

# Wetlands Bureau Decision Report

Decisions Taken  
09/24/2007 to 09/30/2007

## **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 Lawrence E. Morse, 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**

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**2001-00212                    NH DEPT OF TRANSPORTATION, DISTRICT 2  
MANCHESTER Merrimack River And Tributaries**

Requested Action:

NHDOT requests a time extension of the permit to construct a new highway beginning along the F.E. Everett Turnpike at the existing Bedford toll facility and extending easterly over the Merrimack River, Heritage Trail, and the NH Main Line Railroad. East of the Merrimack River crossing, the alignment will overpass NH Route 3A for approximately 1.6 km (1.0 mi) before turning northerly and entering the south side of the Manchester Airport for a total length of 3.2 km (2.0 mi). The project proposes to fill 11.57 acres of wetlands to accommodate increases in traffic volumes on roads currently accessing the Airport, as well as future increases caused by the expansion of the Airport and the expected development of industrial lands in the vicinity of the Airport. The Merrimack River and NH Route 3A structures will also include the width necessary to allow for a bike/pedestrian trail to be developed on the north side, which will connect US Route 3 with NH Route 3A. On the eastern side of the river, a proposed connector road, approximately 0.6 km (0.4 mi) in length, will link the Access Road to NH Route 3A. Approximately 0.6 km (0.4 mi) of NH Route 3A will be reconstructed. A maximum of two at-grade intersections, just east of the Route 3A overpass, may be developed along the easterly side of the Access Road to provide access to the industrially zoned lands south of the Airport. One of the intersections will connect opposite the connector road to NH Route 3A to form a four-way intersection.

Proposed mitigation includes preservation of land centered in the Little Cohas Marsh Waterfowl Management Area in Londonderry. The New Hampshire Department of Transportation (hereinafter "NHDOT") will secure leases on several properties totaling approximately 480 ac of wetland and upland habitat. The leases are scheduled to expire in 2004 and acquisition of those properties will occur prior to expiration. Several additional parcels currently under NHFG or Town of Londonderry ownership are located in this area.

Another portion of the mitigation package includes the preservation of important wetland wildlife habitat and travel corridors associated with the industrially-zoned lands south of the Airport. This proposal seeks to re-establish and protect safe passage for wildlife along existing riparian or wetlands corridors by enhancing or maintaining zones of undeveloped connectivity between the Merrimack River, Little Cohas Marsh and the Musquash Conservation Area. Provisions will be included for the construction of a limited number of wildlife-friendly roadway crossings over the protected corridors. NHDOT will acquire land along the lower Little Cohas Brook and lands further downstream. Restoration of an unnamed tributary behind the Britta facility and creation of a wetland connector between this tributary and the re-routed tributary that flows northerly to Little Cohas Brook will occur. An additional large forested block will also be protected. This parcel contains a vernal pool and large, forested wetlands adjacent to lands proposed for protection by the AES facility within the Eco-Industrial Park with the potential to enhance vernal pool habitat by creating additional depressions within the forested wetland. An additional corridor connection will be protected that connects the Airport mitigation site with area to the south along the escarpment slope and continues easterly along Horse Trail Brook. NHDOT will also protect a 15 ac tract containing two vernal pools adjacent to the Airport preservation tract.

In addition, the proposed mitigation includes the construction of a wildlife travel corridor under NH Route 3A at the northwestern corner of the Airport mitigation site. The design involves the diversion of surface waters from an existing intermittent stream to be conveyed in a northerly direction via a broad low-gradient vegetated channel to be created within existing uplands before joining an existing wetland drainage west of Route 3A. This existing narrow drainage will be widened to accommodate the broad, low-gradient channel and an access trail under NH Route 3A with the construction of an arched structure providing a wide opening for the public with off-road parking nearby to allow for car-top boating access to the River.

A total of 37 acres of land will be protected in Bedford, Merrimack and Manchester for bald eagle habitat protection. In addition, an eagle conservation and management plan is required as a part of the US Fish and Wildlife Service Biological Opinion.

The total proposed acquisition of land to compensate for wetland impacts, bald eagle habitat impacts, and secondary impacts due to providing access to the industrially-zoned lands south of the Airport encompasses an estimated 748 ac. Of this total, discounting the 37 ac of eagle habitat protection, approximately 416 ac are wetland and 295 ac are upland. NHDOT shall secure all lands associated with the entire mitigation package prior to advertisement of any construction contract.

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#### APPROVE TIME EXTENSION:

Approve time extension to construct a new highway beginning along the F.E. Everett Turnpike at the existing Bedford toll facility and extending easterly over the Merrimack River, Heritage Trail, and the NH Main Line Railroad. East of the Merrimack River crossing, the alignment will overpass NH Route 3A for approximately 1.6 km (1.0 mi) before turning northerly and entering the south side of the Manchester Airport for a total length of 3.2 km (2.0 mi). The project proposes to fill 11.57 acres of wetlands to accommodate increases in traffic volumes on roads currently accessing the Airport, as well as future increases caused by the expansion of the Airport and the expected development of industrial lands in the vicinity of the Airport. The Merrimack River and NH Route 3A structures will also include the width necessary to allow for a bike/pedestrian trail to be developed on the north side, which will connect US Route 3 with NH Route 3A. On the eastern side of the river, a proposed connector road, approximately 0.6 km (0.4 mi) in length, will link the Access Road to NH Route 3A. Approximately 0.6 km (0.4 mi) of NH Route 3A will be reconstructed. A maximum of two at-grade intersections, just east of the Route 3A overpass, may be developed along the easterly side of the Access Road to provide access to the industrially zoned lands south of the Airport. One of the intersections will connect opposite the connector road to NH Route 3A to form a four-way intersection.

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With Conditions:

1. The wetland impacts associated with this approval are based on wetland boundaries as listed by wetland type and function noted in the Manchester Airport Access Road Bedford-Manchester-Londonderry-Litchfield-Merrimack Final Environmental Impact Statement (hereinafter "FEIS"), Table 4.4-2 and figure 4.4-2 and plans provided in the New Hampshire Department of Environmental Services Wetlands Bureau (hereinafter "NHDES")/Army Corps of Engineers permit application.
2. During final design and construction work, wetland impacts that exceed 11.57 acres as represented in the plans provided in the NHDES/Army Corps of Engineers permit application and materials presented in the NHDES file, shall require submittal of a permit amendment request to be reviewed by the NHDES.
3. During final design of roadway construction plans, a joint review shall be held by state and federal agencies regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional wetland impacts for construction to confirm need, location, and necessity for a permit amendment.
4. Final design plans for roadway construction shall be submitted to NHDES and appropriate Conservation Commission for each contract with a summary of wetland impacts for the associated contract work. Review and comments from NHDES and Conservation Commissions shall be considered by NHDOT and incorporated into the design where it is reasonably appropriate.
5. During final design, efforts to avoid or minimize surface water impacts shall continue by providing steep side slopes to minimize culvert lengths where fish passage is not an issue.
6. The NHDES shall be notified in advance of pre-construction meetings at all of the proposed bridge crossing locations with sufficient notice to facilitate attendance.
7. The proposed groundwater protection measures for treating runoff in the project area as described in the FEIS, section 4.3.2.4 shall be adhered to for minimizing impacts and wells impacted by the project will be replaced as part of the project.
8. The proposed management measures for stormwater treatment for streams in the project area as described in the FEIS, section 4.3.1.2 shall be adhered to for minimizing contaminants from highway runoff.
9. The proposed bridge structure over the Merrimack River will be designed with a closed drainage system to limit water quality impacts to the River.
10. A water quality monitoring program will be established through the coordination of the NHDES, Watershed Management Bureau and Site Specific Bureau which includes appropriate sampling procedures and parameters for testing water quality conditions.
11. The conservation measures noted in the USFWS Biological Opinion dated January 3, 2002 proposed to reduce the effects of the project construction on bald eagles shall be incorporated in the completion of the final design plans and carried out.
12. The NHDES shall be provided a status on negotiations with the NH Mainline Railroad to secure protection of the 8.0 acre of land across from the rock outcrop/Devon Street area on a yearly basis until the parcel has been secured for protection.
13. The Little Cohas Brook shall be spanned to minimize impacts to wetlands and reduce fragmentation impact of this riparian corridor. Roadway side slopes associated with most of the substantial encroachments shall be steepened to 2:1. During final design, plans shall be discussed with the Wetlands Bureau and comments incorporated into the design where appropriate.
14. Dredged material shall be placed out of the NHDES jurisdiction unless otherwise specified.
15. Final erosion control plans shall be subject to review and approval by NHDES.
16. 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.
17. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
18. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
19. Construction equipment shall not be located within surface waters.
20. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
21. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete or have been temporarily suspended, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 2:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
25. The contractor responsible for completion of the work shall utilize techniques described in the NHDES Best Management

Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

26. The NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as possible.

27. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

28. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.

29. Measures to minimize impacts to the Natural Heritage Inventory (NHI) exemplary plant community known as Southern New England Stream Bottom Forest will be reviewed during final design and provided to the NHDES and office of NHI for review and approval.

30. The proposed mitigation package as detailed in amended application materials dated February 6, 2002 and materials submitted on October 1, 2002 shall be followed for compensating impacts associated with the proposed project.

31. Modifications to the mitigation proposal may be required if necessary changes to the project cause impacts that significantly exceed acres represented in the application.

32. The final design plans for the wildlife corridor under Route 3A including planting schedule shall be submitted for review by the NHDES and Manchester Conservation Commission.

33. During work at the wildlife corridor under Route 3A, a qualified wetland scientist shall monitor the re-grading and associated slope work to ensure that the area will result in successful establishment of a vegetated channel/corridor.

34. Habitat restoration and enhancement work at the wildlife corridor under Route 3A shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established until the area resembles a vegetated channel/corridor satisfactory to the NHDES Wetlands Bureau.

35. Habitat restoration and enhancement area shall be monitored by a qualified environmental consultant during the first, second, third and fifth years. Monitoring reports shall be submitted to the NHDES and appropriate Conservation Commission during the five years, at the end of the required growing seasons, and include photographs, a summary on vegetative success and remedial measures if necessary to improve plant establishment. Remedial action will be considered if there is inadequate vegetative cover, or erosion problems.

36. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing the parcels.

37. The NHDOT shall record the condition of the preserved lands as part of the third and fifth year monitoring reports to insure compliance with the preservation requirements.

38. The NHDES shall be notified in writing of any transfers of the preservation lands and mitigation sites to another organization that has been retained for management purposes and the name of the entity responsible to continue long-term management and/or stewardship of the lands.

39. Conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

40. Final conservation easement language shall be recorded at the Registry of Deeds Office and a copy submitted to the NHDES.

41. Activities in contravention of the conservation easement shall be construed as a violation of this permit, and those activities shall be subject to the enforcement powers of the NHDES and/or the New Hampshire office of the Attorney General.

#### With Findings:

1. DES Wetlands Bureau issued a permit to the NH Department of Transportation on November 1, 2002 for the above referenced project.

2. The original permit expires on November 1, 2007.

3. The department received a request for a permit extension on September 6, 2007.

4. Public transportation projects that exceed the limits of the US Army Corps of Engineers' New Hampshire programmatic general permit shall receive one permit extension, to a total of 10 years, provided the applicant requests such an extension in writing from

the department prior to the expiration of the original permit, per Env-Wt 502.01(a).

**2003-01436 NASHUA RIVERWALK LLC**  
**NASHUA Nashua River**

**Requested Action:**

Request for after the fact changes to a previously approved project. The previously approved project consisted of the following: Construct a 22-unit, 5-story condominium building, including 105 linear feet of retaining wall, with appurtenant parking, drainage structures and landscaping including approximately 5,000 sq. ft. of embankment which will be stabilized with an articulating concrete block revetment system adjacent to the Nashua River, a designated prime wetland.

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**Conservation Commission/Staff Comments:**

The Nashua Conservation Commission voted to recommend against approval of the application. Their concerns include the finding that the proposed project would set a legal precedent by leaving no natural buffer on the Nashua River.

Inspection Date: 06/27/2003 by Frank D Richardson

Inspection Date: 03/29/2006 by William A Thomas, Cws

**APPROVE AMENDMENT:**

After-the-fact approval for changes to a previously approved 22-unit, 5-story condominium building project and approximately 3,400 sq. ft. of bank impact located along the Nashua River a designated prime wetland. Approved work includes construction of the condominium building, 105 linear feet of concrete retaining wall, appurtenant parking, drainage structures, approximately 400 linear ft. of granite block retaining wall (includes 200 linear ft. added and 200 linear ft. present and improved), approximately 410 linear ft. walkway (includes 220 linear ft. elevated/cantilevered and 190 linear ft. grade level), approximately 70 linear ft. of large stone riprap along the east end of the project, embankment stabilized with sections of articulating concrete block revetment and plantings.

**With Conditions:**

1. All work shall be in accordance with plans by Hayner/Swanson, Inc., dated April 3, 2003, as received by the DES on July 7, 2003 and revisions included in "As-Built Site Plan", dated July 30, 2007, "River Bank Planting Plan", revision dated August 21, 2007, and narratives by Wetland Consulting Services, dated August 21, 2007, as received by DES on August 27, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. A professional engineer and a New Hampshire Certified Wetland Scientist (CWS) shall inspect the project to insure compliance with the approved plans and permit conditions and file a report with the DES Wetlands Bureau and the Nashua Conservation Commission documenting site conditions, including photos taken from designated photo locations every 6 months from the start of work through to completion. The CWS shall prepare and submit an additional planting plan monitoring report after one full growing season following the completion of the project and no later than October 15, 2008.
4. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
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. During all phases of work, from clearing and grubbing to final grading or any temporary suspension of work in an area that is adjacent to the Nashua River, all exposed soil areas shall be temporarily stabilized with erosion control matting and/or netting and pinning on the embankment until the articulating concrete block revetment system is completely installed and stabilized.
7. The permittee and/or owner is responsible to assure that the trees, shrubs and other plantings done to revegetate the embankment become well established and will replace any dead or dying plants as soon as they may be detected.
8. Only low phosphate, slow release fertilizer of the minimum concentration required to establish and promote growth shall be used on this site.
9. Conditions 7 & 8 are long term maintenance requirements for this project.
10. Work shall be done during low flow.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime

wetlands under RSA 482-A:15.

2. A prime wetlands public hearing was held on this project on September 11, 2003.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this project, as approved and conditioned, is an alternative which will not result in adverse impacts to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The detailed engineering plans accurately locate the boundary of the designated prime wetlands of the Nashua River.
7. The approved plans and conditions of the permit provide for a stabilized and a revegetated embankment adjacent to the designated prime wetlands of the Nashua River.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, storm water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on the inspection conducted on June 27, 2003 by DES Wetlands Bureau staff Frank D. Richardson, the project involves minor environmental impacts.
10. In response to the concerns of the Nashua Conservation Commission, the DES Wetlands Bureau reviews all projects associated with prime wetlands on an individual, site specific basis and does not intend or imply that an approval of a project in any way set precedent for the approval of similar proposals.
11. The reported "natural buffer" of soils and vegetation found on this section of river bank consists primarily of weedy species (e.g. Box Elder) growing on soils which have been previously disturbed by human activities and historical usage of the site.
12. The location of this project is in an urban setting in which there has been considerable alteration of terrain and intensive land use for more than 100 years.
13. The City of Nashua has sites on the Nashua River which provide public access to more natural settings including the Renaissance Park, just upriver from this project and Mine Falls Park further to the west on the Nashua River.
14. DES Wetlands Bureau Permitting and Compliance Sections inspected the site on March 29, 2006. The inspection was in response to reported non-compliance. DES determined that portion of the project were not in compliance with the approved plans and the site was not properly stabilized. DES requested immediate stabilization of the site and informed the project representative that DES would follow-up with additional requirements.
15. On August 23, 2006, DES requested that the applicant submit a permit amendment to retain the non-approved changes and requested compliance with the required monitoring reports.
16. On January 19, 2007, DES received an amendment request. DES then requested additional information.
17. On August 27, 2007, DES received the final project information.
18. The submitted "As-Built" plan is stamped by a licensed engineer.
19. The project area is highly urbanized and an impounded section of the river.
20. The site provides public access.
21. The design changes to the project does not appear to reduce the wetlands/surface water functions and values of this section of the river.
22. The project changes are within the bounds of the previously approved project.
23. The revised planting plan should improve the habitat value along the river bank.
24. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

**2005-02213                      PIERCE, WILLIAM & CYNTHIA**  
**WOLFEBORO Heath Brook**

Requested Action:

Approve name change to: William & Cynthia Pierce, 11 Jewett Hill Dr., Ipswich, Ma 01938 per request received 9/24/2007.

Previous owner: Mount Granite Dev LLC.

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Inspection Date: 11/21/2005 by Chris T Brison

**APPROVE NAME CHANGE:**

Construct a 6 ft x 30 ft seasonal pier on 100 ft of frontage in Wolfeboro on Heath Brook.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design Group dated September 8, 20005, as received by the Department on September 19, 2005.
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. Seasonal pier shall be removed from the lake for 5 months during the non-boating season.
4. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
5. This shall be the only structure on this water frontage.
6. Precautionary care shall be taken during boat navigation, to avoid areas infested with invasive species whenever practicable.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

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

**2006-01471                      DANAIS, ROMEO  
CANDIA   Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 31,319 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the development of a light industrial park including buildings with appurtenant parking and storm water management facilities on a 14 acre parcel of land.

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**Conservation Commission/Staff Comments:**

No report received from the Candia Conservation Commission.

**DENY PERMIT:**

Deny permit to dredge and fill a total of 31,319 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the development of a light industrial park including buildings with appurtenant parking and storm water management facilities on a 14 acre parcel of land.

**With Findings:**

**Standards for Approval:**

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.03(c), as wetland impacts are greater than 20,000 square feet.
2. Pursuant to Env-Wt 302.03(b), "For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800...".
3. Pursuant to Env-Wt 806.05(a), "...a project for which the department has notified the applicant of the acceptance of a proposed in-lieu payment as specified in Env-Wt 803.08(c), the department shall not issue the permit until the applicant has paid the full amount of the in-lieu fee payment as specified in the notice".
4. Pursuant to Env-Wt 806.05(b), "If the applicant does not pay the full amount of the in-lieu fee payment within 120 days of the date of the notice, the department shall deny the application".

**Findings of Fact:**

5. On June 13, 2006, DES received an application to impact 31,319 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the development of a light industrial park including buildings with appurtenant parking and storm water management facilities on a 14 acre parcel of land.
6. On December 1, 2006 DES met with the applicant's agent and requested additional information to clarify avoidance and

minimization measures.

7. On January 8, 2007 DES discussed with the agent that the in-lieu fee mitigation option would be an acceptable form of mitigation for the project, but that the payment to the Aquatic Resource Mitigation (ARM) Fund would need to be made within 120 days of the date of the approval letter.

8. On May 1, 2007, DES issued an approval notice for the proposed project which notified the applicant of acceptance of an ARM Fund payment. Condition #3 of the approval notice stated that, "This approval is contingent on receipt by DES of a one time payment of \$82,438.00 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days from the date of this approval letter (by September 1, 2007), or the application will be denied".

9. As of September 24, 2007, DES has not received the required ARM Fund payment.

Ruling in Support of Denial:

10. DES did not receive the ARM Fund payment within the required 120 days and therefore the application has been denied.

**2007-00053                      SARTELL, EDWARD**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Deny request to amend the existing permit to convert the existing "T-shaped" docking facility's 12 seasonal finger piers to permanent piling supported structures in Laconia on Lake Winnepesaukee.

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

DENY AMENDMENT:

Deny request to amend the existing permit to convert the existing "T-shaped" docking facility's 12 seasonal finger piers to permanent piling supported structures in Laconia on Lake Winnepesaukee.

With Findings:

Standards of Approval:

1. This amendment request reclassifies the proposal to a Major impact project per Administrative Rule Env-Wt 303.02(d), construction or modification of an existing major docking facility.
2. 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."
3. In accordance with Rule Env-Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall demonstrate the need for the proposed project.
4. In accordance with both Rules Env-Wt 302.04(a)(2) and Env-Wt 302.03, Avoidance, Minimization, and Mitigation, 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.
5. 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 or the project will cause random or unnecessary destruction of wetlands.
6. In accordance with Rule Env-Wt 302.04(e)(2), the Department shall not grant a permit if the applicant fails to meet the requirements of Rule Env-Wt 302.03, or address all of the requirements of Rule Env-Wt 302.04.
7. Pursuant to Rule Env-Wt 402.20 Modification of Existing Structures the Department shall not approve any change in size, location or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

Findings of Fact:

8. On September 17, 2007, the Department received a request to amend the existing docking facility repair permit #2007-53 to change the project description and remove condition #4, to convert the existing 12 seasonal finger piers to be supported by permanent piles. Amendment proposal also requests that the 7 ft x 50 ft 2 in "swim dock" be included within the project description.
9. On July 19, 1999, the Department issued permit 1998-404 for the "in-kind" repair of the existing docking facilities. The 1998-404 permit description specifically states that the 12 finger piers extending of the permanent "T-shaped" dock are seasonal.
10. The September 17, 2007, amendment request contests that the docking facility's 12 finger piers have been always permanent.
11. Since the July 19, 1999 permit issuance File #1998-404, Methodist Circle has not been removing the finger piers in accordance with the conditions of Permit #1998-404,
12. The Department has not received any documentation subsequent to the #1998-404 permit issuance contesting that the finger piers are not seasonal and are permanent.
13. Converting the existing major, nonconforming docking facility's seasonal finger piers to permanent construction would be more nonconforming with Rule Env-Wt 402.05, Permanent Piers, than the existing facility.
14. The Department will not consider the existing seasonal finger piers to be permanent simply because the landowners failed to abide by previous Permit's specific conditions.

Findings in Support of Denial:

15. Approving amendment proposal would not be consistent with Rule Env-Wt 402.20, and therefore this amendment proposal has been denied.
16. The existing constructed project is not in compliance with the pre-existing permit 1998-404.
17. The applicant failed to submit additional fees due for the conversion of 12 seasonal finger piers to permanent piers.
18. The applicant failed to submit complete plans pursuant to Rule Env-Wt 501.02, showing the proposed changes.

**2007-00211                      BOISVERT, WILLIAM**  
**WEARE   Unnamed Stream**

Requested Action:

Dredge and fill 5144.01 sq. ft. of perennial stream to install a 4.5-ft. x 90-ft. RCP for common driveway access to two (2) lots.

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APPROVE PERMIT:

Dredge and fill 4599.4 sq. ft. of perennial stream to install a 16-ft. x 8-ft. x 71-ft. concrete rigid frame bridge for common driveway access to two (2) lots.

With Conditions:

1. All work shall be in accordance with plans by Riverside Ecological Designs, Inc. dated January 15, 2007 and plans by Innovative Land Solutions dated December 12, 2006, and revised through July 20, 2007, as received by the Department on August 28, 2007, and plans received by the Department on August 30, 2007.
2. This permit is contingent upon the creation/restoration of the perennial stream culvert within the bridge.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. 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.
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 twenty (20) feet of undisturbed vegetated buffer.

11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
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).
16. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system until a functional riverine system is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of a perennial nontidal stream channel or its banks.
2. The stream channel will be recreated within the proposed open-bottomed bridge structure.
3. The applicant revised the project from a closed bottom culvert to an open bottom bridge.
4. The proposed bridge will maintain an opening greater than the average top-of-bank width.
5. The subject lots are a result of a 2001 boundary line adjustment to a subdivision approved in the 1970's.
6. Town driveway ordinances restricted extending the lot 51.3 driveway to the subject parcels.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Weare Conservation Commission.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
11. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine system.

**2007-00326 FARMINGTON COUNTRY CLUB, DAVID MOSHER**  
**FARMINGTON Unnamed Pond Wetlands**

Requested Action:

Dredge 28,5000 sq. ft. to maintenance dredge existing ponds, and excavate upland between two ponds to create one larger pond.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 28,5000 sq. ft. to maintenance dredge existing ponds, and excavate upland between two ponds to create one larger pond.

With Findings:

1. On 5/14/2007 DES sent a letter entitled "Request For More Information" to the applicant or agent of record, which clearly stated the response deadline criteria pursuant to RSA 482-A:3, XIV requiring the applicant to submit additional information to DES within 120 days of the request, or no later than 9/14/2007.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-00920                      CHRISTI, JOSEPH**  
**TILTON Lake Winnisquam**

Requested Action:

Dredge 278 cubic yards of sand from 3750 sq ft of lakebed to restore water depths within a commercial marina located in Tilton on Lake Winnisquam.

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Inspection Date: 08/15/2007 by Chris T Brison

Inspection Date: 08/27/2007 by Chris T Brison

APPROVE PERMIT:

Dredge 278 cubic yards of sand from 3750 sq ft of lakebed to restore water depths within a commercial marina located in Tilton on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with dredge plans by Peter Spear as received by DES on August 6, 2007. In the event of any discrepancies between the description or conditions as written in this permit and the work as shown on the approved plan or described in the application the language in this permit shall take precedence.
2. All dredge and impacts to jurisdictional areas associated with the dredge shall be limited to areas within 150 feet of the culvert that conveys water under Rte 3.
3. The NH DES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified in writing of the date on which dredging will begin 14 days prior to the beginning of the project.
4. If, at any time during the dredging, the Department determines that rising water levels pose significant risk to the containment of the site the Department may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the Department.
5. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the raking, to prevent the escape of all aquatic plant fragments from the site. All plant fragments shall be collected prior to curtain removal.
6. All dredged material, including aquatic plants removed ("spoil material") shall be completely removed from surface waters and shall be temporary deposited at containment location as shown on plans as received by the Department August 6, 2007.
7. No dredge spoils or aquatic plant fragments shall escape from temporary deposition area and all spoils shall be completely relocated to permanent deposition area once dewatered.
8. No spoil material shall be permanently deposited within 250 feet of any surface water.
9. All previously deposited spoils on-site shall be permanently relocated 250 ft from any surface water and not in any wetlands jurisdiction.
10. Any equipment entering surface waters shall be completely free of any imported aquatic plants and animals.
11. All work equipment shall be thoroughly rinsed (no detergents) within an upland containment area resulting in no discharge to surface waters. Spoil materials rinsed off shall be removed off-site, 250 ft from any surface water and/or any wetland jurisdiction.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.

14. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. 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.
16. 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.
17. Within 60 days of permit issuance, the Department shall receive complete plans pursuant to Rule Env-Wt 501.02(2) showing all existing jurisdictional structures and all applicable permit numbers showing marina compliance.
18. All activity associated with this project shall be conducted 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(g), dredge of more than 20 cu yd from pulic 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. Field inspection of the site by DES staff has found that the docking structures are not accurately represented on the plans submitted.
6. This approval does not authorize any modification to the docking structures, therefore the Bureau will accept the plan for the purpose of dredging only.

-Send to Governor and Executive Council-

**2007-01828                      MANCHESTER-BOSTON REGIONAL AIRPORT, ENG & PLANNING**  
**LONDONDERRY   Little Cohas Brook**

Requested Action:

Relocate approximately 250 feet brook channel to install a 20 ft. span bridge and stabilize the area around the existing stone arch structure beneath airport access road impacting 5,402 sq. ft. of stream and banks (1,290 sq. ft. temporary).

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 06/07/2007 by Gino E Infascelli

APPROVE PERMIT:

Relocate approximately 250 feet brook channel to install a 20 ft. span bridge and stabilize the area around the existing stone arch structure beneath airport access road impacting 5,402 sq. ft. of stream and banks (1,290 sq. ft. temporary).

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group dated July 19, 2007, as received by the Department on August 3, 2007.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. 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.

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. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize 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).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The impacts associated with the temporary work shall be restored immediately following construction.
19. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 linear feet of impacts to a stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the project area on June 7, 2007. Field inspection determined that the area of impact is upstream of previously disturbed areas, currently there are portions of the infrastructure which are eroding and the widening of the bridge will assimilate the width of the upstream undisturbed channel.
6. DES Staff finds that this project does not require additional mitigation as it meets Rule Env-Wt 302.03(c) (2) (c), protecting infrastructure.
7. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1, therefore, a public hearing is not required.

**MINOR IMPACT PROJECT**

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**2003-02794                      HOSKINS, JACK**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Approve name change to: Patricia I Marchetti, 24 Harvard Rd., Shirley, MA 01464 per request received 9/25/2007. Previous owner: Jack Hoskins.

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Conservation Commission/Staff Comments:

Con Com questions if cribs are abandoned.

Inspection Date: 02/10/2004 by Dale R Keirstead

APPROVE NAME CHANGE:

Permanently remove an existing "L" shaped crib supported docking structure and construct a n 8 ft by 41 ft dock supported by three 7 ft by 10 ft cribs connected to a 6 ft by 66 ft dock supported by a 10 ft by 6 ft crib and two pilings in an "L" shaped configuration on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 12, 2003, as received by the Department on December 18, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
8. The docking structure shall not extend more than 66 ft lakeward from the existing concrete pad.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2006-02123                      SHANNON, SCOTT**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Retention of 2500 sq ft of fill to provide cover for water supply well, water line and house foundation. Temporary impact of 540 sq ft for retaining existing foundation drain.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to retain 2500 sq ft of fill material and temporary impact 540 sq ft for retaining existing foundation drain.

With Findings:

1. Standards for Approval
1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days

of issuance of the department's decision or order."

2. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

3. The Department issued its decision on the applicant's request to {brief project description} by way of a letter dated and mailed on {date}.

4. The deadline to make a request for reconsideration of the Department's decision was {date}.

5. The Motion for Reconsideration, dated {date} was received by the Department on {date}, {X number of} days after the issuance of the Department's decision.

Ruling in Support of the Decision

6. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

**2006-03089                      MEREDITH, TOWN OF  
MEREDITH   Wicwas Lake**

Requested Action:

Installation of new precast box culvert, wingwalls and headwalls for reconstruction of dam outlet in Meredith Center Rd.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request install new precast box culvert wingwalls and headwll to reconstruct a dam outlet. More information requested on February 19, 2007.

With Findings:

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

**2007-00381                      RSA DEVELOPMENT LLC, W PACKY CAMPBELL  
MILTON   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 4,980 sq. ft. of wetlands as permanent impact, including 1,880 sq. ft. of impact and installation of an 18" x 55' culvert; 3,100 sq. ft. of road fill impact; and 410 sq. ft. of temporary impact, for construction of a roadway for a 10-lot subdivision on 20.34 acres.

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APPROVE PERMIT:

Dredge and fill a total of 4,980 sq. ft. of wetlands as permanent impact, including 1,880 sq. ft. of impact and installation of an 18" x 55' culvert; 3,100 sq. ft. of road fill impact; and 410 sq. ft. of temporary impact, for construction of a roadway for a 10-lot subdivision on 20.34 acres.

With Conditions:

- 1. All work shall be in accordance with revised plans by Civil Construction Management Inc. dated August 2006, as received by the Department on 7/23/2007, and by materials by Fraggle Rock Environmental Services dated 7/22/2007, as received by the Department on 7/23/2007.
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
10. Silt fencing must be removed once the area is stabilized.
11. 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.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some location to access the buildable uplands on the property.
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 applicant is crossing the wetlands in the narrowest location and following the path of an existing woods road.
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. There were no species of concern reported by the NH Natural Heritage Bureau.
5. On 3/26/2007 DES received comments from the Milton Conservation Commission ("MCC") dated 3/22/2007, which stated that the application was the best approach for the least impact of wetlands on the property. Subsequents comments by the MCC as received by DES on 5/23/2007 have been addressed.

**2007-00414                      VETERINARY PROPERTIES LLC**  
**CONCORD   Unnamed Wetland**

Requested Action:

Fill 6024 square feet of man made isolated wetlands to construct a building, driveway and parking for a commercial development.

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APPROVE PERMIT:

Fill 6024 square feet of man made isolated wetlands to construct a building, driveway and parking for a commercial development.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated December 21, 2006, and revised through April 24, 2007, as received by the Department on July 16, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or on the Exemplary Natural Community.
10. The applicant shall not remove any trees from the exemplary flood plain forest community.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. 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.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
19. This permit is contingent upon the creation of 55,600 square feet of a compensatory flood storage wetland in accordance with plans by Holden Engineering dated December 21, 2006, and revised through April 24, 2007 as received July 11, 2007 and planting plans by Pollock Land Planning dated March 13, 2007 and revised through August 30, 2007, as received by the department on September 27, 2007.
20. 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.
21. The schedule for construction of the flood storage wetland area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
22. The flood storage wetland area shall be properly constructed, monitored, and managed in accordance with approved plans.
23. The wetland creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, reevaluating wetland plantings and removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
24. Any changes to the wetland plantings shall be reviewed and approved by DES Wetlands Bureau in consultation with NHB prior to implementation.

25. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the creation area is constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
26. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the creation area and the Exemplary Natural Community and schedule remedial actions as necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the creation.
27. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation as indicated in the proposed planting plan after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
28. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
29. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
30. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The applicant has provided a function and value analysis of the wetlands destroyed as part of this project. This function and value assessment states the wetlands have limited functions and values.
3. The wetlands destroyed as part of this project were man made per the wetland scientist.
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. Department of Resources and Economic Development Natural Heritage Bureau, NH Fish and Game and US Fish and Wildlife Staff conducted a field inspection of the proposed project on June 19, 2007. Field inspection determined the limits of the Exemplary Natural Community and that the proposed project will not occur within that community.
6. The applicant has provided a 55,600 square foot flood storage wetland to compensate for flood storage lost as part of this project.
7. The proposed building location is within the 100-year flood plain but is not within the floodway of the Merrimack River.
8. The Concord Conservation Commission did not comment on this application.
9. The Merrimack River LAC, mirrors the concerns of DES with the proposed plantings. DES has required plantings have a survivability rate of 75% or they will be replanted with more appropriate species approved by DES and NHB.

**2007-00620                      MAGUIRE/BLANE, MICHAEL & MARY**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing permanent 12 ft x 43 ft wharf along the shore with a 5 ft x 19 ft permanent dock, construct a 10 ft x 26 ft permanent wharf with a 4 ft x 26 ft seasonal dock on 66 ft of frontage on Lake Winnepesaukee, in Laconia.

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APPROVE PERMIT:

Permanently remove an existing permanent 12 ft x 43 ft wharf along the shore with a 5 ft x 19 ft permanent dock, construct a 10 ft x 26 ft permanent wharf with a 4 ft x 26 ft seasonal dock on 66 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Paul Lambert, as received by DES on July 23, 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. Construction debris and material 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 dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 36 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification alteration of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 66 feet of shoreline frontage along Lake Winnepesaukee.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The proposed project is less impacting over public submerged lands than the existing structure, therefore addressing Env-Wt 402.20.

**2007-00895                      VICKOWSKI, GREGORY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Replace 46 linear feet of existing retaining wall with natural stone, stabilize 12 linear feet of shoreline with natural stone on the southern side of the docking structure, and repair an existing 20 linear feet of retaining wall behind the docking structure on 100 ft of frontage on Lake Winnepesaukee, in Alton.

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Conservation Commission/Staff Comments:

Con Com requests swale not direct flows to abutters problem

APPROVE PERMIT:

Replace 46 linear feet of existing retaining wall with natural stone, stabilize 12 linear feet of shoreline with natural stone on the southern side of the docking structure, and repair an existing 20 linear feet of retaining wall behind the docking structure on 100 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated July 30, 2007, revision date September 04, 2007, as received by DES on September 20, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. 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. Area shall be regraded to original contours following completion of work.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair or replacement of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2007-00911                      MAPLEWOOD RESIDENTIAL DEVELOPMENT LLC, JON BAKER S  
BETHLEHEM   Unnamed Wetland**

Requested Action:

Dredge and fill 6,307 square feet of wetlands to construct a 92-lot residential subdivision on 140.6 acres of land in Bethlehem.

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Conservation Commission/Staff Comments:

Reviewed in combination with the Alteration of Terrain application (file #070309-02) - CDR

APPROVE PERMIT:

Dredge and fill 6,307 square feet of wetlands to construct a 92-lot residential subdivision on 140.6 acres of land in Bethlehem.

With Conditions:

1. All work shall be in accordance with revised plans by SGC Engineering, LLC dated August 3, 2007, as received by DES on August 13, 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail.
5. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. 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.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

OPEN SPACE CONDITIONS:

17. This permit is contingent upon the execution of deed restrictions that preserve 70.22 acres of land as designated open space. This open space shall include lots 62 and 89 as non-buildable lots.
18. The deed restrictions to be placed on the open space areas shall be written to run with the land, and both existing and future property owners shall be subject to the deed restrictions.
19. There shall be no removal of the existing vegetative undergrowth within the open space areas, and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
20. Activities in contravention of the deed restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. On June 18, 2007, DES requested additional information which included a request to coordinate the subdivision design with NH Fish & Game biologist because of the presence of American marten within the project vicinity.
3. In a letter dated August 28, 2007, the NH Fish & Game Dept. stated that they had concerns about loss of American martin habitat by the construction of the subdivision and requested that travel corridors and removal of several lots be incorporated into the design.
4. On September 13, 2007, the applicant's engineer provided revised plans which removed 2 lots from potential development and added them into the open space area to provide a wildlife travel corridor.
5. In an email dated September 18, 2007, the NH Fish & Game Dept. stated that the elimination of the 2 lots should provide some connectivity between the adjacent open space parcels for wildlife passage including American marten.
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(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01464                      TOUPIN, SUZANNE  
MEREDITH Lake Winnepesaukee**

Requested Action:

Stabilize 44 linear ft of eroding natural rocky shoreline by resetting existing rocks and placing 10 cu yds of new rock between existing boulders and native plantings, repair existing 4 ft wide lake access stairs, replace 25 linear ft of rebar reinforced concrete retaining wall with natural rock retaining wall on 90 ft of frontage in Meredith on Lake Winnepesaukee.

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APPROVE PERMIT:

Stabilize 44 linear ft of eroding natural rocky shoreline by resetting existing rocks and placing 10 cu yds of new rock between existing boulders and native plantings, repair existing 4 ft wide lake access stairs, replace 25 linear ft of rebar reinforced concrete retaining wall with natural rock retaining wall on 90 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by NH Environmental Consultants as received by the Department on September 19, 2007.
2. The replacement walls shall maintain existing length, height and configuration of the pre-existing retaining walls.
3. Replacement retaining walls shall not be located lakeward of the water than the existing walls.
4. The maximum volume of rock to be brought onto the site shall be as outlined in the Impact Area Calculations (Addendum) Revised September 25, 2007 to show volumes by NH Environmental Consultants, LLC.
5. 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.
6. 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.

7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
10. This permit does not authorize dredge for any purpose.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-01497                      SUTHERLAND, CRAIG/LORI**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Construct a 6 ft x 59 ft permanent dock with a 6 ft x 25 ft finger pier accessed by a 6 ft x 13 ft walkway over wetlands on 244 ft of frontage in Wolfeboro on Melody Island on Lake Winnepesaukee.

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APPROVE PERMIT:

Construct a 6 ft x 59 ft permanent dock with a 6 ft x 25 ft finger pier accessed by a 6 ft x 13 ft walkway over wetlands on 244 ft of frontage in Wolfeboro on Melody Island on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated June 25, 2007 as received by the Department on July 2, 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. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 59 feet from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for dredging or rock removal for any purpose.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. No more than 250 square ft of wetlands shall be disturbed to access docking structure.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed non-standard configuration allows for a net reduction of bank impacts for a 3 boat slip docking facility.
6. This location has been determined as the least impacting alternative as it requires the least amount of wetland crossing impacts and ledge/boulder/navigational hazard removal.
7. This property is located on an island and is only accessible by boat.

**2007-01595                      TOMB REVOC TRUST, KAREN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Remove an existing 6 ft x 30 ft crib supported dock and install a 6 ft x 40 ft seasonal dock anchored by a 4 ft x 6 ft concrete pad, install a seasonal boatlift and two seasonal personal water craft lifts on 225 ft of frontage in Moultonborough on Lake Winnepesaukee.

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APPROVE PERMIT:

Remove existing 6 ft x 30 ft crib supported dock and install a 6 ft x 40 ft seasonal dock anchored by a 4 ft x 6 ft concrete pad, install a seasonal boatlift and two seasonal personal water craft lifts on 225 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 14, 2007, as received by DES on July 10, 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. All portions of the existing crib supported dock must be completely removed from Wetlands Bureau jurisdiction prior to seasonal dock installation.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons', breeding and nesting areas shall be avoided.
6. This permit does not allow for maintenance dredging.
7. 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.
8. Seasonal pier shall be removed from the lake for five months during the non-boating season.
9. No portion of the pier shall extend more than 40 ft from the shoreline at full lake elevation.
10. 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.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

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

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

**2007-02132 LITCHFIELD HIGHWAY DEPARTMENT, TOWN OF  
LITCHFIELD Unnamed Wetland Nesenkeag Brook**

Requested Action:

Dredge and fill a total of 5,500 sq. ft. (4,150 sq. ft. permanent impacts & 1,350 sq. ft. temporary construction impacts) of palustrine forested/ scrub-shrub wetlands and within the embankments and streambed of a perennial stream to replace a deteriorated 84 in. dia. corrugated metal culvert with a 8 ft. x 10 ft. box culvert, including headwalls and rip-rap stabilization.

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Conservation Commission/Staff Comments:

No report or comments received from the Litchfield Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 5,500 sq. ft. (4,150 sq. ft. permanent impacts & 1,350 sq. ft. temporary construction impacts) of palustrine forested/ scrub-shrub wetlands and within the embankments and streambed of a perennial stream to replace a deteriorated 84 in. dia. corrugated metal culvert with a 8 ft. x 10 ft. box culvert, including headwalls and rip-rap stabilization.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated August 2007, as received by the DES on September 07, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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).
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. 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.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. 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(c)&(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.

**MINIMUM IMPACT PROJECT**

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**2005-02031 SOMERSWORTH HYDRO CO., INC.**  
**SOMERSWORTH Salmon Falls River**

Requested Action:

Maintenance dredge 19,000 sq. ft. of accumulated rock obstructions from spillway, which were deposited by April 2007 flooding.  
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Conservation Commission/Staff Comments:

Con. Com. signed Expedited Application.

APPROVE AMENDMENT:

Maintenance dredge 19,000 sq. ft. of accumulated rock obstructions from spillway, which were deposited by April 2007 flooding.

With Conditions:

1. AMENDED: All work shall be in accordance with revised plans by Enel North America/Somersworth Hydro Company, Inc. dated 9/20/2007, as received by the Department on 9/21/2007.
2. All work shall be done in the dry.
3. The DES Wetlands Bureau shall be notified in writing prior to commencement of work and upon completion.
4. Any further alteration of wetlands on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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, 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(k), maintenance dredging of spillways within the bounds of legally constructed projects, not exceeding 20,000 sq. ft. of impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Rock deposited during the April 2007 flooding is obstructing the spillway of the dam and needs to be removed.
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. Only rock deposited by the flooding event is to be removed. Natural stream bottom conditions are to be maintained. The work will occur during current dry/low flow conditions and prior to further flooding events.
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. There were no NH Natural Heritage Bureau or NH Fish & Game Dept. species of concern reported for this project.
5. The Somersworth Conservation Commission has reviewed the amendment request and recommends expeditious approval of the request.

**2006-01539 GIADINELLO, PAUL & KATHRYN**  
**SURRY Unnamed Stream**

Requested Action:

Installation of a culvert for driveway crossing.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny request for installation of a driveway crossing impacting 700 sq. st.

**With Findings:**

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

**2006-01980                      PRUDHOME, PAMELA**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Amend the after-the-fact approval to retain the beach to replenish the beach with 10 cubic yards of sand.

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**Conservation Commission/Staff Comments:**

Con Com has not submitted comments by October 20, 2006.

NH NHI and NH Fish and Game will not be submitting comments

**APPROVE AMENDMENT:**

Approve after the fact to retain an 180 sq ft perched beach and install 2 additional 4 ft wide wooden removable stairs, replenish the beach with less no more than 10 cubic yards of sand, with no impacts to the bank or bed on Lake Winnepesaukee, Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by Irene Garvey dated June 2006, as received by the Department on April 04, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. This approval 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. The steps extending beyond the shoreline shall be of seasonal construction and installed with no modification of the bank or bed of the waterbody.
5. This approval allows for the placement of no more than 10 cubic yards of sand on the beach.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

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

**2006-02460                      BOW, TOWN OF**  
**BOW   Unnamed Stream**

**Requested Action:**

Replace 5 culverts and construct headwalls under White Rock Hill Rd to supply adequate drainage for the road. The project will temporary impact 400 sq. ft. of wetlands.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny request to temporarily impact 400 sq ft of palustrine, forested, seasonally flooded jurisdictional wetlands.

**With Findings:**

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

**2007-00245 LAURION, MARC & TOBI  
WAKEFIELD Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 2,370 sq. ft. of wetlands, including 1,674 sq. ft. of permanent impact associated with installation of a 18" x 30' culvert, and 696 sq. ft. of temporary construction impacts, to construct driveway access to a 36+ acre parcel of land for forest management and recreational use.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill a total of 2,370 sq. ft. of wetlands, including 1,674 sq. ft. of permanent impact associated with installation of a 18" x 30' culvert, and 696 sq. ft. of temporary construction impacts, to construct driveway access to a 36+ acre parcel of land for forest management and recreational use.

**With Conditions:**

1. All work shall be in accordance with plans by Land Tech Corp. dated 8/21/2007, as received by the Department on 8/23/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. 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. Work shall be done during low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to provide access to a single 36+ parcel for recreational use and forestry management.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The wetland runs across the property line from boundary to boundary and must be crossed at some point to access the majority of the property.
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 driveway cannot be located further to the right on the property as suggested by the Conservation Commission due to the slopes present.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Wakefield Conservation Commission suggested relocating the crossing; the applicant has provided evidence that relocation will not avoid wetlands impacts.

**2007-01188 HARILLA LANDING YACHT CLUB  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Dredge and fill 559 square feet of palustrine forested wetland and man made ditch for lot development.

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APPROVE PERMIT:

Dredge and fill 559 square feet of palustrine forested wetland and man made ditch for lot development.

With Conditions:

1. All work shall be in accordance with plans by Rhist Frost Shumway Engineering PC with no date and revised through August 26, 2007, as received by the Department on August 31, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Work shall be done during periods of non-flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The 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.
3. The applicant has provided a waiver request per Wt 204.03, to waive Env-Wt 304.04(a) which limits wetland impacts to at least 20 feet from the property line.
4. The wetland in question is a man made ditch which directs stormwater water on to the abutting property.
5. The applicant believes that the proposal to impact wetlands within 20 feet will improve the conditions on lot 1-76.
6. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
13. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

**2007-01246 PAGE HILL MOBILE HOME PARK COOPERATIVE INC  
LANCASTER Unnamed Wetland**

Requested Action:

Dredge and fill approximately 200 sq. ft. of wetlands and associated stream bank to replace two failed storm drain outlets. Work within jurisdiction consists of removing existing 4 in. pipe outlets and replacing with new 8 in. pipe outlets.

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**APPROVE PERMIT:**

Dredge and fill approximately 200 sq. ft. of wetlands and associated stream bank to replace two failed storm drain outlets. Work within jurisdiction consists of removing existing 4 in. pipe outlets and replacing with new 8 in. pipe outlets.

**With Conditions:**

1. All work shall be in accordance with plans by Provan & Lorber, Inc., plan sheets titled "Wetland Impacts At Outlet 1" and "Wetland Impacts At Outlet 2", "Wetland Delineation Proposed Impacts", dated May 22, 2007, as received by DES on June 4, 2007.
2. Work shall be done during low flow.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has limited space to add any additional stormwater treatment or detention structures.
6. The existing drainage system has failed.
7. The proposed stormwater upgrade includes sumps that should help improve runoff water quality.
8. The proposed stormwater outlets are located in the same location as the existing structures.
9. The Conservation Commission submitted a letter in support of the proposed project and spoke in support of a rapid approval of the application.
10. The project is part of a USDA Rural Development project.

**2007-01373                      COYNE, GARY**  
**OSSIPEE   Unnamed Wetland Stream**

**Requested Action:**

Dredge and fill 388 sq. ft. of wetlands to install a 4'high x 8' wide x 30' long box culvert for access to a gravel operation.

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**APPROVE PERMIT:**

Dredge and fill 388 sq. ft. of wetlands to install a 4'high x 8' wide x 30' long box culvert for access to a gravel operation.

**With Conditions:**

1. All work shall be in accordance with plans by Rokeh Consulting LLC dated 5/17/2007, as received by DES on 8/30/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau or change in property usage from that depicted in the application (gravel operations) will require a new application and further permitting by the Bureau to change the status of the road crossing.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), dredge and fill of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Ossipee Conservation Commission did not intervene.

**2007-01623                      SUNSET RANCH CAMP, BUDDY DURHAM  
ORFORD   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 1,500 sq. ft. of palustrine forested wetlands to install two 12 in. x 20 ft. culverts for road construction to provide deeded access to an existing single family residence.

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**Conservation Commission/Staff Comments:**

No Conservation Commission comments or objections.

**APPROVE PERMIT:**

Dredge and fill approximately 1,500 sq. ft. of palustrine forested wetlands to install two 12 in. x 20 ft. culverts for road construction to provide deeded access to an existing single family residence.

**With Conditions:**

1. All work shall be in accordance with plans entitled Figure 3, Sunset Ranch Camp, Proposed Driveway, as submitted by R. Lobdell and received by the Department on July 16, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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. 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02064                      PARADIS, EDWARD & ROBIN  
WARREN   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,892 sq. ft. of forested wetlands to install two 15 in. x 20 ft. culverts for road construction to facilitate access to a proposed single family residence.

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Conservation Commission/Staff Comments:

Conservation Commission signed off 29 August 2007.

APPROVE PERMIT:

Dredge and fill approximately 1,892 sq. ft. of forested wetlands to install two 15 in. x 20 ft. culverts for road construction to facilitate access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans entitled: Plan to Accompany Minimum Impact Expedited Wetlands Application, Prepared For Edward F. & Robin Paradis, dated August 2007, by Sabourn Surveying Inc. and received by the Department on September 04, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000

square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

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

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

**FORESTRY NOTIFICATION**

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**2007-02163 HAYES, HELEN  
STODDARD Unnamed Stream**

COMPLETE NOTIFICATION:  
Stoddard Tax Map 420, Lot# 4 & 33

**2007-02208 DIAMOND HEART PROPERTY MANAGEMENT LLC  
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Farmington Tax Map R13, Lot# 20

**2007-02209 PINETREE POWER INC  
BETHLEHEM Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Tax Map 406, Lot# 39.99

**2007-02210 BLUE, PETER  
EATON Unnamed Stream**

COMPLETE NOTIFICATION:  
Eaton Tax Map R3, Lot# 38

**2007-02211 NELSON, ERNEST  
EATON Unnamed Stream**

COMPLETE NOTIFICATION:  
Eaton Tax Map R3, Lot# 26

**2007-02215 FRAZER CORP  
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:  
Dorchester Tax Map 3, Lot# 351

**2007-02216**                    **GOURLEY, RUTH**  
**NEWBURY** Unnamed Stream

COMPLETE NOTIFICATION:  
Newbury Tax Map 7, Lot# 165,517

**2007-02217**                    **WRIGHT, FRED**  
**CHESTERFIELD** Unnamed Stream

COMPLETE NOTIFICATION:  
Chesterfield Tax Map 24A, Lot# 7.2

**2007-02235**                    **ALLARD, JAMES**  
**MARLOW** Unnamed Stream

COMPLETE NOTIFICATION:  
Marlow Tax Map 203, Lot# 116

**2007-02236**                    **ALLARD, JAMES**  
**MARLOW** Unnamed Stream

COMPLETE NOTIFICATION:  
Marlow Tax Map 409, Lot# 44

**2007-02237**                    **ALLARD, JAMES**  
**MARLOW** Unnamed Stream

COMPLETE NOTIFICATION:  
Marlow Tax Map 409, Lot# 45

**2007-02238**                    **MEDLYN, PEARL**  
**BROOKLINE** Unnamed Stream

COMPLETE NOTIFICATION:  
Brookline Tax Map D, Lot# 50

**EXPEDITED MINIMUM**

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**2006-00667**                    **HOWLAND, ROGER**  
**ALTON** Lake Winnepesaukee

Requested Action:

Deny permit request to dredge and fill 90 square feet for installation of a rip rap outlet within the bank of Lake Winnepesaukee, Alton.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 90 square feet for installation of a rip rap outlet within the bank of Lake Winnepesaukee, Alton.

With Findings:

1. A request for additional information dated April 26, 2006, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-03148                      FREUDENBERG-NOK GENERAL PARTNERSHIP**  
**BRISTOL    Newfound River**

Requested Action:

Confirm Emergency Authorization issued December 15, 2006 to Freudenberg-NOK.  
Dredge and Fill to perform repairs to existing spillway by replacing missing timbers in spillway apron, Seal existing vertical and horizontal cracks in existing concrete spillway, Remove existing remaining structural steel from the face of the abutments, Perform repairs to existing concrete retaining wall by sealing cracks and placing new concrete curb, Reconstruct retaining wall, Backfill and riprap adjacent areas as outlined, Repair existing Pond Drain and perform other maintenance as required by the DES-Dam Safety program.

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APPROVE PERMIT:

Confirm Emergency Authorization issued December 15, 2006 to Freudenberg-NOK.  
Dredge and Fill to perform repairs to existing spillway by replacing missing timbers in spillway apron, Seal existing vertical and horizontal cracks in existing concrete spillway, Remove existing remaining structural steel from the face of the abutments, Perform repairs to existing concrete retaining wall by sealing cracks and placing new concrete curb, Reconstruct retaining wall, Backfill and riprap adjacent areas as outlined, Repair existing Pond Drain and perform other maintenance as required by the DES-Dam Safety program.

With Conditions:

1. All work shall be in accordance with plans by H.L. Turner Group, Inc. dated January 12, 2007 and revised through July 2007, as received by the Department on August 28, 2007.
2. This applicant shall coordinate with the DES Dam Safety Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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.

9. No equipment shall enter the water.
10. All work shall be done from the top of the bank.
11. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04 Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to comply with requirements of DES - Dam Safety Bureau to perform dam safety maintenance.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on December 15, 2006.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2006-03158                      DUNN, SCOTT**  
**HINSDALE   Kilborn Brook**

Requested Action:

Repair an existing timber and concrete footing bridge that accesses a single family residence and re-establish the associated streambed. The bridge and streambed repairs are needed due to damage from the October 2005 storm event.

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APPROVE PERMIT:

Repair an existing timber and concrete footing bridge that accesses a single family residence and re-establish the associated streambed. The bridge and streambed repairs are needed due to damage from the October 2005 storm event.

With Conditions:

1. All work shall be in accordance with plans and narrative by Scott E. Dunn, as received by the Department on December 18, 2006, May 18, 2007 and August 29, 2007.
2. Work shall be done during low flow conditions.
3. Materials used to emulate a natural channel bottom within the bridge footings, wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
4. The streambed elevation within bridge footing shall be raised to match the elevation beyond the bridge and shall not impede flows.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

- and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
  7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
  8. There shall be no excavation or operation of construction equipment in flowing water.
  9. 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 DES Wetlands Bureau.
  10. 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.
  11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
  12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
  13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
  14. Temporary cofferdams shall be entirely removed immediately following construction.
  15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
  16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
  17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
  18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
  19. Banks shall restore to their original grades and to a stable condition within three days of completion of construction.
  19. 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.
  20. Post-construction photographs documenting the status of the completed construction shall be submitted to the Wetlands DES 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(x), maintenance, repair, or replacement of a nondocking structure such as a bridge.
2. DES has suggested the applicant retain a professional engineer to design a replacement structure, the applicant has indicated replacing the entire structure is not feasible at this time.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00836                      PODSEN, KENNETH & JANE**  
**TUFTONBORO   Unnamed Wetland**

Requested Action:

Installation of a wildlife pond in poorly drained jurisdictional wetland.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Request to impact 16,450 of poorly drained jurisdiction wetland to construct a wildlife pond in Tuftonboro

With Findings:

1. 1. A request for additional information dated (date of More Information Request), addressed to the applicant or agent of record,

clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-01393                      WALLMAN, CARL**  
**PITTSFIELD   Unnamed Stream**

Requested Action:

Impact 322 square feet of palustrine wetlands to construct an access road for forestry operations.

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APPROVE PERMIT:

Impact 322 square feet of palustrine wetlands to construct an access road for forestry operations.

With Conditions:

1. All work shall be in accordance with plans by RCCD dated 7/17/06 as received by DES on August 13, 2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. 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).
4. Proper headwalls shall be constructed within seven days of culvert installation.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.

With Findings:

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

**2007-01504                      LACOMBE, DENNIS**  
**LACONIA   Paugus Bay**

Requested Action:

Replace 33 linear ft of failed wood retaining wall with natural rock and boulder retaining wall, remove the existing sand beach area and loam and seed with grass, construct a raised berm behind the restored area on Lake Winnepesaukee, Laconia.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

**APPROVE PERMIT:**

Replace 33 linear ft of failed wood retaining wall with natural rock and boulder retaining wall, remove the existing sand beach area and loam and seed with grass, construct a raised berm behind the restored area on Lake Winnepesaukee, Laconia.

**With Conditions:**

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated June 18, 2007, revision date August 29, 2007, as received by DES on September 13, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. 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(n), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01726 CURRIER, JASON & KAREN  
SALISBURY Unnamed Stream Wetland**

**Requested Action:**

Dredge and fill 240 square feet including installation of a 20 foot x 15-inch diameter culvert within palustrine forested wetland for access to a proposed single family residence.  
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**APPROVE PERMIT:**

Dredge and fill 240 square feet including installation of a 20 foot x 15-inch diameter culvert within palustrine forested wetland for access to a proposed single family residence.

**With Conditions:**

1. All work shall be in accordance with plans by the property owner, as received by the Department on August 1, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant did not notify the abutting properties in Boscawen. It appears from the survey plan provided that they are greater than 1/4 mile from the impact area.

**2007-01810                      MOULTON, JOEL**  
**FARMINGTON Tributary To Mad River**

Requested Action:

Impact a total of 2,651 sq. ft. of wetlands jurisdiction (total of 43' linear ft. of stream) to replace existing flood-damaged 16' concrete deck bridge with a new 16' span precast concrete bridge in same footprint, and install associated headwall/abutments and rip rap slope protection.

\*\*\*\*\*

APPROVE PERMIT:

Impact a total of 2,651 sq. ft. of wetlands jurisdiction (total of 43' linear ft. of stream) to replace existing flood-damaged 16' concrete deck bridge with a new 16' span precast concrete bridge in same footprint, and install associated headwall/abutments and rip rap slope protection.

With Conditions:

1. All work shall be in accordance with plans by Edwards and Kelsey Corp. dated July 2007, as received by DES on 8/7/2007.
2. 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).
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Silt fencing must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. 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.
9. 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.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. 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.

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

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

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

15. Proper headwalls shall be constructed within seven days of culvert installation.

16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

17. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h), construction of a bridge with no work in the wetland or water, and less than 3,000 sq. ft. of bank impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing bridge was Redlisted by NHDOT, and then sustained additional damage following the April 2007 flooding, reducing it to a one-lane road width.

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 applicant is replacing the bridge with the same dimensions but utilizing better headwall, abutment, and slope protection design.

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. No species of concern were reported by the NH Natural Heritage Inventory or by NH Fish & Game Department.

5. The Farmington Conservation Commission signed the expedited application.

**2007-01868 MORAN, MARY COFFEE**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Reduce an existing 9 ft x 37 ft crib dock to 9 ft x 36 ft 9 inches and install 2 tie off pilings on 110 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Reduce an existing 9 ft x 37 ft crib dock to 9 ft x 36 ft 9 inches and install 2 tie off pilings on 110 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans faxed by Dive Winnepesaukee dated Sept 25, 2007, as received by DES on Sept 26, 2007.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

3. 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. 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.

5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of new tie-off pile, which do not, by their presence, add boat slips to an existing docking system.
2. The applicant has reduced the dock length thus addressing Env-Wt 402.20.

**2007-01956                      PSNH**  
**HUDSON   Unnamed Wetland**

Requested Action:

Impact a total of 1,638 square feet of forested wetland to include 98 square feet of permanent impacts for the installation of one transmission line structure with the 19 guy wire anchors and temporarily impact 1,540 square feet for access to construct a new 115 kilovolt electrical line to meet the needs of higher energy demands in southern New Hampshire.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hudson Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 1,638 square feet of forested wetland to include 98 square feet of permanent impacts for the installation of one transmission line structure with the 19 guy wire anchors and temporarily impact 1,540 square feet for access to construct a new 115 kilovolt electrical line to meet the needs of higher energy demands in southern New Hampshire.

With Conditions:

1. All work shall be in accordance with plans by Tighe & Bond Consulting Engineers dated August 2007, as received by DES on August 20, 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. 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. 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. All temporary impact areas shall be regraded to original contours following completion of work.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wet meadow and/or forested wetland.
2. The impacts are necessary to upgrade the electrical lines to meet the demand in the surrounding area, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur within an existing utility line right-of-way. A majority of the impacts are temporary to gain access to the pole installation area and will be restored following the completion of work, 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.
5. The NH Natural Heritage Bureau (NHB) identified one invertebrate species, a Geometrid Moth (*Metarranthis apiciaria*) and four vertebrate species, Banded Sunfish (*Enneacanthus obesus*); Blanding's Turtle (*Emydoidea blandingii*); Grasshopper Sparrow (*Ammodramus savannarum*); and, the Spotted Turtle (*Clemmys guttata*) within the vicinity of the proposed impacts.

6. DES finds that none of the aforementioned species will be adversely affected by the project as the work will be conducted during cold weather months for ease of access.

**2007-02003                      HOLLIS, TOWN OF**  
**HOLLIS   Witches Brook**

Requested Action:

Impact a total of 95 square feet of intermittent streams beneath French Mill Road and Wright Road for the replacement of 2 undersized 15-inch culverts with three (3) 18-inch culverts to improve flowage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hollis Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 95 square feet of intermittent streams beneath French Mill Road and Wright Road for the replacement of 2 undersized 15-inch culverts with three (3) 18-inch culverts to improve flowage.

With Conditions:

1. All work shall be in accordance with plans by R.L. Ouellette Construction Management Services dated July 10, 2007, as received by DES on August 24, 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. 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. 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. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The existing culverts beneath Wright Road and French Mill Road do not convey flow adequately under storm conditions and ponding occurs on nearby properties, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The culverts will be set in the same location as the previous culverts, 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.

**2007-02057                      THE BAIRD TRUST, ERIN BAIRD**  
**NEWINGTON   Unnamed Wetland Stream**

Requested Action:

Dredge and fill a total of 2,300 sq. ft. of wetlands, including 1] 700 sq. ft. and installation of a 12" x 20' culvert; 2] 700 sq. ft. and installation of a 12" x 20' culvert; and 3] 900 sq. ft. and installation of twin 16" x 20' culverts, for construction of a driveway to a 34.4 acre single family house lot.

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**APPROVE PERMIT:**

Dredge and fill a total of 2,300 sq. ft. of wetlands, including 1] 700 sq. ft. and installation of a 12" x 20' culvert; 2] 700 sq. ft. and installation of a 12" x 20' culvert; and 3] 900 sq. ft. and installation of twin 16" x 20' culverts, for construction of a driveway to a 34.4 acre single family house lot.

**With Conditions:**

1. All work shall be in accordance with plans by Knight Hill Land Surveying Services Inc. dated June 2007, as received by the Department on 8/30/2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during low flow.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of culverts and associated fill for driveway crossings for a single family building lot.
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. The driveway is following the path of an existing woods road.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported no species of concern recorded for the site.
5. The Newington Conservation Commission recommends approval of the project and signed the expedited minimum impact wetlands application.

**2007-02058                      PSNH  
LONDONDERRY   Unnamed Wetland**

**Requested Action:**

Impact a total of 19,132 square feet of forested wetland to include 262 square feet of permanent impacts for the installation of seven transmission line structures with the 31 guy wire anchors and temporarily impact 18,870 square feet for access to construct a new 115 kilovolt electrical line to meet the needs of higher energy demands in southern New Hampshire.

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**Conservation Commission/Staff Comments:**

The Londonderry Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

Impact a total of 19,132 square feet of forested wetland to include 262 square feet of permanent impacts for the installation of seven

transmission line structures with the 31 guy wire anchors and temporarily impact 18,870 square feet for access to construct a new 115 kilovolt electrical line to meet the needs of higher energy demands in southern New Hampshire.

With Conditions:

1. All work shall be in accordance with plans by Tighe & Bond Consulting Engineers dated August 2007, as received by DES on August 31, 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. 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. 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. All temporary impact areas shall be regraded to original contours following completion of work.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
2. The impacts are necessary to upgrade the electrical lines to meet the demand in the surrounding area, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur within an existing utility line right-of-way. A majority of the impacts are temporary to gain access to the pole installation area and will be restored following the completion of work, 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.
5. The NH Natural Heritage Bureau (NHB) identified one invertebrate species, a Geometrid Moth (*Metarranthis apiciaria*) and four vertebrate species, Banded Sunfish (*Enneacanthus obesus*); Blanding's Turtle (*Emydoidea blandingii*); Grasshopper Sparrow (*Ammodramus savannarum*); and, the Spotted Turtle (*Clemmys guttata*) within the vicinity of the proposed impacts.
6. DES finds that none of the aforementioned species will be adversely affected by the project as the work will be conducted during cold weather months for ease of access.

**TRAILS NOTIFICATION**

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**2007-01456                      SAN DONATO, JOHN**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map/Lot# 405/7 & 403/14

**2007-02171                      MERRIMACK SCHOOL DISTRICT, SAU 26**  
**MERRIMACK   Unnamed Stream Wetlands**

COMPLETE NOTIFICATION:  
Merrimack Tax Map 58, Lot# 10 & 11

**SHORELAND VARIANCE / WAIV**

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**2007-00669                      SAYERS, JERRY  
HAMPTON**

Requested Action:

Replace wood pilings supporting an existing 24.5 ft x 29 ft primary structure with a living space floor elevation of 8.5 ft above sea level, with helical pilings to raise the living space floor elevation to 21.7 ft above sea, all within the 50 ft primary building setback to the Atlantic Ocean, in Hampton.

\*\*\*\*\*

DENY CSPA WAIVER:

Deny CSPA waiver to replace wood pilings supporting an existing 24.5 ft x 29 ft primary structure with a living space floor elevation of 8.5 ft above sea level, with helical pilings to raise the living space floor elevation to 21.7 ft above sea, and increasing the ridgeline height of the roof to 30.0 ft, all within the 50 ft primary building setback to the Atlantic Ocean, in Hampton.

With Findings:

Standards for Approval:

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
2. More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. In accordance with RSA483-B:3 Consistency Required: "II. When the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control."

Findings of Fact:

4. On April 9, 2007, the Department received a request to waive RSA483-B:9II to allow for the expansion of a primary structure within the primary building setback on property identified as Hampton Tax Map 273 Lot 24 (the "Property").
5. The replacement of the existing structure on the Property would remain in the existing footprint, however the roof ridgeline height would increase to approximately 30-feet.

Ruling in Support of the Decision:

6. The proposal to construct a new structure which would increase the ridgeline height of the roof is prohibited in accordance with RSA 483-B:11,I.
7. The proposed project would increase the ridgeline height of the roof and conflicts with RSA 482-A:26 as required per RSA 483-B:3, II, therefore the request for a waiver of the provisions of RSA 483-B:9 is denied.

**PERMIT BY NOTIFICATION**

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**2007-02040                    DODGE, CLINTON/SANDRA**  
**BARRINGTON   Unnamed Stream**

Requested Action:

Dredge and fill 750 sq. ft. of wetlands and install a 24" x 10' culvert for construction of a driveway crossing to the septic location of a single family house lot.

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PBN IS COMPLETE:

Dredge and fill 750 sq. ft. of wetlands and install a 24" x 10' culvert for construction of a driveway crossing to the septic location of a single family house lot.

With Findings:

1. The applicant has responded, per letter dated 9/4/2007, to the Barrington Conservation Commission's comments regarding crossing the wetland for septic and recreation access. The applicant states that the most stable and least impacting location for the crossing was chosen, and that the crossing is primarily for the installation and maintenance of the septic field, which must align with the existing plumbing of the house.

**2007-02042                    MARROTTE, MARILYN, JOHN & VIRGINIA**  
**WAKEFIELD   Great East Lake**

Requested Action:

Repair to an existing retaining wall

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PBN DISQUALIFIED:

Repair to an existing retaining wall

With Findings:

1. No evidence of an existing retaining wall to be repaired.

**2007-02063                    BLOOD, ANN**  
**EAST WAKEFIELD   Belleau Lake**

Requested Action:

Reconstruct an existing 100' retaining wall

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PBN DISQUALIFIED:

Reconstruct an existing 100' retaining wall

With Findings:

1. Pursuant to Env-Wt 506.03(e)(1)&(3), no plans were submitted showing an overview of the property and did not show the dimensions of all existing and proposed structures and all relevant features necessary to clearly define the project as requested on September 7, 2007.

**2007-02086                    DULAC, DAVID**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Replace retaining wall and dredge 235 cubic yards of material from the lake bed on adjacent lots in Gilford on Lake Winnepesaukee.

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PBN DISQUALIFIED:

Replace retaining wall and dredge 235 cubic yards of material from the lake bed on adjacent lots in Gilford on Lake Winnepesaukee.

With Findings:

1. Dredging 235 cubic yards of material from the lake bed is classified as a Major project and therefore is not permissible under the PBN process.

**2007-02109                      SIGEL, RICHARD**  
**WAKEFIELD   Great East Lake**

Requested Action:

Rebuild an existing rock retaining wall impacting 750 sq. ft.

\*\*\*\*\*

PBN IS COMPLETE:

Rebuild an existing rock retaining wall impacting 750 sq. ft.

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.

**2007-02193                      ROCHESTER, CITY OF**  
**ROCHESTER   Unnamed Stream**

Requested Action:

Replace damaged twin 24" culverts with a single 42" x 55' culvert under city street; total impact area approximately 720 sq. ft., in follow-up to stabilization work authorized under emergency authorization #2007-738.

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PBN IS COMPLETE:

Replace damaged twin 24" culverts with a single 42" x 55' culvert under city street; total impact area approximately 720 sq. ft., in follow-up to stabilization work authorized under emergency authorization #2007-738.

With Findings:

1. Project meets the intent of "in-kind" replacement; reduction in culvert number from two to one and minimal change in dimensions will be of benefit to ability of crossing device to handle flow.

**2007-02242                      RIEDELL, DAVID & KIMBERLY**  
**WAKEFIELD   Lovell Lake**

Requested Action:

Remove existing nonconforming seasonal dock and install a 6 ft x 30 ft seasonal dock with a 3 ft x 7 ft concrete anchoring pad.

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PBN IS COMPLETE:

Remove existing nonconforming seasonal dock and install a 6 ft x 30 ft seasonal dock with a 3 ft x 7 ft concrete anchoring pad.

With Findings:

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

**2007-02246 SCHULSON REVOC TRUST, SANDRA  
ENFIELD Mascoma Lake**

Requested Action:

Repair/replace existing retaining wall "in-kind".

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PBN IS COMPLETE:

Repair/replace existing retaining wall "in-kind".

With Findings:

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

**2007-02248 OZZIE, RAYMOND & DAWNA BOUSQUET  
GILFORD Lake Winnepesaukee**

Requested Action:

Repair existing docking facility "in-kind".

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PBN IS COMPLETE:

Repair existing docking facility "in-kind".

With Findings:

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

**2007-02249 PATTEN, KURT  
LACONIA Lake Winnisquam**

Requested Action:

Extend an existing 5'x 24' seasonal docking structure by 10 feet for a total length of 34 feet

\*\*\*\*\*

PBN IS COMPLETE:

Extend an existing 5'x 24' seasonal docking structure by 10 feet for a total length of 34 feet

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) installation of a seasonal docking structure on 101 ft of frontage.

