

Wetlands Bureau Decision Report

Decisions Taken
12/03/2007 to 12/09/2007

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2002-01715 NH DEPT OF TRANSPORTATION
CLAREMONT Sugar River**

Requested Action:

Request second amendment to the permit adding 861 sq. ft. of impact area to replace the 14 ft. span over Ram Brook with a 28 ft. span.

Conservation Commission/Staff Comments:

-Claremont Cons. Comm. had similar concerns to those in the DES Request for More Information sent 1/31/03

-Newport Cons. Comm. has no objections;

Inspection Date: 01/27/2006 by Gino E Infascelli

APPROVE AMENDMENT:

Reconstruct 3.8 miles of NH Routes 11/113 and widen the shoulders to 10 feet impacting a total of 82,782 sq. ft. of palustrine and riverine wetlands (20,075 sq. ft. temporary). NHDOT project #10433.

With Conditions:

- 1a. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and CLD Consulting Engineers as received by the Department on August 6, 2002, except plan sheets 2, 7, and 19 of 20, revised 07/02/03 as received by the Department on Sept. 9, 2003 and sheets 2 and 5 revised June 2006 as received by the Department on November 29, 2006.
- 1b. All work relative to the 2nd permit amendment shall be in accordance with plans by NHDOT Bureau of Highway Design dated 8/16/07 and 8/17/07 subject to the receipt of an amended SWPPP on legible plans.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans relative to the rip rap in accordance with Rule Wt 404.04.
4. New drainage systems shall provide treatment prior to entry or prior to discharge to surface waters wherever practicable.
5. Planting Plan for Ram Brook shall be submitted for review and approval.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Unconfined work within the streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall not be located within surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; 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.
13. 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.
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. Matting and pinning shall stabilize slopes steeper than 3:1.

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

18. 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.

19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

20. 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 Wt 303.02(c and i), alteration of more than 20,000 sq. ft. of non-tidal wetlands and more than 200 linear feet of streams.
2. This additional 861 sq. ft. of impact will widen the stream area and should have a positive change on the overall project.

2004-01917 WATERSTONE RETAIL EPPING LLC
EPPING Piscassic River

Requested Action:

Approve name change to: Waterstone Retail Epping, LLC, 145 Rosemary St., Bldg D, Needham Ma 02494 per request received 12/04/2007. Previous owner: Epping Retail Holdings, LLC.

APPROVE NAME CHANGE:

Fill approximately 318,515 sq.ft. of wetlands [7.31 acres of forested wetlands onsite and scrubshrub emergent wetlands along the side slopes of Route 125 south of the site] to develop a 48 acre parcel located southwest of the intersection of Routes 101 and 125 in Epping for a 282,733 square foot commercial retail development with associated parking, access road and stormwater management system with a project envelop of 28.58 acres. The applicant proposes to mitigate by restoring approximately 0.82 acres of wetland restoration onsite, 17.7 acres of preservation onsite and 109 acres of preservation offsite in Epping.

With Conditions:

1. All work shall be in accordance with revised plans by Jones and Beach Engineers, Inc. dated November 11, 2004, as received by the Department on February 8, 2005 except for the Mitigation proposal. The mitigation shall be done in accordance with application addendum dated April 7, 2006 and received April 11, 2006.
2. All work shall be done in with Site Specific Permit 68-37 was issued on June/29/04 and based on plans received by DES on 6/11/04. Any revisions to Alteration of Terrain requirements should be amended through the DES- Site Specific program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Silt fencing must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau. If the event dredged wetland soils or plants are to be used for restoration, DES staff shall be contacted.
15. Work shall be done during low flow.

MITIGATION

Wetland preservation:

16. This permit is contingent upon the execution of a conservation easement on 17.70 acres in the southern and western portion of the site and depicted on plans by Jones and Beach Engineers, Inc., revised April 5, 2006 entitled "Wetlands Key Plan".
17. This permit is contingent upon the execution of a conservation easement on 109 acres (Approximately 87.5 acres upland, 21.5 acres wetland) located on Blake Road in the northwest portion of Epping.
18. Copies of the two executed conservation easements shall be submitted to the DES Wetlands Bureau file 2004-1917 within 30 days prior to the start of any construction.
19. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
20. A copy of the draft conservation easement language and the proposed easement holder for the 17.7 acres on-site shall be submitted to the file for DES review.
21. The 17.7 acres conservation easement area on-site shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction. The off-site conservation area shall be clearly marked as necessary for the Rockingham Land Trust to monitor the conservation land.
22. The Wetlands Bureau shall be notified of the placement of the 17.7 acre easement monuments to coordinate on-site review of their location prior to construction.
23. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
24. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

RESTORATION ON-SITE

25. Wetlands restoration shall be carried out as specified in application addendum dated April 7, 2006 and excavation of 36,000 sq.ft. and buffer plantings will be done following the first growing season construction has started.
26. A restoration monitoring report documenting successful grading and planting by December 1st (for each year of ongoing construction for the duration of the permit) shall be submitted by the wetland scientist to the file and the Epping Conservation Commission.
27. A copy of the application addendum package shall be submitted to the Epping Selectmen and the Epping Conservation Commission within 10 days.

With Findings:

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

Requested Action:

Construct a 6 ft x 30 ft piling pier southerly of an existing 4-slip dug-in boathouse and perched beach on an average of 258 ft of frontage on Tuftonboro Neck, Lake Winnepesaukee.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a 6 ft x 30 ft piling pier southerly of an existing 4-slip dug-in boathouse and perched beach on an average of 258 ft of frontage on Tuftonboro Neck, Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance with Rule 402.12, Frontage Over 75', a maximum of 4 slips may be permitted on an average of 258 ft of frontage.

Findings of Fact

4. On January 10, 2005, the NH DES Wetlands Bureau received an application to construct a 6 ft x 30 ft piling pier southerly of an existing 4-slip dug-in boathouse on an average of 258 ft of frontage in Tuftonboro. The Applicant proposed to transfer docking rights from another property, through deed restrictions, to address the excessive number of slips requested on the frontage.
5. A Request for More Information letter dated March 17, 2005, addressed to the Applicant, and copied to agents for the Applicant clearly identified that applicant was required to submit additional information to DES within 120 days of the request. The letter specifically requested the identification of the property from which the slips would be transferred and evidence, including plans, that there were slips available to be transferred.
6. On July 15, 2005, DES received a request from the Applicant for additional time to respond to the March 17, 2005 Request for More Information Letter. The Applicant requested that the deadline be extended to October 15, 2005.
7. On September 2, 2005 the Applicant was notified in writing on the Bureau's decision to extend the deadline for the submittal of the requested information to October 15, 2005.
8. The Applicant has not provided evidence of the availability of slips that could be transferred to the subject property as originally requested on March 17, 2005.

Rulings in Support of the Decision

9. The Applicant has failed to submit the requested information within the required timeframe and, therefore, the application is denied in accordance with RSA 482-A:3, XIV(b).

**2005-02529 KEENE DPW, CITY OF
KEENE Ash Swamp Brook**

Requested Action:

Emergency authorization to rip-rap approximately 300 linear ft. of stream bank (Ash Swamp Brook) to protect and secure the adjacent water main. The repairs are needed to repair and stabilize severe bank erosion resulting from the October 2005 flood events.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to rip-rap approximately 300 linear ft. of stream bank (Ash Swamp Brook) to protect and secure the adjacent water main. The repairs were needed to repair and stabilize severe bank erosion resulting from the October 2005 flood events.

With Conditions:

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

With Findings:

1. This project is classified as a Major impact project per Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The project was necessary to stabilize the banks of Ash Swamp Brook in order to prevent further erosion of the bank and prevent damage to the adjacent water main that runs parallel to Ash Swamp Brook.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 24, 2005.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. The site was reviewed by the USDA Natural Resources Conservation Service (NRCS). It was determined that rip-rap was the best course of action along the damaged portion of the stream bank.
6. The NH Fish and Game Department did not submit comments regarding the after-the-fact application.
7. The project impacts will not significantly impair the resources of this perennial stream ecosystem.

**2007-00161 BRADFORD, TOWN OF
BRADFORD Hoyt Brook**

Requested Action:

Request for Reconsideration received of permit denial

DENY RECONSIDERATION:

Reconsideration denied

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. SEA Consultants, Inc, agent for the applicant believes that a decision was rendered on the application without DES' review of the second response to the request for additional information due to miscommunication.
2. SEA nor the applicant received the email or written correspondence from DES dated September 7, 2007 establishing the October 10, 2007 deadline for resubmission of additional information.
3. SEA submitted an initial response on August 10, 2007 to the request for additional information dated July 19, 2007. Then, for a second request for additional information, during a phone conversation on August 29, 2007, SEA responded with a detailed package dated October 19, 2007.
4. The West Meadow Road Bridge over Hoyt Brook was severely damaged during the October 2005 flood event. The bridge is impassable and closed to the public. The road closure is a public safety issue (police and fire) as well as an inconvenience to the traveling public. The delay adversely affects the Town of Bradford.
5. SEA request that the permit be approved based on the results of additional hydraulic calculations submitted to DES on October 19, 2007.
6. The permit application was administratively complete on January 30, 2007.
7. The SEA was expecting a written agreement from the abutting landowner to grant a permanent easement for the proposed improvements to be executed.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received on January 22, 2007 and was determined to be administratively complete on January 30, 2007.
3. By letter dated April 12, 2007, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").
4. The April 12, 2007 DES letter set the 120 deadline as August 10, 2007. The April 12, 2007 letter stated that "In accordance with RSA 482-A:3, if the requested information is not received within 120 days of this request, the department is obligated to deny the application. Therefore, if DES does not receive a completed response to the above-requested information by August 10, 2007, your permit will be denied."

Specifically, the Department requested the applicant to address the following:

- a. The existing bridge has a channel width of approximately 30 feet at the ordinary high water line. The proposed bridge has a channel width of approximately 21 feet at the ordinary high water line. DES wetlands does not allow for this reduction of the width of the channel for bridge replacement, as the reduction in the width of the channel may have detrimental impacts to the up and downstream reaches of the resource. It is clear from the narrative that the 40 foot span is the upper limits of this type of bridge structure. DES suggests that you look at other alternatives that would be acceptable and would eliminate the fill within the bed of the channel. It should be noted that the existing channel appears to be reduced by the existing structure.
 - b. Please note that the plans provided do not include the stamp of a certified wetland scientist. Please provide this information per Env-Wt 301.01.
 - c. Please identify on the overhead plan view the edge of the channel the top of bank and the edge of jurisdictional wetland areas.
 - d. Please include the method for the removal of the existing bridge structure.
 - e. It appears that work on the proposed bridge structure is outside of the town's right of way. Please provide copies of the recorded easements for the installation of the bridge and associated slopes from the affected property owners. Please note these must be received prior to our issuing the permit. Easements for temporary construction impacts, will also be required but may be conditioned as part of the permit.
5. The Department did receive a response to the RFMI on June 25, 2007.
 6. On July 19, 2007 DES issued a new Request for More information. The due date set by this letter for response was August 10, 2007.

Specifically, the Department requested the applicant to address the following:

- a. The existing bridge has a channel width of approximately 30 feet at the ordinary high water line. The proposed bridge has a channel width of approximately 21 feet at the ordinary high water line. DES wetlands does not allow for this reduction of the width of the channel for bridge replacement, as the reduction in the width of the channel may have detrimental impacts to the up and downstream reaches of the resource. It is clear from the narrative that the 40 foot span is the upper limits of this type of bridge structure. DES suggests that you look at other alternatives that would be acceptable and would eliminate the fill within the bed of the channel. It should be noted that the existing channel appears to be reduced by the existing structure.
- b. The proposed structure is still placing fill within the channel of the stream and within the 100 year flood plain. Please provide evidence that your proposal will not adversely impact up and down stream abutters. In order to demonstrate that this and that the proposed structure will not adversely affect the resource system please provide a HEC RAS analysis in accordance with Chapter 6 of the Users Manual. It should also be noted that the 100-year flood plain is not indicated on the plans, please provide this

information in accordance with Env-Wt 501.02(a)(2)m.

- c. Please include the method for the removal of the existing bridge structure.
- d. DES recognizes the hardship of providing this information prior to bidding the contract. However, please be advised that the permit will be contingent upon this information being provided and approved by DES Wetlands.
- e. It appears that work on the proposed bridge structure is outside of the town's right of way. Please provide copies of the recorded easements for the installation of the bridge and associated slopes from the affected property owners. Please note these must be received prior to our issuing the permit. Easements for temporary construction impacts, will also be required but may be conditioned as part of the permit.
- f. We do recognize the hardship of working with the abutters however the proposed eastern abutments are not located on the property but are within the abutting lots. DES can not permit impacts on another's property without a letter of agreement from the property owner. This can not be conditioned as part of the approval.

- 7. The due date was not set by RSA 482-A and was already communicated by letter sent on April 12, 2007.
- 8. This same 120 day deadline or denial language quoted above was repeated in DES letter dated July 19, 2007 with the same August 10, 2007 deadline.
- 9. It is irrelevant whether the applicant received the September 7, 2007 email as the August 10, 2007 deadline and opportunities for extension had already passed.
- 10. Based on RSA 482-A:3, XIV(b) the Department denied the application because the issues raised in the RFMI were not addressed in a timely manner.
- 11. Based on RSA 482-A:3, XIV(c) the review time was not extended for good cause nor with written agreement of the applicant and DES.
- 12. DES has no discretion to extend its review time without a written agreement requested pursuant to RSA 482-A:3, XIV(c)(3).
- 13. The applicant has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2006-113.

**2007-00413 FADDEN- WHITAKER DEV, THOMAS & HAROLD WHITAKER
CONWAY Unnamed Wetland**

Requested Action:
Motion for Reconsideration received on November 7, 2007

DENY RECONSIDERATION:
Deny motion for reconsideration

With Findings:
A. Grounds for Reconsideration:

The request for reconsideration asserts the following as the basis for the request:

- 1. Denial of this permit application will mean a wasteful and unnecessary submission by us of the same materials you already have before you. The duplicate application fees, additional consultant costs, and wait-time in the review queue resulting from resubmission are all losses unfair to make the applicants incur under the circumstances.

2. To the best of their knowledge, their response information received by DES on September 27, 2007 prior to the deadline satisfactorily addresses all of the additional items requested by you on June 1, 2007, except for the required sign-off by abutter Sharon Johnston.
3. Besides the consent letter required under the application, negotiations were recently underway with Ms. Johnston concerning the following:
 - a. the encroachment of the upper part of her driveway onto the subject property;
 - b. the requirement in our current DOT driveway permit that her driveway entrance be relocated and rebuilt by Messrs. Whitaker and Fadden onto the proposed development road; and
 - c. the providing by the developers of buffer plantings and a substantial "undisturbed buffer" and access easement around her property. After review of all of the facts and options with the abutter's lawyer, it became apparent that Ms. Johnston's signature would not be forthcoming in time for submission to you. The package you received on September 27, 2007 explained these circumstances.
 - d. After rethinking and consulting with agencies, they decided to submit a request for a waiver of the setback.
 - e. Their understanding was that one item was missing - but it was beyond their control, and did not interpret the situation as requiring a deadline extension and certainly had no idea an outright denial would be forthcoming.
 - f. They request a modest extension to time be granted and the Oct 22 waiver request be granted.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.
2. RSA 482-A:3, XIV requires that any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.
3. RSA 482-A:3, XIV provides that where the department requests additional information, the department shall within 30 days of the department's receipt of information: (1) approve or deny the application or ..(3) Extend the time for response for good cause and with written agreement of the applicant.
4. The subject application was received February 27, 2007.
5. On March 9, 2007 DES issued a Notice of Administrative Incompleteness identifying failure to meet mitigation submission requirements under Env Wt 800.
6. On May 17, 2007 DES received more information from the applicant.

7. The application was determined to be administratively complete on March 20, 2007.
8. By letter dated June 1, 2007, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). The response due date was set at September 29, 2007. Specifically, the Department requested the applicant to address the following:
 - a. Please contact Mark Kern of the US Environmental Protection Agency (EPA) regarding the enclosed NHPGP comment document. Please provide his response to DES.
 - b. As you are aware you have work proposed within wetlands that is less than 20 feet from an abutter. DES has not received a written agreement in accordance with Env-Wt 304.04(a). Please provide DES with the signed agreement.
 - c. Please note that the abutter which owns Tax Map/Lot 243/13 has submitted comments and concerns to DES regarding the abutter agreement, work that has already been conducted, additional traffic, impacts to wildlife, grades of the existing slope behind their property and the addition of sand and salt to be used on the proposed road that may enter the adjacent wetlands. Have these issues been considered in the project design?
 - d. It appears from the submitted application materials, that there has been substantial site disturbance without permits from DES. Please provide DES with additional information (i.e., who conducted the impacts, when were they conducted and were any permits obtained for the existing impacts). Please note DES may take additional enforcement actions regarding this matter.
 - e. It appears there may be alternative access areas to the proposed development from the previous development to the south and southwest. Please address.
 - f. The submitted "Existing-Features Plan" and "Wetland Impact Plan" do not depict the entire property boundaries, existing, and proposed topography changes, specifically, DES did not receive plan sheets that include the entire property. Please submit a complete plan set in accordance with Administrative Rule Env-Wt 304.09(a).
 - g. DES did not receive and plan details for the proposed wetlands crossing (i.e., cross section, culvert size, culvert elevations, headwalls etc). Please provide DES this detailed information.
 - h. It appears from the new submittal information received by DES on May 17, 2007, that the proposed mitigation area has changed. Please provide complete revised "Mitigation Area Assessment" document that reflects all the changes.
 - i. It appears the submitted mitigation easement language is different than what is recommended by DES. Please use the recommended easement document. The document can be found on the DES web site at: <http://des.nh.gov/wetlands/helpdocs.htm>. If you have question regarding the required mitigation information please contact the DES Mitigation Coordinator, Lori Sommer at (603) 271-2147.
 - j. Has the easement been obtained? Please clarify the grantor and grantee for the easement.
 - k. Please provide DES with a letter of intent from the future easement holder.
9. On September 27, 2007 the Department did receive a response to each of the items in the RFMI, but on item 2 (or b above)the applicant indicates that HEB will forward a written agreement from the abutter upon signature.
10. Based on RSA 482-A:3, XIV(c), the Department denied the application because the issues raised in the RFMI were not addressed.
11. The request for reconsideration does not assert that the Department's decision was erroneous, but rather appears to concur with the decision by asserting that the issues raised in the RFMI will be addressed if reconsideration is granted.
12. The DES does not have the discretion to extend the review deadline if a written agreement is not signed to extend the DES review time. Any such agreement must be reached before the expiration of the 30 days from new information submission in accordance with RSA 482-A:3, XIV (c).

13. The applicant has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2007-413.

2007-00450 CLAIRMONT, DAVID
GILMANTON Unnamed Stream

Requested Action:

Reconsideration of denial requested on November 7, 2007.

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the decision to deny the subject application.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. Since the October 19, 2007 denial letter was issued, the landowner has died.
2. If the original applicant's son, David Clairmont, Jr., is appointed an executor of his father's estate, he will redesign the project to avoid and minimize the impacts to the jurisdictional wetlands, provide adequate stormwater treatment for the site, and identify and verify abutter requiring notification, etc. to gain application approval.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received on March 8, 2007 and was determined to be administratively complete on March 20, 2007.

3. By letter dated May 29, 2007, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, the Department requested the applicant to address the following:

a. In accordance with Env-Wt 302.01, all projects must demonstrate the need for the proposed impacts to areas under our jurisdiction. What is the proposed use of this lot? It appears that the lot is a single family residence and the existing access appears to be adequate for that use. Therefore, the proposed project is not approvable under our rules.

b. The rules further require that the proposed project be the least impacting alternative to areas under our jurisdiction, Env-Wt 302.03. The tax map provided illustrates two access points onto Route 140 for this lot. Please illustrate that this proposed access point is the lesser impacting alternative. Please note that the proposal is for a 24 foot wide straight roadway with 4:1 side slopes and long culverts with no headwalls. If indeed you can justify the proposed need to the Departments satisfaction in #1. Please redesign the roadway to avoid and minimize impacts to areas under our jurisdiction. Typically measures utilized to minimize impacts to our jurisdiction include steeper side slopes, installation of headwalls, utilizing safe curves to avoid wetlands, and retaining walls.

c. While the plans provided are small and difficult to read and do not appear to be at a 1:40 scale, possibly a 1:80. DES requests plans that are full size or are at the scale noted on the plans. The notes and grading is impossible to read on the submitted plan sheet.

d. DES notes that there is no treatment for stormwater incorporated into the design. Culverts have small diameters (only 12-inches to 18-inches) and catch basins drop directly into culverts that discharge directly into wetlands. There also appears to be a riprap swale catching road runoff from Route 140 and directing this stormwater into the wetland. Please be advised that you should not be sending untreated stormwater into the wetlands either from your site or from off site and this is not approvable. Additionally please provide information indicating that the culverts were sized to freely pass a 25-year storm event.

e. Please note that not all of the abutters appear to have been notified. Please provide evidence that abutters on tax map 22-05-00, 43-49-00, 40-28-00, and 21-01-00 do not appear to have been notified. DES did receive letters of written agreement from the abutters on lots 22-02-00 and 22-03-00, however the plans presented illustrate that you are proposing to grade a significant amount of lot 22-03-00, is the property owner in agreement with this work on their land?

4. The request for more information clearly identified the required deadline for submission as September 26, 2007.

5. The applicant provided a response to the Request For More Information on September 21, 2007. DES has determined that the response is not complete as it does not demonstrate avoidance and minimization of impacts to jurisdictional wetlands, does not provide adequate stormwater treatment for the site, and does not identify the location of abutters requiring notification.

6. The applicant did provide a copy of a letter sent to abutters but there is no information provided to indicate who owns the abutting properties. Therefore, DES is unable to determine if all abutters have been properly notified.

7. Based on RSA 482-A:3, XIV (b), the Department denied the application because the issues raised in the RFMI were not addressed within 120 days.

8. The request for reconsideration does not assert that the Department's decision was erroneous, but rather appears to concur with the decision by asserting that the issues raised in the RFMI will be addressed if reconsideration is granted.

9. The appellant has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2007-00450.

Requested Action:

Request for Reconsideration of permit denial received

Conservation Commission/Staff Comments:

Con Com submitted comments stating they do not feel boathouses are the least impacting alternative

DENY RECONSIDERATION:

Deny reconsideration

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The navigational buoy was placed on the plan submitted on October 5, 2007. The agent contacted New Hampshire Department of Safety, Marine Patrol, who maintains the navigational buoy and Marine Patrol stated that the boulders are 140 feet from the subject shore, or farther than the plan shows. Therefore there is no hazard to the proposed boathouse.
2. The garage portion on the application was removed and applicant asserts the project now complies with the Comprehensive Shoreland Protection Act.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:11, II provides that no permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
2. RSA 482-A:11, III provides that if a conservation commission makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department."
3. Env-Wt 401.01(b) states "To preserve the integrity of the surface waters of the state, all structures shall be constructed so as to insure safe navigation, minimize alterations in prevailing currents, minimize the reduction of water available of public use, avoid changes in subsurface conditions that would be deleterious to fish and wildlife habitat, and avoid changes in water movements that might cause erosion to abutting properties."
4. Env-Wt 402.08(b) states "A boathouse located over a dredged inlet within the property of the applicant shall not be approved unless the applicant has shown through data supplied to the department that the following conditions have been met:

- (1) The proposed construction shall not adversely impact the stability of the shoreline;
 - (2) The proposed construction sequence and techniques shall prevent water quality degradation;
 - (3) The proposed construction shall be performed in a manner so as to prevent adverse impact to existing movements of currents or sediment along the shore;
 - (4) Alternative docking and storage solutions with less environmental impact do not exist; and
 - (5) The proposed construction shall not impact wetlands, streams or similar areas..."
5. On March 22, 2007 DES received an application from Gerard and Susan Maus requesting to construct a boathouse to store the landowner's boats and protect them from the elements. The proposed dredge is less than 10 cubic yards and the shoreline impact is 25 feet plus minimum temporary impact for construction. The location has a relatively steep drop in the lake bottom to facilitate dredging.
6. On April 12, 2007 DES received a letter from the Wolfeboro Conservation Commission which requested an inspection of the property and that they would like to go on record that they do not feel "that boathouses are the least impacting alternative for boat storage."
7. On April 16, 2007 DES received a letter from an abutter which states that there is no need for a boathouse in this case and references a more sheltered deep area where current docks exists and one has a covered roof. Additionally, they state that "there is ample space on the property to store boats without the necessity of a dug in boathouse".
8. The April 16, 2007 abutter letter also indicates that the proposed location will create significant tree removal and will further destabilize the shoreline causing shoreline erosion and the plan calls for a 3-foot dredge.
9. The April 16, 2007, abutter letter indicates that the proposed boathouse location is just 25 feet from the common property boundary and angles toward the abutter's existing dock. They note an existing shallow ledge located on the north side of the boathouse area which they indicate is a "hazard to large boats and extends a far into the lake. A navigational buoy to warn off boats marks it. The combination of the close proximity to our dock, the angle of the boathouse and the shallow ledge will force boats entering and exiting the boathouse to come very close to our existing dock, impeding ingress to and egress from our dock. This creates a safety issue and a nuisance. This is of great concern because of the many young grandchildren that frequently visit and are active on the waterfront and in the water."
10. By letter dated June 11, 2007, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, the Department requested the applicant to address the following:
- a. The plan submitted with the application indicates a dock will be removed and a new seasonal dock will be constructed. However, the reply to question #6 of the application does not state any work to these items. Is this part of the application? Please submit plans showing the support structures of the existing dock to be removed and include plans how the bank will be stabilized. Please include all information as required pursuant to Env-Wt 501.02, to include photographs of the proposed impacts. Please include a description of the proposed work to the existing dock and the construction of the new dock, include all the information pursuant to 302.04 and 501.02 for these structures.
 - b. The submitted plan indicates a proposed road to access the boatramp within the abutters 20 ft setback. Please submit a signed letter from the abutter for the proposed work within the setback.
 - c. Plans must show the 20- foot setback from the imaginary extension of the property lines over the water. Please include the information on the plan. It would appear the temporary impacts for the boathouse extend beyond the abutter 20 ft setback. Please submit a signed notarized letter from the affected abutters for the work within the abutters 20 ft setback.
 - d. Will materials need to be dewatered on site? If so, where, and what steps will be taken to ensure that dewatering does not affect wetlands on site or the waterbody? How will the basin be dewatered for construction purposes? The construction sequence does not address the dewatering of the basin to construct the concrete foundation or the where the dredge material will placed. Please include plans for any dewatering basins to be constructed and a construction sequence for the construction of the boathouse.

- e. Please submit a plan which shows complete dimensions for all existing and proposed structures on the frontage. The information submitted does not show the support structures or photographs of any of the existing docking structures. Plans must include dimensions of all dock supports and support locations. Plans must show the structures relative to fixed points on the shoreline and show distances from the structures to property lines.
 - f. Please submit a construction sequence and details that describe what actions will be taken to control siltation, erosion and turbidity during construction.
 - g. Materials submitted with the application materials stating the proposed project would not interfere with public rights of passage or access. However comments have been submitted to the file indicating the proposed construction of the boathouse will create a navigational hazard to the abutters. Please submit plans showing the abutters docking facility and any navigational hazards identified by the Department of Safety in the waterbody at this location.
 - h. Please show all temporary impacts necessary to complete this project, including finished grades, on the plans. It appears the lot elevation is to be raised 2 ft from original grade. How will this affect the wetlands on site and the abutters property?
 - i. How will the bank adjacent to the boathouse be stabilized. Please submit plans showing how the bank will be stabilized adjacent to the proposed boathouse. It would appear the area in question is also within the abutters 20 ft setback. The plans submitted do not show any detail of this impacted area.
9. The Department did not receive a complete response to the RFMI on October 5, 2007. The response states (item 7) "that the boathouse has been moved further from the abutter to reduce any perceived impact to rights of passage. The navigation buoy has been added. The abutter's dock has been added." However, the plan still does not show the location of the hazard (see item 7) in the lake.
 10. On October 18, 2007 DES received a follow up letter from abutters indicating that they continue to oppose the construction of a boathouse - to move the boathouse 10 feet does not deal with the safety or environmental issues of the project.
 11. The October 18, 2007, abutter letter points out that the new boathouse location is at the shallowest point on the Maus waterfront. The shallow ledge is a "hazard to large boats and extends far into the lake." The hazard has still not been located on any plans.
 12. The October 18, 2007, abutter letter asserts that there are no conditions that warrant the dredging of a channel since the applicants have superior access to landing and docking on the protected, deep-water part of their property where the existing docks are located.
 13. Based on RSA 482-A:3, XIV, the Department denied the application because the issues raised in the RFMI were not addressed.
 14. Based on RSA 482-A:11, II the applicant has not demonstrated how the project will not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners - in terms of safety and access.
 15. Based on RSA 482-A:11, III and Env-Wt 401.08(b) the applicant has not demonstrated why the applicant cannot use alternative upland boat storage solutions.
 16. Based on Env-Wt 401.01(b) and RSA 482-A:1 the applicant has not demonstrated how this project will not adversely impact subsurface conditions or water quality, and avoid changes in water movements that might cause erosion to abutting properties.
 17. The applicant has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2007-545.

2007-01493 LEPPERT DEVELOPMENT CO
AUBURN Unnamed Wetland

Requested Action:

Dredge and fill a total of 24,300 sq. ft. of isolated palustrine forested/ scrub-shrub wetlands for the construction of a sports complex with appurtenant parking and storm water management/ drainage structures on a 14.26 acre parcel of land previously disturbed by gravel mining activities.

Conservation Commission/Staff Comments:

No report or comments were received from the Auburn Conservation Commission.

Mitigation is in the form of an ARM fund payment.

Inspection Date: 11/07/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 24,300 sq. ft. of isolated palustrine forested/ scrub-shrub wetlands for the construction of a sports complex with appurtenant parking and storm water management/ drainage structures on a 14.26 acre parcel of land previously disturbed by gravel mining activities.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstorm Associates, Inc. dated June 2007 (last revised 09/26/07), as received by DES on June 29, 2007 & November 07, 2007.
2. This approval is contingent on receipt by DES of a one time payment of \$71,719.64 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 07, 2007.
6. Field inspection found this to be a highly disturbed site with spoil piles and excavated areas throughout the site which were the result of previous gravel mining activities.
7. The two isolated wetland areas impacted appear to have relatively low value and were determined to not be functioning as vernal pools.
8. The impacts proposed will not adversely affect other wetlands in the environs or Massabesic Lake which is located approximately 4,000 ft away.
9. Compensatory mitigation for impacts to wetlands will be provided by payment to the DES Aquatic Resource Mitigation Fund.

MINOR IMPACT PROJECT

2005-02913 POTTER, DAVID
GILFORD Lake Winnepesaukee

Requested Action:

The Applicant requests reconsideration based on addition information, including a request for a waiver of Rule Env-Wq 1409.03, Submitted on October 19, 2007.

Conservation Commission/Staff Comments:

12/10/07 Appeal Withdrawn by Paul Goodwin - np

Petition for Appeal received by DESWB on 6/26/07 filed by Paul W. Goodwin, agent on behalf of David Potter - np

APPROVE RECONSIDERATION:

Reconsider and approve request to: Construct a 761 sq ft perched beach with 6 ft wide steps to the water impacting 31 linear feet of shoreline on property having an average of 157.5 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised October 16, 2007, and received by DES on October 19, 2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The exiting retaining wall shall be utilized to stabilize the beach front at the waterline. No new stone shall be placed along the beach front for the purpose of retaining sand.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 9 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.

11. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. The approval does not authorize any work related to the existing dock facilities.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), dredge of less than 20 cu yd of material from below the high waterline of a public water for the purpose of installing steps to access the water.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Applicant has met the requirements for a waiver of Rule Env-Wq 1409.03 as defined per Rule Env-Wq 1410.04, Criteria.

**2006-00113 EARLROSE REALTY TRUST
BEDFORD Unnamed Wetland**

Requested Action:

Requested reconsideration of permit denial.

DENY RECONSIDERATION:

Deny reconsideration.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. An effort was made to seek an abutter waiver on February 23, 2007.
2. The applicant cannot force anyone to respond or set a time limit for response.
3. It was the applicant's understanding that Fish and Game was to notify us separately that they were satisfied with the plans. It is not uncommon for Fish and Game to contact DES directly.
4. The applicant recognizes the 120 day requirement and in their opinion they attempted to make an effort to comply.
5. Denying this application because of the 120 day regulation alone is not productive and certainly not consistent with reasonable planning.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.

2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received January 17, 2006 and was determined to be administratively complete on January 25, 2006.
3. By letter dated April 10, 2006, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). The due date set by this letter for response was August 8, 2006. Specifically, the Department requested the applicant to address the following:
 - a. It appears you are proposing to conduct work within wetlands that are within 20 feet of the abutting property lines for Tax Map and Lot 27-38-5 and 27-38-6. It does not appear that you have received a written agreement for the proposed work in accordance with New Hampshire Code of Administrative Rule Wt 304.04 (a), which states, "The department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests". Have you attempted to acquire a written agreement? If you can not get a written agreement from the affected abutter(s) it may be possible to obtain a waiver if you can comply with Part Wt 204 of the Administrative Rules.
 - b. The New Hampshire Fish and Game Department (NHFG) has identified that the Eastern hognose snake, a State of New Hampshire threatened species has been identified near the proposed project area. Please address the concerns listed in the enclosed NHFG letter.
 - c. The proposed driveway crossing to Lot 27-34-8 is within a Public Service of New Hampshire (PSNH) easement. Does PSNH or the easement language allow access through the easement area or require any special authorization for permitting within the easement area?
 - d. On March 29, 2006, the DES Site Specific Section requested more information regarding treatment of roadside runoff, infiltration and treatment swale detail. These issues could have an affect on the adjacent wetlands and will need to be addressed before a complete review of the Wetlands application can be conducted. Please submit a copy of the revised plans to the Wetlands Bureau. Additionally, please be aware that any permits issued by the Wetlands Bureau for this project will be contingent upon approval of your pending Site Specific application.
4. The Department did not receive a response to the RFMI until December 6, 2006.
5. Based on RSA 482-A:3, XIV(b) the Department denied the application because the issues raised in the RFMI were not addressed in a timely manner.
6. Based on RSA 482-A:3, XIV(c) the time was not extended for good cause nor with written agreement of the applicant and DES.
7. DES has no discretion to extend its review time without a written agreement requested pursuant to RSA 482-A:3, XIV(c)(3).
8. The request for reconsideration does not assert that the Department's decision was erroneous, but rather appears to concur on the 120 day issue, but feel that denial on this reason alone is not consistent.

9. The applicant has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2006-113.

**2006-00665 SMITH, CHARLES
OSSIPPEE Bear Camp River & Lake Ossipee**

Requested Action:

Confirm Emergency Authorization issued on April 25, 2006, to impact approximately 1995 sq ft of Palustrine Scrub-Shrub wetlands and 1316 sq ft of Lacustrine Littoral Unconsolidated wetlands to restore a washed out single family home accessway.

Inspection Date: 06/05/2006 by Linda M Magoon

Inspection Date: 08/18/2006 by Linda M Magoon

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued on April 25, 2006, to impact approximately 1995 sq ft of Palustrine Scrub-Shrub wetlands and 1316 sq ft of Lacustrine Littoral Unconsolidated wetlands to restore a washed out single family home accessway.

With Conditions:

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

With Findings:

1. This project is classified as a Minor impact project per Rule Env-Wt 303.03(h), Projects involving less than 20,000 sq ft of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).

2. The project was necessary to restore the original property access with additional impacts to increased structural integrity, which had washed out as a result of a large storm event.

3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 26, 2006.

4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization with exception to other related impacts as indicated on plans as received by the Department on September 11, 2006 to adequately stabilize and enhance structural integrity, and the omission of the nylon sheet pile stabilization proposal.

**2006-00700 JOHNGIS REALTY LLC, DAVID JOHNSON
BELMONT Unnamed Wetland Tioga River**

Requested Action:

The applicant requests reconsideration of the Department's Denial to impact 8663 square feet to construct a roadway to a 43 lot subdivision.

DENY RECONSIDERATION:

Deny reconsideration of previous department action to deny permit request to impact 8663 square feet to construct a roadway to a 43 lot subdivision.

With Findings:

Grounds for Reconsideration:

1. The applicant maintains that made a timely response to the request for additional information issued on July 11, 2007.
2. The applicant states that the response to the requested information was discussed with the reviewer over the phone.
3. The applicant requests relief of RSA-482:3, XIV(b).

Standards of Approval:

4. RSA 482-A:3, XIV(b), states that if the requested information is not received within 120 days of the request, the department shall deny the application.

Findings of Fact:

5. The applicant claims to have sent the information via standard post US Mail, no receipt was received. DES never received this information.
6. The applicant claims to have submitted information to the Department's Alteration of Terrain at the same time as the submittal of the missing information. This information was also not received by the Alteration of Terrain Bureau.
7. The Department has no record of a phone call between the applicant and staff in regards to this matter.
8. The applicant was aware of the 120 day denial date as they had requested extensions to this date twice before, in writing via e-mail.
9. The applicant did not provide any new evidence that the information was sent in July.
10. The applicant did not request an extension in writing.

Findings in support of Denial:

11. RSA 482-A:3, XIV(b), offers no opportunity for relief unless an extension is agreed upon in writing between the two parties. Therefore the application is denied as the information was not received in a timely manner.
12. The applicant has not requested a third extension in accordance with RSA 482-A:3, XIV(c)(3).

**2006-01497 FORTIN, DONALD
MILTON Salmon Falls River/milton Pond**

Requested Action:

Dredge and fill 1,300 sq. ft. to construct 68 lin. ft. of two terraced retaining wall along the Salmon Falls River.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1,300 sq. ft. to construct 68 lin. ft. of two terraced retaining wall along the Salmon Falls River.

With Findings:

1. A request for additional information ("RFMI") dated 9/6/2006, 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, the deadline for which being 1/6/2007, and requested the following information:
 - a. demonstrate that the proposal meets the criteria of Administrative Rule Env-Wt 404.01, Least Intrusive Method, relative to bank stabilization, by first examining use of vegetative stabilization, then examining use of rip rap, or some combination of vegetation and rip rap, rather than use of the wall as proposed.
2. On 10/6/2006, DES received a packet from the applicant stating that in his opinion vegetation and rip rap would not work and attached photos of various walls in the area to support his position.
3. On 11/6/2006 DES sent the applicant a letter stating that a field inspection would be scheduled to review the property and to research the history of the photographed walls.
4. Review by DES of the photos submitted found that of the 9 walls photographed, 8 had no permits, and one did. DES also found

that the photos also showed property areas with stable vegetated shorelines adjacent to walls.

5. On 11/29/2006, DES spoke via telephone to Gayle Fortin, who indicated that she was working with the Milton Conservation Commission to come up with the best solution for the property, that she recognized that the walls in the area may not be legal or appropriate, and asked to postpone the field inspection until DES received the recommendations of the Conservation Commission to consider.
6. DES finds that the submission received from the applicant on 10/6/2006 did not address the 9/6/2006 RMFI letter, that deadline for response was 1/6/2007, and that as of 12/4/2007, no further information has been received from either the applicant or the Conservation Commission.
7. 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.
8. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-02810 ROY, MICHAEL
LYMAN Unnamed Wetland

Requested Action:

Dredge and fill 4,950 square feet of perennial stream and associated forested/scrub-shrub wetlands to install a 5-foot open bottom arch culvert and 18-inch culvert for access to a single lot of a 3-lot subdivision on ± 30 acres.

APPROVE PERMIT:

Dredge and fill 4,950 square feet of perennial stream and associated forested/scrub-shrub wetlands to install a 5-foot open bottom arch culvert and 18-inch culvert for access to a single lot of a 3-lot subdivision on ± 30 acres.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc. dated May 2007, as received by the Department on May 18, 2007; plans by Boulanger Consulting dated May 09, 2007, as received by the Department on May 16, 2007; and construction sequence received by the Department on October 30, 2006.
2. This permit is contingent on approval by the DES Alteration of Terrain 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. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

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

19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.

20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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

22. 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.

23. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by cleaning and inspecting construction equipment and not using soil containing invasive species for construction.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. All required information was received by the Department within the 120 day deadline.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.

2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.

4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.

2. The subject application was received on October 30, 2006, and was determined to be administratively complete on November 06, 2006. 3. By letter dated January 18, 2007, the Department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").

4. The Department did receive a complete response to the RFMI on May 16, 2007.

5. Based on RSA 482-A:3, the Department denied the application because the requested additional information was not received by DES within 120 days of the request.

6. The request for reconsideration does assert that the Department's decision was erroneous.

7. The applicant has met his burden of proving that the Department's decision erroneous.

D. Decision

1. Based on the foregoing, the Department affirms the decision to approve the subject application, file number 2006-02810.

E. Permit Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f); and (l) projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

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

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

5. In correspondence dated 07/24/2006, and in response to preliminary project information the NH Fish and Game Department indicating they did not expect the project to impact the identified Great Blue Heron rookery or "zone of concern". An open-bottomed span without riprap installation was recommended. In addition, emphasize was placed on the importance of the avoiding the introduction of invasive species by avoiding the use of wetland or topsoil that may contain invasive species, inspection and cleaning of construction equipment and monitoring for invasive species for several years was suggested
6. In a letter dated 12/04/2006, the Lyman Planning Board stated: 1) with only 75-feet of frontage; lot 61 would require a variance; 2) the applicant has the option of constructing a town road with additional setbacks, which the abutter who has given permission may not be aware of; 3) the proposed alternative is not the least impacting and the wetland area could be avoided.
7. In a letter dated 01/04/2007, the Lyman Conservation Commission: 1) agreed with the Planning Board that the proposed alternative was not the least impacting; 2) called attention to the applicants response to number 16 of the 20 questions required by Env-Wt 302.04 and stated the proposal impacts Teeter Meadow, which crosses or abuts greater than 20 parcels, and therefore, the Commission questioned the response that similar projects on abutting parcels would not change the overall function of the wetland; 3) stated the elevation from the town road to the wetland area is greater than 20% and concern the applicant has not addressed the extent of the grading and associated impacts within the wetland area.
8. The applicant has provided an open-bottomed span.
9. This permit is conditioned that the permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by cleaning and inspecting construction equipment and not using soil containing invasive species for construction.
10. A general permit condition included in this approval states, "This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required."
11. The applicant has received written consent from the owner of lot 62 (Tax Map 53), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
12. Driveway grading plans stamped by a licensed land surveyor dated 05/09/2007 were received by the Department on 05/16/2007.
13. The proposed crossing provides access to approximately 20 acres.

2007-00088 TAMBOR, WADE & ADELE
CONWAY Conway Lake

Requested Action:

Applicant requests reconsideration of the Department's September 4, 2007 decision to denied the application for two 6 ft x 30 ft seasonal docks and a perched beach on Conway Lake, in Conway.

DENY RECONSIDERATION:

Deny requested reconsideration as untimely.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."
2. By statute, the Department has no discretion to waive or extend this deadline.
3. In accordance with RSA 482-A:10, Appeals, on reconsideration the Department shall consider any new and additional information presented.

Findings of Fact

1. The Department issued its decision on the Applicant's request to install two seasonal docks and construct a perched beach by way of a letter dated and mailed on September 4, 2007.
2. The deadline to make a request for reconsideration of the Department's decision was September 24, 2007.
3. The Motion for Reconsideration, dated September 23, 2007, was received by the Department on September 26, 2007; 22 days

after the issuance of the Department's decision.

Ruling in Support of the Decision

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

2007-00227

BENSON, DONNA

WEARE

Requested Action:

Applicant requests to retain two 4 ft x 30 ft seasonal docks connected by a 4 ft x 10 ft walkway in a "U" shaped configuration on 77 ft of frontage on Lake Horace, Weare.

Conservation Commission/Staff Comments:

No comments from Con Com by 04/11/07

DENY AFTER THE FACT:

Applicant requests to retain two 4 ft x 30 ft seasonal docks connected by a 4 ft x 10 ft walkway in a "U" shaped configuration on 77 ft of frontage on Lake Horace, Weare.

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 Wt 402.12, Frontage Over 75', a maximum of 2 boat slips may be permitted on 77 ft of frontage.
3. In accordance with Env-Wt 302.05 After-the-Fact Application, Applications received after work is completed shall be subjected to the same review as any other application. Consideration of an after-the-fact application shall not preclude or limit the department's exercise of any enforcement powers it possesses.
4. In accordance with Env-Wt 302.03, Avoidance, Minimization, and Mitigation, The applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that potential impacts have been avoided to the maximum extent practicable.
5. In accordance with Env-Wt 302.04 (a), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the need for the proposed impact and that that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
6. In accordance with Env-Wt 302.04 (d), Requirements for Application Evaluation, the Department shall not grant a permit where the requirements of Env-Wt 302.04 (a) have not been met.
7. In accordance with Env-Wt 204.04, Criteria, a waiver shall be granted if granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety or an impact on abutting properties that is more significant than that which would result from complying with the rule. In addition one or more of the following conditions shall be satisfied:
 - a. Granting the request is consistent with the intent and purpose of the rule being waived;
 - b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant; or
 - c. For waivers under RSA 482-A:26, III(b), granting the request is consistent with the intent and purpose of that section.

Findings of Fact

8. On January 31, 2007, the Wetlands Bureau received an application for after-the-fact surface water impacts, on the lot identified as Weare tax map 106, lot 48, to construct two seasonal docks in a "U" shaped configuration on 77 ft of frontage on Lake Horace.
9. The requested docking facility would provide 3 slips on the frontage.

10. The Applicant maintains in the application that the "U" shaped docking facility will only provide 2 slips due to the presence of rocks adjacent to one of the proposed piers.
11. A single pier would provide 2 slips and be less impacting to the surface water than the proposed "U" shaped docking facility.
12. The application did not include any materials documenting that the project met the waiver criteria outlined in Env-Wt 204.04 for a waiver of Env-Wt 402.12.

Rulings in Support of the Decision

13. The Applicant has failed to document both the need for the proposed impacts and that the proposed docking facility is the least impacting method to provide 2 slips on the frontage and, therefore, the application is denied in accordance with Env-Wt 302.04 (d).
14. The project fails to meet the requirements of Env-Wt 204.04, for the granting of a waiver of rule Env-Wt 402.12.

2007-00414 VETERINARY PROPERTIES LLC
CONCORD Unnamed Wetland

Requested Action:

Approve amendment to reflect the most recent plan revision dates with changes as requested by the Alteration of Terrain Program.

APPROVE AMENDMENT:

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

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated December 21, 2006, and revised through August 30, 2007 as received by the Department on October 10, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or on the Exemplary Natural Community.
10. The applicant shall not remove any trees from the exemplary flood plain forest community.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

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

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

19. This permit is contingent upon the creation of 55,600 square feet of a compensatory flood storage wetland in accordance with plans by Holden Engineering dated December 21, 2006, and revised through August 30, 2007, and planting plans by Pollack Land Planning dated March 13, 2007 and revised through August 30, 2007, as received by the department on September 27, 2007.

20. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

21. The schedule for construction of the flood storage wetland area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

22. The flood storage wetland area shall be properly constructed, monitored, and managed in accordance with approved plans.

23. The wetland creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, reevaluating wetland plantings and removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

24. Any changes to the wetland plantings shall be reviewed and approved by DES Wetlands Bureau in consultation with NHB prior to implementation.

25. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the creation area is constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

26. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the creation area and the Exemplary Natural Community and schedule remedial actions as necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the creation.

27. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation as indicated in the proposed planting plan after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

28. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

29. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

30. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

The Department reaffirms findings 1-9 of the original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).

2. The applicant has provided a function and value analysis of the wetlands destroyed as part of this project. This function and value assessment states the wetlands have limited functions and values.

3. The wetlands destroyed as part of this project were man made per the wetland scientist.

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

5. Department of Resources and Economic Development Natural Heritage Bureau, NH Fish and Game and US Fish and Wildlife Staff conducted a field inspection of the proposed project on June 19, 2007. Field inspection determined the limits of the Exemplary Natural Community and that the proposed project will not occur within that community.

6. The applicant has provided a 55,600 square foot flood storage wetland to compensate for flood storage lost as part of this

project.

7. The proposed building location is within the 100-year flood plain but is not within the floodway of the Merrimack River.
8. The Concord Conservation Commission did not comment on this application.
9. The Merrimack River LAC, mirrors the concerns of DES with the proposed plantings. DES has required plantings have a survivability rate of 75% or they will be replanted with more appropriate species approved by DES and NHB.

And makes the following additional finding:

10. The plans were changed to meet the requirements of the Alteration of Terrain Program.

2007-00879 BUSHWAY HEIDI, GREGORY LORSBACH
CHESTERFIELD Unnamed Wetland Connecticut River

Requested Action:

Retain 2,375 square feet (85 linear feet) of intermittent stream and associated palustrine scrub-shrub wetland impact including two 18-inch and a 24-inch culvert (3 crossings) for driveway access to a existing single family lot.

APPROVE AFTER THE FACT:

Retain 2,375 square feet (85 linear feet) of intermittent stream and associated palustrine scrub-shrub wetland impact including two 18-inch and a 24-inch culvert (3 crossings) for driveway access to a existing single family lot.

With Conditions:

1. This approval is contingent on approval of the final shoreland restoration plan by the DES Wetlands Bureau, Shoreland Enforcement Section.
2. This approval is contingent on approval by the DES Subsurface Systems Bureau.

RESTORATION:

3. This permit is contingent upon the restoration of 542 square feet of palustrine scrub-shrub and emergent wetlands in accordance with plans by Connecticut Valley Environmental Services, Inc. dated November 09, 2007, as received by the Department on November 14, 2007, by August 01, 2008.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration area is constructed in accordance with the restoration plan and conditions of this approval. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. The wetland restoration area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. All material removed during work activities shall be removed down to the level of the original hydric soils.
7. Area shall be regraded to original contours following completion of work.
8. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications and shall contain no reed canary grass (*Phalaris arundinacea*). The receipt and contents of the wetland mix shall be supplied to NHDES within ten (10) days of application.
9. Mulch used within the wetland restoration area shall be natural straw or equivalent.
10. The wetland restoration area shall have at least 75% successful establishment of wetlands vegetation after one (1) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
12. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, the Chesterfield Conservation Commission, or the Local River Advisory Committee.
3. Subdivision of lot 3 is not proposed.
4. Impact area # 1 and a portion of impact area #2 are within the right-of-way on tax map 14. block A, lot 2 and 4 that provides access to tax map 14, block A, lot 3.
5. The applicant has provided the easement modification language that allows for the relocation of the driveway across the abutting property.
6. This approval is associated with a DES Wetlands Bureau, Shoreland Enforcement Section, file no. 2006- 00975.
7. This approval is contingent on approval of the final shoreland restoration plan by the DES Wetlands Bureau, Shoreland Enforcement Section.
8. This approval is contingent on approval by the DES Subsurface Systems Bureau.
9. This approval is contingent upon the restoration of 542 square feet of palustrine scrub-shrub and emergent wetlands.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. 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.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01046 CAMPBELL, ROBIN, BARBARA & RICK
MOULTONBOROUGH Squam Lake

Requested Action:

Attach a 6 ft x 42 ft seasonal dock to an existing 6 ft x 35 ft permanent dock in a "T-shaped" configuration on 229 ft of frontage in Moultonborough on Squam Lake.

APPROVE PERMIT:

Attach a 6 ft x 42 ft seasonal dock to an existing 6 ft x 35 ft permanent dock in a "T-shaped" configuration on 229 ft of frontage in Moultonborough on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated May 1, 2007, as received by DES on May 15, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. All portions of the docking facility shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The 6 ft x 42 ft seasonal dock attachment shall be removed from the lake for five months during the non-boating season.
5. No portion of the seasonal dock shall extend more than 48 feet from the shoreline at full lake elevation.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
8. 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.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. This permit does not dredging for any purpose.

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) construction or modification of a permanent docking facility providing fewer than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff determined that the applicant has met the requirements of Rule Env-Wt 204.04, Criteria, to waive Rule Env-Wt 402.20. The proposal reduces and prevents shoreline fragmentation and reduces permissible docking surface area constructed over water.

2007-01460 CAIL, RANDALL & SARAH
GILFORD Lake Winnepesaukee

Requested Action:

Permanently remove an existing seasonal dock, construct two 6 ft x 30 ft permanent piling supported docks connected to a 6 ft x 44 ft piling supported dock in a "W" configuration by a 6 ft x 36 ft piling supported walkway, install two tie off piles in the northern slip, and two 14 ft x 30 ft seasonal canopies in the center two slips provided on an average of 241 ft of frontage on Mark Island, on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com recommends denial for several reasons

APPROVE PERMIT:

Permanently remove an existing seasonal dock, construct two 6 ft x 30 ft permanent piling supported docks connected to a 6 ft x 44 ft piling supported dock in a "W" configuration by a 6 ft x 36 ft piling supported walkway, install two tie off piles in the northern slip, and two 14 ft x 30 ft seasonal canopies in the center two slips provided on an average of 241 ft of frontage on Mark Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 18, 2007, revision date October 24, 2007, as received by the Department on November 13, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. Repairs shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow dredging for any purpose.
7. No portion of the docking facility shall extend more than 44 ft lakeward at full lake elevation of 504.32.
8. The minimum spacing between piles shall be 12 feet as measured center to center.
9. The existing seasonal dock shall be completely removed prior to the construction of the new docking facility.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that provides for 4

boat slips including previously existing boat slips.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 06, 2007. Field inspection determined the plan accurately represented the site conditions.
6. The applicant has an average of 241 feet of shoreline frontage along Lake Winnepesaukee. This was verified using the tax maps and plans submitted by the applicant.
7. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.12.
9. The applicant submitted letters from the two immediate shorefront abutters stating they had no objections to the proposed seasonal canopies.
10. The applicant submitted plans with lake contours adjusted to full lake elevation and the shoreline at full lake elevation.
11. This project is located on an island accessible only by watercraft and, therefore, meets the criteria for a waiver of Rule Env-Wt402.05, Permanent Docks.

2007-01524 CAIN, FRED & PATRICIA
WOLFEBORO Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 40 ft seasonal dock attached to a 4 ft x 6 ft concrete pad, and install two PWC lifts along the shoreline on an average of 299 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Construct a 6 ft x 40 ft seasonal dock attached to a 4 ft x 6 ft concrete pad, and install two PWC lifts along the shoreline on an average of 299 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 26, 2007, revision date October 22, 2007, as received by DES on November 13, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. No work is authorized to the existing 5 ft 9 in x 30 ft pier anchored to a 7 ft x 6 ft concrete pad.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. The concrete pad shall be located entirely behind the natural undisturbed shoreline and completely behind full lake elevation of 504.32.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. Personal Watercraft lifts shall be of seasonal construction type which shall be removed from the waterbody for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has an average of 298 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facilities will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-01604 SCHWAGER, ROBERT & MARY
MEREDITH Lake Winnepesaukee**

Requested Action:

Dredge 16 cubic yards from 365 sq ft of lakebed and excavate 896 sq ft of bank along more than 28 linear ft of shoreline to construct a 32 ft x 28 ft dug in boathouse and excavate 765 sq ft of bank along 27 linear ft of shoreline to construct a perched beach on an average of 662 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no concerns but stated their comments are the same as previously submitted in file 2005-2120.

DENY PERMIT:

Dredge 16 cubic yards from 365 sq ft of lakebed and excavate 896 sq ft of bank along more than 28 linear ft of shoreline to construct a 32 ft x 28 ft dug in boathouse and excavate 765 sq ft of bank along 27 linear ft of shoreline to construct a perched beach on an average of 662 ft of frontage on Lake Winnepesaukee, Meredith.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
3. In accordance with Rule Env-Wt 302.04 (a), the applicant shall 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".
4. In accordance with Rule Env-Wt 501.02, Additional Data, the applicant shall provide plans which show the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project, the existing and proposed topography, and all temporary and permanent impacts to jurisdictional impacts.
5. In accordance with RSA 483-B:3, Consistency Required, "State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter" and to be consistent with the requirement of RSA 483-B:2, that the minimum standard shall serve to "preserve the state's lakes... in their natural state."
6. In accordance with Rule Env-Wq 1405.05 and Rule Env-Wq 1405.08, no accessory structure or water dependent structure shall be built on land having greater than 25% slope.
7. In accordance with RSA 482-A:3,XIV, "where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information; (1) approve or deny the application, in whole or part"

Findings of Fact

8. On June 11, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Meredith tax map U-37, lot 13-A,(the "Lot") to disturb the lakebed and bank to construct a 2-slip dug-in boathouse and a perched beach on an average of 662 ft

of frontage on Lake Winnepesaukee, in Meredith.

9. On September 11, 2007 the Wetlands Bureau sent a Request for More Information letter to the applicant. This letter listed 12 items required to complete the application. Among the items requested were plans showing the existing and proposed grades, plans showing all temporary impacts associated with the project, the location of the trees to be removed for the project, plans for the restoration of temporary impact areas, and the removal of the perched beach from the plans due to the steepness of the slopes impacted. The letter explained that the applicant that "failure to provide a single and complete response to the items listed" would result in the denial of the application.

10. On November 6, 2007, the Wetlands Bureau received information in response to the Request for More Information letter sent on September 11, 2007. The response was incomplete and did not include all of the requested items. The items that were no provided included but were not limited to: plans showing the existing and proposed grades; plans showing all temporary impacts associated with the project; the location of the trees to be removed for the project; plans for the restoration of temporary impact areas; and the removal of the perched beach from the plans.

11. The perched beach on the proposed plan is located in a slope of steeper than 25%.

Rulings in Support of Denial

12. The applicant failed submit a complete response to the Request for More Information letter dated September 11, 2007, and, therefore the application is denied in accordance with RSA 482-A:3, XIV.

13. The issuance of a permit to construct a beach within a slope steeper than 25% would not be consistent with Rules Env-Wq 1405.05 and Env-Wq 1405.08 and the intent of RSA 483-B, and therefore is prohibited per RSA 483-B:3, I.

2007-02266 SAWYER LAKE VILLAGE DISTRICT, ADRIENNE COIT GILMANTON Sawyer Lake

Requested Action:

Dredge and fill a total of 3500 square feet further described as follows: Permanently impact 138 square feet along 23 linear feet of the bank of Sawyer Lake for the installation of rip-rap adjacent to the dam; and Temporarily impact 3362 square feet within the bed and banks of Sawyer Lake for installation of a cofferdam and twin 30-inch x 75 foot culverts to repair and rehabilitate the existing Sawyer Lake Dam, Gilmanton.

APPROVE PERMIT:

Dredge and fill a total of 3500 square feet further described as follows: Permanently impact 138 square feet along 23 linear feet of the bank of Sawyer Lake for the installation of rip-rap adjacent to the dam; and Temporarily impact 3362 square feet within the bed and banks of Sawyer Lake for installation of a cofferdam and twin 30-inch x 75 foot culverts to repair and rehabilitate the existing Sawyer Lake Dam, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans by NH DES Dam Bureau dated September 11, 2007, and revised through December 6, 2007, as received by the Department on December 6, 2007.
2. This permit is contingent on approval, if required by RSA 482 and Env-Wr 100-700, by the DES Dam Safety Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during drawdown.
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 controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Erosion Controls must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

9. No equipment shall enter the water.
10. All work shall be conducted in a manner that minimizes the duration of construction below the high water line.
11. Prior to commencing work on the dam, the cofferdam shall be constructed to isolate the work area from the surface waters.
12. Filter fabric shall be laid prior to the construction of the cofferdam to facilitate removal of the cofferdam.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. Work within the waterbody, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
19. The temporary cofferdam shall be entirely removed immediately following construction.
20. Area of temporary impact shall be regraded to original contours following completion of work.
21. All material removed during work activities shall be placed out of DES's jurisdiction.
22. 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.
23. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The repairs are proposed to replace an existing deficient dam and improve downstream flooding.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The impacts associated with the application are mainly temporary in nature to maintain the ecological integrity of the existing Sawyer Lake System.
5. The rip-rap associated with the project is necessary as the bank is currently eroding and vegetative stabilization is not appropriate for use on a dam structure.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The proposal will maintain the existing spillway height, there is simply a change in materials.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
9. The applicant has provided a waiver request per Env-Wt 204.03, to waive the Wetland Scientist requirement of Env-Wt 301.01.
10. The jurisdictional areas associated with the proposal are a surface water and surface waters are not required to be delineated by Certified Wetland Scientists.
11. The applicant has conducted an on site survey and has determined the top of bank which is the limits of jurisdiction in this case.
12. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Wt 304.09(a).
13. Granting this request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety
14. Granting this request will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
15. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public.

Requested Action:

Fill 8,965 sq. ft. of an isolated man-made wetland to provide for septage solids disposal facility.

APPROVE PERMIT:

Fill 8,965 sq. ft. of an isolated man-made wetland to provide for septage solids disposal facility.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated August 2007 and Land Technical Service Corp. dated February 6, 2007, as received by the Department on October 15, 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. 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).
4. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f), alteration of less than 20,000 square feet of non-tidal wetlands in the aggregate that exceed the criteria for minimum impact projects.
2. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.01(b)
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 wetland proposed for impact is a low value and function isolated wetland within the middle of a mowed established wastewater site.

2007-02684 CHARLESTOWN, TOWN OF
CHARLESTOWN Tributary To Hackett Brook

Requested Action:

Dredge and fill approximately 2,050 square feet (50 linear feet) of intermittent stream bank and channel to riprap stabilize a failed bank adjacent to Old Cheshire Turnpike and temporarily impact 40 square feet (20 linear feet) of Hackett Brook for instillation of a temporary crossing.

APPROVE PERMIT:

Dredge and fill approximately 2,050 square feet (50 linear feet) of intermittent stream bank and channel to riprap stabilize a failed bank adjacent to Old Cheshire Turnpike and temporarily impact 40 square feet (20 linear feet) of Hackett Brook for instillation of a temporary crossing.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC, dated October 23, 2007, as received by the DES Wetlands Bureau on November 16, 2007.
2. This permit is contingent upon the restoration of approximately 400 square feet (20 linear feet) of Hackett Brook channel and banks in a manner satisfactory to the DES Wetlands Bureau and in accordance with plans received November 16, 2007, within 72 hours of the completion of bank stabilization construction.
3. Work shall be done during low flow conditions.

4. The permittee shall designate a qualified professional engineer who will be responsible for monitoring and ensuring that the bank stabilization is constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. No permanent riprap shall be installed in Hackett Brook.
6. No machinery shall enter the water.
7. Filter fabric shall be installed under the angular rock.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
10. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
14. 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.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
23. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
24. Area shall be regraded to original contours following completion of work.
25. 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.
26. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
28. A post-construction report documenting the status of the completed bank stabilization construction and restored Hackett Brook temporary impacts, including photographs during and post construction, shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Charlestown Conservation Commission.
3. This permit is contingent upon the restoration of approximately 400 square feet (20 linear feet) of Hackett Brook channel and banks and subsequent follow-up materials.

- 4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 5. 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.
- 6. 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.

MINIMUM IMPACT PROJECT

2002-01298 ROSSE, THOMAS
MADISON Silver Lake

Requested Action:

Replace existing retaining wall with a new block wall

Inspection Date: 04/16/2003 by Dale R Keirstead

APPROVE AFTER THE FACT:

Replace existing retaining wall with a new block wall

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 shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
- 3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 4. Please note that effective April 1, 2008, new regulations will take effect for RSA 483-B and NH Code of Admin. Rules Env-Wq 1400 et seq. You can review the new changes to RSA 483-B and the proposed rule changes at:
http://www.des.state.nh.us/cspa/pdf/CSPAchanges_incorporated.pdf and
http://www.des.state.nh.us/cspa/pdf/CSPA_StandardsSummary.pdf.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair or replacement of an existing structure.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has 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.

2007-00324 R & K REVOCABLE TRUST, KATHLEEN MCDONALD
TILTON Winnisquam Lake

Requested Action:

Reconsider and grant the permit to dredge and fill 247 square feet of man made wetland for reconstruction of drainage ditches in the subdivision of 4.19 acres into 20 condominium units, two single family residential structures and commercial structure.

APPROVE RECONSIDERATION:

Dredge and fill 247 square feet of man made wetland for reconstruction of drainage ditches in the subdivision of 4.19 acres into 20 condominium units, two single family residential structures and commercial structure.

With Conditions:

1. All work shall be in accordance with plans by Eric Mitchell and Associates dated March 22, 2007, and revised through November 5, 2007 as received by the Department on November 5, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. 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.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Work shall be done in the dry.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
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 is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES has researched and has found that the Superior Court case number 00-E-0116 was determined to be complete March 2003.

Requested Action:

Request for informal reevaluation.

OTHER:

Request for informal reevaluation

With Findings:

There is no opportunity for informal reevaluation. The statute requires the submit a formal motion for reconsideration pursuant to RSA 482-A:10.

2007-00904 SAKURAI, KEN
HAMPTON Unnamed Wetland

Requested Action:

Dredge 2,950 square feet of forested wetland for the expansion of the existing pond.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 2,950 square feet of forested wetland for the expansion of the existing pond.

With Findings:

1. A request for additional information dated June 5, 2007, had been sent via electronic mail ("email") to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the agent to submit additional information to DES within 120 days of the request. This information must be submitted by or on October 3, 2007.
2. The email requested the following additional information:
 - a.) Please find the attached comments from Kim Tuttle, NHFG, and respond to them accordingly;
 - b.) Nowhere on the provided plans was there any mention as to what kind of plantings would be at this site. Please provided a planting list to include, but is not limited to, the placement of aquatic, herbaceous, and shrub vegetation for the pond. Doing so would greatly encourage amphibian, reptilian, avian, and mammal usage.
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. As of October 3, 2007, DES did not receive a complete response to the aforementioned request for additional information. More specifically, DES did not receive a complete response to item 2(b). DES never received a plan reflecting the items proposed for planting.
5. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-01089 CHASE, PAUL & MARTHA
RYE Atlantic Ocean

Requested Action:

Applicant requests to amending existing permit to extend the rip rap seawall an additional 6-feet to the north to afford greater protection at the north end of the seawall.

Conservation Commission/Staff Comments:

The Rye Conservation Commission stated, "the plans presented appeared to be the best design for this recurring problem."

APPROVE AMENDMENT:

Replace, reposition and reconstruct 5,940 sq. ft. of stone riprap armor along 337.7 linear feet of shoreline of the Atlantic Ocean to repair the dislocated riprap armor located at the footing of the concrete seawalls of four (4) adjoining residential properties to provide ocean storm wave attenuation and dispersion for protection against shoreline erosion and amend the original permit description to include: extending the stone riprap armor an additional 6-feet to the north to afford greater protection.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a.) Haight Engineering, PLLC and Waterfront Engineers, LLC dated May 11, 2007, as received by DES on June 27, 2007.
 - b.) Waterfront Engineers, LLC, dated October 15, 2007, as received by DES on November 15, 2007.
2. Any future work on these properties that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
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. Siltation/erosion/turbidity controls must be removed once the area is stabilized.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas.

6. Faulty equipment shall be repaired prior to entering jurisdictional areas (the beachfront).
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of jurisdictional areas during construction.
9. Any impacts that occur as a result of this project to the jurisdictional areas within the right-of-way that will be used for access/egress to the work site shall be restored to its original state following construction including the replanting any vegetation impacted.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" and that results in no change in height, length, location, or configuration.
2. Over the course of a two-year period, the existing concrete seawalls along these properties have been continually compromised from large storm events. Most notably, the seawall sustained considerable damage from the storms during April 2007. The existing footing of these seawalls no longer has adequate protection from erosion, therefore 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, as the new stone armour riprap will not encroach further onto the beach than existing conditions.
4. The NH Natural Heritage Bureau (NHB) identified two rare, State threatened plant species within the vicinity of the project: Beach Grass (*Ammophila breviligulata*) and Tall Wormwood (*Artemisia campestris* ssp. *caudata*).
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 finds that neither of the aforementioned species will be adversely affected from this project.
6. On November 15, 2007, DES received a request to amend the permit approval of July 3, 2007 from the applicants agent/contractor, Riverbend Masonry.
7. The applicants obtain notarized, written approval from the property owner identified as Bruce C. Gilbert, 1284 Ocean Boulevard, Rye, Tax Map 17.3 Lot 63, to extend the riprap armor north an additional 6-feet.
8. This 6-foot extension is necessary to secure the northerly end of the riprap armor.

2007-01419 WOOD, KEATH & PATRICIA
PITTSFIELD Unnamed Stream

Requested Action:

Dredge and fill 2808 square feet of palustrine forested wetland in four locations for a common driveway in the subdivision of 8 acres into two single family lots.

APPROVE PERMIT:

Dredge and fill 2808 square feet of palustrine forested wetland in four locations for a common driveway in the subdivision of 8 acres into two single family lots.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering dated April 12, 2007, and revised through September 21, 2007, as received by the Department on September 27, 2007, and Subdivision Plans by David Vincent dated September 21, 2007, and revised through November 1, 2007 as received by the Department on November 27, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

With Findings:

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

2007-01596 NEW BOSTON, TOWN OF
NEW BOSTON Bog Brook

Requested Action:

Dredge and fill 1,600 square feet (42 linear feet) of Bog Brook to replace an existing failing metal squash culvert with a concrete 12-foot x 6-foot x 42-foot concrete box culvert at Bog Road.

APPROVE PERMIT:

Dredge and fill 1,600 square feet (42 linear feet) of Bog Brook to replace an existing failing metal squash culvert with a concrete 12-foot x 6-foot x 42-foot concrete box culvert at Bog Road.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 30, 2007.
2. 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.
3. No riprap shall be installed in wetlands or surface waters.
4. Culvert inlets and outlets shall match the natural grade of the stream channel.
5. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
6. The recreated stream channel bed must maintain the natural stream bed elevation.
7. The recreated stream channel bed and box culvert must maintain a consistent stream bed elevation and not impede stream flow.
8. Work shall be done during low flow conditions.
9. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/dewatering and erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed ten consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

15. 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.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
17. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
18. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Proper headwalls shall be constructed within seven days of culvert installation.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
23. 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.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair or replacement of a culvert.
2. The existing culvert is failing and the proposed box culvert will provide a greater hydraulic opening and natural stream type channel bottom.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01703 ROARK, GREGORY & ELIZABETH
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair or replace the existing 10 ft x 40 ft concrete dock, connected to a 7 ft 8 in x 69 ft crib supported portion of a dock with a convert the 9 ft x 40 ft concrete portion to a piling supported dock, and repair/replace existing piling supported finger docks on 62 ft of frontage in Wolfeboro on Lake Winnepesaukee.

Inspection Date: 11/28/2007 by Chris T Brison

APPROVE PERMIT:

Retain repair/replacement of an existing 10 ft x 40 ft concrete dock section with a 9 ft 6 in x 40 ft wood section supported by 4 pilings and connected to the existing 7 ft 8 in x 69 ft crib pier, and repair three 2 ft x 22 ft 7 in finger piers, a 2 ft x 22 ft 3 in finger pier, a 2 ft x 20 ft 7 in finger pier, and a 2 ft x 20 ft 11 in finger pier on 62 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated September 18, 2007, as received by DES on September 25, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. Repair shall maintain the existing size, location and configuration of the structures with the exception of the approved reduction in the pier width as described.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed to be a minimum impact project per Administrative Rule Env-Wt 303.04(o) as it reduces the impacts of the structure.
2. DES Staff conducted a field inspection of the proposed project on November 28, 2007. Field inspection determined repairs and modifications were completed in accordance with application plans received by NHDES September 25, 2007.

**2007-02028 WAUSAU PAPERS PRINTING & WRITING LLC
GROVETON Connecticut River**

Requested Action:

Confirm emergency authorization issued on 8/28 2007 to dredge and fill 240 sq. ft. within the bank of the Connecticut River to repair the existing 32 inch outfall pipe.

Conservation Commission/Staff Comments:

E-Authorization for pipe repair adjacent to Ct. River. 8/28/07
Report Recvd 01 Oct 2007

CONFIRM EMERGENCY AUTHORIZATION:

Dredge and fill 240 sq. ft. within the bank of the Connecticut River to repair the existing 32 inch outfall pipe.

With Conditions:

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

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(X), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line
2. The project was necessary to repair an existing failed outfall pipe.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on 8/29/2007.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

FORESTRY NOTIFICATION

**2007-02384 PELHAM, TOWN OF
PELHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Pelham Tax Map 1, Lot# 169

**2007-02793 OSSIPEE POPE REALTY TRUST, ROBERT POPE TTEE
OSSIPEE Unnamed Stream**

COMPLETE NOTIFICATION:
Ossipee Tax Map/Lot# 5 / 99 & 7 / 21 & 22

**2007-02795 DOANE, ELI
BATH Unnamed Stream**

COMPLETE NOTIFICATION:
Bath Tax Map 8, Lot# 33

**2007-02798 ENMAN, STEVE
MILAN Unnamed Stream**

COMPLETE NOTIFICATION:
Milan Tax Map 46, Lot# 91

**2007-02799 MAKRIS, KONSTADINOS
SPRINGFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Springfield Tax Map 20, Lot# 600,158

**2007-02810 HODGMAN, MARY
WARNER Unnamed Stream**

COMPLETE NOTIFICATION:
Warner Tax Map 4, Lot# 2

**2007-02811 YANKEE FOREST LLC
MILAN Unnamed Stream**

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 02 Parcel J

2007-02812 STRAWBROOK FORESTRY INC
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 4, Lot# 25

2007-02817 FALZONE, JOSEPH
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 20, Lot# 7

2007-02819 PETERSON, WARD & COREY
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 8, Lot# 5

2007-02821 VOGEL, CAROLYN
HARRISVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Harrisville Tax Map 30, Lot# 31

2007-02822 WHEELER, JAMES
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map R5, Lot# 1

2007-02823 LANTAGNE, BERNARD & MARYANNE
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 3, Lot# 7

2007-02824 DUMOINE FARMS, C/O WAGNER FOREST MGMT
WINCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Winchester Tax Map/Lot# 9/55 & 12/30

2007-02826 CAMPBELL, KEN & LISA
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Map 9, Lot# 39

2007-02827 **HAMM, BARBARA**
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 212, Lot# 65

2007-02828 **KING, ANNA**
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:
Swanzy Tax Map 63, Lot# 9

2007-02829 **CASOLI, CARY**
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:
Bridgewater Tax Map 775, Lot# 485

2007-02830 **LOHSE, SUSAN**
WAKEFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Wakefield Tax Map 75, Lot# 1

2007-02831 **PERRONE, MATTHEW**
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 415, Lot# 66

2007-02832 **SANGER LOT TRUST, MARY MILLER TTEE**
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 407, Lot# 64

2007-02834 **CLARK, DEAN**
HVERHILL Unnamed Stream

COMPLETE NOTIFICATION:
Haverhill Tax Map 413, Lot# 71, 75 & 76

EXPEDITED MINIMUM

**2006-01493 ALEXANDRIA, TOWN OF
ALEXANDRIA**

Requested Action:

Deny permit request to replace culverts on existing right of ways.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace culverts on existing right of ways.

With Findings:

1. A request for additional information dated February 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.
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.

**2007-01808 HOOKSETT, TOWN OF
HOOKSETT Unnamed Stream Wetlands**

Requested Action:

Dredge and fill 2628 square feet for the reconstruction of the existing Jacob Ave to improve sight distance and roadway safety.

APPROVE PERMIT:

Dredge and fill 2628 square feet for the reconstruction of the existing Jacob Ave to improve sight distance and roadway safety.

With Conditions:

1. All work shall be in accordance with plans by Keach Nordstrom dated May 2007, as received by the Department on August 7, 2007.
2. Copies of the recorded easement shall be submitted to the Department prior to the start of work.
3. There shall be no wetland impacts associated with the installation of rip rap for the culvert replacement on Map 48 lot 42-1.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

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

With Findings:

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

**2007-02100 PSNH, ATTEN DAVID PLANTE, P.E.
HILLSBOROUGH Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and temporarily impact approximately 2,192 square feet for associated swamp mat installation for access along the 1 mile Hillsborough portion of a 20-mile existing electric aerial power line (F162).

APPROVE PERMIT:

Dredge and fill approximately 2 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and temporarily impact approximately 2,192 square feet for associated swamp mat installation for access along the 1 mile Hillsborough portion of a 20-mile existing electric aerial power line (F162).

With Conditions:

1. All work shall be in accordance with plans by Ambient Engineering dated August 10, 2007, and revised November 14, 2007, and restoration sequence as received by the DES Wetlands Bureau on November 20, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
4. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
8. No intermittent or perennial stream temporary or permanent impacts shall occur.
9. In the event an intermittent stream crossing is needed that will result in stream impacts for a stream with a bed of 10-feet or less the applicant shall submit stream crossing plans shall be submitted to the Department for approval prior to construction.
10. In the event a stream crossing is needed that will result in stream impacts for an intermittent with a bed greater than 10 feet or for a perennial stream the applicant shall file a permit amendment with the Department.
11. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
12. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
13. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

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

17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

18. Silt fence(s) must be removed once the area is stabilized.

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

20. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

21. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.

22. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.

23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.

25. Mulch within the restoration areas shall be straw or seedless hay.

26. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.

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

28. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

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

30. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

31. Faulty equipment shall be repaired prior to entering wetlands.

32. 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.

33. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility corridor; and Env-Wt 303.04(f), projects that impacts less than 3,000 square feet of wetlands.

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

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

5. This approval is associated with four DES Wetland Bureau Files, No.'s 2007-02101, 2007-02102, 2007-02177 and 2007-02179 for the replacement of utility poles and overhead power lines and associated swamp mat installation along a 20-mile, 100-foot wide utility corridor located within five towns Hillsborough, New Boston, Goffstown, Deering and Weare for a total of 38,080 square

feet of temporary wetland impact for swamp mat installation, 92 square feet of impact for guy wire installation and 40 square feet of impact for new pole installation.

6. This approval is associated with required DES Wetlands Bureau, Enforcement Section follow-up by the applicant as a result of unpermitted jurisdictional impacts within the right-of-way and along a class IV road, used for access.
7. No comments were submitted from the Local Advisory Committee or the NH Fish and Game Department and the Conservation Commission signed the expedited application.
8. Natural Heritage Bureau comments stated if the project is in the area of the Silver maple - false nettle-sensitive fern floodplain, impacts should be considered.

**2007-02101 PSNH, ATTEN DAVID PLANTE, P.E.
NEW BOSTON Unnamed Wetland**

Requested Action:

Dredge and fill approximately 9 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires along the 0.7 mile New Boston portion of a 20-mile existing electric aerial power line (F162).

APPROVE PERMIT:

Dredge and fill approximately 9 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires along the 0.7 mile New Boston portion of a 20-mile existing electric aerial power line (F162).

With Conditions:

1. All work shall be in accordance with plans by Ambient Engineering dated August 10, 2007, and revised November 14, 2007, and restoration sequence as received by the DES Wetlands Bureau on November 20, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
4. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
8. No intermittent or perennial stream temporary or permanent impacts shall occur.
9. In the event an intermittent stream crossing is needed that will result in stream impacts for a stream with a bed of 10-feet or less the applicant shall submit stream crossing plans shall be submitted to the Department for approval prior to construction.
10. In the event a stream crossing is needed that will result in stream impacts for an intermittent with a bed greater than 10 feet or for a perennial stream the applicant shall file a permit amendment with the Department.
11. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
12. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
13. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
18. Silt fence(s) must be removed once the area is stabilized.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

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

20. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
21. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
22. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
25. Mulch within the restoration areas shall be straw or seedless hay.
26. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
27. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
28. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
29. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
30. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
31. Faulty equipment shall be repaired prior to entering wetlands.
32. 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.
33. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility corridor; and Env-Wt 303.04(f), projects that impacts less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This approval is associated with four DES Wetland Bureau Files, No.'s 2007-02100, 2007-02102, 2007-02177 and 2007-02179 for the replacement of utility poles and overhead power lines and associated swamp mat installation along a 20-mile, 100-foot wide utility corridor located within five towns Hillsborough, New Boston, Goffstown, Deering and Weare for a total of 38,080 square feet of temporary wetland impact for swamp mat installation, 92 square feet of impact for guy wire installation and 40 square feet of impact for new pole installation.
6. This approval is associated with required DES Wetlands Bureau, Enforcement Section follow-up by the applicant as a result of unpermitted jurisdictional impacts within the right-of-way and along a class IV road, used for access.
7. No comments were submitted from the Local Advisory Committee, the NH Fish and Game Department, or the Natural Heritage Bureau.
8. The Conservation Commission signed the expedited application.

2007-02105 BOUVIER, LESLIE
NEW DURHAM Merry Meeting Lake

Requested Action:

Permanently remove an existing asphalt boat ramp and construct a perched beach behind full lake elevation in the same footprint with less than 10 cubic yards of sand, install 6 ft wide access steps to the lake on Merrymeeting Lake, New Durham.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on June 26, 2007

APPROVE PERMIT:

Permanently remove an existing asphalt boat ramp and construct a perched beach behind full lake elevation in the same footprint with less than 10 cubic yards of sand, install 6 ft wide access steps to the lake on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans as received by DES on November 20, 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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. This permit does not allow for the removal of any trees from the frontage for the removal of the boat ramp or construction of the beach.
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(d), construction of a beach.
2. The removal of a private boat ramp and the construction of a perched beach is the least impacting alternative.
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.

2007-02177 PSNH, ATTEN DAVID PLANTE, P.E.
DEERING Unnamed Wetland

Requested Action:

Dredge and fill 43 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires and temporarily impact approximately 27,418 square feet for associated swamp mat installation for access along the 7.6 mile Deering portion of a 20-mile existing electric aerial power line (F162).

APPROVE PERMIT:

Dredge and fill 43 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires and temporarily impact approximately 27,418 square feet for associated swamp mat installation for access along the

7.6 mile Deering portion of a 20-mile existing electric aerial power line (F162).

With Conditions:

1. All work shall be in accordance with plans by Ambient Engineering dated August 10, 2007, and revised November 14, 2007, and restoration sequence as received by the DES Wetlands Bureau on November 20, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
4. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
8. No intermittent or perennial stream temporary or permanent impacts shall occur.
9. In the event an intermittent stream crossing is needed that will result in stream impacts for a stream with a bed of 10-feet or less the applicant shall submit stream crossing plans shall be submitted to the Department for approval prior to construction.
10. In the event a stream crossing is needed that will result in stream impacts for an intermittent with a bed greater than 10 feet or for a perennial stream the applicant shall file a permit amendment with the Department.
11. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
12. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
13. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
18. Silt fence(s) must be removed once the area is stabilized.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
21. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
22. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
25. Mulch within the restoration areas shall be straw or seedless hay.
26. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
27. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

- 28. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
- 29. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 30. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
- 31. Faulty equipment shall be repaired prior to entering wetlands.
- 32. 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.
- 33. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility corridor; and Env-Wt 303.04(f), projects that impacts less than 3,000 square feet of wetlands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. This approval is associated with four DES Wetland Bureau Files, No.'s 2007-02100, 2007-02101, 2007-02102, 2007-02179 for the replacement of utility poles and overhead power lines and associated swamp mat installation along a 20-mile, 100-foot wide utility corridor located within five towns Hillsborough, New Boston, Goffstown, Deering and Weare for a total of 38,080 square feet of temporary wetland impact for swamp mat installation, 92 square feet of impact for guy wire installation and 40 square feet of impact for new pole installation.
- 6. This approval is associated with required DES Wetlands Bureau, Enforcement Section follow-up by the applicant as a result of unpermitted jurisdictional impacts within the right-of-way and along a class IV road, used for access.
- 7. No comments were submitted from the Local Advisory Committee or the Natural Heritage Bureau and the Conservation Commission signed the expedited application.

**2007-02179 PSNH, ATTEN DAVID PLANTE, P.E.
WEARE Unnamed Wetland**

Requested Action:

Dredge and fill approximately 35 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires and temporarily impact approximately 3,945 square feet for associated swamp mat installation for access along the 7.6 mile Weare portion of a 20-mile existing electric aerial power line (F162).

APPROVE PERMIT:

Dredge and fill approximately 35 square feet of palustrine scrub-shrub and emergent wetlands for the replacement/installation of pole structures and guy wires and temporarily impact approximately 3,945 square feet for associated swamp mat installation for access along the 7.6 mile Weare portion of a 20-mile existing electric aerial power line (F162).

With Conditions:

- 1. All work shall be in accordance with plans by Ambient Engineering dated August 10, 2007, and revised November 14, 2007, and restoration sequence as received by the DES Wetlands Bureau on November 20, 2007.
- 2. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
- 3. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A

will require a new application and approval by the Bureau.

4. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
7. No intermittent or perennial stream temporary or permanent impacts shall occur.
8. In the event an intermittent stream crossing is needed that will result in stream impacts for a stream with a bed of 10-feet or less the applicant shall submit stream crossing plans shall be submitted to the Department for approval prior to construction.
9. In the event a stream crossing is needed that will result in stream impacts for an intermittent with a bed greater than 10 feet or for a perennial stream the applicant shall file a permit amendment with the Department.
10. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
11. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
12. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
17. Silt fence(s) must be removed once the area is stabilized.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
20. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
21. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
22. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
23. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
24. Mulch within the restoration areas shall be straw or seedless hay.
25. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
26. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
27. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
28. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
29. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
30. Faulty equipment shall be repaired prior to entering wetlands.

31. 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.
32. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility corridor; and Env-Wt 303.04(f), projects that impacts less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This approval is associated with four DES Wetland Bureau Files, No.'s 2007-02100, 2007-02101, 2007-02102, and 2007-02177 for the replacement of utility poles and overhead power lines and associated swamp mat installation along a 20-mile, 100-foot wide utility corridor located within five towns Hillsborough, New Boston, Goffstown, Deering and Weare for a total of 38,080 square feet of temporary wetland impact for swamp mat installation, 92 square feet of impact for guy wire installation and 40 square feet of impact for new pole installation.
6. This approval is associated with required DES Wetlands Bureau, Enforcement Section follow-up by the applicant as a result of unpermitted jurisdictional impacts within the right-of-way and along a class IV road, used for access.
7. The Conservation Commission signed the expedited application.

**2007-02214 PSNH, WALTER BILYNSKY
CONCORD Unnamed Wetland**

Requested Action:

Dredge and fill a total 35182 square feet of jurisdictional wetlands further described as follows: Temporarily impact 34640 square feet for access to existing utility lines and permanently impact 542 square feet for installation of new poles or guy wire anchors.

APPROVE PERMIT:

Dredge and fill a total 35182 square feet of jurisdictional wetlands further described as follows: Temporarily impact 34640 square feet for access to existing utility lines and permanently impact 542 square feet for installation of new poles or guy wire anchors.

With Conditions:

1. All work shall be in accordance with plans by Tighe and Bond dated August 2007, as received by the DES Wetlands Bureau on September 17, 2007 and the "Standards for Transmission Line Construction in Wetlands" as received on September 17, 2007.
2. The applicant shall conduct work to protect the endangered species, *Asclepias tuberosa*, as outlined in the narrative and plans by Tighe and Bond and approved by the Natural Heritage Bureau on November 14, 2007.
3. The applicant shall continue to coordinate with the Natural Heritage Bureau and NH Fish and Game to mitigate the project impacts on the remaining endangered species, as required by RSA 212-A and RSA 217-A.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
6. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. All work shall be conducted during frozen conditions or under low flow or low groundwater conditions.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
10. Prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.
11. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize

rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.

12. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

13. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.

14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

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

16. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

17. Silt fence(s) must be removed once the area is stabilized.

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

19. Construction shall be inspected by a qualified professional such as a wetland scientist, or erosion control specialist, to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

20. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to jdegler@des.state.nh.us.

21. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.

22. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.

23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.

25. Mulch within the restoration areas shall be straw or seedless hay.

26. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.

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

28. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

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

30. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

31. Faulty equipment shall be repaired prior to entering wetlands.

32. 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.

33. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way and Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime

wetlands.

- 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.

2007-02334 GUNNING, JOHN
NEW LONDON Pleasant Lake

Requested Action:

Repair an existing 49 ft of retaining wall on Pleasant Lake, New London.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 49 ft of retaining wall on Pleasant Lake, New London.

With Conditions:

- 1. All work shall be in accordance with plans by J A Gunning, as received by DES on October 03, 2007.
- 2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
- 3. Repair shall maintain existing size, location and configuration.
- 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 attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining wall which results in no change in height, length, location, or configuration.

2007-02362 LANSIEDEL REVOC TRUST
SUNAPEE Lake Sunapee

Requested Action:

Repair an existing 28 ft x 8 ft permanent wharf on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 28 ft x 8 ft permanent wharf on Lake Sunapee, Sunapee.

With Conditions:

- 1. All work shall be in accordance with plans by Richard Green dated September 20, 2007, as received by DES on October 04, 2007.
- 2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to

construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. This permit does not allow for any modification of the shoreline for the proposed repair of the dock.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2007-02369 MACMILLAN, ESTATE OF DONALD
NEWBURY Lake Sunapee**

Requested Action:

Repair/replace existing 5 ft x 38 ft dock supported by a 5 ft x 5 ft crib, connected to a 14 ft x 14 ft platform supported by a 12 ft x 12 ft crib with a 4 ft x 20 ft seasonal extension on 105 ft of frontage in Newbury on Lake Sunapee.

APPROVE PERMIT:

Repair/replace existing 5 ft x 38 ft dock supported by a 5 ft x 5 ft crib, connected to a 14 ft x 14 ft platform supported by a 12 ft x 12 ft crib with a 4 ft x 20 ft seasonal extension on 105 ft of frontage in Newbury on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 5, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. All existing abandoned crib material and debris from the crib construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for maintenance dredging.
7. Existing displaced crib rocks shall be re-used for support repairs.
8. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
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(v), maintenance, repair, and replacement in-kind of existing docking structures.
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.

TRAILS NOTIFICATION

2007-02797 UNITY, TOWN OF
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 7, Lot# 621 & 837

LAKES-SEASONAL DOCK NOTIF

2007-02786 ALEX, WILLIAM
BARRINGTON Nippo Lake

COMPLETE NOTIFICATION:
Barrington, NH Tax map 110 Lot 22
Nippo Lake

2007-02800 GARSIDE, KEITH
PITTSBURG First Connecticut Lake

COMPLETE NOTIFICATION:
Pittsburg Tax Map C7, Lot# 15 1st Connecticut Lake

PERMIT BY NOTIFICATION

2007-00797 MORRISON FAMILY TRUST
BRENTWOOD Unnamed Pond

Requested Action:
Impact 1,500 square feet of an existing man-made pond to stabilize the banks of the pond to prevent further erosion.

Conservation Commission/Staff Comments:
The Brentwood Conservation Commission did not sign the PBN.

PBN IS COMPLETE:
Impact 1,500 square feet of an existing man-made pond to stabilize the banks of the pond to prevent further erosion.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide

continued usefulness of nontidal drainage
ditches, man-made ponds, and spillways.

2007-00929 SULLIVAN, DAVID
WASHINGTON Highland Lake

With Findings:

1. Response not received within 20 days.

2007-01435 MORRISSEY, ROBERT & MELINDA
WOLFEBORO Lake Winnepesaukee

With Findings:

1. Disqualified untimely response.

2007-01482 PERRY, AUDREY
NEW LONDON Unnamed Wetland

Requested Action:

Disqualify permit by notification request to dredge and fill 2,075 square feet of forested wetlands to install two (2) approximate 18-inch x 20-foot culverts at two (2) separate wetland crossings for driveway access to a single family residence and temporarily impact 925 square feet of forested wetlands for sewer line installation.

PBN DISQUALIFIED:

Disqualify permit by notification request to dredge and fill 2,075 square feet of forested wetlands to install two (2) approximate 18-inch x 20-foot culverts at two (2) separate wetland crossings for driveway access to a single family residence and temporarily impact 925 square feet of forested wetlands for sewer line installation.

With Findings:

1. A notice of incomplete permit by notification requesting additional information dated July 26, 2007, addressed to the applicant or agent of record, clearly required the applicant to submit additional information to DES within 20 days of the request.
2. DES did not receive the requested additional information within the 20 days; and therefore, the permit by notification has been disqualified.

2007-01603 PERKINS, ALLAN
WALPOLE Unnamed Pond

Requested Action:

Maintenance dredge 2,400 sq. ft. of an existing man-made pond.

PBN IS COMPLETE:

Maintenance dredge 2,400 sq. ft. of an existing man-made pond.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), maintenance dredging that meets the criteria in Env-Wt 303.04(k).

3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2007-01954 CHANTICLEER SHORES ASSOCIATION
GILFORD Lake Winnepesaukee

Requested Action:

Replace a failed wooden retaining wall

PBN IS COMPLETE:

Replace a failed wooden retaining wall

With Findings:

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

2007-02605 LEBELLE, GILMAN
RINDGE Lake Monomonac

Requested Action:

Replenish existing beach with 10 cubic yards of sand.

PBN IS COMPLETE:

Replenish existing beach with 10 cubic yards of sand.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) replensihment of an existing beach.

2007-02767 SHAHIN, KAL
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill 260 sq. ft. of forested wetlands for construction of a driveway to a proposed single family home. Work in wetlands consists of installation of a 15 in. x 31 ft. culvert and associated grading and filling.

Conservation Commission/Staff Comments:

The Conservation Commission signed the PBN form.

PBN IS COMPLETE:

Dredge and fill 260 sq. ft. of forested wetlands for construction of a driveway to a proposed single family home. Work in wetlands consists of installation of a 15 in. x 31 ft. culvert and associated grading and filling.

With Findings:

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

- (1) The total jurisdictional impact does not exceed 3,000 square feet;
- (2) The roadway width at the crossing shall not exceed 20 feet;
- (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by steepening the sideslopes and

constructing walls, and not exceed 50 feet;

(4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and (

5) Such projects shall be limited to crossings that: a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone; b. Are not located in or adjacent to prime wetlands, as defined by Env-Wt 701.02 through Env-Wt 701.04; c. Do not meet the criteria of Env-Wt 303.02(k); and d. Cross stream channels less than 10 feet wide;

**2007-02768 NERBONNE 1998 REVOC TRUST, LORI
SANBORNTON Lake Winnisquam**

Requested Action:

Repair/replace existing retaining wall.

PBN IS COMPLETE:

Repair/replace existing retaining wall.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) the Bureau deemed application complete even though the wall width is expanding landward. Plans are a stamped survey and there is no mistake on where the normal high water mark is preventing possible lakeward expansion.