

Wetlands Bureau Decision Report

Decisions Taken
11/05/2007 to 11/11/2007

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

**2002-02071 GOFFSTOWN, TOWN OF
GOFFSTOWN Unnamed Wetland**

Requested Action:

Proposed amendment to include design changes to approximately 570 linear ft. of drainage course from North Mast Road to Church Street and add a 4 ft. extension on the previously approved box culvert.

Inspection Date: 04/17/2002 by Jocelyn S Degler
Inspection Date: 07/28/2003 by Jeffrey D Blecharczyk

APPROVE AMENDMENT:

Permanently impact 34,880 square feet of palustrine, forested, scrub-shrub and emergent wetlands and replace a 4' x 6' x 65' box culvert to reconstruct and restore approximately 3,000 linear feet of an existing drainage course with an unconsolidated bottom so as to alleviate flooding.

With Conditions:

1. All work shall be in accordance with plans by CLD dated July, 2002, as received by the DES on September 16, 2002, narratives and plans by the Town of Goffstown, Department of Public Works, narratives dated August 9, 2007, as received by DES on August 13, 2007, plan sheet 1 of 1, revision dated September 5, 2007, and revised narratives dated September 5, 2007, as received by DES on September 7, 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. The applicant shall obtain all necessary easements or permissions from affected landowners and shall supply copies of the recorded easements to DES Wetlands file number 2002-02071 prior to the start of construction.
4. This permit is contingent on review and approval by the DES Wetlands Bureau of a restoration planting plan.
5. This permit is contingent on review and approval by the DES Wetlands Bureau of stream diversion and sediment and erosion control plans. Those plans shall detail the timing and method of stream flow diversion as may be required during construction, and shall show temporary siltation/erosion/turbidity control measures to be implemented.
6. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
7. The contractor responsible for this project shall have an environmental consultant or scientist walk the area prior to commencing work and document the presence or absence of spotted turtles. If spotted turtles are documented, the applicant shall contact the NH Fish & Game Nongame & Endangered Wildlife Program prior to commencing any work.
8. Work shall be done during low flow conditions.
9. 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.
10. Any in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
11. There shall be no excavation or operation of construction equipment in flowing water.
12. A post-construction report documenting the status of the restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material, and any invasive plant species, shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. 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.

- 17. 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.
- 18. 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.
- 19. 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 project will impact 34,880 sq. ft. of palustrine, scrub-shrub, emergent and forested wetlands and unconsolidated channel bottom and therefore is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of more than 20,000 sq. ft. of jurisdictional 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 Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a pre-application site inspection of the proposed project on April 4, 2002. Field inspection determined the Town and state should gather information about the history of the drainage course to facilitate the decision making process to address localized flooding associated with the drainage course.
- 6. DES Staff conducted a field inspection of the proposed project on July 28, 2003. Field inspection determined drainage course is over grown with vegetation and sections are congested with yard waste and household debris.
- 7. DES personnel documented no channel scouring. The drainage course is presently dry and is therefore not considered a perennial stream.
- 8. DES personnel documented invasive plant species along the drainage course which will require proper handling and disposal.
- 9. This project as designed will alleviate localized flooding and maintain nutrient attenuation and sediment trapping.
- 10. The New Hampshire Fish & Game has identified this area as possible habitat for the spotted turtle, and requests a site inspection prior to commencing work.
- 11. This project should have no adverse effects on the spotted turtle habitat as designed.
- 12. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
- 13. The proposed amendment and flood damage repairs were needed to stabilize the site and to prevent further failure of the drainage course.

2005-00155 NASHUA, CITY OF
NASHUA Nashua River

Requested Action:

Request to amend (second amendment) approved plantings associated with the Cotton Transfer Pedestrian Bridge project.

Conservation Commission/Staff Comments:

Conservation Commission does not object to the project.

Inspection Date: 03/17/2005 by Dori A Wiggin

APPROVE AMENDMENT:

Request to restore the historic Cotton Transfer Bridge for use as a pedestrian bridge including repair of the concrete piers with 70 square feet of temporary impacts in the Nashua River prime wetland to secure work platforms: and construction of an ADA compliant ramp and stairs along the top of the bank adjacent to prime wetlands with appproximately 3,000 square feet of permanent structure construction impact to access the bridge.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc., designed and drawn on December 2004 and plot date January 5, 2005, as received by the Department on March 18, 2005 and revised "Shoreland Planting Plan", plot date October 2, 2007, as received by DES on October 4, 2007.
2. Installation of the pilings for the work on the platforms or barges shall be restricted to 1-2 days duration during their migrations either up or downstream from May through September.
3. No construction work on the river shall be allowed from sunset to sunrise (night-time).
4. Appropriate turbidity controls shall be installed prior to construction if necessary to prevent water quality degradation, these controls shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. The permit holder or their agent shall submit a planting plan (indicating the diameter, location and species name) to replant the trees and shrubs which were slated for removal in the staging area adjacent to the southern retaining wall ramp and stairway within 30 days from issuance of the permit.
6. The proposed plantings and shoreline disturbance areas shall be planted by November 1, 2008, unless authorized by DES.
7. Prior to start of the work in the Nashua River, the permit holder and their environmental consultant shall meet with the contractor to review the permit and its conditions, the permitted plans to ensure that all work is being carried out in accordance with the permit. The environmental consultant shall submit a report to DES documenting the results of this meeting.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Appropriate siltation/erosion/turbidity controls shall be in place on shoreline impact areas and shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of removal of staging area that is in or adjacent to the Nashua River, all exposed soil areas shall be stabilized by seeding and mulching as appropriate to ensure proper vegetative growth of any disturbed areas.
11. Prior to the mobilization of the equipment from the site, the environmental consultant shall review the site to ensure proper shoreline stabilization. A report documenting this inspection shall be submitted to DES.

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) has been considered in the design of the project.
5. The approved plans and conditions of the permit will provide for a planting plan around the Prime Wetland area.
6. The project as approved and monitored should prevent any water quality degradation.
7. Based on findings 1-6 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.
8. The permit provides for a limited construction period to prevent unnecessary impact to fisheries using the Nashua River

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.

2006-01165 PORTSMOUTH, CITY OF
PORTSMOUTH Sagamore Creek

Requested Action:

Amend permit to reflect modified and reduced dock design resulting from unanticipated site features encountered.

Inspection Date: 09/11/2006 by Dori A Wiggin

Inspection Date: 07/11/2006 by Dori A Wiggin

Inspection Date: 07/03/2006 by Dori A Wiggin

APPROVE AMENDMENT:

Construct a publicly accessible tidal docking structure with amended design consisting of a 20' x 8' platform landing constructed in the upland tidal buffer zone, connecting to a 3' x 40' ramp, connecting to a 30' x 10' float, amended overall structure length 47', providing one full-sized slip (as defined by RSA 482-A:2, VIII (a)), on 1,700' of City of Portsmouth frontage on Sagamore Creek.

With Conditions:

1. Amended: All work shall be in accordance with amended plans by Waterfront Engineers dated 8/8/2007, as received by the Department on 8/23/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the tidal marsh or 1:1 ratio of deck height to width as appropriate, and shall have 3/4-inch spacing between the decking planks.
4. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construct a publicly accessible tidal docking structure with amended design consisting of a 20' x 8' platform landing constructed in the upland tidal buffer zone, connecting to a 3' x 40' ramp, connecting to a 30' x 10' float, amended overall structure length 47', providing one full-sized slip (as defined by RSA 482-A:2, VIII (a)), on 1,700' of City of Portsmouth frontage on Tax Map 0223 Lot 0225-000B on Sagamore Creek shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. Float stops shall not be required for this dock as the float will sit on hardpan substrate at low tide.

With Findings:

Original Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water, and this dock will provide access to the water, as well as to public land along a "water trail" for kayak and canoe paddlers.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed at one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on the Sagamore Creek. The location was changed from that originally proposed as a result of site inspections coordinated with DES, NMFS, and the City of Portsmouth.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The plant species, Loesel's Twayblade, and Tundra Alkali Grass, and the vertebrate species, the purple martin, reported by the NH Natural Heritage Bureau will not be affected by this structure. The dock is located greater than 20 feet off the abutting property lines. The project has been reviewed by the NH Division of Ports and Harbors, who indicate in a letter dated 3/16/2007, received by DES on 3/18/2007, that the structure will not have a negative effect on navigation at this location. The Portsmouth Conservation Commission recommends approval of the project.
5. This application has received review of the federal PGP Joint Processing Meeting on 6/5/2006, and National Marine Fisheries ("NMFS") inspected the site with DES and a City of Portsmouth representative on 9/11/2006 and concurred with the currently proposed location and design. With respect to the float stop issue, the City of Portsmouth has provided data to show that only 2-3 feet of mud exists over ledge at this location, rendering it impossible to install float stop pilings at this location. The City will install

skids on the float instead.

6. This dock is consistent with other tidal dock approvals in the seacoast.

7. DES staff field inspected the site on 7/3/2006, 7/11/2006, and 9/11/2006.

Additional finding:

8. The amended design was submitted as a result of unanticipated site features encountered, and represents a modified design that replaces the permanent pier with a permanent landing, which is confined to the upland above the highest observable tide line, and reduces the overall length of the remainder of the structure located in the resource from 77 feet to 47 feet.

-Send to Governor and Executive Council-

2006-01618 THE STABLE COMPANIES
NASHUA Unnamed Wetland Nashua River

Requested Action:

Proposed amendment to include remediation of soils impacted by polychlorinated biphenyls (PCBs) located on the project site adjacent to Prime Wetlands (Nashua River).

APPROVE AMENDMENT:

Re-development of an existing industrial site to construct a 160 unit condominium community with accompanying site improvements, pedestrian walkway (river-walk) and conduct nuisance plant species control and native plantings adjacent to prime wetlands (Nashua River). In addition, conduct remediation of soils impacted by polychlorinated biphenyls (PCBs) located on the project site.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson Inc., plan sheets revision dated October 16, 2006, as received by DES on October 27, 2006 and narratives by Wetland Consulting Services, as received by DES on June 27, 2006 and plans and narratives by Haley & Aldrich, Figure 1 and 2, dated September 2007 and narratives dated September 4, 2007, as received by DES on September 5, 2007.
2. This permit is contingent on approval by the DES Waste Management Division.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval of a "Shoreland Waiver" (Wetlands Bureau File #2006-1533) by the DES Shoreland Protection Program.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. There shall be no substitutions made for the "River Bank Planting" plant species specified on the approved plan for replanting purposes without prior written approval from DES.
8. All planted vegetation shall be in accordance with the Plans, native, and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive species is strictly prohibited.
9. Any River Bank Planting proposed on the Plans shall have at least 90% survival success rate after two full growing seasons or the areas shall be replanted until the 90% success rate is achieved.
10. Implementation of the River Bank Planting component of the Plans shall be done prior to or concurrently with the construction of the buildings.
11. River Bank Planting monitoring reports shall be submitted to DES following the first full and second growing seasons, to review the success of the plantings and schedule remedial actions if necessary. The first report shall be submitted no later than September 15, 2008, and the second report no later than September 15, 2009. Such reports shall be submitted to DES with photographs demonstrating the conditions of the plantings, include any necessary remedial actions and contain a schedule for completing the remedial actions.
12. A permit shall be obtained from the NH Department of Agriculture before any herbicides are used for invasive plant species control.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

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

15. The boundaries of the wetlands shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.

16. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

17. A professional engineer and certified wetland scientist shall inspect the project to insure compliance with approved plans and permit conditions.

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

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

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

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

22. 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.

23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

24. 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.

25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(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 applicant has proposed installing stormwater treatment and management systems.

7. The proposed stormwater treatment will improve the quality of the existing stormwater leaving the site.

8. This permit is contingent on approval by the DES Site Specific Program.

9. This permit is contingent on approval of a "Shoreland" waiver (Wetlands Bureau File #2006-1533) by the Shoreland Protection Program.

10. The proposed project calls for removal of invasive and dead plant species along approximately 1,300 linear feet of shoreline and replacing with native shrub and tree plantings.

11. The applicant's proposal will result in 39,497 square feet of vegetated area on the property.

12. The applicant's proposal provides a public access along the river via a walkway which will connect to other public walkways in the area and the historic Cotton Transfer Bridge.

13. A public hearing was held at the Department on October 4, 2006. No one in opposition to this project attended the public hearing.

14. On September 5, 2007, DES received an amendment request to include remediation of soils impacted by polychlorinated biphenyls (PCBs) on the site.

15. The proposed excavation for the PCB contaminated soil remediation is within the previously approved project area.

16. The permit approval is contingent on approval by the DES Waste Management Division.

17. 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.

**2006-03213 MCCONARTY, MARIE/STEPHEN
TAMWORTH Unnamed Wetland**

Requested Action:

Retain approximately 2,220 sq. ft. (including two (2) 12-inch x 20-foot CMP culverts) and dredge and fill approximately 1,200 sq. ft. (including installation of a 12-inch x 20-foot CMP culvert) of palustrine forested/scrub-shrub wetlands adjacent to Tamworth Prime Wetland No. 40, Swift River, within the 100-year floodplain for driveway access to a proposed single family residence and restore approximately 2,220 sq. ft. for the removal of driveway fill.

APPROVE PERMIT:

Retain approximately 2,220 sq. ft. (including two (2) 12-inch x 20-foot CMP culverts) and dredge and fill approximately 1,200 sq. ft. (including installation of a 12-inch x 20-foot CMP culvert) of palustrine forested/scrub-shrub wetlands adjacent to Tamworth Prime Wetland No. 40, Swift River, within the 100-year floodplain for driveway access to a proposed single family residence and restore approximately 2,220 sq. ft. for the removal of driveway fill.

With Conditions:

1. All work shall be in accordance with plans by Irene G. Garvey dated September 13, 2007, as received by the Department on September 14, 2007.
2. The 100 foot buffer around the designated prime wetlands shall be left in its natural state.
3. The deed for Tax Map 206, lot 116 shall include the conditions of this permit.
4. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
7. Work shall be done during low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. 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.
10. 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.
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. Culverts shall be laid at original grade.
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. 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.

RESTORATION:

16. This permit is contingent upon the restoration of 2,220 square feet of wetlands in accordance with plans received September 14, 2007, by November 01, 2008.
17. 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.

18. The schedule for construction of the restoration areas shall occur prior to or coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
19. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
20. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
21. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
22. All material removed during work activities shall be removed down to the level of the original hydric soils.
23. Area shall be regraded to original contours following completion of work.
24. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*). The receipt and contents of the wetland mix shall be supplied to NHDES within ten (10) days of application.
25. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
27. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
28. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
29. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the restoration sites.
30. Failure to comply with the restoration conditions of this permit will result in enforcement action by DES.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (f), projects located in or adjacent to prime wetlands as designated 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 this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant obtained an easement deed sealed May 27, 2006, from abutters, for a right-of-way to access the applicant's landlocked parcel.
6. The proposed driveway follows the path of an existing access way.
7. Viable alternative locations for the right-of-way are restricted by palustrine forested/scrub-shrub wetlands to the north and active agricultural fields to the south.
8. The applicant will restore impacted/filled areas by reducing the width and altering the layout of the driveway.
9. The location of the proposed driveway has very little topographic relief, which will minimize the potential for erosion/sedimentation from the project.
10. A licensed land surveyor has confirmed the project's existing wetland impacts are greater than 175 feet from the Tamworth Prime Wetland # 40 (Swift River) boundary.
11. The applicant has received written consent from the owners of lot 100 (Tax Map 26), abutters to the right-of-way on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
12. The Tamworth Prime Wetland # 40 (Swift River) contains very poorly drained soils. The impacted wetland soil types are poorly drained.

13. In a letter dated January 03, 2007, the Tamworth Conservation Commission submitted their intent to intervene.
14. In a letter dated January 30, 2007, the Tamworth Conservation Commission stated the Commission had voted "no objections" to approval of the project given: 1) a natural resource inventory check is completed by the applicant; 2) BMP's should be followed, including silt fence installation; 3) portions of the project are within an area identified by the Federal Insurance Rate Maps designate as zone AE, and will require a permit by the Tamworth Board of Selectmen.
15. In a letter dated February 11, 2007, the Tamworth Conservation Commission noted slash in wetlands adjacent to the driveway.
16. The applicant has submitted restoration plans that include slash removal.
17. A public hearing was held at DES on September 23, 2007. No one spoke in opposition to the proposed project
18. Based on findings #1 through # 17 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.

2007-01665 WOLFEBORO, TOWN OF
WOLFEBORO Unnamed Wetland

Requested Action:

Dredge and fill 57196 square feet of jurisdictional wetland for installation of a wastewater effluent line and access road for a proposed Waste Water Treatment facility further described as follows: Temporarily impact 55587 square feet of palustrine forested wetland for installation of a municipal effluent disposal line and permanently impact 1609 square feet for access road construction to the new facility.

APPROVE PERMIT:

Dredge and fill 57196 square feet of jurisdictional wetland for installation of a wastewater effluent line and access road for a proposed Waste Water Treatment facility further described as follows: Temporarily impact 55587 square feet of palustrine forested wetland for installation of a municipal effluent disposal line and permanently impact 1609 square feet for access road construction to the new facility.

With Conditions:

1. All work shall be in accordance with plans by Wright Pierce dated July 11, 2007, as received by the Department on July 20, 2007.
2. This permit is contingent on approval by the DES Waste Water Engineering.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Any further alteration of areas within the Right-of-Way that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Trench plugs shall be installed in accordance with standard construction practices.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Wolfeboro Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction and prior to crossing the perennial stream at crossing number 20.
7. Work shall be done during annual low flow conditions and work within intermittent streams shall be done under no flow conditions.
8. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
9. Construction equipment shall not be located within surface waters.
10. The equipment crossing of perennial streams shall be in place for no more that 7 days.
11. All equipment crossings to be installed in dry channels shall be in place for no more than 30 days.
12. Spoils may not be temporarily side-cast into stream channels even if they are currently under dry conditions.
13. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The DES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.

14. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
15. Temporary cofferdams shall be entirely removed immediately following construction within the impact area.
16. A qualified professional shall verify that the wetlands to be impacted by construction of the pipeline are labeled appropriately in the field. Wetlands shall be re-flagged as necessary during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
17. Construction shall be monitored by an environmental inspector (i.e., qualified wetland professional, erosion control specialist, or professional engineer) to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization. The Wetlands Bureau shall be notified in writing of the environmental inspector prior to the start of work and if there is a change of status during the project.
18. Weekly monitoring reports of work and restoration areas prepared by the environmental inspector shall be submitted to the DES Wetlands Bureau via e-mail. These reports shall include photographic documentation of the construction and stabilization efforts and a brief description of the progress of construction.
19. 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.
20. Construction workspace within the wetlands shall be limited to the impact areas as depicted on the approved plans.
21. Orange construction fencing shall be placed along wetland boundaries when wetlands are within 25 feet of the proposed construction workspace to prevent accidental encroachment on wetlands.
22. Appropriate siltation/erosion/turbidity controls shall be in place prior to grubbing, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence shall be removed once vegetation has reached 85% coverage.
23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
24. All efforts shall be made to fell trees away from wetland resource areas. If a tree should fall into a jurisdictional area it shall be removed immediately.
25. Temporary crossings of surface waters for the purposes of land clearing shall utilize crossing devices in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" and shall not be constructed in stream channels greater than 10 feet wide.
26. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during pipeline construction and areas cleared of vegetation shall be revegetated as quickly as possible.
27. The construction right-of-way shall have vegetation cut to grade and protected with geotextile fabric or similar.
28. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non-erosive manner. Additionally, all turbid trench dewatering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
29. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
30. Spoils adjacent to trenching activities within wetlands jurisdiction shall be placed on geotextile fabrics or similar. All spoils not used for trench backfill shall be removed from jurisdiction.
31. Mulch within the wetland areas shall be seedless straw. Hay shall not be used.
32. Fertilizers and lyme shall not be used within wetland jurisdiction.
33. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 10 days of backfill.
34. The permittee shall attempt to control invasive, weedy species as listed by the NH Department of Agriculture, by measures agreed upon by the Wetlands Bureau.
36. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
37. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
38. 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.
39. Banks shall be restored to their original grades and to a stable condition within two days of completion of construction.
40. Areas outside of the permanent right-of-way from which vegetation has been cleared to gain access to the site shall be allowed to revegetate or be replanted with like native species.
41. 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.

42. 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.

43. 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.

44. Silt fencing must be removed once the area is stabilized.

45. The Environmental Inspector, will be responsible for post-construction monitoring and ensuring that the impact areas are restored in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.

46. A summary post-construction report documenting the status of the restored streambed and banks, and wetland restoration shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

47. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau and the Wolfeboro Conservation Commission by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

48. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species or invasive species during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.

49. The applicant shall work to prohibit the use of the Right-of-Way by motorized vehicles

50. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to NH DES Wetlands and the Wolfeboro Conservation Commission by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of construction.

51. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), as the project involves alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.

3. The proposal is an attempt to improve the wastewater treatment facilities in the Town of Wolfeboro and is in response to Order WD-05-014.

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 Rule Wt 302.03.

5. All areas of temporary disturbance will be restored according to the Restoration Plans.

6. The temporary wetland impacts are within an existing Electrical Right-of-Way that has been historically altered and within which the vegetation is maintained.

7. Where possible impact areas have been located within the existing logging road to minimize the impacts on the wetland systems.

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

9. DES Staff conducted a field inspection of the proposed project on May 18, 2007. The field inspection determined that areas of proposed jurisdictional impacts are unavoidable and the more sensitive areas have been avoided when at all possible.

10. The project impacts will not significantly impair the resources of these wetland ecosystems.

11. All but 1609 square feet of the proposed impacts are temporary in nature and will be restored to preexisting conditions or better.

12. Impacts have been avoided and minimized by reducing the width of the construction right of way within the wetlands, maintaining root systems within wetlands where possible, and limiting time for in-stream work.

13. The project as proposed reduces the amount of impacts to forested areas by utilizing the existing Right-of-Way.

14. The Department conducted a site inspection of the property on May 18, 2007 and found that the existing utility right of way has been cut and is unlikely to be habitat for Small Whorled Pegonia.

15. The applicant has agreed to restore certain areas of previously impacted wetlands.

16. The Town of Wolfeboro has provided information regarding their ability to construct on the properties in question.
17. The majority of the wetlands are isolated wetlands and none of the impact areas occur within 20 feet of property lines.
18. The Wolfeboro Conservation Commission has no objection to the proposal however, they have expressed concerns regarding a monitoring of the restoration of the jurisdictional areas
19. The Tuftonboro Conservation Commission initially intervened on the application but never provided a letter of report.

**2007-02392 TJARKS, KATHERINE
GILFORD Lake Winnepesaukee**

Requested Action:

Dredge 80 cu yd from 4,523 sq ft of lakebed to improve navigation and remove milfoil along the shoreline of property having 61.5 ft of frontage on Smith Cove, off Lake Winnepesaukee, in Gilford.

APPROVE PERMIT:

Dredge 80 cu yd from 4,523 sq ft of lakebed to improve navigation and remove milfoil along the shoreline of property having 61.5 ft of frontage on Smith Cove, off Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be completed in accordance with plans by Harold E. Johnson, Inc. dated October 1, 2007 and received by the Department on October 9, 2007.
2. The Wetlands Bureau shall be notified in writing 10 days prior to the beginning of dredging activities.
3. Appropriate turbidity controls shall be installed prior to dredging, shall be maintained during dredging such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the dredging, to prevent the escape of milfoil fragments from the site.
5. If, at any time during the dredging, the Department determines that rising water levels pose significant risk to the containment of the site the Department may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the Department.
6. Dredging shall be limited to those areas shown on the approved plan.
7. All dredged materials shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. No dredge spoils shall be deposited within 250 feet of any surface water.
9. This permit shall be used only once, and does not allow for repeat dredging.
10. 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.
11. This approval does not constitute any acceptance or approval of the proposed boathouse modifications requested by the landowner through Application # 2007-02337.
12. All activities shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major impact project per Rule Env-Wt 303.02 (g) dredge of more than 20 cu yd from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence of insufficient water depths for navigation on the subject frontages.
4. Smith Cove experiences significant congestion and boat traffic due to the existence of a marina and multiple boating clubs locating within the cove.
5. Dredging to provide depth alongside the existing docking facility is a more practical and less impacting solution to providing adequate docking on this frontage than the construction of a 100 to 150 ft long pier within this cove.
6. Dredging to a depth of 4 ft will lengthen the time period between maintenance events and will help ensure that the root systems of the existing milfoil plants are completely removed.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2005-00168 GIANTSOPOULOS, IOANIS
DEERFIELD Unnamed Wetland

Requested Action:

Amend original permit to dredge and fill approximately 9,774 sq. ft. of forested wetlands to construct an access road for a proposed three lot subdivision for a 50 unit elderly housing community with the following change: dredge and fill a total of 6,363 sq. ft. of forested wetlands to construct an access road for a proposed eight (8) lot residential subdivision.

Inspection Date: 09/16/2005 by William A Thomas, Cws

APPROVE AMENDMENT:

Amend original permit to dredge and fill approximately 9,774 sq. ft. of forested wetlands to construct an access road for a proposed three lot subdivision for a 50 unit elderly housing community with the following change: dredge and fill a total of 6,363 sq. ft. of forested wetlands to construct an access road for a proposed eight (8) lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout & Design, Inc., and R.G. Moynihan Civil Engineer and Surveyor dated July 18, 2007, as received by the Department on August 23, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Water Supply Engineering Bureau, Wells and Water Systems.
5. The applicant shall remove the sediment identified (approximately 45 sq. ft.) by DES along the northwest edge of the wetland area southeast of the "Existing Wells". The sediment shall be removed by hand to original grade and the area mulched with straw. The work shall be done during low flow and completed by the end of the 2006 growing season. A certified wetland scientist (CWS) shall submit a status report to the DES Wetlands Bureau once the material has been removed.
6. Work shall be done during low flow.
7. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area 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 remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.

15. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
16. 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.
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 minor impact project per Administrative Rule 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 Wt 303.04(f).
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. On January 25, 2005, the Department received a complaint of alleged non-permitted wetland impacts on the property.
6. The Department notified the property owner of the complaint on January 26, 2005.
7. The Department received a response from property owner's agent on February 7, 2005.
8. The agent spoke with the Wetlands Bureau Enforcement Section on February 8, 2005.
9. On May 2, 2005, the Department received a Standard Dredge and Fill application from the agent for the non-permitted impacts and for additional proposed impacts on the property.
10. On May 17, 2005, the Department received notice from the Deerfield Conservation Commission that they would like to walk the site before sending feedback to the State.
11. The Department responded to the Commission stating that it could not suspend action on the application because it had not received their letter within 14 days of the Town Clerk's signature, however, information received before a decision on the application would be considered.
12. On June 30, 2005, the Department received correspondences from the Deerfield Planning Board regarding the status of the case and correspondences from citizens of Deerfield.
13. On July 13, 2005, the Department sent a Request for More Information letter to the applicant regarding the pending Standard Dredge and Fill application.
13. On July 15, 2005, the Department received and responded to correspondences from citizens of Deerfield.
14. On July 15, 2005, the Department spoke with the Planning Consultant for the Town of Deerfield Planning Board.
15. On July 18, 2005, the Department received a follow-up letter from the Planning Consultant and request for additional information.
16. The requested information was answered during the conversation with the Planning Consultant on July 15, 2005 and the Department's Request for More Information letter, dated July 13, 2005.
17. On August 4, 2005 and September 12, 2005, the Department received a response from the applicant to the Request for More Information letter, dated July 13, 2005.
18. Wetland impacts #1, #2 and #3 are located within non-permitted impact areas created during access road construction to install wells for the proposed project.
19. DES Staff conducted a field inspection for the proposed project on September 16, 2005. Field inspection determined that the non-permitted impacts (Wetland impact areas #1, #2 and #3 had been stabilized and the wetland delineation appeared to be consistent with the application.
20. The applicant is required to remove the sediment identified along the northwest edge of the wetland area southeast of the "Existing Wells" and submit a status report prepared by a certified wetland scientist.
21. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.

2006-00113 EARLROSE REALTY TRUST
BEDFORD Unnamed Wetland

Requested Action:

Dredge and Fill 8,000 sq.ft. of wetlands for proposed crossing.

DENY PERMIT:

Dredge and Fill 8,000 sq.ft. of wetlands for proposed crossing.

With Findings:

1. This is a major impact Project per NH Code of Administrative Rule Env-Wt 303.02(k) as NH Fish and Game Department has searched their database for records of rare wildlife species near the project and identified the Eastern Hognose Snake in the vicinity.
2. NH Fish and Game Department in its memo dated January 31, 2006 requested that the applicant show that there will be no adverse impacts to this state listed species.
3. On April 10, 2006 DES Requested more Information from the applicant requesting more information on the attempts to seek a waiver from abutters located within 20 feet of the project, addressing of the concerns of Fish and Game, whether the PSNH easement allows access through the easement, addressing of Site Specific concerns (due date August 8, 2006).
4. On April 13, 2007 DES received a letter from the abutters, the Brockways with concerns regarding th proposed project related to drainage and wells and the potential impact of the development on adjacent wetlands.
5. On December 6, 2006 DES received more information regarding revised plans presented to the Town Planning Board. The applicant submitted a waiver of Env Wt 303.04(a) for work within 20 feet of an abutter. The applicant states that "Agreement from the abutters cannot and will not be obtained as they and others within the subdivision south of our parcel are opposed to the subdivision."
6. On January 4, 2006 DES requested more information listing 4 issues for clarification. Th letter stated that if the requested information is not submitted in 120 days, the department is obligated to deny the application. It gave a deadline for submission of May 4, 2007.
7. On August 31, 2007 DES received more information as a follow up to the January 4, 2007 DES information request. No permissions from abutters Robert and Nancy Brockway was received waiving the 20 foot setback.
8. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
9. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02424 BROWN, ROBERT C.
MEREDITH Lake Winnepesaukee**

Requested Action:

Applicant requests that the permit be amended to drive additional pilings to adequately support permanent boatlifts.

APPROVE AMENDMENT:

Amend permit to read: Install a 62 ft x 30 ft seasonal canopy and drive 6 fender pilings to support 4 permanent lifts within a 4 slip permanent docking facility consisting of two 6 ft x 32 ft piers connected by a 6 ft x 47 ft wharf in an "F" configuration, with 2 tie off pilings and 2 ice clusters, and construct 125 linear feet of stone retaining wall to reinforce a failing timber wall on an average of 240 ft of frontage on Lake Winnepesaukee, in Meredith Bay.

With Conditions:

1. All work on the retaining wall shall be in accordance with plans and cross sections by RC Brown as received by the Department on September 12, 2006.
2. All work on the docking facility shall be in accordance with plans by RC Brown as received by the Department on November 7, 2007.
3. In the event of any conflict between the project as depicted on the plans and the description and conditions of this approval occurs, the description and conditions as listed herein shall supercede the details of the approved plans and cross sections.
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. There shall be no further amendments made to this permit.
5. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

6. At no point shall the base of the new retaining wall be located more than 7 ft 6 in closer to the normal high water line than the top of the existing wall.
7. The new retaining wall shall not exceed 125 ft in length as measured along the landward edge.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
11. 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.
12. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 Rules Env-Wt 303.03(d), modification of a 4 slip docking facility and Env-Wt 303.03(k) projects that disturb between 50 and 200 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The construction of the secondary wall is necessary due to the state of deterioration and height of the existing wall. Removal of the existing wall for replacement purposes would pose an unacceptable risk of slope failure.
6. The proposed modifications to the docking facility shall not increase the number of slips provided on the frontage.

**2006-02658 BLUE ET AL, PETER
EATON Unnamed Stream**

Requested Action:

Deny permit request to dredge and fill 1,300 sq. ft. of palustrine forested wetlands, including 4 linear feet of perennial stream to install a 4-foot culvert extension to widen an existing driveway to meet town road specifications to provide access to a 2-lot subdivision on ± 137 acres.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 1,300 sq. ft. of palustrine forested wetlands, including 4 linear feet of perennial stream to install a 4-foot culvert extension to widen an existing driveway to meet town road specifications to provide access to a 2-lot subdivision on ± 137 acres.

With Findings:

1. A request for additional information dated November 14, 2006, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02927 BAE SYSTEMS
LITCHFIELD Unnamed Wetland**

Requested Action:

Dredge and fill approximately 15,790 sq.ft. of wetlands for perimeter fence installation.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill approxiamtely 15,790 sq.ft. of wetlands for perimeter fence installation.

With Findings:

1. A request for additional information dated (February 1, 2007), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The Request For More Information (RMI) requested a written agreement from the abutting property owners in accordance with Env Wt 304.04 Setback from Property Lines and address concern of use of brush as an erosion control method.
3. The February 1, 2007 RMI specified that the requested information must be received within 120 days, or June 1, 2007 or the department is obligated to deny the application.
4. On February 7, 2007 DES received a letter from abutter, Jasper Corporation stating that they do not object to the proposed work within 20 feet of their property line.
5. On February 16, 2007 DES received copies of written unsigned waiver requests from abutters to the project.
6. On March 13, 2007 DES received a letter from NHDOT stating that they do not object to work taking place within 20 feet of their abutting property line.
7. On June 12, 2007 DES received a written waiver from abutter Lucy Hamm.
8. On October 9, 2007 DES received a written waiver from abutter, Gerd Laudien.
9. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
10. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-00875 DUNBARTON, TOWN OF
DUNBARTON Unnamed Wetland**

Requested Action:

Permanently impact 1,879 square feet of wetland and unnamed perennial stream (90 linear feet) to replace an existing 30-inch x 30 foot culvert with an 8-foot wide x 4-foot high x 30-foot open bottom box culvert to upgrade an existing Class VI town road.

APPROVE PERMIT:

Permanently impact 1,879 square feet of wetland and unnamed perennial stream (90 linear feet) to replace an existing 30-inch x 30 foot culvert with an 8-foot wide x 4-foot high x 30-foot open bottom box culvert to upgrade an existing Class VI town road.

With Conditions:

1. All work shall be in accordance with plans by A. C. Engineering & Consulting and narrative by Schauer Environmental Consultants, LLC dated February 19, 2007 and revised November 8, 2007, as received by the Department on November 8, 2007.
2. Any future work 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 during periods of low flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. All work shall be done from the top of the bank and no equipment shall enter the water.
8. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
9. No work within the confined area shall proceed until the temporary coffer dam is fully effective, and water flow is controlled.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
15. 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.
16. Proper headwalls shall be constructed within seven days of open bottom box culvert installation.
17. 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.
18. 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.
19. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant is removing an undersized closed bottom structure and replacing it with an open bottom structure.
6. The applicant has provided an open bottom box culvert to accommodate sensitive species identified near the project area.

**2007-01169 ROCHESTER PUBLIC WORKS DEPT., TOWN OF
ROCHESTER Willow Brook**

Requested Action:

Dredge and fill a total 1,919 sq. ft. of wetlands associated with the reconstruction of NH Rt. 108 in Rochester, including 1,149 sq. ft. (61 linear ft.) of permanent impact, and 736 sq. ft. of temporary impacts, in Willow Brook to 1) construct new energy dissipater at end of existing pipe; and 2) rip rap inlet, outlet, and immediate bank for stabilization.

APPROVE PERMIT:

Dredge and fill a total 1,919 sq. ft. of wetlands associated with the reconstruction of NH Rt. 108 in Rochester, including 1,149 sq. ft. (61 linear ft.) of permanent impact, and 736 sq. ft. of temporary impacts, in Willow Brook to 1) construct new energy dissipater at end of existing pipe; and 2) rip rap inlet, outlet, and immediate bank for stabilization.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers Inc. dated January 2002, as received by DES on 10/5/2007.
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. 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).
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 shall remain until the area is stabilized.
6. Silt fencing must be removed once the area is stabilized.
7. 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.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
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. Temporary cofferdams shall be entirely removed immediately following construction.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. 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).
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear ft. of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The overall project for necessary repairs to the public roadway was previously permitted under file 2002-148, which received a 6-month time extension which expires on 12/5/2007.
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. Although there may be some increase in stormwater to the wetlands, the alternative of constructing swales would result in greater wetlands impact, as the swales would be constructed in the wetlands due to the urban setting.
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 Rochester Conservation Commission did not intervene or comment.

2007-01248 PORTSMOUTH, CITY OF
PORTSMOUTH North Mill Pond

Requested Action:

Impact a total of 3,350 sq. ft. of developed upland tidal buffer zone for the construction of a bike/pedestrian path.

APPROVE PERMIT:

Impact a total of 3,350 sq. ft. of developed upland tidal buffer zone for the construction of a bike/pedestrian path.

With Conditions:

1. All work shall be in accordance with revised plans by Gorrill-Palmer Consulting Engineers, Inc. dated August 21, 2007, as received by the Department on August 31, 2007.
2. There shall be no further alteration to areas within DES Wetlands Bureau jurisdiction without amendment of the wetlands permit.
3. All work shall be in accordance with RSA 483-B, the NH Comprehensive Shoreland Protection Act.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, 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(b), projects that involve work within 50 ft. of a saltmarsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Administrative Rule Env-Wt 302.03. The bike/pedestrian path is proposed directly adjacent to the roadway within areas of existing pavement and existing roadway fill.
4. The applicant has demonstrated by plan and example that each factor listed in Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has demonstrated that the project meets the purpose and intent of RSA 483-B, the Comprehensive Shoreland Protection Act. Specifically, RSA 483-B:9,IV-b, states that public roads and public access facilities shall be permitted by the commissioner as necessary and consistent with the purposes of this chapter and other state law. Further, RSA 483-B:2(I) provides for minimum standards that shall serve to further the maintenance of safe and healthful conditions. The project is a modification of a public road to provide means for pedestrian and bicycle traffic to safely pass over a heavily traveled portion of Market Street.

**2007-01368 HURD, MICHAEL & SUSAN
BARNSTEAD Half Moon Pond**

Requested Action:

Replace existing perched beach and change beach grade to a lesser slope, replace existing retaining walls to stabilize beach, and replace existing seasonal docking structure.

APPROVE PERMIT:

Replace existing perched beach and change beach grade to a lesser slope, replace existing retaining walls to stabilize beach, and replace existing seasonal docking structure.

With Conditions:

1. All work shall be in accordance with plans by SEC, LLC as received by DES on October 11, 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. Replacement retaining walls shall not exceed existing length and width dimensions.
4. Seasonal piers shall be removed for the non-boating season.
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 carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be

avoided.

- 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 8. Unnecessary removal of vegetation is prohibited.
- 9. No more than 10 cubic yards of sand shall be used for replenishment.
- 10. No sand or any construction materials/debris shall be placed below the normal high water mark elevation.
- 11. 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.
- 12. Docking structure shall be reconstructed "in-kind".
- 13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f) construction of or replenishment of a beach.
- 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.

2007-01607 NH DEPT OF TRANSPORTATION
CONCORD Unnamed Wetland

Requested Action:

Cover exposed groundwater surface areas to mitigate hazardous materials and install underdrain to treat contaminated areas using a filter system impacting 10,815 sq. ft. of palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

Local River Advisory Comm. comments

Inspection Date: 07/07/2004 by Gino E Infascelli

APPROVE PERMIT:

Cover exposed groundwater surface areas to mitigate hazardous materials and install underdrain to treat contaminated areas using a filter system impacting 10,815 sq. ft. of palustrine wetlands. NHDOT project #14880.

With Conditions:

- 1. All work shall be in accordance with undated plans by NHDOT as received by the Department on July 12, 2007.
- 2. Any 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 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.
11. No additional wetlands shall be altered on the site in the future.
12. This permit shall not be effective until it has been recorded with the Merrimack 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.
13. This permit is contingent on approval by the DES Waste Management Division.
14. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f), alteration of less than 20,000 sq. ft. of nontidal 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 a field inspection of the proposed project on July 7, 2004. Field inspection determined that remediation in accordance with the requirements of the DES Waste Management Division is reasonable and wetland impacts should be minimized if possible.
6. On July 12, 2007 the DES Wetlands Bureau received the application.
7. On July 18, 2007 the project was discussed at the monthly Natural Resource Agency Meeting held at the NHDOT and the DES Wetlands Bureau decided that, as this is a project designed to remediate an existing environmental contamination issue, mitigation would not be required.
8. On July 19, 2007 the DES Wetlands Bureau sent notice the application was administratively incomplete.
9. On August 1, 2007 the DES Wetlands Bureau sent a copy of the application and plans to the Upper Merrick Advisory Committee for comment within 30 days.
10. On August 28, 2007 the DES Wetlands Bureau received a list of questions from the Upper Merrick Advisory Committee.
11. On August 30, 2007 a Request for More Information was sent to the applicant noting the application was still administratively incomplete and requesting a response to the Advisory Committee letter.
12. On September 7, 2007 the DES Wetlands Bureau received information making the application administratively complete.
13. On September 25, 2007 the NHDOT requested the status and the DES responded that the review was waiting for a response to the Advisory Committee letter.
14. On October 29, 2007 the DES Wetlands Bureau received a letter from the Upper Merrick Advisory Committee stating they reviewed the answers to their list of questions and plans provided by the NHDOT and the consultant. The Committee's letter lists an additional number of questions.
15. On October 29, 2007 the NHDOT requested when the permit would be issued as they responded to the Advisory Committee letter a few weeks before.
16. On October 29, 2007 the DES Wetlands Bureau noted the review was waiting for a copy of the response to the Advisory Committee letter received in August, forwarded the Advisory Committee's October letter and requested the status of the DES Waste Management approval.
17. On November 1, 2007 the DES Wetlands Bureau received a copy of the September 28, 2007 memorandum by Sanborn, Head and Assoc. responding to the questions from the Upper Merrick Advisory Committee submitted on August 28, 2007.
18. On November 5, 2007 the DES Wetlands Bureau received responses to the questions noted in the Advisory Committee's October letter.
20. The NH Fish and Game Dept. does not expect any impacts to rare, threatened or endangered species.
21. The overall water quality discharging to the wetlands should be improved by this project.

Requested Action:

Remove the previously permitted seasonal pier and install two 6 ft x 40 ft seasonal docks anchored by 3 ft x 6 ft concrete pads connected by a 6 ft x 12 ft walkway in a "U" configuration, and install a 12 ft x 30 ft seasonal canopy on 228 ft of frontage in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Remove the previously permitted seasonal pier and install two 6 ft x 40 ft seasonal docks anchored by 3 ft x 6 ft concrete pads connected by a 6 ft x 12 ft walkway in a "U" configuration, and install a 12 ft x 30 ft seasonal canopy on 228 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans as received by DES on November 2, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. All portions of the docking facility shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for five months during the non-boating season.
5. No portion of the piers shall extend more than 40 ft from the shoreline at full lake elevation.
6. 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.
7. The concrete anchoring pads shall not be installed below or lakeward of the normal high water mark elevation.
8. Seasonal canopy shall not exceed a 20 ft height as measured from normal high water.
9. Anchor post installation shall be landward of the top of bank.
10. Seasonal canopy shall be removed for 5 months during the non-boating season.
11. This permit does not allow maintenance dredging.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
13. 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.
14. Unnecessary removal of vegetation is prohibited.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

MINIMUM IMPACT PROJECT

2005-01144 STONIE, HENRY
HAMPTON Atlantic Ocean

Requested Action:

Repair, replace, relocate riprap stones located within the existing riprap seawall for storm protection along 50 feet of shoreline frontage on the Atlantic Ocean.

Conservation Commission/Staff Comments:

No comments were received from the Hampton Conservation Commission.

APPROVE PERMIT:

Repair, replace, relocate riprap stones located within the existing riprap seawall for storm protection along 50 feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with plans by Henry Stonie dated June 28,2005, as received by DES on June 30, 2005.
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 and the Town of Hampton shall be notified in writing prior to commencement of work, anytime maintenance on the wall will occur, and upon its completion.
4. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
5. Repair shall maintain existing size, location and configuration.
6. All work from the beach shall be done at low tide only.
7. Permission shall be granted by the Town of Hampton prior to accessing the beach with machinery over a public right-of-way to complete the work.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. Annually, this wall sustains storm damage, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The repairs will be in-kind, 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.

2005-02595 SOUTH HAMPTON NORTH ROAD ESTATES LLC
SOUTH HAMPTON Unnamed Wetland

Requested Action:

Retain a total 1,370 square feet of wetland impacts to include 570 square feet for the installation of a 15-inch culvert and 800 square feet for the installation of 24-inch culvert to construct a roadway to a 3-lot subdivision of 25.73 acres. This approval is contingent upon the restoration of 7,265 square feet of wetland.

APPROVE AFTER THE FACT:

Retain a total 1,370 square feet of wetland impacts to include 570 square feet for the installation of a 15-inch culvert and 800 square feet for the installation of 24-inch culvert to construct a roadway to a 3-lot subdivision of 25.73 acres. This approval is contingent upon the restoration of 7,265 square feet of wetland.

With Conditions:

1. All work shall be in accordance with As-Built Plan (Sheet 1 of 1) plan by Jones & Beach Engineers, Inc. dated July 12, 2007 , as received by DES on September 4, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This after-the-fact approval is contingent upon the restoration of 7,265 square feet of wetland.

With Findings:

1. On May 2, 2007, personnel from DES conducted an inspection of this site and determined that the wetlands crossing were done without an approval from DES.
2. 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.
3. The impacts were necessary to access buildable uplands, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The roadway utilizes an old woods road that will be upgraded, 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.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. This After-the-fact approval relates to the Letter of Deficiency, WET 07-051, associated with the same file number, 2005-2592.

**2006-00008 KEENE, CITY OF
KEENE Goose Pond Spillway**

Requested Action:

retain the repair of Dam #126.03, work included repair of the concrete spillway, and 3,243 sq ft of rip rap protection on the down stream side of the dam.

APPROVE AFTER THE FACT:

retain the repair of Dam #126.03, work included repair of the concrete spillway, and 3,243 sq ft of rip rap protection on the down stream side of the dam.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This after-the-fact approval was contingent on approval by the DES Dam Safety Program.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of an existing legal structure such as a dam.
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.

**2006-01531 GUIDALI, ARLENE
SEABROOK Seabrook Harbor**

Requested Action:

Construction of deck within the 100-foot previously disturbed tidal buffer zone does not require a permit

OTHER:

Construction of deck within the 100-foot previously disturbed tidal buffer zone does not require a permit

With Conditions:

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

With Findings:

1. Env-Wt 303.05, Projects in Jurisdiction That Do Not Require a Permit, (i) Landscaping, gardening, or deck or stair construction in the upland tidal buffer zone.

2007-00020 HAGSTROM, ERIK
ANTRIM Unnamed Wetland

Requested Action:

Retain 1,765 square feet of palustrine forested wetlands including installation of a 18-inch x 41-foot culvert access to the western portion of a single family residence lot.

With Conditions:

1. This permit is contingent upon compliance with Restoration Plan Approval dated June 29, 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.

With Findings:

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

2007-00185 FROST, ALBERT & DONNA
STRATHAM Squamscott River

Requested Action:

Retain 107 square feet of impact within the 100-foot previously developed tidal buffer zone for the construction of an addition to the existing 2-bedroom dwelling on the Squamscott River with approximately 120 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Stratham Conservation Commission opposes the project.

APPROVE PERMIT:

Retain 107 square feet of impact within the 100-foot previously developed tidal buffer zone for the construction of an addition to the existing 2-bedroom dwelling on the Squamscott River with approximately 120 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated March 6, 2007, as received by DES on April 12, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. Greater living space is needed, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The addition is a lateral expansion and will be no closer to the Squamscott River than the existing dwelling, 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. On April 23, 2007, DES received a letter of opposition from the Stratham Conservation Commission. DES makes the following finding with regard to this letter:
 - a.) The existing dwelling dates back to the early 1920's, prior to DES jurisdiction.
 - b.) Since DES jurisdiction, the owner was granted the following approvals: 2003-1502 - Impact 20 square feet within the upland tidal buffer zone for the installation of two (2) utility poles; 2003-1762- Construct a 4 ft. x 60 ft. permanent pier supported by pilings, and 3 ft. x 30 ft. ramp leading to a 10 ft. x 20 ft. float, providing one slip; and, CA2003057932 - to upgrade the existing septic system.
 - c. DES has no jurisdiction on the use of the dwelling with regard to referring to the addition as "closet space."
 - d. DES has not seen an amended plan reflecting the addition of a covered porch. DES reaffirms condition two of the permit.
 - e. Under the CSPA Waiver 2007-839, the owner is required to restore the area with plantings.
6. The NH Natural Heritage Bureau ("NHB") identified the following exemplary natural communities in the vicinity of the project: brackish marsh, high brackish marsh, and low brackish marsh. In addition the NHB found the Salt-loving Spike-rush, as State threatened.
7. DES finds that the impacts will have no adverse affect to the aforementioned NHB communities and plant species as this lot is previously developed tidal buffer zone.

2007-00622 STRAUGHAN, KEVIN
OSSIPEE Unnamed Wetland

Requested Action:

Fill 1,600 sq. ft. of wetland for the construction of an access road and 14 ft x 24 ft. waste storage structure.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Fill 1,600 sq. ft. of wetland for the construction of an access road and 14 ft x 24 ft. waste storage structure.

With Findings:

1. On May 4, 2007, DES sent a letter entitled "Notification of Incomplete Minimum Agriculture Application" to the applicant of record. Based on DES review of the application, DES determined the following:
 - a. The project does not meet the rules for minimum impact agriculture as the project proposes fill for lot development, in contradiction to Administrative Rule Env-Wt 505.03(f);
 - b. does not adequately demonstrate that the project is confined to wet meadows as required by Administrative Rule Env-Wt 303.04(u)(6);
 - c. pursuant to Administrative Rule Env-Wt 303.04(u)(7)e, no ground photos of the work within DES jurisdiction clearly depict the nature of the area. Further, the aerial photos provided designate "field" areas according to the legend provided, but the

corresponding photos show the "fields" as forest;

d. DES requested that the project be redesigned relocating the waste structure and it's associated grading in the available uplands and out of wetlands, as this proposed design is not approvable.

2. Based on information referenced in #1 a.-d. above, DES further requested in the May 4, 2007 letter that the application be withdrawn to avoid denial. The letter clearly stated the response deadline criteria pursuant to RSA 482-A:3, XIV requiring the applicant to submit the information to DES within 120 days of the request, or no later than September 4, 2007.

3. On May 24, 2007, DES received information from the Natural Resource Conservation Service ("NRCS") on behalf of the applicant which did not relocate the project out of wetlands as requested in the May 4, 2007 letter.

4. On September 20, 2007, DES sent a letter explaining that DES conducted an inspection of the property on July 23, 2007 in response to discussions with, and receipt of materials from, the NRCS. Further, following review of materials, and inspection of the property, the position of DES as stated in the May 4, 2007 letter remains unchanged and that the project as proposed was not approvable. This letter stated that the applicant could request to withdraw the application by October 25, 2007 to avoid denial, and that if no response was received by this date the application will be denied.

5. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

6. DES did not receive the requested additional information within the 120 days, or by the time extensions granted thereafter, and therefore the application has been denied.

**2007-00741 THOMPSON, MARGOT
PORTSMOUTH Atlantic Ocean**

Requested Action:

Retain approximately 20 sq. ft. of impacts (8 ft. long x 2.5 ft. wide) within DES jurisdiction for the repair in-kind of a failing stone and mortar seawall. DES emergency authorization was issued on April 23, 2007.

APPROVE AFTER THE FACT:

Retain approximately 20 sq. ft. of impacts (8 ft. long x 2.5 ft. wide) within DES jurisdiction for the repair in-kind of a failing stone and mortar seawall. DES emergency authorization was issued on April 23, 2007.

With Conditions:

1. All work shall be in accordance with plans and all descriptive details by Edward Thompson dated May 29, 2007, as received by the Department on May 31, 2007 and plans by Edward Thompson dated June 30, 2007, as received by the Department on July 6, 2007.
2. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls.
2. 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 Administrative Rule Env-Wt 302.03.
3. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
4. NH Natural Heritage Bureau ("NHB") has record of the State threatened plant species Marsh Elder (*Iva Frutescens* ssp. *oraria*) within the vicinity of the project. NHB notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the project does not involve ditching or tidal restrictions and the project will not likely cause an increased input of nutrients and pollutants over what currently exists.

**2007-00788 LONDONDERRY, TOWN OF
LONDONDERRY Unnamed Wetland**

Requested Action:

Impact a total of 1,235 square feet within the bed and banks of an unnamed perennial stream to replace the flood damaged culvert beneath Mammoth Road and install a new headwall with associated riprap swales.

Conservation Commission/Staff Comments:

No comments were received from the Londonderry Conservation Commission.

CONFIRM EMERGENCY AUTHORIZATION:

Impact a total of 1,235 square feet within the bed and banks of an unnamed perennial stream to replace the flood damaged culvert beneath Mammoth Road and install a new headwall with associated riprap swales.

With Conditions:

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

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 nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to replace the previous culvert beneath Mammoth Road as the culvert sustained heavy damage during the April 2007 storm events.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 23, 2007.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-00795 UNITY, TOWN OF
UNITY Tributary To South Branch Sugar River

Requested Action:

Retain the installation, realignment and upgrades of a roadway culvert on Coon Brook Rd in Unity.

Inspection Date: 08/16/2007 by Dawn Buker

CONFIRM EMERGENCY AUTHORIZATION:

Retain the installation, realignment and upgrades of a roadway culvert on Coon Brook Rd in Unity.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(j).
2. The project was necessary to correct roadway washout and properly align the crossing with the stream channel in order to prevent further damage to Coon Brook Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 2, 2007.
4. Review of the follow up documents submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-00985 FARMER, DUNCAN
NEW DURHAM Merrymeeting Lake

Requested Action:

Replace 162 linear ft of stone and mortar retaining wall with concrete retaining wall and a 7 ft x 12 ft wharf on property having an

average of 200 ft of frontage on Merrymeeting Lake in New Durham.

APPROVE PERMIT:

Replace 162 linear ft of stone and mortar retaining wall with concrete retaining wall and a 7 ft x 12 ft wharf on property having an average of 200 ft of frontage on Merrymeeting Lake in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 3, 2007, as received by DES on October 4, 2005.
2. Repair shall maintain existing size, location and configuration.
3. The new retaining wall shall be constructed completely within the foot print of the pre-existing retaining wall and shall be landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed to be a minimum impact project per Administrative Rule Env-Wt 303.04(o), as it has no greater environmental impact than would be associated with a true repair in kind.
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.

**2007-01191 DUBE, RONALD
HAMPTON Hampton Harbor**

Requested Action:

In-kind replacement of a 6' x 195' pier which leads to a 21' x 38' landing which accommodates a 8' 2" x 14' oar house leading to a 6' x 32' 7" ramp that terminates on a 14' x 25' float; in-kind replacement of all piles; and, in-kind repair to a 114' railway that leads from the shore into Hampton Harbor on 50' of shoreline frontage.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a DES Dredge and Fill permit for the repair and rebuilding of the existing pier and railway at 35 Harbor Road ..."

APPROVE PERMIT:

In-kind replacement of a 6' x 195' pier which leads to a 21' x 38' landing which accommodates a 8' 2" x 14' oar house leading to a 6' x 32' 7" ramp that terminates on a 14' x 25' float; in-kind replacement of all piles; and, in-kind repair to a 114' railway that leads from the shore into Hampton Harbor on 50' of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Ronald B. Dube dated , as received by DES on May 31, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. 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.

5. DES staff shall be notified in writing prior to commencement of work and upon its completion.
6. Repair shall maintain existing size, location and configuration.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities,.
2. The existing docking structures are in disrepair, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. These repairs will be made in-kind, therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01444 CURRAN, KAREN
LANGDON Unnamed Wetland

Requested Action:

Construct a driveway with two culverts impacting 2,475 sq. ft. of wetlands for access to a single family residence.

Conservation Commission/Staff Comments:

No Con Com comments by Oct 02, 2007

APPROVE PERMIT:

Construct a driveway with two culverts impacting 2,475 sq. ft. of wetlands for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by FOREST Designs, as received by DES on October 26, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. 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. Work shall be done during low flow.
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. 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(z), alteration of less than 3,000 sq ft to provide access

to a single family residence.

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.

2007-01495 COLDSTREAM OFFICE PARK
BEDFORD Unnamed Pond

Requested Action:

Proposed amended impact plan and proposed planting plan.

APPROVE AMENDMENT:

Maintenance dredge approximately 46,053 sq. ft. of a manmade pond associated with Bowman Brook "Bowman Brook Pond" and re-establish approximately 4,429 sq. ft. of bank and associated wetlands. Work in wetlands consists of removal of accumulated sediments, bank construction and bank plantings.

With Conditions:

1. All work shall be in accordance with plans by TF Moran Inc., revision dated April 4, 2007, as received by DES on July 2, 2007 and revised plan sheets 1 of 2 revision dated October 18, 2007 and plan sheet 2 of 2 dated September 24, 2007, as received by DES on October 22, 2007 and Planting Plan sheet, revision dated October 30, 2007, as received by DES on November 2, 2007.
2. Work shall be done during drawdown.
3. Work shall be done during low flow.
4. This permit is contingent on approval by the DES Waste Management Division for handling, disposal and use of the contaminated sediment materials found onsite.
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 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.
6. This permit is contingent on review and approval by DES of an appropriate shrub and seedling planting plan for the proposed bank impact areas. The proposed plan shall be submitted to DES within 30-days of the start of work.
7. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
8. A post-construction report prepared by the CWS documenting the project status with photographs shall be submitted to DES within 60 days of the completion of construction.
9. Wetlands and bank restoration plantings shall have at least 75% successful establishment after one growing season, or it shall be replanted and re-established in a manner satisfactory to DES.
10. The CWS shall prepare and submit a monitoring report to DES after one full growing season and no later than November 1, 2008.
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. Dredged material not used for the project shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. 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.
15. 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.
16. 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.

17. 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.

18. 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.

19. 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).

20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

21. 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.

22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact. This is a man-made impoundment and removal of the sediments that have accumulated as the result of extreme flooding events will result in net environmental improvements for Bowman Brook.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. The proposed project is to remove accumulated sediments that have negatively impacted the functions and values of the pond.
- 5. The applicant previously received a permit (Wetlands Bureau File# 2004-1852) for reconstruction of the Dam and removal of sediments located at the Dam.

**2007-01854 BRADFORD, TOWN OF
BRADFORD Hoyt Brook**

Requested Action:

Restore center line of brook and repair undermined bridge abutment on West Meadow Road in response to flood damage.

CONFIRM EMERGENCY AUTHORIZATION:

Restore center line of brook and repair undermined bridge abutment on West Meadow Road in response to flood damage.

With Findings:

- 1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(0).
- 2. The project was necessary to restore center line of brook and repair undermined bridge abutment on West Meadow Road in response to flood damage.
- 3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on {DATE}.
- 4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-02082 FRANCESTOWN DPW, TOWN
FRANCESTOWN Rand Brook**

Requested Action:

Repair the inlet and outlet aprons on two 13'9" x 7'6" culverts on Russell Station Road in Frankestown on Rand Brook

CONFIRM EMERGENCY AUTHORIZATION:

Repair the inlet and outlet aprons on two 13'9" x 7'6" culverts on Russell Station Road in Frankestown on Rand Brook

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v).
2. The project was necessary to correct damage associated with the 2007 flooding to provide safe passage over Rand Brook on Russell Station Rd in Frankestown.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on September 13, 2007.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-02202 ELDRED, MARYANN & BRIAN BOMBROUGH
NEWMARKET Unnamed Wetland

Requested Action:

Dredge 17,400 sq. ft. of wetland for the construction of a pond.

APPROVE PERMIT:

Dredge 17,400 sq. ft. of wetland for the construction of a pond.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated August 2007, as received by the Department on September 11, 2007.
2. The contractor responsible for completion of the work shall follow the construction sequence prepared by NHSC, Inc. dated October 16, 2007 as received by the Department on October 18, 2007.
3. At least 48 hours prior to construction, the contractor responsible for completion of the work shall conduct a pre-construction meeting with a certified wetland scientist to review the approved plans, construction sequence, and conditions of this wetlands permit.
4. All work shall be done when the water table is at its lowest.
5. DES 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.
6. Any further alteration of wetlands on this property will require a new application and further permitting by the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands not permitted herein.
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, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.
10. Appropriate siltation and erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain in until area is stabilized.
11. Dredge material shall be placed out of DES Wetlands Bureau jurisdiction and in accordance with the construction sequence prepared by NHSC, Inc. dated October 16, 2007 as received by the Department on October 18, 2007.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. In accordance with Administrative Rule Env-Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, as this

project proposes to remove and properly dispose of the highly invasive species Purple Loosestrife (*Lythrum salicaria*).

3. In accordance with Administrative Rule Env-Wt 303.04(p)(2) and Administrative Rule Env-Wt 303.04(p)(3), the applicant has demonstrated that there are no streams into or out of the proposed pond site and the project is not located in or adjacent to prime wetlands.

2007-02212 COMLEY, JAMES
FRANCESTOWN Unnamed Wetland

Requested Action:

Impact 2,850 sq ft of palustrine forested wetlands to install an 18" x 30' culvert to provide access to 4 lots of a proposed 8-Lot subdivision.

APPROVE PERMIT:

Impact 2,850 sq ft of palustrine forested wetlands to install an 18" x 30' culvert to provide access to 4 lots of a proposed 8-Lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by TODD Land Use Consultants: wetland impact plan revision date September 4, 2007, as received by DES on September 11, 2007 and Cluster subdivision plan revised 11/5/2007 as received by DES on November 7, 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 outside of the proposed future impacts for access to proposed lots 4 thru 7.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
6. Work shall be done during low flow.
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 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. 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.
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.

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 of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has documented proposed impacts for access to additional lots, estimated at 1,000 sq ft. as part of the future cluster subdivision expansion.

FORESTRY NOTIFICATION

2007-02613 ROGERS, JOHN MICHAEL & JUDITH
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 1, Lot# 576,410

2007-02614 ANDERSON, RICHARD
JACKSON Unnamed Stream

COMPLETE NOTIFICATION:
Jackson Tax Map /Lot# R9/21, 22 & R17/2

2007-02615 MERROW, HARRY
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map 412, Lot# 20

2007-02616 CHOCOURA FORESTLANDS LLC
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 214, Lot# 2

2007-02617 SOCIETY FOR THE PROTECTION OF NH FORESTS
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Rochester Tax Map/Lot# 243/38,55 & 256/73

2007-02618 AWA FUND
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 13, Lot# 21

EXPEDITED MINIMUM

**2005-01198 NASH, GEORGE & PATRICIA
LEMPSTER Manmade Fire Pond**

Requested Action:

Dredge 840 square feet adjacent to existing fire pond to increase capacity. Work will enlarge pond 20 ft x 42 ft.

APPROVE PERMIT:

Dredge 840 square feet adjacent to existing fire pond to increase capacity. Work will enlarge pond 20 ft x 42 ft.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by DES on June 3, 2005.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
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. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), pond construction
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.

**2006-00282 MITCHELL, RODNEY
SURRY Unnamed Stream Wetland**

Requested Action:

retain approximately 400 sq ft of impact to a seasonal stream and associated wetlands to construct a driveway for single family. Work included the installation of a 20ft x 24" culvert with headwalls.

APPROVE AFTER THE FACT:

retain approximately 400 sq ft of impact to a seasonal stream and associated wetlands to construct a driveway for single family. Work included the installation of a 20ft x 24" culvert with headwalls.

With Conditions:

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), alteration of less than 3,000 sq ft of jurisdictional wetlands to provide access to a single family residence.
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.

2007-01125 PLYMOUTH, TOWN OF
PLYMOUTH Unnamed Wetland

Requested Action:

Impact 2,006 square feet of intermittent stream channel and palustrine forested wetlands to construct an access road to Fox Park. Work includes the addition of sidewalks and parking.

APPROVE PERMIT:

Impact 2,006 square feet of intermittent stream channel and palustrine forested wetlands to construct an access road to Fox Park. Work includes the addition of sidewalks and parking.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates, P.C.:
Plan sheet S1 dated September 26, 2005; Sheets C3, D2, and D3 dated May 1, 2007, as received by DES on May 25, 2007; Sheets D1 and PR1 dated August 21, 2007 as received by DES on August 24, 2007 and Sheet C2 dated August 21, 2007 as received by DES on October 25, 2007.
2. This permit does not authorize impacts to wetlands for any upgrades to existing trails or construction of the ball field.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain Bureau for any future build out beyond the parking and access road construction and will require meeting all applicable stormwater control standards.
5. Work shall be done during low flow.
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.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(0), project will provide a benefit to the public with minimal impacts to the environment.
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.

**2007-01656 OSULLIVAN, JANE
TUFTONBORO Lake Wiinipesaukee**

Requested Action:

Repair an existing 11 ft x 28 ft supported by a full crib, repair an existing 11 ft x 11 ft dock supported by a full crib, repair an existing 28 ft of retaining wall on 68 ft of frontage on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com requested detailed information on proposed repairs

APPROVE PERMIT:

Repair an existing 11 ft x 28 ft supported by a full crib, repair an existing 11 ft x 11 ft dock supported by a full crib, repair an existing 28 ft of retaining wall on 68 ft of frontage on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans as received by DES on November 06, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-01664 ALMSTROM, ELIZABETH
MEREDITH Unnamed Wetland**

APPROVE PERMIT:

Impact 2,595 sq. ft. of wetlands in the construction of an access road to a proposed cellular communication facility.

With Conditions:

1. All work shall be in accordance with plans by Hudson Design Group LLC: sheets ES-1, ES-3 thru ES-6 revision date 10/19/07, as received by DES on October 31, 2007 and sheet ES-2 revision date 11/06/07, as received by DES on November 7, 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. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.

8. 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 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01863 DURHAM, TOWN OF
DURHAM Unnamed Wetland

Requested Action:

Temporarily impact approximately 100 sq. ft. of wetland for the replacement of an existing deteriorated sewer manhole.

Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Temporarily impact approximately 100 sq. ft. of wetland for the replacement of an existing deteriorated sewer manhole.

With Conditions:

1. All work shall be in accordance with plans by The Town of Durham, as received by the Department on November 7, 2007.
2. DES 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.
3. All temporary work areas shall be restored to original condition after construction.
4. Construction equipment shall not be located within surface waters.
5. 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.
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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. 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.

2007-01939 MAHER, SKYE PW
NORTH HAMPTON

Requested Action:

Relocate fallen rip rap stone that has fallen landward from the existing seawall and add additional rip rap stone to increase the height of the seawall and impact 280 square feet within the 100-foot previously disturbed tidal buffer zone to construct a patio.

Conservation Commission/Staff Comments:

The North Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Relocate fallen rip rap stone that has fallen landward from the existing seawall and add additional rip rap stone to increase the height of the seawall and impact 280 square feet within the 100-foot previously disturbed tidal buffer zone to construct a patio.

With Conditions:

1. All work shall be in accordance with plans by Skye Maher dated October 25, 2007, as received by DES on October 26, 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. The footprint of the seawall shall not extend seaward onto the beach.
5. All work with machinery shall be done landward of the existing seawall.
6. The height of the seawall shall not exceed the height of the abutting seawalls.
7. Geotextile fabric shall be laid between the seawall and the patio to prevent future soil erosion.
8. The patio shall be constructed with loose, dry laid stone only to allow stormwater pecculation.
9. 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(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration..
2. The existing riprap has fallen off the top of the existing seawall and also the seawall has subsided and is lower than the abutting properties seawalls, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The seawall height will not be higher than the abutting properties and the patio will be constructed of dry, loose laid stone to allow stormwater penetration, thereby 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.

2007-02335 EWING, ROBERT
NEW LONDON Unnamed Wetland

Requested Action:

Fill a total of 626 sq. ft. of an intermittent stream for two crossings to construct a shared driveway to serve a three (3) residential lot subdivision on 16 acres, including: Impact #1: 261 sq. ft. and install a 30 in. x 20 ft. culvert and a 12 in. x 20 ft. culvert and install outlet protection; Impact #2: 365 sq. ft. and install a 24 in. x 20 ft. culvert and install outlet protection.

Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Fill a total of 626 sq. ft. of an intermittent stream for two crossings to construct a shared driveway to serve a three (3) residential lot subdivision on 16 acres, including: Impact #1: 261 sq. ft. and install a 30 in. x 20 ft. culvert and a 12 in. x 20 ft. culvert and install outlet protection; Impact #2: 365 sq. ft. and install a 24 in. x 20 ft. culvert and install outlet protection.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc., as received by the Department on October 3, 2007.

2. Construction equipment shall not be located within surface waters.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. 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.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

AGRICULTURE MINIMUM

2007-02186 WEEKS, EVERETT
BELMONT Unnamed Wetland

Requested Action:

Permanently impact 400 square feet of wetland for the construction of a stone ford to access existing hayfields.

APPROVE PERMIT:

Permanently impact 400 square feet of wetland for the construction of a stone ford to access existing hayfields.

With Conditions:

1. All work shall be done in accordance with plans by the Belknap County Conservation District dated August 30, 2007 and received by DES on September 14, 2007.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Work shall be done during periods of non-flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. All work shall be conducted from outside the jurisdiction of the DES Wetlands Bureau.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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.
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. 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(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. The applicant has submitted plans that are in accordance with the county conservation district's standards found within the Best Management Wetland Practices for Agriculture.

2007-02523 ROBINSON, RICHARD
HAMPTON FALLS Drainage Ditches

Requested Action:

Maintenance dredge 14,100 square feet of existing drainage ditches for continued usefulness associated with a agricultural fields.

Conservation Commission/Staff Comments:

The Minimum Impact Agriculture Application was signed by the County Conservation District Manager.

APPROVE PERMIT:

Maintenance dredge 14,100 square feet of existing drainage ditches for continued usefulness associated with a agricultural fields.

With Conditions:

1. All work shall be done in accordance with plans received by DES on October 23, 2007.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.

With Findings:

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

ROADWAY MAINTENANCE NOTIF

2007-02601 NH DEPT OF TRANSPORTATION
JAFFREY Unnamed Stream

COMPLETE NOTIFICATION:

Replace existing 18" diameter corrugated metal cross pipe with 18" diameter plastic pipe, construct stone header at inlet and outlet

PERMIT BY NOTIFICATION

2006-01463 KENDALL, DOUGLAS
CHESTERFIELD Unnamed Wetland

Requested Action:

Dredge and fill 566 square feet of palustrine forested wetlands to install a 15-inch x 30-foot culvert to construct a driveway for access to a single family building lot.

Conservation Commission/Staff Comments:

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

PBN IS COMPLETE:

Dredge and fill 566 square feet of palustrine forested wetlands to install a 15-inch x 30-foot culvert to construct a driveway for access to a single family building lot.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The NH Natural Heritage Bureau and the Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

2006-02219 RODD, CASEY & CINDY
DALTON Connecticut River

Requested Action:

Disqualify Permit by Notification to dredge and fill 20 linear feet of an intermittent stream to install a 20-foot culvert for access to a single family residence.

PBN DISQUALIFIED:

Disqualify Permit by Notification to dredge and fill 20 linear feet of an intermittent stream to install a 20-foot culvert for access to a single family residence.

With Findings:

1. A notice of incomplete permit by notification requesting additional information dated September 21, 2006, addressed to the applicant or agent of record, clearly required the applicant to submit additional information to DES within 20 days of the request.
2. DES did not receive the requested additional information within the 20 days; and therefore, the permit by notification has been disqualified.

2007-02410 ANDERSON, CHRIS
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Disqualify PBN to repair existing docking facility.

PBN DISQUALIFIED:

Disqualify PBN to repair existing docking facility.

With Findings:

1. Plans do not accurately depict the existing project and surrounding structures.

**2007-02412 SALEM, TOWN OF
SALEM Mill Pond**

Requested Action:

Temporarily impact 575 square feet within the bed and banks of Mill Pond to repair/replace the existing box culvert, approach slabs, and stone retaining walls beneath North Maine Street for public safety.

Conservation Commission/Staff Comments:

The Salem Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 575 square feet within the bed and banks of Mill Pond to repair/replace the existing box culvert, approach slabs, and stone retaining walls beneath North Maine Street for public safety.

With Findings:

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

**2007-02477 WILTON, TOWN OF
WILTON Unnamed Stream**

Requested Action:

Repair approximately 40 linear feet of existing retaining wall adjacent to the Souhegan River, Wilton, NH.

PBN IS COMPLETE:

Repair approximately 40 linear feet of existing retaining wall adjacent to the Souhegan River, Wilton, NH.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of an existing structure, such as a retaining wall.
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.

**2007-02496 WOLFGRAM, JOHN
WAKEFIELD Pine River Pond**

Requested Action:

Request to replace a retaining wall and stairs with a new sloped wall and ramp.

PBN DISQUALIFIED:

Request to replace a retaining wall and stairs with a new sloped wall and ramp.

With Findings:

1. The proposed new wall is not an in-kind replacement because it will not have the same footprint due to the proposed slope change, therefore, the project does not qualify for the Permit by Notification process.
2. The replacement of the stairs with a new ramp in a new location is not repair in-kind and, therefore, the project does not qualify for the Permit by Notification process.

**2007-02526 BUNCE, JOHN
HANCOCK Hunts Pond**

Requested Action:

Dredge and fill approximately 300 square feet of perennial stream to repair Hunts Pond dam spillway and clean/repair dam face and top.

PBN IS COMPLETE:

Dredge and fill approximately 300 square feet of perennial stream to repair Hunts Pond dam spillway and clean/repair dam face and top.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)((7), the maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. Project will occur in a low flow situation; work will be completed in the dry.

**2007-02548 QUERFURTH/ MCCAGG, CARL/ DOROTHY
JAFFREY Unnamed Wetland**

Requested Action:

Impact 358 sq. ft. of wetland to construct a driveway with culvert for access to a single family home

APPROVE PERMIT:

Impact 358 sq. ft. of wetland to construct a driveway with culvert for access to a single family home

With Conditions:

1. All work shall be in accordance with plans by Site Succor Design LLC wetland crossing detail dated September 29, 2007, as received by DES on October 26, 2007 and overall driveway layout plan revised November 2, 2007, as received by DES on November 5, 2007.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), access for single family residence.
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.

**2007-02569 LEEDS, NORMAN
HOOKSETT Unnamed Stream Wetlands**

Requested Action:

Install a 15 inch x 20 foot culvert with associated headwalls impacting approximately 382 sq ft of jurisdictional wetlands to provide access to Lot 13 on Tax Map 23 for a single family residence.

PBN IS COMPLETE:

Install a 15 inch x 20 foot culvert with associated headwalls impacting approximately 382 sq ft of jurisdictional wetlands to provide access to Lot 13 on Tax Map 23 for a single family residence.

With Findings:

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

**2007-02594 HOPEWELL POINT REALTY TRUST, EDWARD & PAULINE OUEL
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Reduce existing crib and repair major docking system.

PBN DISQUALIFIED:

Reduce existing crib and repair major docking system.

With Findings:

1. Reducing crib supports classifies this proposal as a Minor project and does not qualify for PBN review.

**2007-02595 FLANDERS, DONNA
NEWBURY Lake Sunapee**

Requested Action:

repair existing docking facility "in-kind".

PBN IS COMPLETE:

repair existing docking facility "in-kind".

With Findings:

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

**2007-02602 ACETO, CHRISTOPHER
GILFORD Lake Winnepesaukee**

Requested Action:

repair existing major docking facility.

PBN IS COMPLETE:

repair existing major docking facility.

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.

2007-02624 JAMES, THOMAS & MARY
LACONIA Lake Winnisquam

Requested Action:

Install granite stairs recessed into the bank.

PBN DISQUALIFIED:

Install granite stairs recessed into the bank.

With Findings:

1. Stairways constructed within the bank do not qualify for the PBN process Pursuant to Rule Env-Wt 402.09.

2007-02631 PARKER REVOC TRUST, MELYNDA
ALTON Lake Winnepesaukee

Requested Action:

Install 28 ft long bulkhead.

PBN DISQUALIFIED:

Install 28 ft long bulkhead.

With Findings:

1. Proposed bulkhead exceeds the refacing guideline dimensions as outlined in Rule Env-Wt 303.04(c).

2007-02632 MCCOUBREY, ANN & JEAN
ALTON Lake Winnepesaukee

Requested Action:

construct a bulkhead.

PBN DISQUALIFIED:

construct a bulkhead.

With Findings:

1. Proposed bulkhead exceeds the reface guideline dimensions as outlined in Rule Env-Wt 303.04(c).

