

Wetlands Bureau Decision Report

Decisions Taken
11/26/2007 to 12/02/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2006-00357 TRUSTEES OF DARTMOUTH COLLEGE
HANOVER Tributary To Girl Brook**

Requested Action:

Deny permit application to dredge and fill 12,230 square feet of intermittent tributaries to Girl Brook and associated scrub-shrub wetlands to stabilize channels and restore eroded banks.

Inspection Date: 05/16/2006 by Kirsten Pulkkinen

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to dredge and fill 12,230 square feet of intermittent tributaries to Girl Brook and associated scrub-shrub wetlands to stabilize channels and restore eroded banks.

With Findings:

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

**2006-01675 ELM POINT CORPORATION, C/O ED IDE
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Deny request to construct a 70 linear feet of breakwater and a 4 foot x 56 foot cantilevered dock on 500 feet of frontage Lake Winnepesaukee, Tuftonboro.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to construct a 70 linear feet of breakwater and a 4 foot x 56 foot cantilevered dock on 500 feet of frontage Lake Winnepesaukee, Tuftonboro.

With Findings:

1. A request for additional information dated September 22, 2006, addressed to the applicant and copied to the 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-00336 NH DEPT OF TRANSPORTATION
STRATHAM Mill Brook**

Requested Action:

Install a concrete invert into an 11 ft. wide steel culvert impacting 383 sq. ft. of stream and banks (215 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. not opposed and notes several issues.

APPROVE PERMIT:

Install a concrete invert into an 11 ft. wide steel culvert impacting 383 sq. ft. of stream and banks (215 sq. ft. temporary). NHDOT project #99033W.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 1/30/06, as received by the Department on Feb. 20, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. 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.
5. 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.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. 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).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), alteration of areas identified by the Natural Heritage Bureau as having an endangered species.
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 responded to each of the concerns noted by the Conservation Commission.
6. The project is designed and the permit is conditioned in a manner to prevent any impacts to the species of concern.
7. DES Staff finds that this project will not have a significant impact on these riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

MINOR IMPACT PROJECT

2003-00694 TOWNE PLAZA ASSOC INC
DUNBARTON Unnamed Wetland

Requested Action:

Approve name change to: Towne Plaza Assoc Inc., 4 Homestead Lane, Hudson NH 03051 per request received 11/26/2007.

Previous owner: Zabadee Dev., LLC

Conservation Commission/Staff Comments:

NHF&G note occurrences of wood turtles in the vicinity, though project will not impact directly. Blanding's turtles have also been known to use wetlands near the project. NHF&G suggests minimizing impacts to area wetlands to benefit the Blanding's turtles.

May 14, 2003, Conservation Commission considers the project the least impacting and suggests soil stabilization methods be provided to DES for review and approval.

Inspection Date: 05/07/2003 by Jeffrey D Blecharczyk

APPROVE NAME CHANGE:

Dredge and fill 6,200 square feet of palustrine scrub-shrub wetlands and install an 18" x 106' culvert to provide access to a 9-lot subdivision

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier, Inc. dated November 2002, as received by the Department on April 18, 2003.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

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

**2005-02148 DALTON MOUNTAIN MOTORSPORTS, DEAN WALTZ
LANCASTER Baker Brook**

Requested Action:

Dredge and fill 1,800 square feet along 60 linear feet of the southern bank of Baker Brook for rip-rap stabilization.

Conservation Commission/Staff Comments:

File transfered to Enforcement 11/27/07

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to dredge and fill 1,800 square feet along 60 linear feet of the southern bank of Baker Brook for rip-rap stabilization.

With Findings:

1. A request for additional information dated June 29, 2007, addressed to the applicant and copied to the 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
4. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

**2005-02474 UNITY, TOWN OF
UNITY Copeland Brook**

Requested Action:

Confirm Emergency Authorization issued on October 18, 2005 and time extension issued in December 14, 2005, to dredge and fill approximately 1,000 square feet of Copeland Brook to replace a failed 2-foot x 6-foot x 24-foot stone box culvert with a 8-foot x 48-foot CMP culvert.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued on October 18, 2005 and time extension issued in December 14, 2005, to dredge and fill approximately 1,000 square feet of Copeland Brook to replace a failed 2-foot x 6-foot x 24-foot stone box culvert with a 8-foot x 48-foot CMP culvert.

With Conditions:

1. 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.

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. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 18, 2005.
3. An Emergency Authorization time extension with revised conditions was issued by DES Wetlands Bureau Staff on December 14, 2005.
4. The DES Wetlands Bureau, Enforcement Section conducted a site-inspection on August 23, 2007, that documented the culvert was reset at grade.
5. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in

accordance with the emergency authorization.

2005-02476 UNITY, TOWN OF
UNITY Copeland Brook

Requested Action:

Confirm emergency authorization issued on October 18, 2005, to dredge and fill approximately 500 square feet of Copeland Brook to replace a failed 48-inch x 25-foot CMP culvert with twin 81-inch x 59-inch x 40-foot CMP squash culverts at Copeland Brook Road.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued on October 18, 2005, to dredge and fill approximately 500 square feet of Copeland Brook to replace a failed 48-inch x 25-foot CMP culvert with twin 81-inch x 59-inch x 40-foot CMP squash culverts at Copeland Brook Road.

With Conditions:

1. 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.

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. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 18, 2005.
3. The DES Wetlands Bureau, Enforcement Section conducted a site-inspection on August 23, 2007, that documented the culverts were reset at grade.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2006-00317 MCKAY, WILLIAM
WILTON Unnamed Pond

Requested Action:

Proposal to dredge 18,000 square feet and increase the depth of an existing pond and outlet channel.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to dredge 18,000 square feet and increase the depth of an existing pond and outlet channel.

With Findings:

1. A request for additional information dated May 9, 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-01032 UNITY, TOWN OF
UNITY Copeland Brook

Requested Action:

Deny permit application to dredge and fill 2,000 square feet of Copeland Brook for bank stabilization and Cold Pond Road repairs.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to dredge and fill 2,000 square feet of Copeland Brook for bank stabilization and Cold Pond Road repairs.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb 200 or more linear feet of nontidal perennial stream channel or its banks.
2. A request for additional information dated June 07, 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.
3. 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.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-01061 BAYSON PROPERTIES INC

LEBANON Unnamed Wetland

Requested Action:

Dredge and fill 9,420 square feet of palustrine forested and scrub-shrub wetlands for access ways and parking facilities associated with a ± 93,000 square foot out-patient medical office facility.

Conservation Commission/Staff Comments:

2000-01049 previously permitted impacts for same parcel, in litigation, never constructed.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to dredge and fill 9,420 square feet of palustrine forested and scrub-shrub wetlands for access ways and parking facilities associated with a ± 93,000 square foot out-patient medical office facility.

With Findings:

1. A request for additional information dated July 18, 2006, addressed to the applicant and copied to the 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-01398 DROUIN, CLERMONT

GORHAM Unnamed Wetland Unnamed Stream

Requested Action:

Retain approx. 420 sq. ft. of impact to a perennial stream and retain an associated 36" x 20' culvert placed to provide access through the property.

APPROVE AFTER THE FACT:

Retain approx. 420 sq. ft. of impact to a perennial stream and retain an associated 36" x 20' culvert placed to provide access through the property.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Restoration components of this project are not authorized as part of this action and will be handled separately under a Restoration Approval.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), 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 obtained a written agreement in accordance with Env-Wt 304.04(a) to retain this culvert in its current location.
6. Restoration portions of this project are being handled separately through a Restoration Plan Approval.

2006-01857 JAMES POWERS INC
LISBON Unnamed Wetland

Requested Action:

Deny permit application to retain 120 square feet of impact along 40 linear feet of intermittent stream for two (2) 12-inch culverts for road access and restore/stabilize approximately 2,060 linear feet (6,180 square feet) of intermittent stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to retain 120 square feet of impact along 40 linear feet of intermittent stream for two (2) 12-inch culverts for road access and restore/stabilize approximately 2,060 linear feet (6,180 square feet) of intermittent stream.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), 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. A request for additional information dated July 26, 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.
3. 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.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

2006-02011 GILMANTON, TOWN OF
GILMANTON Unnamed Stream

Requested Action:

Deny request to retain two culverts one 42-inches x 30 feet and the second 8-foot x 70 foot at two locations conducting two separate perennial streams under a public roadway.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to retain two culverts one 42-inches x 30 feet and the second 8-foot x 70 foot at two locations conducting two separate perennial streams under a public roadway.

With Findings:

1. A request for additional information dated October 24, 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 applicant requested a timely request to extend the date of the denial period in accordance with RSA 482A:3, XIV(b)(3), for good cause and DES granted the extension.
3. 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.
4. DES did not receive all of the requested additional information within the extended deadline and therefore the application has been denied.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

2006-02514 BAILEY, DENNIS & EILEEN
COLEBROOK Unnamed Wetland

Requested Action:

Deny request to impact 3154 square feet for pond construction and access.

Conservation Commission/Staff Comments:

Transfer file to Enforcement 11/27/07

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to impact 3154 square feet for pond construction and access.

With Findings:

1. A request for additional information dated April 2, 2007, addressed to the applicant and copied to the 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
4. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

2007-00830 LAWRENCE, THERON
WINCHESTER Unnamed Wetland

Requested Action:

Deny permit application to dredge and fill 610 square feet of perennial stream for access.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to dredge and fill 610 square feet of perennial stream for access.

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 200 or more

linear feet of nontidal perennial stream channel or its banks.

2. A request for additional information dated July 05, 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.
3. 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.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-00865 DUANE, RICHARD
GILMANTON IRON WORKS Nighthawk Hollow Brook

Requested Action:

Retain 10 linear feet of rip rap impacting 80 square feet of the bank of Nighthawk Brook, that was installed with the replacement of a dry hydrant.

Conservation Commission/Staff Comments:

New file was started in error, but will stay as two files. See Tracey Boisvert

APPROVE AFTER THE FACT:

Retain 10 linear feet of rip rap impacting 80 square feet of the bank of Nighthawk Brook, that was installed with the replacement of a dry hydrant.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. This approval is contingent upon the submittal of a plan depicting the restoration of the sediment within the bank and including methods for diverting and treating stormwater prior to discharge into Nighthawk Brook. This plan shall be submitted by January 1, 2008.
3. This approval is contingent upon the repair of the rip-rap bank and stabilization of the site as approved and conditioned in the proposed Restoration Plans.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), 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. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

2007-00933 GOODE ET AL, JOHN GOODE
GILFORD Lake Winnepesaukee

Requested Action:

Remove tie-posts and install a sloped barricade over an existing 2 ft 10 in x 40 ft 6 in permanent pier immediately adjacent to an 18 ft 5 in x 37 ft 6 in boathouse over public waters accessed by 3 ft x 18 ft 5 in walkway from a 6 ft x 40 ft 6 in pier, all accessed by a 3 ft x 10 ft walkway and install a 6 ft x 40 ft seasonal pier anchored by a 6 ft x 4 ft concrete pad on an average of 229 ft of frontage in Glendale on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com recommends removeing one outside boatslip

DENY PERMIT:

Remove tie-posts and install a sloped barricade over an existing 2 ft 10 in x 40 ft 6 in permanent pier immediately adjacent to an 18 ft 5 in x 37 ft 6 in boathouse over public waters accessed by 3 ft x 18 ft 5 in walkway from a 6 ft x 40 ft 6 in pier, all accessed by a 3 ft x 10 ft walkway and install a 6 ft x 40 ft seasonal pier anchored by a 6 ft x 4 ft concrete pad on an average of 229 ft of frontage in Glendale on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. Rule Env-Wt 401.01, Purpose, states that the purpose of this chapter is to protect the public trust, and other interests of the state of New Hampshire, by establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on the surface waters of the State. Further, to preserve the integrity of the surface waters of the state all structures shall be constructed so as to insure safe navigation and minimize the reduction of water area available for public use.
2. Pursuant to Rule Env Wt 402.09, Structures Disallowed, boathouses located in or over the waters shall not be approved.
3. In accordance Rule Env-Wt 402.20, Modification of Existing Structures, the Department shall not approve any change in size, location or configuration of existing structures unless the applicant demonstrates that and the Department finds the modification to be less of an environmental impact or provides for less boat slips and less construction surface area over public submerged lands than the current configuration.
4. In accordance with Rule Env-Wt 402.12, Frontage Over 75', a maximum of 4 boat slips may be permitted on 229.49 ft of shoreline frontage.
5. Pursuant to RSA 482-A:3, XIV(b), where Department requests additional information, if the requested additional information is not received by the Department within 120 days of the request, the Department shall deny the application.
6. The Applicant shall provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
7. The applicant must demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site in accordance with Rule Env-Wt 302.04(a) (2), Requirements for Application Evaluation.
8. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact

9. On May 9, 2007 the Department issued an Administrative Completeness letter and acknowledged receipt of an application to modify a 3-slip boathouse (one interior slip and two exterior slips) over public waters and, to render one deck surface and associated slip inaccessible and, to construct a 6 ft x 40 ft seasonal pier all on an average of 229 ft of frontage on Lake Winnepesaukee in Gilford.
10. This is a minor impact project per Rule Env-Wt 303.03(d), modification of permanent docking facilities providing fewer than 5 slips.
11. The existing boathouse over public waters could not be approved under the current NH Code of Administrative Rule Chapters 100-800 and, therefore, the docking facility is considered to be non-conforming.
12. On July 20, 2007 a Request for More Information letter was issued to the Agent of record, with copy to the Applicant. The Letter clearly identified that the Applicant was required to submit additional information to DES within 120 days of the request.
13. The Request for More Information letter informed the Applicant that the Department required, among other items, an explanation of how spreading the docking facilities across the length of the frontage rather than consolidating the structures in one confined area on the frontage would be the least impacting method of providing the 4 slips requested, as well as, evidence that the project would meet Rule Env-Wt 402.20. This information was necessary to complete the application.
14. On November 16, 2007 the Department received a response to the July 20, 2007 Request for More Information letter.
15. In the response, the Applicant stated that "In order to provide for a 'seasonal' dock, a crank-up dock adjacent to the boathouse will have the exact same impact as the dockage proposed. Therefore, there is no increase in impact to our proposal." The response

does not address the overall impact to the shoreline frontage associated with the existing and proposed structures or the impacts to the shoreline associated with multiple points of access to the structures as opposed to a single point of access.

16. In the response, the Applicant argues that Rule Env-Wt 402.20 applies only to individual structures and does not apply to docking facilities as a whole.

17. The installation of the proposed seasonal dock requires the modification of the boathouse in order to meet the slip density requirements of Rule Env-Wt 402.20.

Rulings in Support of the Decision

18. Since the installation of the new seasonal dock is entirely dependent upon the modification of the the boathouse it would be inappropriate to consider the new dock and existing boathouse separately as opposed to a single, 4-slip docking facility.

19. The proposed structural modifications of the boathouse will not decrease the construction surface area of the structure over public submerged lands nor will it reduce the environmental impact of the structure. The purpose of the proposed modification to the existing boathouse is to allow the construction of a second structure which will provide an increased number of slips on the frontage, will impact an increased area of lake bed, and an increased length of shoreline. The proposed modification of the existing boathouse does not meet the intent of Rule Env-Wt 402.20.

20. The Applicant has failed to provide evidence that this proposal is the least impacting alternative and, therefore this application is denied in accordance with Rule Env-Wt 302.04 (d).

21. The Applicant has failed to provide evidence that this proposal is the least impacting alternative as requested in the July 20, 2007, Request for More Information letter and, therefore, the application is denied pursuant to RSA 482-A:3, XIV(b).

**2007-01065 FLANDERS, ANNETTE
RUMNEY**

Requested Action:

Proposal to dredge and fill 1,650 square feet (approximately 80 linear feet) of seasonal stream for construction of two driveways for single family building lots.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to dredge and fill 1,650 square feet (approximately 80 linear feet) of seasonal stream for construction of two driveways for single family building lots.

With Findings:

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

**2007-01945 NH DES DAM BUREAU
BARNSTEAD Lower Suncook Dam**

Requested Action:

Remove rocks and gravel obstructions to flow in outlet channel and open new new section in old "cofferdam". Restore channel to prior and functional configuration

DENY PERMIT:

Remove rocks and gravel obstructions to flow in outlet channel and open new new section in old "cofferdam". Restore channel to prior and functional configuration

With Findings:

1. On 8/16/07 the Department of Environmental Services Wetlands Bureau ("DES") received a minimum impact expedited application from Edward Neister of the Suncook Lakes Association, filed in the name of the NHDES Dam Bureau, to remove streambed material from the stream near an old stone "cofferdam" located downstream of the dam outlet of Lower Suncook Lake, to facilitate drawdown of the lake to a lower level.
2. On 8/20/07 DES deemed the application administratively complete.
3. On 9/19/07, DES sent Mr. Neister a Request For More Information ("RFMI") letter requesting submission of the following information: 1) Agency/Owner Concurrence, requesting property ownership clarification and written authorization from the owner of the stream bed for the Suncook Lakes Association to apply for the permit and to conduct the proposed work; 2) Plans, pursuant to Env-Wt 501.02 and 505.01(h), which depict with accurate dimensions and in the greater context of the surface water, the project location and existing conditions, proposed work limits, and accurate quantification of the proposed work; 3) reclassification of the project as a minor category project, based on the abandoned nature of the relic stone "cofferdam", disqualifying the proposal from minimum impact maintenance dredge of an existing spillway. The letter further stated that additional application materials were required to support a minor category project as a standard application.
4. The RFMI letter clearly stated that all of the information requested must be addressed in full, formatted to coincide with the information requested by number, and that DES would make a final determination based upon the material provided in the applicant's response. The RFMI further stated that failure to provide a single and complete response to the items requested would result in denial of the application.
5. On 10/10/2007 DES received a copy of a letter to Mr. Neister from James Gallagher, Chief Engineer for the DES Dam Bureau, along with an attached copy of a quitclaim deed, confirming that the stream bed property in the vicinity of the "coffer dam" was owned by the State of NH, and that the Dam Bureau concurred with the project.
6. On 10/12/07 DES spoke at length with Mr. Neister in a telephone conversation reviewing items 1-3 requested in the RFMI letter, and the Chapter Env-Wt 300 requirements needed to be fulfilled to adequately upgrade the application to a Standard Dredge and Fill for a minor category project.
7. On 10/22/07 DES received a letter from Mr. Neister dated 10/19/07 addressing the requirements of Env-Wt 302.04(a)(1)-(20), and indicating that he hoped the answers and previously submitted materials completed the application process. No plan, as requested in RFMI no. 2, or as discussed on 10/12/07, was received with the letter.
8. DES finds that the submissions received did not constitute a single and complete response to the 9/19/07 RFMI letter, as DES did not receive submission of the plan, which is an essential element of the review process, as requested and described in no. 2 of the 9/19/07 RFMI letter, and therefore the application is denied.

**2007-01952 FRIZZELL, KEITH
NEWINGTON Unnamed Wetland**

Requested Action:

Impact a total of 4,060 sq. ft. of freshwater emergent wetlands to regrade and re-plant wetland to improve drainage, and rip rap approximately 35 linear ft. of stream channel.

Inspection Date: 11/27/2007 by Dori A Wiggin

DENY PERMIT:

Impact a total of 4,060 sq. ft. of freshwater emergent wetlands to regrade and re-plant wetland to improve drainage, and rip rap approximately 35 linear ft. of stream channel.

With Findings:

1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.

4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.
8. On 8/15/2007 DES received an application to impact a total of 4,060 sq. ft. of freshwater emergent wetlands to regrade and re-plant a wetland to improve drainage, and rip rap approximately 35 linear ft. of stream channel of an intermittent stream draining into Pickering Brook.
9. On 8/20/2007 DES received an email correspondence from David Sweeney, abutter to the project, opposing the project, and contending that the reason for the flooding problem was diversion of the stream which flows from the Sweeney property to an area filled, graded, and improperly located culvert location for construction of the driveway on the Frizzell property. Mr. Sweeney contended that the culverts and fill were placed for the driveway without a permit from DES.
10. On 8/21/2007 DES deemed the application administratively incomplete due to failure to submit NH Heritage Bureau ("NHB") information.
11. On 9/11/2007 DES received a request to waive the 20' abutter setback required per Env-Wt 304.04(a) dated 9/10/2007, requesting relief to work within the 20' setback adjacent to the David Sweeney property, stating that Mr. Sweeney has not signed the permission letter sent to him, and has requested change of the driveway culvert location to the natural drainage location instead.
12. On 9/17/2007 DES deemed the application administratively complete, based on receipt of NHB response.
13. On 11/27/2007 DES inspected the site and observed the intermittent stream clearly flowing through the Sweeney property, but then loosing a clear flow direction on the Frizzell property, which has been graded and grassed. The drainage then followed the obstruction created by the driveway in a diffuse manner to two 8" plastic pipes passing under the driveway, then through a stable, vegetated channel, to Pickering Brook. It appeared that the logical, natural flow path of the stream would have been as contended by Mr. Sweeney: in a generally straight path to the Pickering Brook /pond area.
14. Review of DES records found a wetlands permit, 2000-2474 granted for culvert installation for a driveway crossing of Pickering Brook, but no wetlands permit issued for regrading of the wetland, installation of the 8" plastic culvert pipes, or the driveway fill for the current project location on the Frizzell property.
15. DES finds that, rather than creating additional wetlands impacts as proposed, the least impacting alternative to alleviate any slow or impounding drainage, is to restore the intermittent stream channel back to its most natural path, and install an appropriately-sized culvert in that location to pass flow under the driveway in a direct manner.
16. DES finds that there is no demonstrated need for further regrading and planting as proposed as that is not the appropriate path for the drainage; no demonstrated need to rip rap a stable, vegetated channel; nor that the proposal to regrade, plant and rip rap a stable, vegetated stream, represent avoidance and minimization of wetlands impacts or the least impacting alternative, therefore the application is denied.
17. DES finds that there is no permission granted by the abutting property owner for this project to occur within 20' of the property line adjacent to the abutter's property, that the existing unauthorized conditions, as well as the current proposal directly affect the drainage of the abutter, therefore the application is denied.
17. As there was no permit issued for installation in wetlands of this section of the driveway, its associated culvert placement and regrading, DES will address the issue as a compliance matter under separate cover.

2007-02259

NH DEPT OF TRANSPORTATION

BOW Unnamed Wetland

Requested Action:

Replace two 15" outlet pipes attached to a closed drainage system impacting 9,900 sq. ft. of bank and emergent wetland (6,000 sq. ft. of temporary impacts to wetland).

Conservation Commission/Staff Comments:

No comment from Cons. Comm.

No comment from River Comm.

APPROVE PERMIT:

Replace two 15" outlet pipes attached to a closed drainage system impacting 9,900 sq. ft. of bank and emergent wetland (6,000 sq. ft. of temporary impacts to wetland). NHDOT project #2007M526-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 5, as received by the Department on September 18, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. 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.
4. 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.
5. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
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. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
9. Appropriate measures shall be taken to protect the wetlands shown as temporary impacts, such as mats of sufficient stability to hold equipment or geotextile fabric laid under temporary fill.
10. 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(h), projects involving less than 20,000 sq. ft. of alteration in nontidal wetlands or banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2005-00739 FOREST, SHANE
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill approximate 3,747 sq. ft. of forested wetlands for construction of a wildlife enhancement and agricultural use pond and restore approximately 1,264 sq. ft. of wetlands impacted by logging activities.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to dredge and fill approximately 3,747 sq. ft. of forested wetlands for construction of a wildlife enhancement and agricultural use pond and restore approximately 1,264 sq. ft. of wetlands impacted by logging activities.

With Findings:

1. A request for additional information dated April 25, 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-02169 GILSUM, TOWN OF
GILSUM Ashuelot River

Requested Action:

Deny permit request to impact 750 square feet of the Ashuelot River to construct a rock work platform and access; divert flows and repair and rebuild a pier foundation and restore the banks with vegetative stabilization.

Conservation Commission/Staff Comments:

Transfer to Enforcement 11/27/07

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to impact 750 square feet of the Ashuelot River to construct a rock work platform and access; divert flows and repair and rebuild a pier foundation and restore the banks with vegetative stabilization.

With Findings:

1. A request for additional information dated January 25, 2007, addressed to the applicant and copied to the 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-00787 SENTER JR ET AL, ROBERT
GRAFTON Unnamed Wetland

Requested Action:

Dredge and fill approximately 1587 sq. ft. of wetlands and intermittent stream (approximately 49 linear feet) for access to a proposed 8 lot residential subdivision. Work in wetlands consists of installation of a 48 in. x 40 ft. corrugated metal culvert ("CMP"), embedded with natural round stone, stone headwalls and associated grading and filling ("Area W-1") and installation of 15 in. x 36 ft. CMP, associated grading and filling and headwalls("Area W-2").

APPROVE PERMIT:

Dredge and fill approximately 1587 sq. ft. of wetlands and intermittent stream (approximately 49 linear feet) for access to a proposed 8 lot residential subdivision. Work in wetlands consists of installation of a 48 in. x 40 ft. corrugated metal culvert ("CMP"), embedded with natural round stone, stone headwalls and associated grading and filling ("Area W-1") and installation of 15 in. x 36 ft. CMP, associated grading and filling and headwalls("Area W-2").

With Conditions:

1. All work shall be in accordance with plans and narratives by Rollins Land Survey, plans revision dated October 30 2007 and

narrative dated October 10, 2007, as received by DES on October 30, 2007.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low or no flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. New materials used for embedding the stream crossing culvert must be round stone similar to the natural stream substrate and shall not include angular rip-rap.
11. The culvert crossings shall match the natural stream bed and wetland elevations and not impede surface water flows.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. 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).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of intermittent stream channel.
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 submitted a written agreement for work in wetlands that is within 20 feet of an abutting property line in accordance with Env-Wt 304.04.

2007-01193 LASSEN, CHARLES
PORTSMOUTH Round Island

Requested Action:

In the developed upland tidal buffer zone impact a total of 327 sq. ft. including 204 sq. ft. for construction of a porch, ramp, change roofline and add dormers on an existing dwelling; temporarily impact 27 sq. ft. and 96 sq. ft., for installation of electric and water lines, respectively.

APPROVE PERMIT:

In the developed upland tidal buffer zone impact a total of 327 sq. ft. including 204 sq. ft. for construction of a porch, ramp, change roofline and add dormers on an existing dwelling; temporarily impact 27 sq. ft. and 96 sq. ft., for installation of electric and water lines, respectively.

With Conditions:

1. All work shall be in accordance with revised plans by Anne Whitney, Architect, and Charles Lassen, dated 9/5/2007, as received by DES on 9/19/2007.
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. Area shall be regraded to original contours following completion of work.
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. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see information at NHDES website at des.nh.gov/wetlands).

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 that are not major or minor per Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing house is in disrepair requiring the described renovations.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The property consists of a dwelling and outbuildings on an island in the Piscataqua River; the applicant proposes minimal structural changes to the overall footprint of the dwelling to renovate it to a reasonable living space, and also proposes removal of existing dilapidated structures on the island. The electric and water line installation are temporary impacts, for which a planting restoration plan has been submitted.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no NH Heritage Bureau hits reported for this site.
5. DES issued a waiver to the Comprehensive Shoreland Protection Act, RSA 483-B, on 11/9/07, to allow the change of roofline and dormer additions on a non-conforming structure.
6. The Portsmouth Conservation Commission recommended approval per letter dated 6/14/2007, as received by DES on 6/19/2007.

**2007-01598 MOORE, WILLIAM & MICHELLE
SURRY Unnamed Wetland**

Requested Action:

Impact approximately 810 square feet of intermittent stream and associated forested wetlands to repair and upgrade an existing crossing. Work includes removal of a 15-inch culvert and installation of (2) 24" x 30' culverts and regrading approximately 30 linear feet of driveway.

APPROVE PERMIT:

Impact approximately 810 square feet of intermittent stream and associated forested wetlands to repair and upgrade an existing crossing. Work includes removal of a 15-inch culvert and installation of (2) 24" x 30' culverts and regrading approximately 30 linear feet of driveway.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated 6/18/07, as received by DES on July 11, 2007.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. 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. 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(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.

**2007-01935 BRIGGS, MICHAEL & LINDA
BARRINGTON Swains Lake**

Requested Action:

Construct an 11 ft x 25 ft deck and a 12 ft x 17 ft deck, both entirely within the bank, to provide access to an existing 6 ft x 30 ft seasonal dock on 219 ft of frontage on Swains Lake, in Barrington.

Conservation Commission/Staff Comments:

The Con Com does not recommend approval and believes it does not meet local zoning.

DENY PERMIT:

Construct an 11 ft x 25 ft deck and a 12 ft x 17 ft deck, both entirely within the bank, to provide access to an existing 6 ft x 30 ft seasonal dock on 219 ft of frontage on Swains Lake, in Barrington.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
3. Rule Env-Wt 302.04(d) states that the Department shall not grant a permit if "(1) [t]here is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction."
4. Pursuant to Rule Env-Wt 302.01 "for nontidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands."
5. In accordance with RSA 483-B:4, XXVI, Water Dependent Structure, "means a structure that services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482-A, including but not limited to a dock, wharf, pier, breakwater, beach, boathouse, retaining wall, or launching ramp."
6. In accordance with RSA 483-B:9,(c), "a water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the department, pursuant to RSA 482-A."
7. In accordance with Rule Env-Wq 1405.06 "Water-dependent structures shall be constructed: (a) Only if allowed by local zoning; (b) Only if permitted under RSA 482-A; and (c) In accordance with the local building code."

- 8. In accordance with RSA 483-B:9,(c) Accessory structure, "means a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings."
- 9. In accordance with Rule Env-Wq 1405.02, Construction of Accessory Structures, "accessory structures shall be constructed: (a) Only if allowed by local zoning; and (b) In accordance with the local building code."
- 10. In accordance with Rule Env-Wq 1405.03, Accessory structures shall: (a) Not exceed 20 feet in height; (b) Have a footprint no larger than 150 square feet;
- 11. In accordance with Rule Env-Wq 1405.04, Setback for Accessory Structures, "all accessory structures built after November 26, 1996 shall be set back at least 20 feet from the reference line."
- 12. In accordance with RSA 483-B:3,II, "when the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control."

Findings of Fact

- 13. On August 17, 2007, the Wetlands Bureau received a Minimum Impact Expedited Application for impacts, on the lot identified as Barrington tax map 120, lot 70, (the "Lot") to construct a 11 ft x 25 ft deck with a 12 ft x 17 ft deck extension with the entire structure located over the bank, connected to an existing 6 ft x 30 ft seasonal dock on Swains Lake, Barrington.
- 14. The above Minimum Impact Expedited Application was not signed by the local Conservation Commission.
- 15. The local Conservation Commission submitted written comments with the file stating they did not feel the proposed project would classify as a water related structure as defined in the Shoreland Protection Act or, that the proposed deck would be allowed under Article 11 - Shoreland Protection District Overlay of the Barrington Zoning Ordinance.
- 16. The proposed structure will be located completely over the bank.
- 17. The proposed structure would result in impervious surface area immediately adjacent to public waters.
- 18. The proposed structure would result in the removal of the vegetation from the impacted areas.
- 19. The applicant failed to submit evidence of an "operational necessity" which would require the location of the proposed deck within the 20 ft accessory structure setback.

Findings in Support of Denial

- 20. The proposed deck is not a less impacting alternative to a similarly sized beach as both alternatives would result in removal of vegetation but the deck results in impervious surface where a beach would allow infiltration of storm-water. The application is denied in accordance with Rule Env-Wt 302.04(d) (1) because the applicant has failed to document that the proposal is the least impacting alternative as required per Rule Env-Wt 302.04(a).
- 21. The proposed deck fails to meet the requirements of Rule Env-Wt 302.01 as it is not a less impacting alternative to a similarly sized beach and, therefore, the application is denied.
- 22. The proposed structure does not meet the definitions of a water dependent structure as specified in 483-B:4, XVI and RSA 483-B:9 and, therefore, must comply with the 20 ft setback for accessory structures as required per Rule Env-Wq 1405.04 and size restrictions of Rule Env-Wq 1405.03.
- 23. The proposed structure does not meet the requirements of Rule Env-Wq 1405.04 and Rule Env-Wq 1405.03 and, therefore, the application is denied.
- 24. The Department has received notice that the proposed project would not comply with local ordinances and, therefore, the project is denied in accordance with Rule Env-Wq 1405.02, Rule Env-Wq 1405.06, and RSA 483-B:3, II.

2007-02469 TURGEON, BRIAN
MILTON Unnamed Wetland

Requested Action:

Fill a total of 765 sq. ft. of wetland for two crossings to construct a shared driveway to serve a three (3) residential lot subdivision on 64.84 acres, including: Impact #1: 165 sq. ft. and install a 15 in. x 25 ft. culvert; Impact #2: 600 sq. ft. and install a 15 in. x 25 ft. culvert. This project is Phase I of a two-phase project.

APPROVE PERMIT:

Fill a total of 765 sq. ft. of wetland for two crossings to construct a shared driveway to serve a three (3) residential lot subdivision on 64.84 acres, including: Impact #1: 165 sq. ft. and install a 15 in. x 25 ft. culvert; Impact #2: 600 sq. ft. and install a 15 in. x 25 ft. culvert. This project is Phase I of a two-phase project.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated July 2007, as received by the Department on October 15, 2007.
2. This permit is only an approval of Phase I of this project.
3. Applicant/owner shall submit a new application for any impacts within DES Wetlands jurisdiction for Phase II of the project. Wetland impacts for Phase I and Phase II will be reviewed and considered in aggregate as part of an overall scheme of development.
4. This permit is contingent upon the applicant's submission and approval by DES of wetland restoration plans, prepared by a certified wetland scientist, for restoration of any wetland impacts associated with the existing logging road on the property. Restoration will be governed and conditioned by a separate DES Restoration Plan Approval letter as a compliance matter.
5. Wetland restoration of the existing logging road shall occur prior to or concurrently with development of Phase I of the project.
6. Construction equipment shall not be located within surface waters.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. 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).
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. 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.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. This approval is only for Phase I of a two-phased project. If an application is submitted to DES for wetland impacts for Phase II, DES will review and consider wetland impacts for Phase I and Phase II in the aggregate as part of an overall scheme of development and the project will be classified appropriately.
3. The need for the proposed impacts has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01.
4. The applicant has demonstrated avoidance and minimization of wetland impacts per Administrative Rule Env-Wt 302.03 by proposing to cross wetlands at the most narrow locations.
5. Wetland restoration of the existing logging road is a condition of this approval and will be reviewed under separate cover by DES.

2007-02525 PHILLIPS, JOHN
CONCORD Unnamed Stream Wetland

Requested Action:

Replace an existing 24 in. x 20 ft. culvert with twin 30 in. x 20 ft. culverts and remove rocks in a collapsed box culvert impacting approximately 1,300 sq. ft. of stream.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace an existing 24 in. x 20 ft. culvert with twin 30 in. x 20 ft. culverts and remove rocks in a collapsed box culvert impacting approximately 1,300 sq. ft. of stream.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by Donald F. Mayo dated 9/16/07 as received by the Department on October 23, 2007 and per letter from Donald F. Mayo dated November 5, 2007 and received November 8, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. 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.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to access property.
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. DES inspected the property on June 12, 2007 and made recommendations.
6. The application was received on October 23, 2007 and deemed administratively incomplete per the DES letter of October 25, 2007.
7. On October 29, 2007 the DES staff reviewed the application and sent a Request for More Information.
8. On November 26, 2007 the DES received a copy of the 11/9/2007 memo by the Natural Heritage Bureau from the applicant's agent.
9. On November 26, 2007 the DES sent notice the application was administratively complete and was being reviewed as a standard application due to the lack of Conservation Commission signature on the Minimum Impact Expedited form.

FORESTRY NOTIFICATION

2007-02698 BARTON, WILLIAM
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:

Tuftonboro Tax Map 45, Lot# 1-2

2007-02721 PAINE, ROBERT
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:
Alexandria Tax Map 410, Lot# 44

2007-02723 DRED
BOW Unnamed Stream

COMPLETE NOTIFICATION:
Bow Tax Map 1, Lot# 6 Pages Corner State Forest

2007-02724 KLOTZ, WILLIAM
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map 20, Lot# 1 & 1A

2007-02726 PATENAUDE, STUART
HILLSBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Hillsboro Tax Map 6, Lot# 39

2007-02727 PATENAUDE, STUART
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Hillsboro Tax Map 6, Lot# 39

2007-02733 PRINZ, PATRICIA
DEERING Unnamed Stream

COMPLETE NOTIFICATION:
Deering Tax Map 26, Lot# 12 & 15

2007-02735 RICHARDSON, JON & DORIS
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 104, Lot# 19

**2007-02736 BLAKELY HOAR TRUST, D.
HILL Unnamed Stream**

COMPLETE NOTIFICATION:
Hill Tax Map/Lot# 8/17 & 14/5

**2007-02737 KNOWLES, BETHANNE
FRANKLIN Unnamed Stream**

COMPLETE NOTIFICATION:
Franklin Tax Map 45, 46, Lot# 402, 401

**2007-02738 CHANDLER, RICHARD
DEERFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Deerfield Tax Map 413, Lot# 2

**2007-02739 CHANDLER, RICHARD
NORTHWOOD Unnamed Stream**

Requested Action:
Disqualified Forestry Notification

DISQUALIFY TRAILS OR FORESTRY NOTIFICAT.:
Project located within 100 feet of Designated Prime wetlands so project is major.

EXPEDITED MINIMUM

**2006-02487 TAYLOR, RONALD
ORFORD Unnamed Stream**

Requested Action:
Retain 840 square feet of intermittent stream impact for the installation of twin 30-inch x 30-foot culverts for access to an existing log yard.

APPROVE AFTER THE FACT:
Retain 840 square feet of intermittent stream impact for the installation of twin 30-inch x 30-foot culverts for access to an existing log yard.

- With Conditions:
1. This after-the-fact approval is contingent upon receipt by the DES Wetlands Bureau of photographs of the inlet and outlet of the constructed crossing (without snow or leaf cover) documenting stable soil conditions.
 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(n), projects that alter less than 50 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The Orford Conservation Commission signed the application.
7. The unnamed intermittent stream bisects the property and must be crossed to access the back portion of the lot.
8. Tax map/lot numbers 8-31/39 and 8-31/41 were purchased as two separate lots of record by the applicant.
9. The existing drive access indicated on plans is on an abutting property and can no longer be used by the applicant.

2007-00246 HOULE, EDWARD
NEWPORT Unnamed Wetland

Requested Action:

Deny request to dredge and fill 1833 square feet of palustrine forested wetland for access in a residential subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to dredge and fill 1833 square feet of palustrine forested wetland for access in a residential subdivision.

With Findings:

1. A request for additional information dated June 28, 2007, addressed to the applicant and 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:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. RSA 482-A:3 stipulates the 120 days can be extended with written agreement between both parties no written agreement was obtained from DES.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-02227 RANALLI, MARK & AMY
SANBORNVILLE Great East Lake

Requested Action:

Replace 60 linear ft of a 4 ft high retaining wall on 60 ft of frontage in Sanbornville on Great East Lake.

APPROVE PERMIT:

Replace 60 linear ft of a 4 ft high retaining wall on 60 ft of frontage in Sanbornville on Great East Lake.

With Conditions:

1. All work shall be in accordance with sketched plans and "Project Overview" by Mark Ranalli as received by DES on September 19, 2007.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or

revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) repair or replacement of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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.

2007-02368 LUNDGREN, NANCY
FRANCESTOWN Unnamed Wetland

Requested Action:

Impact approximately 192 square feet of jurisdictional wetlands to provide access to one lot of a proposed 2-Lot subdivision. Work includes installation of (2)15" x 18' culverts with headwalls and associated fill.

APPROVE PERMIT:

Impact approximately 192 square feet of jurisdictional wetlands to provide access to one lot of a proposed 2-Lot subdivision. Work includes installation of (2)15" x 18' culverts with headwalls and associated fill.

With Conditions:

1. All work shall be in accordance with plans by Hillsborough County Land Surveyors dated November 8, 2007, as received by DES on November 26, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau for subdivision and on-site septic approvals.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during low flow.
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. 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 project impacts 192 sq ft and is therefore a minimum impact project per Administrative Rule Env-Wt 303.04(f) for alteration of less than 3,000 sq ft of jurisdictional wetlands to provide access to a one lot of a 2-Lot subdivision.
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.

2007-02556 DUNN, JOHN
AMHERST Unnamed Wetland

Requested Action:

Impact 470 square feet of forested wetland to construct a driveway crossing and install a 12-inch culvert for access to a single-family residential lot of 3.14 acres as part of a 4-lot subdivision of 13.37 acres.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 470 square feet of forested wetland to construct a driveway crossing and install a 12-inch culvert for access to a single-family residential lot of 3.14 acres as part of a 4-lot subdivision of 13.37 acres.

With Conditions:

1. All work shall be in accordance with the following plans as received by DES on October 29, 2007:
 - a.) Subdivision Plat Plan by Richard P. Drew LLC, dated October 27, 2006;
 - b.) Wetlands: Minimum Impact Expedited Plan by Sharon Manahan - Site Succor Design LLC, dated September 9, 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, for septic setback, or any other construction related activities.
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 seasonal low flow conditions only.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. 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 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 square feet of forested wetland.
2. The impacts are necessary for access to buildable upland; therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur at the narrowest portion of wetland; therefore the applicant has provided evidence that 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.

**2007-02584 CAULFIELD, DOUG
LITTLETON Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,260 sq. ft. of palustrine emergent wetlands to construct a 4,250 sq. ft. dugout pond for fire protection, wildlife habitat diversity and aesthetics.

APPROVE PERMIT:

Dredge and fill approximately 2,260 sq. ft. of palustrine emergent wetlands to construct a 4,250 sq. ft. dugout pond for fire protection, wildlife habitat diversity and aesthetics.

With Conditions:

1. All work shall be in accordance with submitted plans and materials as received by the Department on October 31, 2007.
2. Work shall be done during periods of non-flow or frozen conditions.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
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. 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(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact and do not exceed any of the associated stated criteria.
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, specifically, 302.03(g), construction of a pond classified as minimum impact identified in Env-Wt 303.04(p), accordingly.
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. Based on a review of the application materials submitted, the wetlands to be impacted appear to be seasonally wet meadows, are of low-minimal function and values, have been and continue to be mowed and have been determined to be within the jurisdiction of the DES.
6. Coordination with New Hampshire Fish and Game was conducted. Information was sent for their review and comment on 16 November 2007. As per phone conversation on 28 November 2007, Fish and Game has no objections to the permit issuance.
7. Upon review of the submitted information, the Department has determined that the project will result in an overall net environmental gain providing value as environmental habitat diversity, fire protection, surface water detention and some water quality improvements to environmental resources. The overall project is not contrary to the public interest and is therefore authorized accordingly.

**2007-02596 PERKINS, CAROL & TERRI WILE
ROCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill 170 sq. ft. of wetlands and install a 10" x 10' culvert for crossing to reach septic location on a single family lot.

APPROVE PERMIT:

Dredge and fill 170 sq. ft. of wetlands and install a 10" x 10' culvert for crossing to reach septic location on a single family lot.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers dated 10/2/07, as received by DES on 11/2/07.
2. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert for a single family building lot that comply with Env-Wt 303.04.(z)(1)-(5).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposal provides access to an appropriate septic location in the upland portion of the property. The proposal does not create a septic setback that did not previously exist.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no NH Heritage Bureau species of concern reported for this location.
5. The Rochester Conservation Commission signed the expedited application.

**2007-02633 JUDD, BRIAN
BARNSTEAD Unnamed Wetland**

Requested Action:

Dredge and fill 580 sq. ft. of wetlands and install an 18" x 25' culvert for construction of a driveway crossing for a single family lot.

APPROVE PERMIT:

Dredge and fill 580 sq. ft. of wetlands and install an 18" x 25' culvert for construction of a driveway crossing for a single family lot.

With Conditions:

1. All work shall be in accordance with plans by Bernard Lynch dated 9/27/07, as received by DES on 11/8/07.
2. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

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

- 8. Work shall be done during low flow.
- 9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert for a single family building lot that comply with Env-Wt 303.04.(z)(1)-(5).
- 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. There were no NH Heritage Bureau species of concern reported for this location.
- 5. The Barnstead Conservation Commission signed the expedited application.

AGRICULTURE MINIMUM

2007-02583 SANBORN, CHARLES
EPPING Unnamed Pond

Requested Action:

Dredge and fill 1,740 sq. ft. of wetlands to determine integrity of stone culvert at farm pond outlet, and if failed, replace culvert with open channel.

APPROVE PERMIT:

Dredge and fill 1,740 sq. ft. of wetlands to determine integrity of stone culvert at farm pond outlet, and if failed, replace culvert with open channel.

With Conditions:

- 1. All work shall be in accordance with plans by Rockingham County Conservation District dated July 2007, as received by DES on 10/31/2007. 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.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Work shall be done during low flow.
- 7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), maintenance or improvement of existing crop or pasture land that complies with Env-Wt 303.04(u)(1)-(9).

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 application was signed by the Rockingham County Conservation District.

TRAILS NOTIFICATION

2007-02763 FREEDOM, TOWN OF
FREEDOM Unnamed Stream

COMPLETE NOTIFICATION:
Freedom Tax Map 6, Lot# 2

LAKES-SEASONAL DOCK NOTIF

2007-02729 PANTINA, ROBERT
STODDARD Highland Lake

COMPLETE NOTIFICATION:
Stoddard, NH Tax map 122 Lot 20
Highland Lake

ROADWAY MAINTENANCE NOTIF

2007-02749 NH DEPT OF TRANSPORTATION
STODDARD Unnamed Stream

COMPLETE NOTIFICATION:
Replace two existing 18" diameter pipes, extend each culvert 6 feet at outlet and rebuild headwalls

PERMIT BY NOTIFICATION

2007-02551 HARDING, EDWARD
SANDWICH Unnamed Wetland

Requested Action:

Impact approximately 200 sq. ft. of forested wetlands to construct a road to provide upland access for firewood removal.

Conservation Commission/Staff Comments:

PBN Complete as of 26 Nov 2007. Conservation Commission signed off on 10/24/2007.

PBN IS COMPLETE:

Impact approximately 200 sq. ft. of forested wetlands to construct a road to provide upland access for firewood removal.

With Findings:

1. The application for a PBN has been deemed complete as of November 26, 2007.

2007-02586 CURTIS, MICHAEL & ROBERTO
WAKEFIELD Balch Lake

Requested Action:

Install a 6'x 24' seasonal docking structure with 3'x 7' anchoring pads and stairs from house to dock.

PBN IS COMPLETE:

Install a 6'x 24' seasonal docking structure with 3'x 7' anchoring pads and stairs from house to dock.

With Findings:

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

2007-02603 HOSKINS, TIM & JEANNE
NEW DURHAM Merrymeeting Lake

Requested Action:

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

PBN IS COMPLETE:

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

With Findings:

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