

Wetlands Bureau Decision Report

Decisions Taken
01/21/2008 to 01/27/2008

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2006-03186 BRISTOL, TOWN OF
BRISTOL Newfound Lake**

Requested Action:

Applicant requests reconsideration of denial issued on December 14, 2007, based upon revised plans submitted on January 11, 2008 and information submitted by the town of Bristol on January 10, 2008.

Inspection Date: 05/25/2007 by Chris T Brison

APPROVE RECONSIDERATION:

Reconsider and approve applicant's request to: Construct a 4 ft x 65 ft seasonal dock with two 3 ft x 20 ft seasonal finger docks in an "F" shaped configuration on Newfound Lake, in Bristol.

With Conditions:

1. All work shall be in accordance with plans as received by DES on January 11, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. 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.
5. Seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the docking facility shall extend more than 65 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction or modification of a docking system which provides 5 or more 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 May 25, 2007. Field inspection determined the proposed docking structure would not impact navigation.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Newfound Lake.
7. The Town of Bristol has agreed to the location of the proposed dock on town property.
8. The applicant has an average of 1700 feet of shoreline frontage along Newfound Lake.
9. A maximum of 23 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
10. The proposed docking facility will provide a total of 10 slips as defined per RSA 482-A:2, when combined with other docking facilities on the frontage, and therefore meets Rule Env-Wt 402.12.

-Send to Governor and Executive Council-

**2007-02257 PORTER STREET REALTY TRUST
ALTON Lake Winnepesaukee**

Requested Action:

Fill 572 sq ft to construct 44 linear ft of breakwater, in an "dog-leg" configuration, with a 6 ft gap at the shoreline, and construct a permanent "W-shaped" docking facility consisting of a 4 ft x 30 ft cantilevered pier with a seasonal boatlift connected to a 6 ft x 30 ft dock by a 3 ft x 12 ft walkway and another 3 ft x 12 ft walkway accessing a 6 ft x 30 ft dock with two tie-off piles, install a 30 ft x 32 ft seasonal canopy over the center slips, remove the existing 24.5 ft long boulder supported deck over water and reuse boulders for breakwater construction on an average of 324 ft of frontage in Alton on Lake Winnepesaukee.

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

APPROVE PERMIT:

Fill 572 sq ft to construct 44 linear ft of breakwater, in an "dog-leg" configuration, with a 6 ft gap at the shoreline, and construct a permanent "W-shaped" docking facility consisting of a 4 ft x 30 ft cantilevered pier with a seasonal boatlift connected to a 6 ft x 30 ft dock by a 3 ft x 12 ft walkway and another 3 ft x 12 ft walkway accessing a 6 ft x 30 ft dock with two tie-off piles, install a 30 ft x 32 ft seasonal canopy over the center slips, remove the existing 24.5 ft long boulder supported deck over water and reuse boulders for breakwater construction on an average of 324 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Winnepesaukee Marine Construction dated December 11, 2007, as received by the Department on December 13, 2007 and nonconforming deck removal and rock re-use plans as received by the Department on January 10, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. This permit does not authorize stockpiling on this frontage, as this temporary impact was not on the plans.
11. The seasonal canopy shall be removed annually for 5 months during the non-boating season.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. No dock, stairway and walkway shall exceed a 6 ft width.
17. Repairs to the structures permitted can be conducted under this permit, until expiration, upon receipt of written notification to the Department and the local Conservation Commission.
18. 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 major project per Rule Env-Wt 303.02(j), construction of a Breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.

3. The applicant has an average of 324 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 5 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on November 28, 2007, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on November 28, 2007 found no obvious evidence of sand migration along this shoreline.
8. The applicant met Rule Env-Wt 402.20 by removing a nonconforming permanent supported deck over water.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2000-01929 FLEMING, RICHARD
NEW DURHAM Unnamed Stream

Requested Action:

Retain dredge and fill impacts of approximately 1,800 sq. ft. in wetlands for construction of a "pond hole" and culverted driveway crossing.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain dredge and fill impacts of approximately 1,800 sq. ft. in wetlands for construction of a "pond hole" and culverted driveway crossing.

With Findings:

1. On 9/5/2000 DES received a complaint from the New Durham Conservation Commission regarding construction of a pond on the property without a permit.
2. On 9/6/2000 DES sent an alleged violator letter to Richard Fleming regarding construction of the pond. Included in the letter was the request for submission of an after-the-fact application if the alleged violator wished to retain the impact.
3. On 11/9/2000 DES personnel inspected the property and documented the presence of the pond.
4. On 11/14/2000 DES received an after-the-fact application for "excavation of a pond hole".
5. On 12/8/2000 DES received a letter from the New Durham Conservation Commission stating that the area where the pond was constructed was clearly wetlands, according to their observations, and according to the Town Property map included in the application, not "run-off" as indicated by the applicant in the application.
6. On 5/1/2001 DES sent the applicant a Request For More Information ("RFMI") letter requesting the following information:
 - a. correction of various tax map deficiencies;
 - b. a plan with jurisdictional wetlands delineated;
 - c. demonstration that the fire pond construction in wetlands represents avoidance and minimization of impacts.
7. On 8/30/2001 DES sent a follow-up letter to the applicant stating that no response had been received to the 5/1/2001 RFMI letter, and attached a copy of the 5/1/2001 letter.
8. On 1/8/2003 DES sent a second follow-up letter to the applicant stating that no response had been received to the 5/1/2001 RFMI letter, and further stating that the enforcement file related to this matter remained open and unresolved, and requested a response no later than February 1, 2003.
9. Requests for additional information dated 5/1/2001, 8/30/2001, and 1/8/2003, were addressed to the applicant or agent of record.
10. 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.
11. DES did not receive the requested additional information by the specified deadline of 2/1/2003, and has not received the

information in nearly 5 years since, therefore the application has been denied.

12. Further enforcement action will be pursued under separate cover.

2005-02942 GREGOIRE, JAMES
RAYMOND Unnamed Wetland

Requested Action:

Applicant requests to amend approval by decreasing the impacts to 5,250 square feet of impact.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission has no issues with the application.

Inspection Date: 04/19/2006 by Eben M Lewis

APPROVE AMENDMENT:

Amend permit by decreasing impacts from 23,001 square feet to impact a total of 5,400 square feet of jurisdictional area which includes: dredge and fill 1,050 s.f. of scrub-shrub wetland for the creation of a fire pond for fire safety and fill 1,300 s.f. within the bed and banks of a perennial stream to install a 4'x8'x22' RCP box culvert; fill 1,450 s.f. of intermittent stream to install a 15-inch culvert; and fill 1,400 s.f. of intermittent stream to install a 15-inch culvert associated with the construction of a roadway and cul-de-sac for access to an 12-lot subdivision of 31.02 acres with 21.51 acres reserved as open space.

With Conditions:

1. All work shall be in accordance with the plans by Jones & Beach Engineers, Inc. dated September 6, 2006 and revised through December 21, 2007, as received by the Department on January 14, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Site Specific Program.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
8. Work shall be done during seasonal low flow conditions.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. 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).
12. 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).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

2006-00901 MAPLEVALE BUILDERS LLC
NEWTON Unnamed Wetland

Requested Action:

Approva name change to: Maplevale Builders, LLC, 25 Maplevale aDr., East Kingston NH 03827 per request received 1/23/2008.

Previous owner:Robert & Janice Woodhouse.

Conservation Commission/Staff Comments:

No report or comments received from the Newton Conservation Commission.

APPROVE NAME CHANGE:

Dredge and fill a total of 3,805 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings to access a 19-lot single-family residential subdivision on a 51 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by James M. Lavelle Associates, LLC dated March 27, 2006, as received by the Department on April 21, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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. Culvert outlets shall be properly rip rapped.

With Findings:

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

2007-00690 UPPER BIRCH HOLDING LLC
GROTON Unnamed Stream

Requested Action:

Request reconsideration of denial to dredge and fill 624 sq. ft. of intermittent stream and associated wetlands to install a 24 in. x 40 ft. culvert to construct a subdivision road and dredge and fill 460 sq. ft. of intermittent stream and associated wetlands in a second area to install a 24 in. x 38 ft. culvert for a common driveway to two lots in a proposed 13 lot subdivision of 118 acres.

APPROVE RECONSIDERATION:

Approve reconsideration to dredge and fill 624 sq. ft. of intermittent stream and associated wetlands to install a 24 in. x 40 ft. culvert to construct a subdivision road and dredge and fill 460 sq. ft. of intermittent stream and associated wetlands in a second area to install a 24 in. x 38 ft. culvert for a common driveway to two lots in a proposed 13 lot subdivision of 118 acres.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping sheets 1 and 2 of 2 revision dated October 2007, Wetlands Disturbance and cross-section and profile plans sheets 1 and 2 of 2 revision dated and dated October 2007 as received by DES on October 25, 2007 and supplemental "Wetland Plan" sheets 1 of 1 and 1 of 2 by Meridian Land Services, Inc., dated December 17, 2007, as received by DES on December 21, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. The proposed building envelopes shall be adjusted to reflect additional wetlands depicted on the supplemental "Wetland Plan" sheets by Meridian Land Services, Incorporated.
4. There shall be no further alteration of wetlands for lot development, driveways, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Grafton 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.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The permit application was previously denied by DES on November 15, 2007, because the plans submitted did not comply with Administrative Rule Env-Wt 304.09(a).
6. On October 25, 2007, DES received a request to waive Administrative Rule Env-Wt 304.09(a).
7. The waiver request was denied because it did not meet the content, format and criteria requirements of Administrative Rules Env-Wt 204.03 and 204.04.
8. On November 29, 2007, DES received a request for reconsideration of the permit denial decision.
9. On November 29, 2007, DES received a request from the applicant for a time extension to give the newly hired NH Certified Wetland Scientist time to identify all wetlands on the property.
10. The applicant has now provided supplemental "Wetland Plan" sheets stamped by a NH Certified Wetlands Scientist that identified all wetlands on the property.
11. The applicant had previously provided a subdivision plan and impact plans stamped by a NH Licensed Land Surveyor.
12. The application now includes the requirements of Administrative Rule Env-Wt 304.09(a).
13. The permit approval is contingent on approval by the DES Subsurface Systems Bureau.
14. A condition of the approval requires adjustment of the proposed building envelope boundaries due to the additional wetlands identified and depicted on the supplemental "Wetland Plan" sheets.

Requested Action:

Dredge and fill 2,642 sq. ft. of palustrine forested wetlands associated with Curtis Brook to install a 12-ft. x 20-ft. open bottomed box culvert for common driveway access to 2-lots.

APPROVE PERMIT:

Dredge and fill 2,642 sq. ft. of palustrine forested wetlands associated with Curtis Brook to install a 12-ft. x 20-ft. open bottomed box culvert for common driveway access to 2-lots.

With Conditions:

1. All work shall be in accordance with plans dated June 06, 2007, and revised through December 28, 2007, and plans dated December 28, 2007, as received by the Department on December 28, 2007.
2. Work shall be done during low flow conditions.
3. 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.
4. 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.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. 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.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. 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.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
16. The recreated stream channel bed must maintain the natural stream bed elevation.
17. The recreated stream channel bed must maintain a consistent stream bed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. 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.
22. A post-construction report documenting the status of the restored streambed shall be submitted to the DES Wetlands Bureau within 60 days of completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The two subject lots resulted from a 2005 subdivision.
3. Topography limits access from New Road.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Lyndeborough Conservation Commission.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01416 COSTURA, JEFFREY
DALTON Unnamed Wetland

Conservation Commission/Staff Comments:

Recvd Response to RFMI on 13 Nov 2007. Awaiting NHF&G comments as of 16 Nov 2007. MAM Not LEDPA. Denial. 12/10/2007.

With Findings:

A. Grounds for Reconsideration

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

1. Many man made wildlife ponds properly located and designed exist and their diversity is supported with volumes of data.
2. Reference to the proximity to a very large open waterbody, Forest Lake is misleading as the proposed pond habitat and lake habitat are considerably different habitat types, which attract different and diverse plant and animal species. The proposed pond is over 400 feet away from the nearest water's edge of Forest lake, well beyond the 250 foot buffer under the Shoreland Protection Program. It is located and drains into a separate subwatershed.
3. The use of 'least impacting alternative' does not seem appropriate in this situation. If an attempt is made to design a pond in the uplands, the result would most likely not produce wildlife enhancement and habitat diversity as sought in the application.
4. The size of the pond is well under the allowed 20,000 square feet for ponds and that this 20 acre lot can directly control the maintenance of proportion in diverse habitat types offering a continuum of cover types. When analyzed at its subwatershed level, the percentile of pond habitat in this subwatershed is very low.
5. The 'need or justification' for the impact has been addressed and 1% pond habitat would appear to offer a diversity that would benefit wildlife - and not destruction or absolute loss.
6. The increased wildlife diversity with a pocket of high value specialized habitat would appear to outweigh the potential for any negative wildlife impacts to the region.
7. The denial stated that there was a failure to adequately address the issue of proximity of Forest lake to the project and did not provide evidence of increases to wildlife diversity. This seems an unfair statement as these issues were addressed and there was no direct response, though requested from the Fish and Game Department.

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, DES 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 DES's decision to show that the decision is unlawful or unreasonable.
4. If DES 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. The applicant proposes little cover type or structural diversity in their proposal a well known measure of wildlife function and value.
2. Given the makeup of the applicant's property and the existence of uplands and wetlands - they have failed to minimize the overall impacts of the project to wetlands.
3. Forested wetlands are known to serve important water quality and wildlife functions in their current state (See "Ecology of Red Maple Swamps in the Glaciated Northeast: A Community Profile", Golet, Calhoun, DeRagon, Lowry, and Gould, June 1993).
4. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

2007-01452

ZID-R-ZEE DEVELOPMENT LLC

BOW Bela Brook

Requested Action:

Dredge and fill a total of 2250 square feet for installation of a 20 foot x 8-foot high spanning structure for access to a single family residential lot.

APPROVE PERMIT:

Dredge and fill a total of 2250 square feet for installation of a 20 foot x 8-foot high spanning structure for access to a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants dated January 2008, and revised through January 25, 2008, as received by the Department on January 15, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/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.
4. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be done during low flow.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. No equipment shall enter the water.
13. All work shall be done from the top of the bank.
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 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. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
20. Materials removed from the streambed during construction of the substructure, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
21. 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.
22. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
23. 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.
24. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence that the town of Bow allows the proposed structure within the right of way.
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 provided a natural bottom crossing with rip rap along the edges of the roadway to funnel wildlife through the natural bottom crossing location.
6. 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.

**2007-01537 SAUVOLA, MATT
RINDGE Unnamed Wetland**

Requested Action:

Dredge and fill 5,203 sq. ft. of palustrine-forested wetlands to install a 30-inch embedded culvert for road access to a proposed 6-lot subdivision on ± 100 acres.

Conservation Commission/Staff Comments:

Previous related subdivision approvals:

previous wetland file for previous related subdivisions:

03-341 sauvola abutting 5/1-2 --- 1,400 sf

03-2279 Olson abutting lot 5/9 --- 3,250 sf

?When was Whicker Drive constructed??

APPROVE PERMIT:

Dredge and fill 5,203 sq. ft. of palustrine-forested wetlands to install a 30-inch embedded culvert for road access to a proposed 6-lot subdivision on ± 100 acres.

With Conditions:

1. All work shall be in accordance with plans by Higher Design, PLLC as received by the Department on July 09, 2007, and Subdivision Plans by TF Moran dated March 08, 2007, and revised through June 19, 2007, as received by the Department on July 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent upon receipt by the DES Wetlands Bureau of a copy of the recorded deed language for tax map/lot 5/4-4 within 6 months of permit issuance.
4. There shall be no further alteration of wetlands on lot numbers 4-4 through 4-8 (tax map 5), as depicted on the topographic

subdivision plan by TF Moran dated March 08, 2007, and revised through June 19, 2007, for lot development, driveways, culverts, or for septic setback.

5. The deed which accompanies the sales transaction for lot numbers 4-4 through 4-8 (tax map 5) shall contain condition # 4 of this approval.
6. The property owner of the remaining lot 4 (tax map 5) (\pm 80 acres) shall have the wetlands and surface waters delineated by a NH Certified Wetland Scientist prior to any future subdivision or alteration of wetlands or surface waters.
7. The deed which accompanies the sales transaction for lot 4 (tax map 5) in this subdivision shall contain condition # 6 of this approval.
8. 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.
9. Any future work on lot 4 (tax map 5) 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.
10. Work shall be done during low flow conditions.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. 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.
13. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a 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. Wetlands and Non-Site Specific Permits issued to abutting parcels include 2003-00341 (tax map/ lot 5/1-2; 1,400 square feet of wetlands impact) and 2003-02279 (tax map/ lot 5/9; 3,250 square feet of wetlands impact).
3. No comments were submitted from the NHEM Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. In a letter dated July 16, 2007, the Rindge Conservation Commission recommended approval for the proposed project.
5. In correspondence dated August 16, 2007, the Environmental Protection Agency (EPA) requested a vernal pool survey.
6. In correspondence received November 14, 2007, the applicant's agent proved a potential vernal pool survey, which stated vernal pools cannot be confirmed until spring.
7. In EPA correspondence dated December 05, 2007, the EPA requested 1) the redirection drainage away from vernal pools and that no salt be used on the road, 2) revision of plans to relocate the road away from the vernal pools, 3) the elimination of development of the lot on which the potential vernal pools were identified, and 4) a complete vernal pool survey in the spring: or reasoning justifying why the above 1 & 2 are not possible and minimum 50-foot deed restrictions around vernal pools.
8. In correspondence submitted December 31, 2007, the applicant and agents addressed the EPA's December 05, 2007, comments.
9. In correspondence dated January 02, 2008, the EPA accepted the project with a condition that a copy of recorded deed for tax map/lot 5/4-4 be submitted to DES within 6 months.
10. This permit is contingent upon receipt by the DES Wetlands Bureau of a copy of the recorded deed language for tax map/lot 5/4-4 within 6 months of permit issuance.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot (tax map/lot 5/4) as required by Env-Wt 304.09(a).
12. A Certified Wetland Scientist has provided NRCS Soil Maps overlaid on a USGS Topographical Maps.
13. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.
14. It would be an economic hardship for the owner to have the entire remaining \pm 80 acre lot delineated in the field.
15. This permit is conditioned that the property owner of the remaining lot 4 (tax map 5) (\pm 80 acres) shall have the wetlands and surface waters delineated by a NH Certified Wetland Scientist prior to any future subdivision or alteration of wetlands or surface

waters.

16. This permit is conditioned that any future work on lot 4 (tax map 5) 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.

17. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).

18. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

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

20. 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.

21. 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.

**2007-01987 SCHULSON REVOC TRUST, SANDRA
ENFIELD Mascoma Lake**

Requested Action:

Remove an existing 79 ft retaining wall and a 32 ft retaining wall and replace them with a single 82 ft retaining wall, install a 6 ft x 40 ft seasonal dock on an average of 100 ft of frontage on Mascoma Lake, in Enfield.

Conservation Commission/Staff Comments:

No comments from Con Com by November 19, 2007

APPROVE PERMIT:

Remove an existing 79 ft retaining wall and a 32 ft retaining wall and replace them with a single 82 ft retaining wall, install a 6 ft x 40 ft seasonal dock on an average of 100 ft of frontage on Mascoma Lake, in Enfield.

With Conditions:

1. All work shall be in accordance with plans by E Schulson dated November 08, 2007, as received by DES on January 15, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. This approval is contingent on approval of a Waiver of requirements of RSA 438-B as necessary for the modifications proposed to the primary structure.
7. This permit does not supercede the requirements and conditions of any approved Waiver issued under RSA 483-B.
8. 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.
9. The seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
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(k) projects that disturb between 50 and 200 linear feet of measured along the shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 97 feet of shoreline frontage along Lake Mascoma.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. The applicant has an approved CSPA waiver, file 2007-02008 for proposed modifications to the primary structure.

**2007-01993 GOFFSTOWN, TOWN OF
GOFFSTOWN Richards Brook**

Requested Action:

Impact approx. 580 sq. ft. (50 linear feet) of perennial stream to replace a damaged 2 ft. 4 in. x 3 ft. 5 in. granite box culvert and 5 ft. diameter RCP with a 6 ft. x 6 ft. pre-cast open bottom box culvert and associated pre-cast wingwalls and footings.

APPROVE PERMIT:

Impact approx. 580 sq. ft. (50 linear feet) of perennial stream to replace a damaged 2 ft. 4 in. x 3 ft. 5 in. granite box culvert and 5 ft. diameter RCP with a 6 ft. x 6 ft. pre-cast open bottom box culvert and associated pre-cast wingwalls and footings.

With Conditions:

1. All work shall be in accordance with plans by the Town of Goffstown, as received by DES on August 20, 2007 and revised Drainage Repairs and New Box Culvert plan dated January 7, 2008, as received by DES on January 7, 2008.
2. The water management plan notes and construction sequencing notes on the approved plans shall be strictly adhered to.
3. The Town shall coordinate with New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program and follow their recommendations for natural stone size and placement in the stream and bed of the box culvert.
4. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2007-01993 prior to construction.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/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.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
13. 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.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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 non-tidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this 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 banks.

2. This project involves work in 50 linear feet of stream channel plus 50 linear feet on each bank which results in a total disturbance as calculated under Env-Wt 303.04(n) of 150 linear feet.
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.
6. The Piscataquog River Local Advisory Committee reviewed this project at their September 17, 2007 meeting and have no objections to the project except that they urge strict adherence to the sedimentation controls called for.
7. The NH Natural Heritage Bureau (NHB) reviewed this project and commented that "although there was a NHB record present in the vicinity, we do not expect that it will be impacted by the proposed project."
8. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program (NHFG) has identified sensitive species, wood turtle, spotted turtle and brook floater in the vicinity of the proposed project.
9. NHFG has provided comments and design request for the stone placement in the bed of the stream and box culvert.
10. The applicant has revised the project plans and agreed to follow NHFG's recommendations.

2007-02024 KELLEHER, DEBRA
BETHLEHEM Unnamed Wetland

Requested Action:

Dredge and fill a total of 4,375 square feet of forested wetlands, to include the installation of one 15 in. x 30 ft. culvert and one 24 in. x 45 ft. culvert, impacting approximately 45 linear feet of intermittent stream, to facilitate access to a proposed single family residence and proposed campground.

Conservation Commission/Staff Comments:

SPH generated RFMI ltr. Out 11/21/2007. MI rcvd 08 Jan 08

See file 2007-02853 for other portion of permit action on lot.

APPROVE PERMIT:

Dredge and fill a total of 4,375 square feet of forested wetlands, to include the installation of one 15 in. x 30 ft. culvert and one 24 in. x 45 ft. culvert, impacting approximately 45 linear feet of intermittent stream, to facilitate access to a proposed single family residence and proposed campground.

With Conditions:

1. All work shall be in accordance with plans entitled: Wetland Crossings Land of Debra Kelleher R.O.W., submitted by Varney Engineering, LLC, dated May 20, 2007, as received by DES on August 24, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. 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).
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip-rapped.

- 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. 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).
- 12. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 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(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. This project is located in the towns of Bethlehem and Littleton. As a result, two separate applications have been filed. This application represents a portion of the entire proposed work necessary to complete the project.

Also see related Minimum Impact project, file no. 2007-02853.

6. As a result of the two projects, the total jurisdictional impacts in aggregate are as follows: File 2007-02024 Town of Bethlehem - impact 4,375 sq. ft.

File 2007-02853 Town of Littleton - impact 1,913 sq. ft. Total wetland impacts are 6,288 sq. ft.

7. The proposed project, in its entirety, has been determined to be within the scope and guidelines for a Minor Impact project, accordingly. As a result of our findings, we have determined that both projects have wetland impacts to the same physical site/lot, are integrally related and dependent upon each other as part of an overall scheme of development, and each project is an essential element, necessary to satisfy the basic project purpose of constructing road access throughout the site. Due to the above findings, both permit actions/files shall be classified as a Minor Impact project and permitted accordingly.

**2007-02322 SKIFFINGTON HOMES
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Remove existing piling support remains of an abandoned permanent docking facility and install a seasonal "U-shaped" docking facility consisting of a 6 ft x 36 ft dock attached to a existing boulder connected to a 6 ft x 40 ft dock hinged to a 6 ft x 4 ft x 2 ft concrete pad by a 6 ft x 12 ft walkway accessed by a 4 ft x 8 ft connecting ramp and construct a 15 ft x 25 ft perched beach with lake access stairs on an average of 442 ft of frontage in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Remove existing piling support remains of an abandoned permanent docking facility and install a seasonal "U-shaped" docking facility consisting of a 6 ft x 36 ft dock attached to a existing boulder connected to a 6 ft x 40 ft dock hinged to a 6 ft x 4 ft x 2 ft concrete pad by a 6 ft x 12 ft walkway accessed by a 4 ft x 8 ft connecting ramp and construct a 15 ft x 25 ft perched beach with lake access stairs on an average of 442 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

- 1. All work shall be in accordance with revised plans by David M. Dolan Associates, P.C. dated January 9, 2008, as received by DES on January 11, 2008.
- 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. Construction between May 30 and July 1 is prohibited unless written permission is granted by the Loon Preservation Committee.

Such permission shall only be valid for the year in which it is issued.

4. The annual installation of the seasonal docking facility shall not take place between May 30 and July 1 unless written permission is granted by the Loon Preservation Committee. Such permission shall only be valid for the year in which it is issued.
5. 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.
6. Unnecessary removal of vegetation, terrestrial or aquatic, is strictly prohibited.
7. The seasonal docks shall be removed from the lake for five months during the non-boating season.
8. No portion of the seasonal docking facility shall extend more than 40 feet from the shoreline at full lake elevation.
9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. 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.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. 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.
16. 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(g) removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project as approved and conditioned will meet the recommendations of the NH Fish and Game Dept to prevent adverse impacts to Common Loons inhabiting the area.

2007-02360 RAMSAY, JOHN
MEREDITH Lake Wicwas

Requested Action:

Remove concrete ramp and 7 stairs recessed into the bank with two of the steps in the water and replace ramp with a 4 ft level landing with 10 steps with two of the steps in the water, remove rocks from the lakebed and place them on the shoreline on 193 ft of frontage in Meredith on Lake Wicwas.

DENY PERMIT:

Remove concrete ramp and 7 stairs recessed into the bank with two of the steps in the water and replace ramp with a 4 ft level landing with 10 steps with two of the steps in the water, remove rocks from the lakebed and place them on the shoreline on 193 ft of frontage in Meredith on Lake Wicwas.

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. In accordance with Rule Env-Wt 505.01(h) requires an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction detailing the precise location of the project.

3. Pursuant to Rule Env-Wt 501.02(2)(g) Additional Data. Plans must show all existing and proposed structures and all other relevant features necessary to clearly define the project.
4. In accordance with RSA 482-A:3 XIV.(b) where the Department requests additional information the applicant shall submit the requested information within 120 days of the request or the department shall deny the application.
5. Pursuant to Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
6. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.

Findings of Fact:

1. On January 9, 2008, the Department received a Minimum Impact Expedited Application for a Minor project to replace a set of existing lake access stairs and ramp, and relocate three boulders from the lakebed to the bank located on property identified as Meredith Tax Map R10, Lot 7.
2. Work is proposed to be conducted in the water to "repair an existing retaining wall" and therefore this project was reclassified as a Minor project.
3. On November 20, 2008, the Department issued a Requested for More Information letter. This letter requested items including, but not limited to, the following:
 - (a). Plans to include dimensions of all existing and proposed structures on the frontage, the structure relative to fixed points on the shoreline, distances from the structures to property lines and indication of the normal high water mark elevation in relation to shoreline structures, appropriately oriented north arrow, dock supports and support locations.
 - (b). Fully dimensioned or drawn to scale side profile of the existing boathouse with it's measured peak height from the normal high water mark elevation.
 - (c). Fully dimensioned or drawn to scale cross section of the existing and proposed condition of the recessed stairway.
 - (d). Volume of rocks to be "reset" from the lakebed onto the bank.
 - (e). Plans for erosion/siltation/turbidity control.
 - (f). Evidence of an existing wall with previous rock locations, or provide required information for a new wall proposal pursuant to Env-Wt 404.05 and RSA 482-A:3, I..
4. Response as received by the Department on January 9, 2008, failed to adequately address the above listed items 2.(a), (b), (c), (d), (e), and (f).
5. As per RSA 482-A:3, Standard application fees for shoreline structure impacts shall be calculated as follows: \$200 filing fee plus the following relevant impact fees; \$.20 per sq ft for dredge or fill.
6. The applicant submitted \$200 and failed to submit the additional impact fee that could not be calculated by the department due to the failure to submit plans that clearly define the proposed project.

Ruling in support of the Decision:

1. The applicant failed to submit the remaining impact fee due for standard review.
2. Applicant failed to provide accurate plans and required items as requested on November 20, 2007, to adequately show the existing and proposed site conditions pursuant to Rule Env-Wt 505.01 and therefore this application has been denied.
3. Applicant failed to provide evidence and/or supporting documentation of an existing, or pre-existing retaining wall "to be repaired" on the frontage and did not provide required information for a new retaining wall proposal pursuant to Env-Wt 404.05 and, therefore, this application has been denied.
4. Applicant failed to provide the information requested on November 20, 2007, and therefore, the application is denied in accordance with RSA 482-A:3 XIV (b).

2007-02661 **FRASCA, STEPHEN & JANE**
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Permanently remove 27 sq ft of existing deck and an existing 6 ft x 40 ft seasonal dock, construct two 6 ft x 45 ft seasonal docks anchored by two 6 ft x 4 ft concrete pads connected by a 6 ft x 12 ft seasonal walkway, on an average of 152 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No comments from Con Com by 01/18/08

APPROVE PERMIT:

Permanently remove 27 sq ft of existing deck and an existing 6 ft x 40 ft seasonal dock, construct two 6 ft x 45 ft seasonal docks anchored by two 6 ft x 4 ft concrete pads connected by a 6 ft x 12 ft seasonal walkway, on an average of 152 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 01, 2007, as received by DES on November 07, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. The 27.5 sq ft of deck and existing seasonal dock shall be completely removed from the waterbody prior to the installation of the proposed 3 slip docking facility.
5. Material excavated to install the concrete pads shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 45 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 152 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The affected abutter submitted a notarized letter for the proposed work within the abutter 20 foot setback.

**2007-02681 BIRDSALL, ESTATE OF KATHERINE
ATKINSON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 3,995 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with two (2) culvert crossings to provide access to a single family house lot on a 6.38 acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments received on this application from the Atkinson Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 3,995 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with two (2) culvert crossings to provide access to a single family house lot on a 6.38 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by S.E.C. & Associates, Inc. dated October 1, 2007, as received by DES on November 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or any other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

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

2007-02853

KELLEHER, DEBRA

LITTLETON Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,913 square feet of forested wetlands, to include the installation of three 15 in. x 20 ft. culverts, for road construction to facilitate access to a proposed single family residence and proposed campground.

Conservation Commission/Staff Comments:

See file 2007-02024 for other half of lot/action.

APPROVE PERMIT:

Dredge and fill a total of 1,913 square feet of forested wetlands, to include the installation of three 15 in. x 20 ft. culverts, for road construction to facilitate access to a proposed single family residence and proposed campground.

With Conditions:

1. All work shall be in accordance with plans entitled: Wetland Application Land of 100 Acre Woods Campground, submitted by Varney Engineering, LLC, dated November 21, 2007, as received by DES on December 5, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. 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).
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Culvert outlets shall be properly rip-rapped.
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. 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).
12. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 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(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is located in the towns of Bethlehem and Littleton. As a result, two separate applications have been filed. This application represents a portion of the entire proposed work necessary to complete the project.
Also see related Minor Impact project, file no. 2007-02024.
6. As a result of the two projects, the total jurisdictional impacts in aggregate are as follows: File 2007-02024 Town of Bethlehem - impact 4,375 sq. ft.
File 2007-02853 Town of Littleton - impact 1,913 sq. ft. Total wetland impacts are 6,288 sq. ft.
7. The proposed project, in its entirety, has been determined to be within the scope and guidelines for a Minor Impact project, accordingly. As a result of our findings, we have determined that both projects have wetland impacts to the same physical site/lot, are integrally related and dependent upon each other as part of an overall scheme of development, and each project is an essential element, necessary to satisfy the basic project purpose of constructing road access throughout the site. Due to the above findings, both permit actions/files shall be classified as a Minor Impact project and permitted accordingly.

MINIMUM IMPACT PROJECT

2003-00460 MAMMONE, JOHN
MIDDLETON Unnamed Wetland

Requested Action:

Amend permit to reflect correct culvert number and sizes.

Change permittee name from John J. Mammone to current owners Eric M. Dombrowik and Erik M. Olson, PO Box 302, Union NH.

APPROVE AMENDMENT:

Fill 2,990 square feet of palustrine-forested wetlands and install a 24" x 20' culvert, twin 24" x 20' culverts, and twin 36" x 20' culverts to construct driveway access for lot 9-5-4, part of a 3-lot subdivision.

With Conditions:

1. AMENDED: All work shall be in accordance with the revised plans by Fox Survey Company dated April 14, 2002, as received by the Department on April 21, 2003, with the exception of the culvert diameters, which shall be according to revised plans by Roaring Brook Consultants dated 7/14/2006 as received on 2/23/2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Work shall be done during low flow or dry conditions.
8. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
9. Stone aprons shall be installed at the culverts outlets to prevent scouring and erosion.
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. 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).
12. AMENDED: 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.

2007-00451 KNIGHT, LOIS CHAPMAN
CONWAY Unnamed Stream Page Randall Brook

Requested Action:

Dredge and fill approximately 1040 sq. ft. of stream and associated wetlands to construct a driveway and install utilities to a proposed single family building lot. Work in wetlands consists of installation of twin 35 in. x 24 in. x 30 ft. CMP arch culverts, associated fill, headwall, and stone outlet protection.

APPROVE PERMIT:

Dredge and fill approximately 1040 sq. ft. of stream and associated wetlands to construct a driveway and install utilities to a proposed single family building lot. Work in wetlands consists of installation of twin 35 in. x 24 in. x 30 ft. CMP arch culverts, associated fill, headwall, and outlet protection (including a stone outlet and a seed/turf reinforcement mat).

With Conditions:

1. All work shall be in accordance with plans by Civil Solutions, LLC, plan sheet 1 of 6 (crossing design and erosion control and dewatering plan), dated December 20, 2007, plan sheet 2 of 6 Design Summary/Illustration, dated August 18, 2007 and plan sheets 3, 4, 5 and 6 of 6, as received by DES on December 31, 2007.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

11. 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.

12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

With Findings:

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

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

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

5. DES received a wetlands delineation and survey plan titled "Plan of Land In Conway, N.H." that is stamped by a licensed land survey and certified wetland scientist.

6. The culvert design was prepared and stamped by a licensed professional engineer.

**2007-02466 GOFFSTOWN, TOWN OF
GOFFSTOWN Bog Brook**

Requested Action:

Confirm Emergency Authorization issued by DES on October 17, 2007 to repair damaged section of abutments of an existing bridge that were undermined on both sides and separated during the April 2007 flood event and ongoing stream flows.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued by DES on October 17, 2007 to repair damaged section of abutments of an existing bridge that were undermined on both sides and separated during the April 2007 flood event and ongoing stream flows.

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).

2. The project was necessary to provide safe roadway passage.

3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 17, 2007.

4. Review of the project information submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-02609 DECOLA JR, ARTHUR
SALEM Unnamed Wetland**

Requested Action:

Retain 1,435 sq. ft. of a total of 2,150 sq. ft. of impact to palustrine forested/ scrub-shrub wetlands and restore 715 sq. ft. and construct a rain garden for work associated with the construction of a truck turnaround and yard storage area on a 0.92 acre commercial site.

Conservation Commission/Staff Comments:

The Salem Conservation Commission recommends approval of the application based on revised plans received at the DES on

December 10, 2007.

APPROVE AFTER THE FACT:

Retain 1,435 sq. ft. of a total of 2,150 sq. ft. of impact to palustrine forested/ scrub-shrub wetlands and restore 715 sq. ft. and construct a rain garden for work associated with the construction of a truck turnaround and yard storage area on a 0.92 acre commercial site.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated 10/23/2007 (last revised 11/26/2007), as received by DES on December 10, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or other construction activities.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

**2007-02879 RMR PACIFIC LLC, ROBERT FRIES
DANBURY Bog Pond**

Requested Action:

Temporarily impact 195 square feet of palustrine wetland and emergent wetland for installation of a water withdrawal line for snowmaking.

APPROVE PERMIT:

Temporarily impact 195 square feet of palustrine wetland and emergent wetland for installation of a water withdrawal line for snowmaking.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated November 26, 2007, as received by the Department on December 12, 2007 and detail sheet dated December 17, 2007 as received by the Department on December 27, 2007.
2. A copy of the signed agreement between NH Fish and Game and RMR Pacific shall be submitted to NH DES Wetlands Bureau prior to the start of construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This permit is for a one time installation only, and shall not be used on an annual basis.
5. The temporary waterline shall be installed without disturbance of any natural features of the Conservation Land.
6. Work shall be done during frozen conditions.
7. The construction, maintenance, and removal of the Temporary Water line shall be done without the use of any motorized vehicles or equipment.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The water level and flow rate shall be monitored and recorded at least daily at the culvert under the so-called Ragged Mountain Road.
10. Water flow rate and water levels shall be monitored and recorded at least daily at the concrete culvert below the dam which impounds the so-called Danbury Bog.
11. At the first pumping start, Ragged Mountain shall measure and record water levels and measurement times at the culvert under Ragged Mountain Road at least at the following intervals: two hours before pumping begins, at the start of pumping, at the start of each hour for the first 6 hours, at the 12-hour, and 24-hour of pumping. Ragged Mountain shall submit those data to DES (Wayne.Ives@des.nh.gov) and F&G (Steven.Weber@wildlife.nh.gov) on the second day of pumping.
12. A minimum flow of 3.4 cubic feet per second (Winter Q80) shall be maintained at all times from January 1, until March 14, 2008 at the culvert below the dam which impounds the so-called Danbury Bog.

- 13. The maximum pumping rate allowed shall not exceed 1.1 cubic feet per second (500 gallons per minute) or the flow rate measured on December 15, 2007, minus the minimum flow rate as stated in condition 12 whichever is lower.
- 13. Withdrawal volumes will be metered or estimated using approved methods. A flow measurement method will be approved in writing by DES Watershed Management Bureau and installed prior to commencement of withdrawal. Withdrawal rates and pumping start and end times may be used to estimate withdrawal volumes. Withdrawal volumes will be determined and recorded each time pumping rates change and at a minimum frequency of once every 12 hours.
- 14. All pumping shall cease if the water level measured at the culvert under Ragged Mountain Road falls 4 inches below the level recorded on December 15, 2007.
- 15. The time and date for all flow and water level measurements will be recorded.
- 16. A report of all water level, flow and withdrawal measurements shall be submitted via email by Monday noon each week to Wayne.Ives@des.nh.gov.
- 17. The permittee shall cease withdrawals from the Danbury Bog immediately if the conditions specified in the conditions above occur.
- 18. The temporary water line shall be removed no later than April 1, 2008.
- 19. A post-construction report documenting the status of the restored jurisdictional areas shall be submitted to the Wetlands Bureau by May 1, 2008.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
- 2. The proposed water withdrawal has been reviewed by DES Watershed.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 6. The applicant is going to monitor the water levels in accordance with the permit to maintain downstream flows.
- 7. The applicant has provided a copy of the agreement with NH Fish and Game a signed copy will be submitted prior to construction.

FORESTRY NOTIFICATION

2008-00078 SCHWAEGLER, BRUCE
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 7-32, Lot# 27C & 27E

2008-00079 MOFFETT, JAY & PAMELA
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R6, Lot# 26

2008-00081 TAYLOR, MALCOLM
HOLDERNESS Unnamed Stream

COMPLETE NOTIFICATION:
Holderness Tax MAp 206, Lot# 8

2008-00082 **DOYLE, JAMES & SUZANNE**
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 419, lot# 86.1

2008-00083 **BUNTING FAMILY V FORESTRY LLC**
STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
Stratford Tax Map R1, Lot# 3

2008-00092 **CASAGRANDE, CARLA MARIA**
GILSUM Unnamed Stream

COMPLETE NOTIFICATION:
Gilsum Tax MAp 406, Lot# 5

2008-00093 **WATKINS, BERNARD**
TROY Unnamed Stream

COMPLETE NOTIFICATION:
Troy Tax Map 21, Lot# 1

2008-00094 **PRICHARD, RUTH DALTO**
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R3, Lot# 42

2008-00096 **HILLSBOROUGH, TOWN OF**
HILLSBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Hillsboro Tax Map 3, Lot# 6 House Rock Town Forest

2008-00097 **TREES & TRAILS LLC, MARK BIENVENUE**
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 7, Lot# 28

2008-00098 WOODWARD, STEPHEN & ARTHUR POTTER
DUMMER Unnamed Stream

COMPLETE NOTIFICATION:
Dummer Tax Map R21, lot# 63

EXPEDITED MINIMUM

2007-01694 NEFF, WALTER
ANTRIM Great Brook

Requested Action:

Remove ten (10) rocks impeding water flow under a bridge/deck platform at Great Brook and repair associated retaining wall and dredge 3,740 square feet of an existing millpond within Great Brook to remove accumulated sediments (1,320 cubic yards) and to maintain the existing dam. Repairs to the dam will include replacing the head gate, fixing cracks and spalling in the abutments and by replacing wood cribbing in the spillway.

APPROVE PERMIT:

Remove ten (10) rocks impeding water flow under a bridge/deck platform at Great Brook and repair associated retaining wall and dredge 3,740 square feet of an existing millpond within Great Brook to remove accumulated sediments (1,320 cubic yards) and to maintain the existing dam. Repairs to the dam will include replacing the head gate, fixing cracks and spalling in the abutments and by replacing wood cribbing in the spillway.

With Conditions:

1. All work shall be done in accordance with plans by Walter C. Neff, as received by the DES Wetlands Bureau on September 03, 2002, and plans and photographs received on July 26, 2007.
2. This permit is contingent on approval from DES Dam Safety Program.
3. 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.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Pond dredge and dam work shall be done during drawdown and low flow conditions.
6. In-stream work shall be done during low-flow conditions.
7. Appropriate erosion/siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Machinery shall not be located within pond surface waters, where practicable.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
14. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.

15. Repair shall maintain existing size, location and configuration.
16. Machinery shall be staged and refueled in upland areas.
17. 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.
18. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
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. 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).
23. Within three calendar 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.
24. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam; and maintenance dredging, when necessary to provide continued usefulness of nontidal man-made ponds and spillways.
2. The pond dredge and associated dam repairs were previously approved under Wetlands and Non-Site Specific Permit 2002-01722, but not completed.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02977 PUBLIC SERVICE OF NEW HAMPSHIRE
HILLSBOROUGH Unnamed Wetland**

Requested Action:

Dredge and fill approximately 750 sq. ft. of wetlands to construct an alternate access way required by upgrades to the Jackman Substation as part of the Monadnock Region Upgrade Project.

Conservation Commission/Staff Comments:

Related Jackman Hydro Files:

- 2007-01882
- 2005-02123
- 2003-01311

APPROVE PERMIT:

Dredge and fill approximately 750 sq. ft. of wetlands to construct an alternate access way required by upgrades to the Jackman Substation as part of the Monadnock Region Upgrade Project.

With Conditions:

1. All work shall be in accordance with plans by TFM dated November 16, 2007, and revised through November 27, 2007, as received by the Department on December 24, 2007.
2. "All activity shall be in accordance with the current Comprehensive Shoreland Protection Act, RSA 483-B (see attached sheet for new permitting requirements starting April, 2008)."

3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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.

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. Pursuant to the Comprehensive Shoreland Protection Act RSA 483-B:9(IV-a) Hydro electric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, and shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, the Contoocook LAC and the Hillsborough Conservation Commission signed the Minimum Impact Expedited Application.
4. The applicant has received written consent from the owners of lot 288 (Tax Map 11G), 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).
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02978 **IMBODEN, KATHRYN**
RYE Atlantic Ocean

Requested Action:

Replace an existing dwelling with a new 4-bedroom house on the original foundation, with deck and stair additions, occupying 1,687 sq. ft within the previously developed upland tidal buffer zone and requiring 2,600 sq. ft. of temporary impacts for construction activities. The new structure will be more than 50 feet landward of the highest observable tide line.

Conservation Commission/Staff Comments:

Rye Conservation Commission Chair, James S. Raynes, signed the expedited application.

APPROVE PERMIT:

Replace an existing dwelling with a new 4-bedroom house on the original foundation, with deck and stair additions, occupying 1,687 sq. ft within the previously developed upland tidal buffer zone and requiring 2,600 sq. ft. of temporary impacts for construction activities. The new structure will be more than 50 feet landward of the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated November 2007 (last revised 12/21/07), as received by DES on December 24, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

LAKES-SEASONAL DOCK NOTIF

2008-00077 HETTLEMAN, BRUCE
ENFIELD Mascoma Lake

COMPLETE NOTIFICATION:
Enfield, NH Tax map 27 Lot 19
Mascoma Lake

ROADWAY MAINTENANCE NOTIF

2008-00088 NH DEPT OF TRANSPORTATION
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Cold planing existing pavement and inlaying NH Route 4A and grading for roadside ditch maintenance, reconstructing the top foot or so of two existing drainage structures