

Wetlands Bureau Decision Report

Decisions Taken
10/01/2007 to 10/07/2007

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

**2006-01738 DDR SEABROOK LLC
SEABROOK Unnamed Wetland**

Requested Action:

Dredge and fill a total of 41,168 sq. ft. of previously disturbed palustrine forested/ scrub-shrub/ emergent wetlands for work associated with the redevelopment of a former industrial site to accommodate a retail complex with appurtenant parking and drainage/storm water management structures on a 50.9 acre parcel of land.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has been proactively involved through all phases of the review of this project and does not object to the Cains Brook salt marsh restoration/ Phragmites eradication project to provide compensatory mitigation for the proposed wetlands impacts. The salt marsh restoration/ mitigation plan is a component of the larger scope Cains Brook Watershed Management Plan being undertaken by the Town of Seabrook.

- Inspection Date: 09/24/2007 by Frank D Richardson
- Inspection Date: 12/14/2006 by Frank D Richardson
- Inspection Date: 02/08/2007 by Frank D Richardson
- Inspection Date: 03/28/2007 by Frank D Richardson
- Inspection Date: 11/18/2005 by Frank D Richardson
- Inspection Date: 12/28/2006 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 41,168 sq. ft. of previously disturbed palustrine forested/ scrub-shrub/ emergent wetlands for work associated with the redevelopment of a former industrial site to accommodate a retail complex with appurtenant parking and drainage/storm water management structures on a 50.9 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated June 22, 2006, as received by DES on July 10, 2006 and the Cains Brook Salt Marsh Restoration plan dated April 11, 2007 as received by DES on April 24, 2007 together with narratives dated March 8, 2007 and April 23, 2007(revised) as received by DES on March 12, 2007 and April 24, 2007 respectively.
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. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this Wetlands Permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the site work and the salt marsh restoration compensatory mitigation project.
5. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

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

COMPENSATORY WETLAND MITIGATION:

Cains Brook Salt Marsh Restoration/ Phragmites Eradication Project

1. This permit is contingent upon the restoration and enhancement of approximately 35 acres of tidal wetlands by the removal and eradication of several stands of the invasive plant *Phragmites australis* (Tall Reed) in accordance with plans and narrative received by DES April 24, 2007.
2. This permit shall not be effective until it has been recorded with the Rockingham 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. The schedule for implementation of the mitigation project shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation areas shall be properly implemented, monitored, and managed in accordance with approved final mitigation plans, all phases of which shall be coordinated with the Wetlands Bureau Southeast Region staff.
5. Salt marsh restoration/ Phragmites eradication areas shall be properly implemented, stabilized, monitored and remedial actions taken that may be necessary to create functioning tidal wetland areas similar to those in the environs of Cains Brook and Mill Creek in Seabrook.
6. Remedial measures may include continued removal of invasive species, grading to obtain marsh elevations that will support and maintain the growth of indigenous salt marsh plants, enhancing the hydrologic regime or other methodologies designed to assure the long term success of this salt marsh restoration project.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are implemented in accordance with the mitigation plan.
8. Monitoring shall be in accordance with the Gulf of Maine Salt Marsh Monitoring Protocol as promulgated by the Gulf of Maine Council on the Marine Environment Habitat Monitoring and Restoration Subcommittees.
9. Annual reports documenting the salt marsh restoration/ Phragmites eradication project, including all data collected via the above mentioned restoration monitoring protocol, shall be submitted to the DES Wetlands Bureau and the Seabrook Conservation Commission on or before November 30 of each year following the start of work for a period of five (5) years.
10. The Wetlands Bureau and the Seabrook Conservation Commission 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.
11. The permittee shall notify DES and the Seabrook Conservation Commission in writing of their intention to commence the salt marsh restoration/ Phragmites eradication work no less than 5 business days prior to the start of work.
12. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be included in the annual report submitted each year for a period of five (5) years.
13. A post-construction report documenting the status of the completed five-year project with photographs and all monitoring data summarized shall be submitted to the Wetlands Bureau and the Seabrook Conservation Commission within 90 days of the completion of the project.
14. In addition to the salt marsh restoration/ Phragmites eradication component of this compensatory mitigation, the permittee will:
 - 14a. Perform a preliminary cultural resources assessment to determine the archeological and historic significance of the Mill Creek tidal dam landing. And:
 - 14b. Initiate a study to investigate the effect of dam removal (partial or whole) on the tidal flow dynamics and resultant likely effects on marsh ecology and habitat of the Cains Brook/ Mill Creek estuary. And:
 - 14c. Submit a detailed report of these investigations to the Wetlands Bureau and the Seabrook Conservation Commission on or before the expiration date of this permit.
15. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
16. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
17. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.

18. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
19. Pre- and post-restoration monitoring shall be completed through the protocols set forth by the "Global Program of Action Coalition for the Gulf of Maine" (GPAC) and the "Monitoring Requirements for Salt Marsh Restoration Projects," NH Coastal Program, September 1998.
20. The permittee shall submit annual monitoring reports to the DES Wetlands Bureau and the Seabrook Conservation Commission according to the specifications stated in these protocols and as set forth in condition #s 8 & 9 above.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of nontidal wetlands, nontidal surface waters and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate; for this project the total is 41,168 sq. ft. of previously impacted wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted field inspections of the proposed project and/or mitigation site on 11/18/05; 12/14/06; 12/28/06; 02/08/07; 03/28/07 and 09/24/07. Field inspections determined the wetlands impacts are on a previously disturbed/ developed industrial site having relatively low function and value which will be adequately compensated for by the implementation, maintenance and environmental monitoring of the Cains Brook Salt Marsh Restoration project.
6. The salt marsh restoration/ Phragmites eradication project together with additional investigations and reports to be submitted, as set forth in Compensatory Wetlands Mitigation condition #14 thru #14c, provides adequate mitigation for the wetland impacts associated with the proposed site redevelopment.
7. The ecological functions and values of the Cains Brook/ Mill Creek estuary will be enhanced by the control and eradication of the invasive species Phragmites australis.
8. The ecological integrity of the Cains Brook/ Mill Creek tidal marsh estuary will be significantly enhanced by the implementation and maintenance of the restoration project.
9. The required environmental monitoring will contribute to the body of information the DES and the Federal Resource Agencies has available to utilize on other salt marsh restoration efforts both locally and in the Northeast.

**2006-02910 SAYERS, JERRY
HAMPTON Salt Marsh**

Requested Action:

Temporarily impact 750 square feet of estuarine saltmarsh for the replacement of wood pilings with helical pilings to raise the existing single family residential dwelling to create vehicle storage beneath the living space.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission "does not oppose the granting" of a permit with "stipulations."

Inspection Date: 07/24/2007 by Eben M Lewis

DENY PERMIT:

Deny request to temporarily impact 750 square feet of estuarine saltmarsh for the replacement of wood pilings with helical pilings to raise the existing single family residential dwelling to create vehicle storage beneath the living space.

With Findings:

Findings of Law:

1. This is a Major Impact Project per NH Code of Administrative Rule Env-Wt 303.02(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.

3. Approvals must be consistent with dwellings over water set forth by RSA 482-A:26
4. The need for the proposed impacts shall be demonstrated by the applicant prior to Department of Environmental Services Wetlands Bureau (Department) approval of any alteration of tidal wetlands per Rule Env-Wt 302.01(a).
5. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
6. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
7. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
8. In accordance with Env-Wt 304.04 (a), the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.

Findings of Fact:

9. On November 6, 2006, the Department received an application to raise the existing dwelling to accommodate parking beneath the dwelling.
10. On November 17, 2006, the Department issued a Notice of Administrative Incomplete Standard Dredge and Fill Application, because the application was lacking photographs of the site.
11. On November 28, 2006, the information requested by the November 17, 2006, the Department issued a Notice of Administrative Incomplete Standard Dredge and Fill Application was supplied to the Department.
12. On December 5, 2006, the Department issued a Notice of Administrative Completeness Standard Dredge and Fill Application.
13. On March 19, 2007, the Department issued a Request for More Information requesting additional information, 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: Completing Env-Wt 302.04(a) and (c) as this is a major impact project; Obtaining written concurrence from abutters pursuant to Env-Wt 304.04(a); Providing a construction sequence; Clarifying the project in accordance with RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA"); and, commenting on natural comminutes found in the vicinity of the project by NH Natural Heritage Bureau.
14. On March 20, 2007, the Department received an electronic mail ("email") from Mr. Sayers completing the items outlined in Env-Wt 302.04(a) and (c).
15. On March 20, 2007, the Department sent an email to Mr. Sayers requesting the remaining items from the Request for More Information dated March 19, 2007.
16. On March 20, 2007, the Department received a facsimile from Mr. Sayers. In the facsimile, Mr. Sayers supplied copies of the letters that went to the abutters in accordance with Env-Wt 304.04; a copy of a construction sequence with no plan; and, hand-drawn details of the elevations of the current and proposed dwelling.
17. On March 21, 2007, the Department sent an email to Mr. Sayers requesting the following: Relative to Env-Wt 304.04 (a), the Department still needs letters from both abutters agreeing (or disagreeing) to the impacts; Submit the plan that included the construction sequence by Oak Engineers; A plan depicting pile placement beneath the dwelling; The construction sequence called for the use of sheet type enviromats, but no plan identified where the sheet type enviromats would be located and how many square feet of marsh would be impacted; and, the plans submitted to the Department on March 20, 2007 did not show the existing ridge line height, the person responsible for drawing the plan or the date the plan was drawn.

Findings in Support of Denial:

18. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
19. The application is denied as the requested additional information was not received by the Department within 120 days of the more information request dated March 19, 2007 Pursuant to RSA 482-A, XIV(b).
20. The application is denied as the proposed project does not meet RSA 482-A:26, Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted.

Requested Action:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will incorporate reconfiguring the existing parking lot, and structure and provide storm water treatment.

APPROVE PERMIT:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will incorporate reconfiguring the existing parking lot, and structure and provide storm water treatment.

With Conditions:

1. All work shall be in accordance with plans by McFarland and Johnson Inc., dated May 2007, as received by the Department on May 9, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
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. 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.
5. 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.
6. The boundaries of the prime wetland and any buffer area shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
7. Work shall be done during low flow.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. 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.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
7. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program reduces the stormwater entering in the designated prime wetland.
8. The local conservation commission supports the proposed project.
9. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime

wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

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

2007-01174 HUGHES, WILLIAM
RINDGE Emerson Pond

Requested Action:

Dredge 2000 sq ft of pond bed and install two nonstandard "T-shaped" seasonal docks on two non-contiguous properties in Rindge on Emerson Pond.

Conservation Commission/Staff Comments:

Received on 10/11/07 Motion for Reconsideration on 10/1/07 denial issued to William Hughes.

DENY PERMIT:

Dredge 2000 sq ft of pond bed and install two nonstandard "T-shaped" seasonal docks on two non-contiguous properties in Rindge on Emerson Pond.

With Findings:

Standards of Approval:

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Env-Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall demonstrate the need for the proposed project.
3. 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.
4. 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.
5. 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.
6. In accordance with Rule Env-Wt 101.82 "Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.
7. In accordance with Rule Env-Wt 101.59 "Navigable frontage" means the frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water.
8. Pursuant to Rule Env-Wt 402.16 All frontage considered shall be contiguous and owned by the same person.
9. In accordance with Rule Env-Wt 501.02 (c), Additional Data, Applicants shall provide plans showing the general contour of the shoreline and the footprint of all impacts relative to the normal highwater line and property lines.
12. Pursuant to Rule Env-Wt 501.02(a)(2)(f)&(g), applicants shall submit plans showing dimensions of existing and proposed site conditions to clearly define the project.
13. Pursuant to Rule Env-Wt 501.02(a)(2)(g), applicants shall submit plans showing existing and proposed water depths for dredge.
14. Pursuant to Rule Env-Wt 501.02(a)(2)(g), applicants shall submit plans showing dimensions of the proposed docking structures and locations.
15. Pursuant to Rule Env-Wt 501.02(a)(2)(g) plans shall indicate what After-the-Fact impacts that have taken place.

Findings of Fact

- 16. On July 2, 2007 the Department of Environmental Services (DES) Wetlands Bureau received an application to dredge the entirety of two frontages identified as Rindge Tax Map 26, Lot 32 and Rindge Tax Map 34, Lot 1, and dredge a navigational channel for boat access on Emerson Pond in Rindge. The two properties involved do not abut one another and do not have contiguous frontage.
- 17. This project is classified as a Major impact project per Administrative Rule Env-Wt 303.02(g).
- 18. The Applicant failed to submit plans showing dimensions of existing and proposed site conditions to clearly define the project.
- 19. The Applicant failed to submit plans showing existing and proposed water depths for dredge.
- 20. The Applicant failed to submit plans showing dimensions of the proposed docking structures and locations.
- 21. The plans do not indicate what After-the-Fact impacts that have taken place.
- 22. The applicant failed to submit the appropriate filing fee of \$840.00 as required pursuant to RSA 482-A:3. The Bureau received \$420.00 with the application.
- 23. There is an unresolved Letter of Deficiency WET 07-064 (the "LOD") dated June 22, 2007. The applicant has failed to submit a restoration plan prepared by a certified wetland scientist along with several other required items within 30 days of the LOD.
- 24. The proposed project is on two properties separated by what appears to be a town property or right of way. They do not have contiguous shoreline frontage and would require separate applications. Alleged violations in relation to dredging without a permit currently exist on both properties.
- 25. NHDES shall not permit any activity within our jurisdiction until all violations are resolved.

Ruling in Support of the Decision

- 26. The Applicant has failed to document that they have frontage that could be navigated by a boat having a 2 ft draft as required per Rule Env-Wt 101.59.
- 27. Granting this permit shall cause random and unnecessary destruction to wetlands pursuant to Rule Env-Wt 303.02.04(d).
- 28. All frontage considered is not contiguous and owned by the same person as required per to Rule Env-Wt 402.16.
- 29. The Applicant has failed to document the need for the proposed impacts as required per Rule Env-Wt 302.04 (a) and, therefore, is denied in accordance with Rule Env-Wt 303.02.04(e).

MINOR IMPACT PROJECT

2006-00588 WITZGALL, MICHAEL
NORTHFIELD Unnamed Wetland

Requested Action:

Approve amendment to impact an additional 5 square feet for installation of a utility pole and guy wire within wetland jurisdiction.

APPROVE AMENDMENT:

Dredge and fill a total of 9234 square feet further described as follows: Dredge and fill 4785 square feet including installation of a 20-inch x 20 foot long culvert for utility placement and driveway access to a proposed residence and dredge 4449 square feet of isolated wetland for construction of a pond.

With Conditions:

- 1. All driveway work shall be in accordance with plans by NH Soil Consultants dated January 9, 2006, as received by the Department on March 20, 2006.
- 2. All pond work shall be in accordance with plans dated June 23, 2006 as received by the Department on June 28, 2006.
- 3. All utility work shall be in accordance with plans by Allied Surveying Inc as received July 26, 2007.
- 4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of

construction.

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. Work shall be done during periods of non-flow.
8. Work shall be conducted during low water conditions.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. 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).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. 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:

The Department reaffirms findings 1-11 of the original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03
2. The proposed driveway is the only available access to the lot and the need for this impact has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that the driveway 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 wetland impacted by the proposed pond is an isolated wetland with limited functions and values.
6. The applicant has submitted a letter of permission from the affected abutter pursuant to Env-Wt 304.04, Setback from Property Lines.
7. The applicant has demonstrated that this project will not result in increased environmental impact.
8. The applicant has provided a waiver request per Env-Wt 204.03, to waive the required written agreement from the affected abutter for wetland impacts within 20-feet from abutting property lines as required by Env-Wt 304.04(a).
9. There is no way to relocate jurisdictional impacts as the access to this lot is very narrow.
10. 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 304.04.
11. The waiver is granted in accordance with Env-Wt 304.04(a), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

The Department makes the following additional findings:

12. The utility impacts are to provide services to the proposed residence on the lot.

2006-01386

NH DEPT OF TRANSPORTATION

CANTERBURY Unnamed Stream

Requested Action:

Replace a 24 in. x 42 ft. culvert with a 24 in. x 50 ft. culvert and relocate 40 feet of stream to provide a wider roadway shoulder impacting 720 sq. ft. (400 sq. ft. temporary) of stream and banks.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace a 24 in. x 42 ft. culvert with a 24 in. x 50 ft. culvert and relocate 40 feet of stream to provide a wider roadway shoulder impacting 720 sq. ft. (400 sq. ft. temporary) of stream and banks. NHDOT project #M316-11.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated May 2, 2006 as received by the Department on June 5, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. 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.
6. 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).
7. 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.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 ft. of channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A corrected USGS map was submitted in response to a request by the NHDES.

**2006-02734 ROY FAMILY TRUST
NEWBURY Unnamed Wetland**

Requested Action:

Amend permit to impact an additional 2459 square feet of forested wetland and construct a clear spanning bridge over Shaw Brook in the location of the existing skidder road.

APPROVE AMENDMENT:

Dredge and fill a total of 9037 square feet of palustrine wetland for driveway construction to a proposed residence on an existing 100 acre lot of record further described as follows: Dredge and fill 2459 square feet and install two 24-inch culverts within the wetland and a clear spanning bridge structure over Shaw Brook and install two 4-foot x 30 foot culverts and one 4-foot x 21 foot culvert in two intermittent stream crossing locations.

With Conditions:

1. Work at crossings 1 and 3 shall be in accordance with plans by RCS Designs dated October 1, 2006, as received by the Department on October 17, 2006.
2. Work at crossing 2 shall be in accordance with plans by Schauer Environmental Consultants Inc dated June 22, 2007, as received by the Department on June 29, 2007.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work within intermittent streams shall be done during periods of non-flow.
6. Work adjacent to Shaw Brook shall be done in periods of low flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. No equipment shall enter the water.
9. All work for the Shaw Brook crossing shall be done behind the top of the bank.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. 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:

The Department reaffirms findings 1-5 of the original approval:

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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has proposed to construct the driveway within the existing logging road footprint rather than the narrower wetland sections.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

And makes the following additional finding:

6. The proposal to place the bridge in the existing skidder road will minimize the tree cutting on the lot.

**2007-00589 FOX RUN ASSOCIATION, JAMES ROBINSON
STODDARD Highland Lake**

Requested Action:

Add a 4 ft x 23 ft seasonal dock accessed by a new 4 ft x 29 ft walkway connected to an existing 4 ft x 30 ft seasonal dock in a "U-shaped" configuration on 536 ft of frontage in Stoddard on Highland Lake.

APPROVE PERMIT:

Add a 4 ft x 23 ft seasonal dock accessed by a new 4 ft x 29 ft walkway connected to an existing 4 ft x 30 ft seasonal dock in a "U-shaped" configuration on 536 ft of frontage in Stoddard on Highland Lake.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on September 28, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This 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.

4. All portions of the docking system shall be removed from the lakebed for 5 months during the non-boating season.
5. This permit does not authorize beach replenishment.
6. This permit does not authorize maintenance dredging.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), installation of a dock exceeding the minimum criteria per Rule Env-Wt 303.4(a)
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.

2007-00611 NEW LIDEN REALTY TRUST, JAY CRUISE
SUNAPEE Unnamed Wetland

Requested Action:

Dredge and fill approximately 6,121 square feet of palustrine forested wetlands and intermittent and perennial stream channels (160 linear feet) for driveway and road access to a 12-lot subdivision on ± 74.8 acres.

APPROVE PERMIT:

Dredge and fill approximately 6,121 square feet of palustrine forested wetlands and intermittent and perennial stream channels (160 linear feet) for driveway and road access to a 12-lot subdivision on ± 74.8 acres.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated January 2007, and revised through January 31, 2007, and plans dated March 2007, and revised through August 23, 2007, as received by the Department on September 04, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.
7. Work shall be done during low flow conditions.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Native material removed from the streambed during the embedded 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 riprap.
14. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
15. 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.

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of nontidal perennial or intermittent stream channel or its banks that do not meet the criteria of Env-Wt 303.04(n).
2. The Environmental Protection Agency (EPA): 1) requested a vernal pool survey; 2) asked if the 27 acre parcel could be protected, possibly with an easement; and 3) questioned if culverts comply with NH standards.
3. The applicant's NH certified wetland scientist has stated there are no vernal pools on the property.
4. The applicant's agent has confirmed the 27-acre parcel will be conveyed to the Town of Sunapee and that town approval is contingent on the transfer of ownership.
5. The applicant has revised the proposed culvert types and has provided open bottom spans at both perennial stream crossings.
6. In correspondence dated March 16, 2007, the Sunapee Conservation Commission recommended approval of the application.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
8. Subdivision of the existing 5 parcels occurred in 1998; no wetland impacts resulted from this subdivision.
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. 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.
11. 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.

2007-00887 GRANITE GORGE LLC
ROXBURY Otter Brook

Requested Action:

Retain approximately 1,000 square feet (170 linear feet) of Otter Brook bank impact for riprap stabilization of an eroded stream bank resulting from flooding.

APPROVE AFTER THE FACT:

Retain approximately 1,000 square feet (170 linear feet) of Otter Brook bank impact for riprap stabilization of an eroded stream bank resulting from flooding.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a nontidal perennial stream channel or its banks that does not meet the criteria of Env-Wt 303.04(n).
2. Bank failure resulted from 2005 and 2007 flooding.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Roxbury Conservation Commission.
4. DES Staff conducted a field inspection of the proposed project on May 15, 2007. Field inspection documented existing conditions.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01048 PONN, RICHARD & NANCY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Relocate an existing 4 ft x 30 ft piling pier 2 ft northward and away from an existing 4 ft x 39 ft piling pier to widen the center slip of the existing u-shaped docking facility to 12 ft on 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

APPROVE PERMIT:

Relocate an existing 4 ft x 30 ft piling pier 2 ft northward and away from an existing 4 ft x 39 ft piling pier to widen the center slip of the existing u-shaped docking facility to 12 ft on 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 24, 2007, as received by DES on September 5, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. 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. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (d), modification of a permanent 3-slip docking facility.
2. The Applicant has met the criteria outlined in Rule Env-Wt 204.04, Criteria, for a waiver of Rule Env-Wt 402.20, Modification of Existing Structures

2007-01180 LAKE WINNISQUAM POINT ASSOC
LACONIA Winnisquam Lake

Requested Action:

Repair and upgrade an existing 12 foot wide concrete and asphalt boat ramp and repair 4 ice clusters on 1182 ft of frontage in Laconia on Lake Winnisquam.

APPROVE PERMIT:

Repair and upgrade an existing 12 foot wide concrete and asphalt boat ramp and repair 4 ice clusters on 1182 ft of frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with boat launch plans by T.R. Selling as received by DES on September 11, 2007, and top view plans docking facility entirety/interior support boathouse and permanent dock support plans received September 28, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Unnecessary removal of vegetation is prohibited.
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 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.
7. This permit does not authorize any work to any other structure on the frontage.
8. Work shall be done during low flow.
9. Damaged piles which have been replaced shall be completely removed from the lakebed and not abandoned within wetlands jurisdiction.
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. This permit does not authorize maintenance dredging activities.
12. The boat ramp surface shall be installed to match the surrounding grades.
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 Wt 303.03(a), projects within jurisdiction that do not meet the criteria for minimum or major projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The proposed project is the modification to control underwater erosion of an existing public boat ramp and is considered the least impacting alternative.

**2007-01279 LONERGAN, DRUCILLA HEIRS OF
HAMPTON FALLS Unnamed Wetland**

Requested Action:

Dredge and fill 4,517 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway, including the installation of five (5) culverts, to access a buildable 2.04 acre parcel of upland for the construction of a single family home.

Conservation Commission/Staff Comments:

The Hampton Falls Conservation Commission did not comment on the current application which is identical to the project previously approved as permit #2001-2501 which expired.

APPROVE PERMIT:

Dredge and fill 4,517 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway, including the installation of five (5) culverts, to access a buildable 2.04 acre parcel of upland for the construction of a single family home.

With Conditions:

1. All work shall be in accordance with plans by Parker Survey Associates, Inc. dated July 16, 2002, as received by DES on June 05, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, for septic setback or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

8. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This permit represents the reissue of wetlands permit # 2001-2501 which expired on 10/24/2007.

MINIMUM IMPACT PROJECT

**2006-03133 WHITCOMB, DONNA
BRENTWOOD Unnamed Wetland**

**2007-00437 DRED
SPRINGFIELD Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,560 sq. ft. of emergent wetlands for the installation of two 24 in. x 20 ft. culverts to re-establish road access on a class VI road for forestry management activities, emergency access and recreational use, in Gile Memorial Forest.

APPROVE PERMIT:

Dredge and fill approximately 2,560 sq. ft. of emergent wetlands for the installation of two 24 in. x 20 ft. culverts to re-establish road access on a class VI road for forestry management activities, emergency access and recreational use, in Gile Memorial Forest.

With Conditions:

1. All work shall be in accordance with plans entitled: Final Drawing of the King's Highway Project Area, prepared and submitted by Robert E. Hardy and received by the Department on September 12, 2007.
2. Work shall be conducted during low water conditions.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
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.

10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.

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. Site visit performed by the Department on September 07, 2007, confirmed that the proposed work qualifies as a Minimum Impact project accordingly.
6. Application determined to be complete for processing upon receipt of additional plan and documentation, submitted by Robert E. Hardy, Division of Forests and Lands, as received by this office on September 12, 2007.
7. New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program, submitted comments on July 6, 2007, that the culvert crossing should not have a negative effect on rare, threatened, or endangered species.
8. NHDRED submits that the alternate trail established by All Terrain Vehicles will be safely obstructed to deter future use and any further disturbance of wetlands outside the established travel corridor post construction. The intent will be to allow disturbed wetland areas to stabilize and plant communities to re-establish naturally.

2007-00742 ALTON, TOWN OF
ALTON Unnamed Stream

Requested Action:

Confirm Emergency Authorization issued on April 19, 2007, to reconstruct approximately 400 ft of Prospect Mountain Road, remove sediment that filled wetland area and drainage ditches to reestablish flood capacity, and replace culvert with a 24 inch culvert.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued on April 19, 2007, to reconstruct approximately 400 ft of Prospect Mountain Road, remove sediment that filled wetland area and drainage ditches to reestablish flood capacity, and replace culvert with a 24 inch culvert.

With Conditions:

Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(k), Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. The project was necessary to relocate the brook back to the original channel and reconstruct the roadway, which had washed out as a result of a large storm event.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 19, 2007.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-00743 ALTON, TOWN OF
ALTON Unnamed Stream

Requested Action:

Confirm Emergency Authorization issued on April 19, 2007, to restore washed out portions of Lilly Pond Road and replace a 24 inch culvert with a 36 inch culvert.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued on April 19, 2007, to restore washed out portions of Lilly Pond Road and replace a 24 inch culvert with a 36 inch culvert.

With Conditions:

1. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x), Maintenance, repair, or replacement of a non-docking 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 relocate the brook back to the original channel and reconstruct the roadway, which had washed out as a result of a large storm event.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 19, 2007.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-01171 BERRY, MARK
ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 1,458 sq. ft. of wetlands for drainage improvements associated with relocation of a town road connecting to a new 10-lot subdivision on 44 acres.

APPROVE PERMIT:

Dredge and fill 1,458 sq. ft. of wetlands for drainage improvements associated with relocation of a town road connecting to a new 10-lot subdivision on 44 acres.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates dated August 2006, as received by the Department on 5/25/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. 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.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. 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).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Silt fencing must be removed once the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. 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).
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Work shall be done during low flow.
17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau or proposed changes to this permit as written will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. or swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The City of Rochester had directed that the intersection of Peasley Road be relocated to upgrade its alignment with Tebbets Rd.
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. There were no species of concern reported by the NH Natural Heritage Bureau.
5. The Rochester Conservation did not report.

2007-01572 LEVY, KIMBERLY
PORTSMOUTH Unnamed Wetland Tidal Buffer

Requested Action:

Permanently impact 780 sq. ft. of the upland tidal buffer zone for construction of the corner of a dwelling and a hot tub area. Temporarily impact 3,189 sq. ft. of upland tidal buffer zone associated with foundation grading. Impact a freshwater wetland swale adjacent to municipal street including permanent impact of 203 sq. ft. for driveway, and 50 sq. ft. of temporary impact for sewer and water line installation.

Inspection Date: 02/12/2007 by Dori A Wiggin

APPROVE PERMIT:

Permanently impact 780 sq. ft. of the upland tidal buffer zone for construction of the corner of a dwelling and a hot tub area. Temporarily impact 3,189 sq. ft. of upland tidal buffer zone associated with foundation grading. Impact a freshwater wetland swale adjacent to municipal street including permanent impact of 203 sq. ft. for driveway, and 50 sq. ft. of temporary impact for sewer and water line installation.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated 6/21/2007, as received by DES on 8/22/2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. 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.
5. 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 pollutants 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 minimum impact project per Administrative Rule Env-Wt 303.04(o), projects that are deemed minimum by the Department based on the degree of environmental impact. This project is proposed to be located on a suburban undeveloped tidal buffer zone lot that has been maintained in a park-like condition. The applicant has designed nearly the entire house construction out of jurisdiction with only 780 sq. ft. of dwelling/patio construction permanently extending over the 100' line, and is maintaining the entire remainder of the tidal buffer zone on this lot, just under an acre with approximately 420' of frontage on Little Harbor, in its existing natural state.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposed developed area of the lot has been confined to the furthest corner of the lot practicable, however one corner and patio/hot tub access slightly encroach over the 100' tidal buffer zone line in order to fit.
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. The species of concern reported by the NH Natural Heritage Bureau are located in the greater vicinity of the Little Harbor or Back Channel area of the Piscataqua River and not on or adjacent to this property.
5. The Portsmouth Conservation Commission recommends approval of this project.

2007-01735 BERG, EUGENE
LITCHFIELD Merrimack River

Requested Action:

Construct a 6 ft x 20 ft seasonal dock accessed by a 6 ft x 19 ft seasonal dock in a "T" configuration, accessed by a 4 ft x 53 ft seasonal walkway over the bank from a 12 ft x 12 ft deck accessed by a 4 ft x 31 ft stair over the bank on 600 ft of frontage along the Merrimack River, in Litchfield.

Conservation Commission/Staff Comments:
No comments from Con Com by 10/02/07

No comments from Lower Merrimack River LAC by Oct 02, 2007

Fish and Game has no concerns

APPROVE PERMIT:

Construct a 6 ft x 20 ft seasonal dock accessed by a 6 ft x 19 ft seasonal dock in a "T" configuration, accessed by a 4 ft x 53 ft seasonal walkway over the bank from a 12 ft x 12 ft deck accessed by a 4 ft x 31 ft stair over the bank on 600 ft of frontage along the Merrimack River, in Litchfield.

With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey LLC dated April 04, 2007, as received by DES on July 27, 2007. and revised plan notes dated October 02, 2007, as received by DES on October 02, 2007
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only docking structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. This permit does not allow for the removal of any trees on the frontage.
5. This permit does not allow for any structures to be placed in the river bed.
6. Seasonal pier shall be removed from the river for the non-boating season.

7. No portion of the pier shall extend more than 30 feet from the waterline.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.02(a), construction of a single slip seasonal docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 600 feet of shoreline frontage along the Merrimack River.
5. A maximum of 9 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-02168 MILLSFIELD ATV CLUB, PHILLIP DIONNE
DUMMER**

COMPLETE NOTIFICATION:

Millsfield Tax Map/Lot# 14 16-23/14
Dummer Tax Map/Lot# R1/2

FORESTRY NOTIFICATION

**2007-02218 STEENBURGH, ARCHIE & MARTHA
PIKE Unnamed Stream**

COMPLETE NOTIFICATION:

Pike Tax Map 418, Lot# 8

**2007-02219 GREEN ACRE WOODLANDS INC
GROTON Unnamed Stream**

COMPLETE NOTIFICATION:

Groton Tax Map/Lot# 10/25 & 1/29

**2007-02233 LOUNSBURY, ALAN/JANE
CHATHAM Unnamed Stream**

COMPLETE NOTIFICATION:

Chatham Tax Map 5, Lot# 32-2

**2007-02234 FORTUNE, GREGORY
HANCOCK Unnamed Stream**

COMPLETE NOTIFICATION:

Hancock Tax Map R9, Lot# 4

2007-02270 ANDERSON, DAVID
SOUTH SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
South Sutton Tax Map 4, Lot# 192,453

2007-02272 GREEN ACRE WOODLANDS INC
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 4, Lot# 3-7

2007-02273 QUERFURTH/ MCCAGG, CARL/ DOROTHY
JAFFREY Unnamed Stream

COMPLETE NOTIFICATION:
Jeffrey Tax Map 251, Lot# 3 & 6

2007-02276 HEPFINGER, BERT & GALE
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax MAp 409, Lot# 144 & 157

2007-02277 TWITCHELL HEIRS, C/O TOM CARNEY
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 2

2007-02292 MONT VERNON, TOWN OF
MONT VERNON Unnamed Stream

COMPLETE NOTIFICATION:
Mont Vernon Tax Map 7, Lot# 7

2007-02294 BLISS LANE REALTY TRUST, DAVID ROBY SR TTEE
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 410, Lot# 20 & 45

2007-02295 ALADDIN FINANCIAL LLC, SUSAN JACKSON, MEMBER
GROTON Unnamed Stream

COMPLETE NOTIFICATION:

Groton Tax Map 1, Lot# 11

2007-02297 BASCOM, DEAN
LANGDON Unnamed Stream

COMPLETE NOTIFICATION:

Langdon Tax Map 1, Lot# 68

2007-02298 NISSITISSIT RIVER LAND TRUST
BROOKLINE Unnamed Stream

COMPLETE NOTIFICATION:

Brookline Tax Map K, Lot# 92

2007-02302 CAMPBELL, MARGARET
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:

Wilmot Tax Map 5, Lot# 30

2007-02303 MERRIMACK TOWN OF, COMMUNITY DEV OFFICE
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:

Merrimack Tax Map/Lot# 3B/60 & 164, 3C/45-1

2007-02309 GREEN ACRE WOODLANDS INC
GROTON Unnamed Stream

COMPLETE NOTIFICATION:

Groton Tax Map 9, Lot# 2 & 10

2007-02311 FOSS TRUST 2005, FRED
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:

Columbia Tax Map 417, Lot# 44.1

2007-02312 MERROW, HARRY
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:

Ossipee Tax Map 32, Lot# 103

2007-02313 MERROW, HARRY
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map 406, Lot# 79

2007-02338 ALBEE JR, PARKER
HEBRON Unnamed Stream

COMPLETE NOTIFICATION:
Hebron Tax Map 4, Lot# 8

2007-02340 GAGNON, GUADALUPE
MASON Unnamed Stream

COMPLETE NOTIFICATION:
Mason Tax Map 5, Lot# 46

2007-02342 HENDRICK, JON
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 105, Lot# 30

2007-02343 HARVEY, DAVID
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map 257, Lot# 17

2007-02345 KENNEY TRUST, LOUISE
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 16B, Lot# 14

2007-02350 GADWAH, LARRY & LINDA
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 74, Lot# 43

EXPEDITED MINIMUM

2006-02704 BROWN, KENNETH
NEWBURY Unnamed Pond

Requested Action:

Amendment request to update plans to those approved by the DES Dam Safety Bureau.

APPROVE AMENDMENT:

Dredge and fill 450 square feet along 30 linear feet to repair existing dam spillway and construct a flow device for beaver control.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering dated August 30, 2005, and revised through May 28, 2007, as received by the Department on June 25, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during drawdown.
6. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
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 controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. 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 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. Repair shall maintain existing size, location and configuration.
16. 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.
17. 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:

The Department reaffirms findings 1-4 of the original approval:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

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

And makes the following additional finding:

5. The plans were updated in accordance with the requirements of the Dam Safety Bureau.

2007-00932 KINDURIS, RICHARD
GOFFSTOWN Piscataquog River

Requested Action:

Install 48 linear ft of rip-rap on 100 ft of frontage in Goffstown on the Piscataquog River.

APPROVE PERMIT:

Install 48 linear ft of rip-rap on 100 ft of frontage in Goffstown on the Piscataquog River.

With Conditions:

1. All work shall be in accordance with plans by Richard Kinduris dated September 10, 2007, as received by DES on September 13, 2007.
2. 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.
3. Work shall be done during low flow.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Rip-rap shall not extend more than 2 feet lakeward of that line at any point so as not to create land in public water.
7. Unnecessary removal of vegetation is strictly prohibited.
8. Permit does not authorize beach sand replenishment.
9. Permit does not authorize maintenance dredging within Wetlands jurisdiction.
10. No more than 20 cubic yards of rip-rap/aggregate rock fill shall be used.
11. Appropriate geo-textile fabric or other control barriers shall be installed prior to rip-rap installation.
12. This permit does not authorize retaining wall construction.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the the state or within 100 ft of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04, or Env-wt 303.05.
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.

2007-01257 SHEA, MICHAEL
JAFFREY Unnamed Wetland

Requested Action:

Dredge and fill approximately 160 sq. ft. of wetlands and perennial stream (approximately 15 linear ft.) to replace 3 existing culverts within a Class VI town road for access to a single family residence. Proposed work in jurisdiction consisted of replacing two 15 in. x 20 ft. culvert crossings with two 24 in. x 20 ft. culverts, associated grading and headwalls and lining an existing 36 in. x 36 in. x 15 ft. open bottom stone box culvert with a 36 in. x 36. by 20 ft. plastic culvert.

APPROVE PERMIT:

Dredge and fill approximately 600 sq. ft. of wetlands and perennial stream (approximately 15 linear ft.) to replace and upgrade 3 existing culverts within a Class VI town road for access to a single family residence. Work in jurisdiction consists of replacing two 15 in. x 20 ft. culvert crossings with two 24 in. x 20 ft. culverts, associated grading and headwalls and lengthen an existing 36 in. x 36 in. x 15 ft. open bottom stone box culvert by 5 linear feet. The box culvert will be lengthen with granite and field stone and will remain an open bottom culvert.

With Conditions:

1. All work shall be in accordance with plans and narratives by Monadnock Septic Design, plan revision date of August 31 2007, and narrative dated August 8, 2007, as received by DES on September 4, 2007.
2. Work shall be done during low flow.
3. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure culvert replacements and the culvert extension is constructed in accordance with the approved plans and narratives.
4. Temporary wetlands impacts shall be restored with native wetland plantings/seeding. No angular stone or rip-rap shall be used in the bed of the streams associated with the proposed crossing upgrades.
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. 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. There shall be no excavation or operation of construction equipment in flowing water.
8. A post-construction report documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Any further alteration of areas on this property or on the proposed building lot property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (o) Projects deemed minimum 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 Town of Jaffrey provided DES with a letter confirming that the proposed work is inside of the Town Road right-of-way (ROW).
6. The applicant revised the original submittal and the existing open bottom stone box culvert will be retained with an approximately 5 foot extension comprised of similar building materials.
7. The Conservation Commission (CC) signed the Minimum Impact Expedited Application waiving their right to intervene on the proposed project, however, they did submit comments to DES. The CC did not have any specific issue with the project, however, they did comment on the use of erosion and sedimentation controls, requested natural restoration of temporary wetlands impacts and questioned the use of the road for future development.
8. The approval is contingent on proper turbidity, sedimentation and erosion controls.
9. The approval is contingent on restoration of temporary impacts with native wetlands and stream materials.
10. The applicant's agent submitted a statement that the proposed work is for access to a single family residence.
11. The permit is conditioned on the requirement of further permitting for additional work in wetlands on the right-of-way or the proposed building lot.

2007-01425 GEOFFREY AND KATHLEEN RHOADS REV TR
NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill 2,950 square feet of palustrine forested wetlands to install a 30-inch x 30-foot HDPE culvert for road access to a 5-lot residential subdivision on ± 15.8 acres, part of an 8-lot subdivision on ± 271.4 acres.

APPROVE PERMIT:

Dredge and fill 2,950 square feet of palustrine forested wetlands to install a 30-inch x 30-foot HDPE culvert for road access to a 5-lot residential subdivision on ± 15.8 acres, part of an 8-lot subdivision on ± 271.4 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 25, 2007, and revised through August 2, 2007, and August 29, 2007, as received by the Department on August 30, 2007, and plans dated August 29, 2007, and revised through August 31, 2007, as received by the Department on September 06, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. If required, this permit is contingent on approval by the DES Alteration of Terrain Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the residential subdivision and town parcel, lots 11-90-1 through 11-90-6.
5. The deed which accompanies the sales transaction for the residential subdivision and town parcel, lots 11-90-1 through 11-90-6 in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. This permit is contingent upon the execution of a conservation easement on approximately 171 acres as depicted on plans received June 27, 2007, and August 30, 2007, and described in narrative received August 30, 2007.
8. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during low flow conditions.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. 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.
12. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culverts shall be laid at original grade.
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).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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 subdivision of tax map/lot 11/90, 11/91, and 15b/34 (total 271.4 acres) will result in eight parcels. Parcels 11/90-2 through 11/90-5 and a portion of parcel 11/90-1 are the residential subdivision associated with the wetland impacts. Parcel 11/90 and a portion of 11/90-1 will go into a conservation easement that will be held by the Monadnock Conservancy. Parcel 11/90-6 will be deeded to the town. Parcel 11/90-7 has been and will continue to be held in an easement for agriculture.
3. No comments were submitted from the NHEG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the New Ipswich Conservation Commission signed the Minimum Impact Expedited Application.
4. The Souhegan River Local Advisory Committee suggested markers for wetland setbacks, that wetland set-back boundaries are marked temporarily during construction, and erosion control measures are used.
5. Wetland setback suggestions are beyond the jurisdiction of the DES Wetland Bureau.
6. This permit is conditioned that orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. This permit is conditioned that 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. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lots that are proposed for or are in conservation easement as required by Env-Wt 304.09(a).
9. The areas for which wetland delineation was not completed are proposed for or in conservation easement.
10. This permit is contingent upon the execution of a conservation easement on approximately 171 acres as depicted on plans received June 27, 2007, and August 30, 2007, and described in narrative received August 30, 2007.
11. This permit is conditioned that the plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
12. The applicant had a NH Certified Wetland Scientist field delineate the area proposed for residential subdivision and the area to be deeded to the town.
13. It would be an economic hardship for the owner to have the entire 271.4 acre parcel delineated.
14. 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).
15. 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.
16. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
17. 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.
18. 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.

2007-01545 **CRANE, PAUL**
LANCASTER **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,665 sq. ft. of forested wetlands and install two culverts, one 18 in. x 40 ft. and one 15 in. x 36 ft. for road construction to facilitate upland access to 3 residential lots.

Conservation Commission/Staff Comments:
Conservation Commission signed off 7/9/2007.

APPROVE PERMIT:

Dredge and fill approximately 1,665 sq. ft. of forested wetlands and install two culverts, one 18 in. x 40 ft. and one 15 in. x 36 ft. for road construction to facilitate upland access to 3 residential lots.

With Conditions:

1. All work shall be in accordance with plans entitled: Subdivision Plan For Paul and Marilyn Crane, Arthur White Road, Lancaster, New Hampshire, Prepared by Colin F. Sutherland and received by the Department on August 20, 2007 and in accordance with subsequent plan submitted by Paul Crane and received by the Department on October 01, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 3 of this approval.
5. Work shall be done during periods of non-flow.
6. 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.
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 3:1.2.

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.
5. Bunnell Brook proposed to be crossed by bridge as part of road construction access, resulting in no impact to DES jurisdictional areas, as reported by applicant and presented in materials received by this office on September 5, 2007, contained in the file.
6. Application determined to be complete for processing upon receipt of additional plan and documentation with culvert locations and dimensions, submitted by Paul Crane, as received by this office on October 01, 2007.

2007-01714 PECK, PHIL
HOLDERNESS Unnamed Wetland

Requested Action:

Dredge and fill 768 square feet including installation of a 32 foot x 24-inch culvert in an intermittent stream for access to a proposed single family residential home.

APPROVE PERMIT:

Dredge and fill 768 square feet including installation of a 32 foot x 24-inch culvert in an intermittent stream for access to a proposed single family residential home.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping dated July 2007, as received by the Department on July 31, 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot.
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.

2007-01942 WHITCOMB, DONNA
BRENTWOOD Unnamed Wetland

Requested Action:

Dredge and fill 1,250 square feet of forested wetland to construct a driveway crossing which will utilize an existing woods road by replacing the existing twin 18-inch CMP culverts with twin 18-inch ADS culvert for access to a single family residential lot on 3.26 acres.

Conservation Commission/Staff Comments:

The Brentwood Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 1,250 square feet of forested wetland to construct a driveway crossing which will utilize an existing woods road by replacing the existing twin 18-inch CMP culverts with twin 18-inch ADS culvert for access to a single family residential lot on 3.26 acres.

With Conditions:

1. All work shall be in accordance with plans by James A. Lavelle Associates dated December 6, 2006, as received by DES on August 17, 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Proper headwalls shall be constructed within seven days of culvert installation.
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), alteration of less than 3,000 square feet of forested wetland.
2. The applicant proposes to access buildable uplands through these impacts, 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 woods road and the existing culverts will be replaced with culverts of similar diameter, 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. Under file 2006-3133, the applicant applied for the same impacts. On February 26, 2007, DES requested more information. In this request DES asked for concurrence letters per Env-Wt304.04 from those abutters within 20-feet of the impacts and also questioned the construction of the crossing. In the request DES stated the changes to RSA 483-A:3, thereby the requested information was to be submitted, in full, to DES no later than June 26, 2007.
6. DES finds that this application satisfies the aforementioned items.

**2007-02091
SURRY**

MERRIAM FARM INC, DAVID KEURULAINEN

Requested Action:

Dredge and fill approximately 284 sq. ft. of wetlands and associated intermittent stream to replace an existing/failed culvert. Work in jurisdiction includes installation of an approximately 24 in. x 45 ft. HDPE culvert, associated headwalls and restoration plantings.

APPROVE PERMIT:

Dredge and fill approximately 284 sq. ft. of wetlands and associated intermittent stream to replace an existing/failed culvert. Work in jurisdiction includes installation of an approximately 24 in. x 45 ft. HDPE culvert, associated headwalls and restoration plantings.

With Conditions:

1. All work shall be in accordance with plans by Rogers Engineering Solutions, dated July 23, 2007, as received by DES on September 7, 2007.
2. Work shall be done during low flow.
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. 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. 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. Proper headwalls shall be constructed within seven days of culvert installation.
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(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) and do not exceed any of the following criteria:

- (1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area;
 - (2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope;
 - (3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or
 - (4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope; (k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage
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 approved project is related to and subject to a portion of the Restoration Plan Approval issued by the DES Wetlands Bureau Compliance Section, file, No. #2003-2556.
6. The applicant has obtained authorization from the Town of Surry Selectmen for installation of the culvert within the Town Class VI road.

**2007-02113 NH DEPT OF TRANSPORTATION
FARMINGTON Rattlesnake River**

Requested Action:

Repair bridge (10 ft. x 9 ft. box culvert) by installing a concrete toe wall along the downstream western wing wall and place riprap in scout hole at outlet impacting 278 sq. ft. of stream (75 sq. ft. temporary).

APPROVE PERMIT:

Repair bridge (10 ft. x 9 ft. box culvert) by installing a concrete toe wall along the downstream western wing wall and place riprap in scout hole at outlet impacting 278 sq. ft. of stream (75 sq. ft. temporary). NHDOT project #9909X.

With Conditions:

1. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
2. 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.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. No fill shall take place in Atlantic white cedar swamps.
7. 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.

**2007-02115 BELMONT, TOWN OF
BELMONT Unnamed Wetland**

Requested Action:

Replace an existing 42 inch x 60 ft culvert and place 70 sq ft of rip rap at the outlet.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 42 inch x 60 ft culvert and place 70 sq ft of rip rap at the outlet.

With Conditions:

1. All work shall be in accordance with plans by Richard Ball dated August 30, 2007, as received by the Department on September 10, 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. Work shall be done in the dry.
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. Both culvert inverts shall be place at the same grade of the surrounding topography.
6. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
7. 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.
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. Banks shall restored to their original grades and to a stable condition within three days of 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 culvert and headwall.

**2007-02264 WEEKS, PAULINE
LACONIA Lake Winnisquam**

Requested Action:

Restore 12 linear ft of shoreline with existing rock, remove existing stump and place 1 cubic yard of clean fill within the void and stabilize with native vegetation on 122 ft of frontage in Laconia on Lake Winnisquam.

APPROVE PERMIT:

Restore 12 linear ft of shoreline with existing rock, remove existing stump and place 1 cubic yard of clean fill within the void and stabilize with native vegetation on 122 ft of frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Co. Inc. as received by DES on September 25, 2007.
2. Repair shall maintain existing size, location and configuration.
3. Planting plan shall be implemented and maintained within one year of stump/shoreline restoration completion.
4. This permit does not authorize any maintenance dredging within Wetlands jurisdiction.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
6. Work shall be done during drawdown and in the dry.
7. 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.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands and avoids

excessive discharges of sediments to fish spawning areas.

- 9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl is completely avoided.
- 10. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
- 11. 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.
- 12. Unnecessary removal of vegetation is strictly prohibited.
- 13. 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.
- 14. No stumps shall be removed within 50 feet of the reference line per RSA 483-B unless permitted otherwise.
- 15. Only existing rock shall be used for shoreline restoration.
- 16. Only 1 cubic yard of clean fill may be used to fill the void caused by proposed stump removal.
- 17. 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(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond 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.

AGRICULTURE MINIMUM

2007-01695 GOSS, LORA
PIKE Unnamed Pond

Requested Action:

Dredge and fill approximately 80 sq. ft. of wet meadow to replace an existing culvert and install a new 18 in. x 20 ft. single culvert to facilitate access for an existing agricultural operation.

Conservation Commission/Staff Comments:

Agric Min - Dredge pond and replace culvert. File complete for processing 10/4/2007.

APPROVE PERMIT:

Dredge and fill approximately 80 sq. ft. of wet meadow to replace an existing culvert and install a new 18 in. x 20 ft. single culvert to facilitate access for an existing agricultural operation.

With Conditions:

- 1. All work shall be in accordance with plans entitled: Goss Farm - Haverhill NH Animal Trail and Culvert Details, prepared by NRCS, as received by the Department on September 10, 2007, and additional plan entitled: Plan View, Goss Stream Crossing, submitted by NRCS, dated 10/3/2007 and received by the Department on October 4, 2007.
- 2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
- 3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore; if applicable, any

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.

- 4. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
- 5. This permit shall be recorded with the county Registry of Deeds office by the permittee.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u); Maintenance or improvement of existing crop or pasture land for continued agricultural use.
- 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. Application determined to be complete for processing upon receipt of additional plan prepared and submitted by Natural Resource Conservation Service and received by the Department on October 4, 2007.
- 6. The proposed work is located in the vicinity of an impaired waterbody. As applicable, the permit has been conditioned accordingly.

TRAILS NOTIFICATION

2007-02268 HAMMOND, SANDRA
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map/Lot# 24/3 & 13/3

2007-02296 WHITE MTN NATIONAL FOREST, MOLLY FULLER
ELLSWORTH Brown Brook

COMPLETE NOTIFICATION:
Ellsworth Brown Brook Trail White Mtn National Forestr

2007-02344 DELANOY, RICHARD & SUSAN
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:
Bridgewater Tax Map 107, Lot# 19

2007-02347 TIN MOUNTAIN CONSERVATION CENTER
ALBANY Unnamed Wetland

COMPLETE NOTIFICATION:
Albany Tax Map 7, Lot# 71

**2007-02351 FIVE RIVERS CONSERVATION TRUST
HOPKINTON Unnamed Wetland**

COMPLETE NOTIFICATION:
Hopkinton Tax Map 239, Lot#22

SHORELAND VARIANCE / WAIV

**2006-02958 CHRISTMAS ISLAND MOTEL CORP
LACONIA Lake Winnepesaukee**

Requested Action:

Remove an existing seasonal rental unit located within the primary building setback (the "Setback") and relocate to a more conforming location on a lot with approximately 3.1 acres on Lake Winnepesaukee in Laconia.

Inspection Date: 01/10/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Remove an existing seasonal rental unit located within the primary building setback (the "Setback") and relocate to a more conforming location on a lot with approximately 3.1 acres on Lake Winnepesaukee in Laconia.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

- 13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
- 16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

- 1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
- 2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
- 3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
- 4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 5. The Applicant has proposed to install a new septic system.
- 6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
- 7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
- 8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
- 9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
- 10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

2006-02971 SULLIVAN, MONICA
CENTER HARBOR Waukewan Lake

Requested Action:

Expansion of an existing primary structure within the primary building setback (the "Setback") on property with approximately 75 ft of shoreline frontage on Waukewan Lake in Center Harbor.

Inspection Date: 01/10/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Expansion of an existing primary structure within the primary building setback (the "Setback") on property with approximately 75 ft of shoreline frontage on Waukewan Lake in Center Harbor.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak,

Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.

7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.

8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.

9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.

10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

2007-00825 LITTLEFIELD, CHESTER
MADISON Silver Lake

Requested Action:

Replace an existing primary structure within the primary building setback (the "Setback") with a proposed primary structure on property with approximately 103 ft of frontage on Silver Lake in Madison.

Inspection Date: 07/20/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing primary structure within the primary building setback (the "Setback") with a proposed primary structure on property with approximately 103 ft of frontage on Silver Lake in Madison.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

- 13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
- 16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

- 1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
- 2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
- 3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
- 4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 5. The Applicant has proposed to install a new septic system.
- 6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
- 7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
- 8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
- 9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
- 10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

2007-00839 FROST, AL/DONNA
STRATHAM Squamscott River

Requested Action:

Expand an existing structure located within the primary building setback (the "Setback") on property with approximately 203 ft of frontage on the Squamscott River in Stratham.

Inspection Date: 07/26/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Expand an existing structure located within the primary building setback (the "Setback") on property with approximately 203 ft of frontage on the Squamscott River in Stratham.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed

structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.

8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.

9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.

10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

2007-01722 SAWYER, WINSLOW & GLORIA
ANTRIM Gregg Lake

Requested Action:

Addition of dormers to an existing primary structure located within the primary building setback (the "Setback") on property with approximately 367 ft of frontage on Gegg Lake in Antrim.

Inspection Date: 09/06/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Addition of dormers to an existing primary structure located within the primary building setback (the "Setback") on property with approximately 367 ft of frontage on Gegg Lake in Antrim.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
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4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.

- 14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
- 16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

- 1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
- 2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
- 3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
- 4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 5. The Applicant has proposed to install a new septic system.
- 6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
- 7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
- 8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
- 9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
- 10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

2007-01857 LEVESQUE, MICHAEL & PAULINE
MEREDITH Lake Winnepesaukee

Requested Action:

Replace an existing primary structure located within the primary building setback (the "Setback") with a proposed primary structure on property with approximately 220 ft of frontage on Lake Winnepesaukee in Meredith.

Inspection Date: 09/18/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing primary structure located within the primary building setback (the "Setback") with a proposed primary structure on property with approximately 220 ft of frontage on Lake Winnepesaukee in Meredith.

With Conditions:

- 1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.

2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
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6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
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14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,431 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located within the Setback, providing approximately 1,776 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.

8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

**2007-02104 BUTLER, DOUGLAS
HOLLIS Flints Pond**

ROADWAY MAINTENANCE NOTIF

**2007-02346 AUBURN, TOWN OF
AUBURN Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 3 existing culverts on Chester Turnpike, Near Hook Road replace 12" diameter ductile iron culvert with 12" diameter HDPE culvert and replace 12" ductile iron pipe with 15" HDPE culvert. Vicinity of Dearborn Road - replace existing 2' X 3' rubble culvert with a 36" HDPE culvert

**2007-02348 AUBURN, TOWN OF
AUBURN Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 3 existing culverts on Chester Turnpike, Near Hook Road replace 12" diameter ductile iron culvert with 12" diameter HDPE culvert and replace 12" ductile iron pipe with 15" HDPE culvert. Vicinity of Dearborn Road - replace existing 2' X 3' rubble culvert with a 36" HDPE culvert

**2007-02349 NH DEPT OF TRANSPORTATION
DANBURY Unnamed Stream**

COMPLETE NOTIFICATION:

Slip line 140 feet of 30" culvert with PVC liner and replace 200 feet of 30" galv. metal culvert with 200 feet of PEP culvert

**2007-02352 HEBRON, TOWN OF
HEBRON Unnamed Stream**

COMPLETE NOTIFICATION:

Replace existing steel/aluminum 36" culvert with new 36" galvanized coated aluminum/steel culvert

**2007-02361 DRED
PITTSBURG Unnamed Stream**

COMPLETE NOTIFICATION:

Resetting & replacing culverts - maintenance of ditch line on Halls Stream Road

PERMIT BY NOTIFICATION

2007-02001 **GOOLGASIAN, DAVID**
FREEDOM Ossipee Lake

Requested Action:

Install Personal Water Craft Lifts.

PBN IS COMPLETE:

Install Personal Water Craft Lifts.

With Findings:

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

2007-02146 **BLUEBERRY COVE NH LLC**
CENTER HARBOR Unnamed Wetland

Requested Action:

Dredge and fill 835 square feet including the installation of a 17 foot x 18-inch culvert for non-commercial recreational access.

APPROVE PERMIT:

Dredge and fill 835 square feet including the installation of a 17 foot x 18-inch culvert for non-commercial recreational access.

2007-02304 **VANDAM, GREGORY & PHILLIP FORD**
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair/replace existing retaining wall in-kind.

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.

2007-02305 **BECKER, EDMUND & JOSLYN**
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair/replace existing retaining wall "in-kind"

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.

2007-02317 BROWN, WILLIAM & ELLEN REID
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove existing seasonal docking structure, and install a 6 ft x 40 ft seasonal dock attached to a newly constructed 3 ft x 7 ft concrete anchoring pad.

PBN IS COMPLETE:

Remove existing seasonal docking structure, and install a 6 ft x 40 ft seasonal dock attached to a newly constructed 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) Install a seasonal docking structure.

2007-02319 LACEY TRUST, JOSEPH
LACONIA Lake Winnepesaukee

Requested Action:

Repair an existing piling supported docking structure and boathouse "in-kind"

PBN IS COMPLETE:

Repair an existing piling supported docking structure and boathouse "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.

URBANIZED SHORELAND EXEMP

2007-01869 PORTSMOUTH, CITY OF
PORTSMOUTH Piscataqua River

