action:

Dredge a total of 9,900 square feet of man-made drainage ditch (1,125 linear feet) contiguous with Grady Brook.

Conservation Commission/Staff Comments:

No Comments were received from the Claremont Conservation Commission.

Inspection Date: 06/28/2006 by Christine Bowman

APPROVE PERMIT:

Dredge a total of 9,900 square feet of man-made drainage ditch (1,125 linear feet) contiguous with Grady Brook.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC dated April 1, 2007, as received by DES on June 29, 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. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. 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.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. Currently, the existing drainage ditch has yard debris, sediment or otherwise fill which is constricting proper flow. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The Town of Claremont will implement permanent turf reinforcement mat once the drainage ditch is dredged. The use of the this mat will stabilize the soil. Additionally, the mat will improve the establishment of vegetation for sediment retention. Therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00908 ROCHESTER PUBLIC WORKS DEPT., TOWN OF
ROCHESTER Unnamed Wetland Hurd Brook**

Requested Action:

Dredge and fill a total of 3,754 sq. ft. of wetlands, including 908 sq. ft. of wetland impact, and 2,847 sq. ft. of bank impact (total of 519 linear ft. of channel and bank impacts) for culvert extensions to existing pipes at matching diameter, in four locations (inlet and outlet of Hurd Brook, and inlet and outlet of an unnamed stream) for realignment and reconstruction of the Washington St./Brock St./Woodlawn Avenue intersection.

APPROVE PERMIT:

Dredge and fill a total of 3,754 sq. ft. of wetlands, including 908 sq. ft. of wetland impact, and 2,847 sq. ft. of bank impact (total of 519 linear ft. of channel and bank impacts) for culvert extensions to existing pipes at matching diameter, in four locations (inlet and outlet of Hurd Brook, and inlet and outlet of an unnamed stream) for realignment and reconstruction of the Washington St./Brock St./Woodlawn Avenue intersection.

With Conditions:

1. All work shall be in accordance with plans by CLD Engineers dated 4/23/2007, as received by DES on 5/2/2007.
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 upon acquisition of proper right-of-ways or other construction easements not currently obtained, and submission of proof of such right-of-ways or easements to DES prior to construction.
4. This permit is contingent upon coordination with NH Fish & Game Non-game and Endangered Species Program to facilitate passage of Blanding's turtles to the degree practicable given the limitations of the project.
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. Turbidity controls shall be shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. 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.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
10. 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.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum 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. The reconstruction of the currently misaligned and unsignalized intersection is necessary to improve traffic flow and public safety.
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 proposal does not disturb existing culverts or stream paths, and confines work to culvert extensions, bank grading and stabilization impacts.
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. This project has received interagency resource review as a public road project. The permit is conditioned to require coordination with NH Fish & Game Dept. to provide consideration to Blanding's turtle passage to the degree that is practicable within the limitations of the project.
5. The Rochester Conservation Commission did not report on this project.

2007-00938 REMICK COUNTRY FARM MUSEUM
TAMWORTH Unnamed Wetland

Requested Action:

Dredge and fill approximately 3,012 sq. ft. of wet meadow and seasonal drainages to install five culvert crossings to upgrade and expand an existing trail system to provide community access for recreation, education and agriculture practices.

APPROVE PERMIT:

Dredge and fill approximately 3,012 sq. ft. of wet meadow and seasonal drainages to install five culvert crossings to upgrade and expand an existing trail system to provide community access for recreation, education and agriculture practices.

With Conditions:

1. All work shall be in accordance with plans and naratives by David Weathers dated April 2007, as received by the Department on May 4, 2007.
2. All trail construction shall be in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", NH Dept. of Resources and Economic Development, copyright 1994, updated 2004.
3. Work shall be done during low flow.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(y), Construction of trails in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", NH Dept. of Resources and Economic

Development, copyright 1994, updated 2004, provided there is less than 3,000 square feet of impact to wetlands per crossing and all crossings are of stream channels less than 10 feet wide.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The Conservation Commission is in support of project.
5. The New Hampshire Natural Heritage Bureau had no records of rare species and exemplary natural communities near the project.
6. The project is for community access recreation, education and agricultural practices.
7. Previous trail improvements were permitted in 2005 (Wetlands Bureau file #2005-1521).

FORESTRY NOTIFICATION

2007-01503 HODGMAN/ DOMBROSKI, ROBERT & THOMAS
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 9, Lot# 190

2007-01522 BURWELL, RICHARD
FRANCONIA Unnamed Stream

COMPLETE NOTIFICATION:
FRanconia Tax MAp 228, Lot# 9

2007-01591 CHURCHILL, WAYNE
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Brookfield Tax Map 15, Lot# 13B

2007-01592 BUCKLEY, CHARLES
MONT VERNON Unnamed Stream

COMPLETE NOTIFICATION:
Mont Vernon Tax Map 5, Lot# 2-17

2007-01626 BAKER, KAREN & DARYL
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 15 / 498,541 & 20 / 777,066

**2007-01638 CAHN, ANNE
EPSOM Unnamed Stream**

COMPLETE NOTIFICATION:
Epsom Tax Map R5, Lot# 1

**2007-01642 HAZELTON REVOC TRUST, MARION
CHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Chester Tax Map 1, Lot# 72

**2007-01673 RED OAK RIDGE LLC, SCOTT PROSSER
NEW DURHAM Unnamed Stream**

COMPLETE NOTIFICATION:
New Durham Tax Map/Lot# 16/2, 17/1 & 18/1

**2007-01674 BUNTING FAMILY V FORESTRY LLC
COLUMBIA Unnamed Stream**

COMPLETE NOTIFICATION:
Columbia Tax Map 405, Lot# 8

EXPEDITED MINIMUM

**2005-01761 ASBELL, PAUL & ESTHER
MOULTONBOROUGH Lake Kanasatka**

Requested Action:
Amend permit to retain the stairs in the bank to access the docking structure.

APPROVE AMENDMENT:
Remove existing 6 ft. x 4 ft. 6 in. and 3 ft. 6 in. x 10 ft. seasonal dock. Install a 7 ft. x 2 ft. concrete pad to which a 6 ft. x 18 ft. hinged seasonal dock will be attached, accessed by a 5 ft wide access stairs in the bank on 100 feet of frontage on Lake Kanasatka.

- With Conditions:
1. All work shall be in accordance with dock plans by K. Armstrong dated July 14, 2005, as received by the Department on August 1, 2005 and stair amendment request plans by Folsom Design Group dated June 25, 2007, as received by the Department 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
 4. Revegetation of trees, shrubs and ground cover representing the density and species diversity of the existing native vegetation

shall be completed along the shoreline adjacent to former location of seasonal dock, within the first growing season following construction of the anchoring pad.

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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 18 feet from the shoreline at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
12. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
13. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier if no more than 2 slips are proposed.
2. The relocation of the seasonal dock brings the dock into compliance with the required distance for setback to abutter.

2006-01595 HAMMES, DALE & NANCY
ALTON Unnamed Wetland

Requested Action:

Dredge 3000 square feet of scrub shrub wetland for construction of a wildlife aesthetic pond.

DENY PERMIT:

Deny permit request to dredge 3000 square feet of scrub shrub wetland for construction of a wildlife aesthetic pond.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond impacting less than 3,000 square feet of wetlands.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. RSA 482-A:3(d) provides that where an applicant fails to provide a response to the Department's request for more information within 120 days, the Department shall deny the application.

Findings of Fact:

8. The Department received comments from the Alton Conservation Commission on June 23, 2006, indicating that they were concerned with the loss functions and values for the construction of a pond.

9. The Department received an unsigned expedited application for the construction of a wildlife and fire pond impacting 3,000 square feet of wetland on June 26, 2006.
10. The Department requested additional information on September 13, 2006, including the need for the project, address avoidance and minimization and the functions and values of the system to be impacted.
11. The delineation provided indicates that the total area of on lot wetlands are approximately 6000 square feet this proposal will convert 3000 square feet of this system this is approximately 50% of the on lot wetlands.
12. The applicant has not provided habitat diversity by incorporating plantings on the plans, varying pond depths, and an irregular shaped pond.
13. The applicant has provided a list of previously approved pond projects. Permit 2006-01420, was for fire protection in a new subdivision; Permit 2006-02590 was constructed within man made disturbed wetlands; Permit 2006-01832 was for agricultural use; Permit 2006-00588 was within a previously disturbed man made isolated wetland; Permit 2006-01652 did not have comments from the conservation commission, and provided habitat diversity and an irregular shape; Permit 2006-00734, was also for fire protection.
14. The applicant has not addressed to the Department's satisfaction why the pond can not be relocated into the uplands to the north or south of the wetland.
15. The Department received a memo from NH Fish and Game stating that the conversion of forested and scrub shrub wetlands to open water habitat is not considered an enhancement of wildlife habitat and could impact a species of concern.

Findings in support of Denial:

16. The applicant has not addressed Env-Wt 302.01(a) to the Department's Satisfaction, and therefore is denied in accordance with Env-Wt 302.04(d)(3) as the project causes unnecessary destruction of wetlands.
17. The applicant failed to address Env-Wt 302.03 and Env-Wt 302.04(b)(5), and therefore is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
18. DES did not receive a complete response to our letter within the 120 days and therefore the application has been denied.

2006-03042 HARRINGTON, LINDA
BARRINGTON Swains Lake

Requested Action:

Applicant requests to repair 66 linear feet of retaining wall on two separate lots on Swains Lake, Barrington.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH Fish and Game has concerns about Common Loon in area

DENY PERMIT:

Deny request to repair 66 linear feet of retaining wall on two separate lots on Swains Lake, Barrington.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
3. In accordance with Env-Wt 302.04, Requirements for Application Evaluation, the applicant shall demonstrate by plan and example the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
4. In accordance with Env-Wt 404.01, Least Intrusive Method, shoreline stabilization shall be by the least intrusive but practical method.

5. In accordance with Env-Wt 404.05, Walls, walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical.
6. In accordance with Env-Wt 501.02(a), Additional Data, the applicant is required to submit plans clearly indicating the proposed work.

Findings of Fact

7. On December 01, 2006, the Wetlands Bureau received an application for impacts, on the lots identified as Barrington tax map 118, lot 0030 and lot 0031,(the "Lots") to repair an existing retaining wall and add a retaining wall to the existing natural shoreline on two adjacent lots on Swains Lake.
8. On December 18, 2006, the Department received comments from the State of New Hampshire Fish and Game Department suggesting the replacement of natural vegetation along the frontage for habitat protection for the Common Loon.
9. On December 26, 2006, the Department issued a Request for More Information letter that requested the applicant stabilize the frontage with native vegetation.
10. The Request for More Information letter also requested the applicant submit plans showing all the structures on the frontage to include the docking structures and structures on the lots.
11. The Request for More Information letter also requested the applicant submit plans which include all the information as required pursuant to Env-Wt 404.05.
12. On June 25, 2007, the Department received information to the file. The information submitted did not include plans showing the existing conditions of the frontage or all the structures on the frontage.

Rulings in Support of the Decision

13. The applicant did not submit a proposal for the least impacting or intrusive alternative as required pursuant to Rules Env-Wt 302.04 and Env-Wt 404.01, therefore, the application is denied pursuant to Rule Env-Wt 302.04(e)
14. The applicant failed to submit plans pursuant to Rules Env-Wt 501.02 and Env-Wt 404.05, therefore, the application is denied pursuant to Rule Env-Wt 302.04(e).

2007-00191 FORTUNA NORTH LLC
DOVER Unnamed Wetland

Requested Action:

Approve name change to: Fortuna North, LLC, 340 Cnetral Ave., Dover, NH 03820 per request received 7/17/2007. Previous owner: Davis Barton Erickson Holdings, LLC., Northeast Credit Union, Mo Y Wong.

Conservation Commission/Staff Comments:

Con. Com. signed Expedited Application

APPROVE NAME CHANGE:

Fill 1,325 sq. ft. of wetland for the construction of a parking lot for a commercial development.

With Conditions:

1. All work shall be in accordance with revised plans by Trittech Engineering Corporation dated May 24, 2007, as received by the Department on May 25, 2007.
2. Applicant shall provide the NH Natural Heritage Bureau ("NHB") written and photographic documentation of the survey that is scheduled for July 2007 relative to the state-threatened pale green orchid (*Platanthera flava* var. *herbiola*). Applicant shall also coordinate a site inspection with NHB for July or August 2007 to provide input prior to any of the proposed habitat manipulations outlined in the management plan prepared by Carex EcoSciences, LLC dated February 11, 2007.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban

and Developing Areas in New Hampshire (August, 1992).

5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

2007-00408 OBRIEN, SALLY
JAFFREY Gilmore Pond

Requested Action:

Construct a 6 ft x 40 ft seasonal dock with a 10 ft x 8 ft swim platform at the lakeward end, construct a 253 sq ft perched beach with 4 ft access stairs to the waterbody on Gilmore Pond, Jaffrey.

Conservation Commission/Staff Comments:

Con Com signed Exp Application and page of comments

DENY PERMIT:

Deny applicants request to construct a 6 ft x 40 ft seasonal dock with a 10 ft x 8 ft swim platform at the lakeward end, construct a 253 sq ft perched beach with 4 ft access stairs to the waterbody on Gilmore Pond, Jaffrey.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed for minimum impact docks classified under Env-Wt 303.04.
3. A maximum of 6 boat slips may be permitted on 382 feet of frontage per Rule Wt 402.14, Frontage Over 75'.
4. Pursuant to RSA 482-A:3 the permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$1 per square foot for permanent dock surface area; \$.50 per square foot for seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.10 per square foot of proposed impact for all other projects under this chapter.
5. Pursuant to RSA 482-A:3,XIII (b) boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line.
6. Pursuant to Rule Env-Wt 402.01, Dimensions, (a), approvable standard dimensions for a dock shall not exceed the following; (2)in lakes and ponds of less than 1,000 acres, for all docks a deck width of 6 feet and a deck length of 30 feet, measured from normal high water mark.
7. Pursuant to Rule Env-Wt 501.02, Additional Data, (c), the applicant shall submit plans showing the distance from existing and proposed work to the abutting property lines.

Findings of Fact

8. On March 08, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Jaffrey tax map 227, lot 28, (the "Lot") to construct a seasonal 6 ft x 30 ft dock and a 176 sq ft patio with 6 ft access stairs in the bank to access the dock on Gilmore Pond, Jaffrey.

9. On March 16, 2007, the Department sent a Notification of Incomplete Expedited Application to the applicant stating the patio was not approvable pursuant to RSA 483-B and Env-Wq 1405.04, Setback for Accessory Structures. This letter requested the patio be removed from the plans submitted.
10. The March 16, 2007 Notification informed the Applicant that if a complete response was not received by July 14, 2007 the application would be denied in accordance with RSA 482-A:3.
11. On June 28, 2007 the Department received a response to the Notification of Incomplete Expedited Application letter dated March 16, 2007. This response included plans replacing the proposed patio with a perched beach and in addition the plans were revised to include a 6 ft x 40 ft docking structure with a 10 ft x 8 ft deck at the lakeward end in a new location and different configuration than the original proposal.

Rulings in Support of the Decision

12. A boat secured to the proposed docking structure would extend beyond the extension of the abutters property line in violation of RSA 482-A:3, XIII (b). Therefore the proposed docking facility is not approvable.
13. The proposed docking facility exceeds the dimensions allowed per Rule Env-Wt 402.01.
14. The applicant failed to submit the required fee for the proposed docking structure pursuant to RSA 482-A:3.
15. The applicant failed to submit plans showing the location of the proposed beach from the abutter's property line pursuant to Env-Wt 501.02.

2007-01115 ALSTEAD, TOWN OF
ALSTEAD Cold River

Requested Action:

Amendment request to add an additional 475 linear feet of bank stabilization to protect additional infrastructure.

APPROVE AMENDMENT:

Stabilize approximately 600 linear feet of the streambed and bank along the Cold River. Work includes construction of longitudinal toe stone fill tiebacks and longitudinal toe stone fill, which includes backfilling and choking with sand, gravel, seeding and mulching. The site is marked by NRCS engineer as DSR #21E, as identified by the Town of Alstead and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

With Conditions:

1. All work shall be in accordance with drawings and narratives by the USDA Natural Resources Conservation Service (NRCS) entitled "Streambank Stabilization", Town of Alstead, DSR Site #21E, and Construction Specifications 2, 5, 6, 8, 11, 21, 23, 61, and 95 submitted in support of the permit application as received by the DES May 24, 2007 and drawings Sheet 1 through 4, dated March 2007, and received by DES Wetlands Bureau on May 24, 2007 and "Plan View Sheet" sheet 2 of 4, dated March 2007, as received by DES on July 25, 2007.
2. Prior to commencing work, the applicant shall submit a final "Pollution Control Plan" to the DES Wetlands Bureau for review and approval.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectman and the Town Conservation Commission of the start of work, notification shall be given at least 5 days prior to the start of work.
5. A finalized plan set and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including

the installation of cofferdams, when rain is forecast.

10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
12. 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.
13. There shall be no excavation or filling conducted in flowing water.
14. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
15. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
16. Erosion control structures must be removed once the area is stabilized.
17. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All 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(t), restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
4. This stabilization site was identified by the Town of Alstead following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
5. The shoreline stabilization site was identified by the Town because of the ongoing erosion and potential threat to adjacent and downstream infrastructure and property.
6. There were no Natural Heritage Bureau or New Hampshire Fish & Game threatened, endangered or species of special concern or exemplary natural communities identified through a data review of the project area.

2007-01344 HARPER, LAURENCE
SUTTON Tributary To Thistle Brook

Requested Action:

Dredge and fill approximately 247 square feet of intermittent stream to install three (3) approximate 18-inch x 20-foot corrugated plastic culverts at three (3) separate stream crossings for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill approximately 247 square feet of intermittent stream to install three (3) approximate 18-inch x 20-foot corrugated plastic culverts at three (3) separate stream crossings for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Evans land Consultants, PLLC dated June 2007, as received by the Department on June 15, 2007.
2. This permit is contingent on compliance with File No. 2004-00554, February 23, 2007, Restoration Plan Approval.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction,

shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Post-construction photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to permit vehicular access to a piece of property for a single family residence.
2. This permit is contingent on compliance with File No. 2004-00554, February 23, 2007, Restoration Plan Approval.
3. Plans submitted to related enforcement file no. 2004-00554 by Evans Land Consultants, PLLC dated February 2007, as received by DES on February 20, 2007, illustrates access is limited by topography and the proposed alternative is the least impacting.
4. The Sutton Conservation Commission signed the application.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

PERMIT BY NOTIFICATION

2007-01509 HICKOK, BARBARA/JEFFREY
NEW DURHAM Merrymeeting Lake

Requested Action:

Install a 6'x 40' hinged seasonal docking structure with anchoring pad

PBN IS COMPLETE:

Install a 6'x 40' hinged seasonal docking structure with anchoring pad

With Findings:

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

**2007-01513 LOCKE LAKE COLONY ASSOC
CENTER BARNSTEAD Rec Pond II**

Requested Action:

Impact 2,500 sq. ft. of bank to place erosion protection stone for temporary access associated with repair by pipe lining of the outlet culvert of an existing dam. Stone will be removed when repair is completed.

PBN IS COMPLETE:

Impact 2,500 sq. ft. of bank to place erosion protection stone for temporary access associated with repair by pipe lining of the outlet culvert of an existing dam. Stone will be removed when repair is completed.

**2007-01534 ELLIOT ROSE CO OF DOVER INC
DOVER Unnamed Wetland**

Requested Action:

Temporarily impact 1,000 sq. ft. of wetlands associated with maintenance and repair of existing utility line.

Conservation Commission/Staff Comments:

Dover Conservation Commission signed application.

PBN IS COMPLETE:

Temporarily impact 1,000 sq. ft. of wetlands associated with maintenance and repair of existing utility line.

**2007-01580 LOYND, RICHARD
WOODSTOCK Unnamed Stream**

Requested Action:

Repair & replacement of an existing culvert with a 18 in. x 16 ft. culvert.

Conservation Commission/Staff Comments:

Needed additional information. Requested via phone on 7/24 plans of culvert with overall & cross section. Applicant will provide. Complete file and process as PBN upon receipt of info & complete application. MAM 7/24/2007

26 July 2007: Application complete for processing. PBN Complete this date as per WAT. File closed. MAM

PBN IS COMPLETE:

Repair & replacement of an existing culvert with a 18 in. x 16 ft. culvert.

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. Received additional information that culvert was pre-existing.
3. Proposed culvert is within character and scope of existing and does not result in additional impacts to pre-existing structure/road.
4. Applicant provided information that there are no proposed impacts within 250ft. setback, as set forth in accordance with Comprehensive Shoreland Protection Act, RSA 483-B.

**2007-01652 MORHARD, JAMES
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking facilities in-kind.

PBN IS COMPLETE:

Repair/replace existing docking facilities 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.

**2007-01660 BIGGIO, JOHN & BETTE
MEREDITH Lake Winnepesaukee**

Requested Action:

Repair/replace existing crib supported docking facility in-kind.

PBN IS COMPLETE:

Repair/replace existing crib supported docking facility in-kind.

With Findings:

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