

Wetlands Bureau Decision Report

Decisions Taken
02/04/2008 to 02/10/2008

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

**2003-02084 NH DEPT OF TRANSPORTATION
SUNAPEE Lake Sunapee - Georges Mills**

Requested Action:

Due to the length of time to design and gain access the NHDOT beleives it is best to withdraw the application.

Inspection Date: 11/07/2003 by Gino E Infascelli

WITHDRAW APPLICATION:

Acknowledge the withdrawl of the application and close the file.

**2007-01288 BASELINE DEVELOPMENT LLC
LITTLETON Unnamed Wetland**

Requested Action:

Dredge and fill approximately 79,500 sq. ft. of palustrine forested wetlands for lot development to construct a Federal Express distribution facility and associated infrastructure on a 21.2 acre industrial zoned lot. Compensatory mitigation includes placing a conservation easement on 29 acres of land in close proximity to the development site including 1,200 linear feet of frontage along the Ammonoosuc River.

Conservation Commission/Staff Comments:

RFMI Letter out 10/23/2007. More Info Recvd 03 Dec 2007. No mitigation addressed. Incomplete to date. 12/27/2007.
Recvd Mitigation Info 17 Jan 2008. Complete this date. MAM

APPROVE PERMIT:

Dredge and fill approximately 79,500 sq. ft. of palustrine forested wetlands for lot development to construct a Federal Express distribution facility and associated infrastructure on a 21.2 acre industrial zoned lot. Compensatory mitigation includes placing a conservation easement on 29 acres of land in close proximity to the development site including 1,200 linear feet of frontage along the Ammonoosuc River.

With Conditions:

1. All work shall be in accordance with plans entitled: Baseline Construction, Inc., Littleton FedEx Development, in 2 consecutive sheets, dated June 2007, as received by the Department on June 07, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. Silt fencing must be removed once the area is stabilized.
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).

Mitigation Conditions:

10. This permit is contingent upon the execution of a conservation easement on 29.21 acres as depicted on plans received June 07, 2007.
11. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
12. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the appropriate lot(s). A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction. The Management Plan FedEx/LIDC Conservation Areas shall be recorded with the conservation easement and a copy of the recorded language submitted to the DES Wetlands Bureau prior to the start of construction.
13. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
14. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
15. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
16. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
17. A one-time payment of \$12,000 will be made by the applicant to the Town of Littleton to set up a fund for future monitoring of the agreed conservation easement parcel. Additionally, the Ammonoosuc Conservation Trust (A.C.T.) will be the executory interest holder of said easement and the applicant will make a onetime payment to the A.C.T. of \$500.00 to cover administrative costs. Confirmation of these transactions will be submitted to the Wetlands Bureau prior to any construction.
18. Activities in contravention of the conservation easement and any failure to execute the associated terms and conditions as specified shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major impact project per Administrative Rule Env-Wt 303.02(c); Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per 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 (DES) jurisdiction per Env-Wt 302.03.
4. The applicant initially received permit approval for a similar project (NHDES Wetlands Bureau file No. 2006-03221), on April 2, 2007, in the Town of Bethlehem. The permit was subsequently denied on August 15, 2007, following administrative action for failure to submit mitigation fees. The reason stated is that the applicant determined that the prior permitted location was unable to meet their basic project purpose for various reasons. These reasons are explained in the applicant's response letter dated November 28, 2007, from Lobdell Associates, Incorporated. Based on a review of the response and logistic requirements for siting, the Department has determined that the applicant has satisfied our request for alternatives.
5. DES requested more information necessary to complete our review on October 22, 2007. DES received a response on December 03, 2007. At that time, the application was incomplete pending requested information on proposed mitigation. On January 17, 2008, DES received the outstanding mitigation and the application was deemed complete.
6. Based on a review of the requested information, DES determined that the applicant has satisfactorily 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.
7. No objections or comments from abutters or other state agencies have been received.
8. The USACE, in response to USEPA and USFWS initial comments, as per SPGP, requested the file be reviewed as an Individual Permit pending resolution of cited issues. A copy has been entered into the record. Those comments were forwarded to the agent on November 1, 2007 via Fax. The USEPA responded via e-mail on January 15, 2008, allowing the project to proceed as an SPGP.
9. No further comments or objections from USFWS were received by DES.
10. On December 12, 2007, a site visit was performed by representatives for DES and a representative for USACE, to inspect

existing site conditions, impact areas, as well as evaluate the proposed mitigation/conservation parcel. Based on field observations, we determined that the site is appropriate for the scope of development and that the proposed conservation area would be acceptable with conditions.

11. The geographic features and composition of the state of New Hampshire make it unlikely that a project of this size on a 21.2 acre site would not disturb wetlands.

12. A public hearing was not held with the finding that the project impacts will not significantly impair the resources of the remaining wetland ecosystem.

Mitigation Findings:

13. Compensatory mitigation for the proposed wetlands impacts include a conservation easement that will be placed on two adjoining parcels totaling 29.21 acres along 1,200 linear feet of the Ammonoosuc River.

14. The conservation easement parcels are located within the Littleton Industrial Park currently owned by the Littleton Industrial Development Corporation. The Town of Littleton has agreed to accept the conservation easement on the parcels.

15. A one-time payment of \$12,000 will be made by the applicant to the Town of Littleton to set up a fund for future monitoring of the easement. Additionally, the Ammonoosuc Conservation Trust will be the executory interest holder and they will receive a onetime payment of \$500.00 to cover administrative costs.

16. The mitigation as proposed adequately meets the mitigation ratios and is acceptable for the proposed impact.

17. Based on our review of the record and submitted information, DES has determined that the wetlands impacts will be adequately addressed through on-site design criteria, as per Alteration of Terrain permit, will have adequate mitigation and preservation within the region.

2007-02841 FORD, DEBRA
DOVER Little Bay

Requested Action:

Retain 80 sq. ft. of impacts (20 linear ft.) for the in-kind repair and reconstruction of an existing failing seawall conducted under DES emergency authorization issued on December 7, 2007. Impact a total of 360 sq. ft. (90 ft. long x 4 ft. wide) for a new rip-rap buttress to stabilize and protect shoreline. Impact approximately 225 sq. ft. of previously developed upland tidal buffer zone immediately adjacent to the existing seawall to repair sink holes within the existing lawn area.

Conservation Commission/Staff Comments:

Dover Con. Com. recommends approval.

Inspection Date: 02/07/2008 by David A Price

APPROVE PERMIT:

Retain 80 sq. ft. of impacts (20 linear ft.) for the in-kind repair and reconstruction of an existing failing seawall conducted under DES emergency authorization issued on December 7, 2007. Impact a total of 360 sq. ft. (90 ft. long x 4 ft. wide) for a new rip-rap buttress to stabilize and protect shoreline. Impact approximately 225 sq. ft. of previously developed upland tidal buffer zone immediately adjacent to the existing seawall to repair sink holes within the existing lawn area.

With Conditions:

1. All work shall be in accordance with plans by Peter Wiggin dated December 18, 2007 as received by the Department on December 27, 2007.
2. No equipment shall be located within surface during repair and reconstruction of the seawall.
3. Any further alteration of areas within DES jurisdiction on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be done during low tide.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
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. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), Projects in Tidal Wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing wall is experiencing on-going deterioration, resulting in wall failure in some locations.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to the areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is: reconstructing existing seawall, constructing a buttress to protect shoreline, and repairing sinkholes within the lawn area.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish & Game Department (NHF&G") Non-Game and Endangered Wildlife Program has record of the State endangered common tern (*Sterna hirundo*) within the vicinity of this project.
This species is known to occur on Hen Island located approximately 0.75 miles away from the project location. The project is within a previously developed area and will not likely impact this species.
6. NH Natural Heritage Inventory (NHNHI) has record of a State threatened plant species Small Spike-rush (*Eleocharis parvula*) within the vicinity of the project. NHNHB notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the proposed project does not involve ditching or tidal restrictions and the project will not likely cause an increased input of nutrients and pollutants over what currently exists. Therefore, it's not likely this project will impact this species.
7. The Dover Conservation Commission recommends approval.
8. DES personnel inspected the project on February 7, 2008 and found that the application materials accurately depicted site conditions.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2007-00967
HAMPTON**

LAPIERRE, MICHELLE

Requested Action:

In-kind repair to the rip rap armor stone along the footing of the existing concrete seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

CONFIRM EMERGENCY AUTHORIZATION:

In-kind repair to the rip rap armor stone along the footing of the existing concrete seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

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(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The project was necessary to protect the property by placing armor stone along the footing of the existing concrete seawall.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 10, 2007.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-01365 BULLARD DRIVE DEVELOPMENT LLC
LYNDEBOROUGH Unnamed Wetland**

Requested Action:

Dredge and fill 4,476 square feet of forested wetlands for driveway access to a 6-lot subdivision on ± 144 acres.

APPROVE PERMIT:

Dredge and fill 4,476 square feet of forested wetlands for driveway access to a 6-lot subdivision on ± 144 acres.

With Conditions:

1. All work shall be in accordance with plans received June 14, 2007, and Subdivision Plans by Sanford Surveying Engineering dated October 11, 2007, as received by the Department on January 08, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. 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.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. 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.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. 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. The Environmental Protection Agency requested a vernal pool survey within 500 feet of development and clarification regarding the voluntary conservation easement.
3. A vernal pool survey was provided that states vernal pools are not located at or near the proposed crossings and copy of the conservation easement.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02223 TUBLLEJA, JOANNA
MANCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 8,820 sq. ft. of wetlands for construction of an access road and two driveways for a proposed 8-lot residential subdivision. Work in wetlands consists of the installation of a 15 in. x 50 ft. HDP culvert, associated grading and filling and retaining walls for the main access road, filling and grading for a portion of the access road cul-de-sac, installation of a 15 in. x 15 ft. HDP culvert, associated grading and filling and retaining walls for one driveway and installation of a 15 in. x 15 ft. HDP culvert, associated grading and filling and retaining walls for a second driveway.

APPROVE PERMIT:

Dredge and fill 8,559 sq. ft. of wetlands for construction of an access road and two driveways for a proposed 8-lot residential subdivision. Work in wetlands consists of the installation of twin 24 in. x 43 ft. CMP arch culverts, associated grading and filling and retaining walls for the access road, filling and grading for a portion of the access road cul-de-sac, installation of twin 24 in. x 15 ft. CMP arch culverts, associated grading and filling and driveway retaining walls for one driveway and filling and grading and a retaining wall for construction of a second driveway.

With Conditions:

1. All work shall be in accordance with plans by Concord Engineering Group, P. A., plan sheets C-2, C-2A and T-1 revision dated January 11, 2008, plan sheet C-3 revision dated August 21, 2008, plan sheet D-1 revision dated May 15, 2006 and plan sheets D-2 and D-3 revision dated May 10, 2005, as received by DES on January 11, 2008.
2. This permit is contingent on receipt by the applicant of an approval/agreement from Public Services Company of New Hampshire ("PSNH") for the proposed work within the power line easement on the property. The agreement must be executed and submitted to DES before commencement of construction on the property.
3. Work shall be done during low flow.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Hillsborough 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. 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

16. 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.

17. All refueling of equipment shall occur outside and away from surface waters or wetlands during construction.

With Findings:

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

2. The 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 revised the application submittal to include additional culverts that are larger in size and a design and that will improve passage through the proposed access roadway and driveway crossings. In addition, the wetland impacts have been further reduced from 8,820 square feet to 8,559 square feet.

6. The applicant previously submitted an application to DES (Wetlands Bureau File # 2006-01330) that was denied. The application/permit request was denied because it was not the proposal that was going to be constructed, rather it was a proposal being used to demonstrate the maximum allowable density of lot construction on the property as required by the City of Manchester. The request failed to comply with and address Administrative Rules Env-Wt 302.03, Env-Wt 302.04 and Env-Wt 800.

7. It was proposed in previous application to fill 24,951 square feet of wetlands for an 11-lot "specimen plan" subdivision.

8. The previous application also included an alternative plan for a 11-lot cluster subdivision which the applicant would apply for in the future. This design would have required 11,870 square feet of wetlands impacts to construct.

9. The current application and approval is for an 8-lot subdivision with 8,559 square feet of wetlands impact.

10. The property contains a 1.16 acre upland area that would have required a large wetlands impact to access. The applicant removed that access crossing from the current application.

11. This approval contains a condition that there shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

12. The United States Environmental Protection Agency ("EPA") submitted comments regarding identifying house locations, a vernal pool survey, buffers to wetlands and if near a drinking water supply.

13. The applicant's agent coordinated with EPA to address their concerns.

14. DES received correspondence from the EPA to the applicant's agent stating that they were "Ok" with the project.

15. On January 11, 2008, DES received an existing condition plan, revision dated October 19, 2005, prepared by Joseph M. Wichert, L.L.S., Inc., and stamped by a NH Licensed Land Surveyor and New Hampshire Certified Wetland Scientist.

Requested Action:

Dredge and fill a total of 5300 square feet including the installation of two 24-inch culverts (one 36 feet and one 40 feet) for common driveway access in the subdivision of 40 acres into 4 single family residential lots.

APPROVE PERMIT:

Dredge and fill a total of 5300 square feet including the installation of two 24-inch culverts (one 36 feet and one 40 feet) for common driveway access in the subdivision of 40 acres into 4 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by GR Spaulding Design Consultants dated May 18, 2007, and revised through October 10, 2007, as received by the Department on January 16, 2008, and Subdivision Plans by David B Krause dated January 14, 2008, as received by the Department on January 16, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The applicant has been denied upland access from Route 4 to the buildable areas of lots 8 and 9 by the NH Department of Transportation.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided a common driveway limiting the crossings of the wetland.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The proposal is for culvert installation on an intermittent stream where the work will be done in the dry. In addition the Brook Floater population while downstream of the proposed project is also downstream of Eagle Pond will not be impacted by the proposed project.

**2007-02666 TAMWORTH, TOWN OF SELECTBOARD
TAMWORTH Unnamed Wetland Chocorua River**

Requested Action:

Provide safety improvements including reconstruction of an intersection and 800 feet of Rte. 16, adding sidewalks, cross walks and drainage structures including a bio-retention area impacting 1970 sq. ft. of slope/bank adjacent to palustrine wetlands as Phase I of a Master Plan.

Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE PERMIT:

Provide safety improvements including reconstruction of an intersection and 800 feet of Rte. 16, adding sidewalks, cross walks and drainage structures including a bio-retention area impacting 1970 sq. ft. of slope/bank adjacent to palustrine wetlands as Phase I of a Master Plan.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford & Thorndike, LLC:
 - a. Wetland Impact Plan Sheet 1 of 1, revised 1/29/08 as received by the Department on Jan. 29, 2008.
 - b. Sheet 7 of 14 revised 11/20/07 as received by the Department on Jan. 29, 2008,
 - c. sheets 1-6, 8 and 9 received Nov. 8, 2007 and modified construction sequence as received by the Department on Jan. 29, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. 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.
7. 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.
8. 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.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. 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).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. The outlet of the bio-retention pond and adjacent area shall be monitored to assure the area remains stable.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a stream or banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on Oct. 10, 2002. Field inspection determined that the safety concerns and potential improvements being considered by the town in coordination with the NH Dept. of Transportation were justified.

**2007-02946 DOVER, CITY OF
DOVER Unnamed Wetland**

Requested Action:

Dredge and fill 9,980 sq. ft. of freshwater wetlands for construction of a new municipal fire station, and temporarily impact 440 sq. ft. of wetlands to install a drain line to a detention basin (detention basin to be constructed in uplands).

APPROVE PERMIT:

Dredge and fill 9,980 sq. ft. of freshwater wetlands for construction of a new municipal fire station, and temporarily impact 440 sq. ft. of wetlands to install a drain line to a detention basin (detention basin to be constructed in uplands).

With Conditions:

1. All work shall be in accordance with the revised plan by Appledore Engineering dated 1/16/2008, as received by the Department on 1/18/2008, entitled "Grading, Drainage, & Erosion Plan, Proposed Fire Station, Sixth St. Dover NH" which depicts reduction in permanent wetlands impact to 9,998 sq. ft.
2. This permit is contingent upon receipt by DES of a full set of revised plans in support of the revised sheet described in finding 1. above, updating the erosion controls and construction sequence, providing cross-section views of the revised slope design and its stabilization, and any other design changes that have occurred subsequent to original plans submitted to DES dated 11/27/07.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. The permittee shall coordinate with EPA State Programmatic General Permit review personnel, and UNH Stormwater Center research team, relative to the installation of pervious paving on site in response to EPA review comments, and shall incorporate those suggestions into the project to the extent that it is practicable to do so without interfering with accomplishing the public safety purpose and timing of the project.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed for this property shall contain condition #5 of this approval.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
10. Silt fencing must be removed once the area is stabilized.
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. Proper headwalls shall be constructed within seven days of culvert installation.
15. 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).
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Work shall be done during low flow.
18. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of

alteration in the aggregate in non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is necessary to provide adequate fire protection in a central location in the City of Dover.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has confined the wetlands impacts to a finger off the main wetland located closest to the road in an shrub/scrub wetland previously used for agricultural practices. The applicant has reduced the wetlands impact from originally 15,938 sq. ft. to 9,998 sq. ft. by pulling back side-slope grading and using steep slope stabilization techniques.
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. The site has had a wetland function and habitat assesment performed, and been evaluated for the species of concern reported by NH Heritage Bureau, including the pale green orchid, upland sandpiper, and northern racer. Review found that none of the species occur on the site itself, and NH Fish & Game Non-Game and Endangered Wildlife Program further reported via email on 1/30/2008, impacts to rare species, including the upland sandpiper, are not expected as a result of this project.
5. The Dover Conservation Commission recommended approval of the application with suggested conditions, which have been incorporated into the approved plans..
6. Comments made by EPA during a federal joint processing review of this application have been incorporated into the conditions of the permit.

MINIMUM IMPACT PROJECT

**2007-00960 KEARN, JOYCE
HAMPSTEAD**

Requested Action:

In-kind repair to a rip rap stone seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

CONFIRM EMERGENCY AUTHORIZATION:

In-kind repair to a rip rap stone seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

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(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The project was necessary to protect the property by placing stone riprap on the bank for stabilization and protection.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 10, 2007.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-00962 STRAW, JUDITH
HAMPTON**

Requested Action:

In-kind repair to a rip rap stone seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

CONFIRM EMERGENCY AUTHORIZATION:

In-kind repair to a rip rap stone seawall that sustained heavy damage during the April 2007 storms on the Atlantic Ocean.

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(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The project was necessary to protect the property by placing stone riprap on the bank for stabilization and protection.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 10, 2007.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-02593 PSNH
SANDOWN

Requested Action:

Temporarily impact 600 square feet of wetland near Fremont Road to lay 3-6 timber mats for the replacement of the cross arms on 115,000 volt line structure within the existing utility line right-of-way.

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact 600 square feet of wetland near Fremont Road to lay 3-6 timber mats for the replacement of the cross arms on 115,000 volt line structure within the existing utility line right-of-way.

With Conditions:

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

With Findings:

1. 1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way provided.
2. The project was necessary to replace damaged cross arms on 115,000 volt line structure.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on November 5, 2007.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-02803 MUELLER, WILLIAM
ALTON Lake Winnepesaukee

Requested Action:

Construct a 300 sq ft perched beach along 20 linear feet of shoreline on 100 ft of frontage on Lake Winnepesaukee, in Alton.

APPROVE PERMIT:

Construct a 300 sq ft perched beach along 20 linear feet of shoreline on 100 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 16, 2007, as received by DES on November 28, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. No work is authorized to the existing 8 ft 2 in x 32 ft pier and 16 ft x 12 ft deck.
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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. 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 (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a single family beach.

2008-00167 PORTLAND PIPE LINE CORPORATION
JEFFERSON Israel River

Requested Action:

Temporarily impact a total of approximately 1800 square feet of wetlands to include 120 linear feet of stream bank and bed, at two separate locations, to repair existing 24 in. crude oil conveyance pipeline, in and adjacent to the Israel River.

Conservation Commission/Staff Comments:

Emergency Authorization for repair to existing pipeline. Issued 05 February 2008. MAM

Requested change of date due to weather restrictions to complete work on 2/27/2008. Extension granted this date. MAM.

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact a total of approximately 1800 square feet of wetlands to include 120 linear feet of stream bank and bed, at two separate locations, to repair existing 24 in. crude oil conveyance pipeline, in and adjacent to the Israel River.

With Conditions:

1. All work shall be in accordance with Locus plans and narrative submitted by Lobdell Associates Inc., dated February 4, 2008, as received by the Department on February 4, 2008.
2. This form shall be properly posted at the work site.
3. The municipal Conservation Commission and Board of Selectmen shall be notified prior to the start of work.
4. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. 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.
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. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in excessive sediment entering a wetland or surface water.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The applicant shall file a complete Standard Dredge and Fill Application for all work conducted under this authorization and must be submitted to this office no later than April 26, 2008.
10. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

With Findings:

1. Request for Emergency Authorization for repair of an existing Crude Oil pipeline was received on February 4, 2008.
2. Potential for ruptures at two locations discovered through testing.
3. Project authorized as Emergency on February 5, 2008 with conditions for follow-up application.

FORESTRY NOTIFICATION

2008-00156 RENK, JEFFREY
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax Map 23, Lot# 3

2008-00157 QUINN, ROSS & LON
RINDGE Unnamed Stream

COMPLETE NOTIFICATION:
Rindge Tax Map 11, Lot# 40

2008-00163 1ST T DEVELOPMENT LLC, DONALD JUTTON
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:
Meredith Tax Map R4, Lot# 5

2008-00171 AMERICAN YOUTH FOUNDATION
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 34, Lot# 1 & 2

2008-00172 LANDER FAMILY 2004 IRREVOC TRUST
MIDDLETON Unnamed Stream

COMPLETE NOTIFICATION:

Milton Tax Map 27, Lot# 11

2008-00176 CAMP TECUMSEH INC
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Moultonboro Tax Map 13, Lot# 1

EXPEDITED MINIMUM

2007-01441 HOUGHTON-DAVIS, LEE
HAMPTON Salt Marsh

Requested Action:

Permanently impact 1,520 square feet within the previously developed 100-foot tidal buffer zone to remove the existing one-story dwelling and replace with a two-story, single family dwelling on 0.114 acres.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission Signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Permanently impact 1,520 square feet within the previously developed 100-foot tidal buffer zone to remove the existing one-story dwelling and replace with a two-story, single family dwelling on 0.114 acres.

With Conditions:

1. All work shall be in accordance with plans by Gerrit Consulting dated May 11, 2007 and revised through June 26, 2007, as received by DES on June 29, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively;.
2. The applicant requests to replace the existing dwelling, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant proposes a net reduction in total impervious area on the lot from 1,443 square feet to 1,333 square feet; therefore the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01663 DJP REALTY TRUST, JOSEPH BOHI TTEE
LOUDON Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 1880 square feet for access in the first phase of a multiphase subdivision consisting of three single family residential lots and a remainder parcel further described as follows: Permanently impact 1580 square feet for installation of a 46-foot x 4-foot x 4-foot box culvert and temporarily impact 300 square feet for construction envelope.

APPROVE RECONSIDERATION:

Approve request to dredge and fill 1880 square feet of wetlands for access in the first phase of a multiphase subdivision consisting of three single family residential lots and a remainder parcel further described as follows: Permanently impact 1580 square feet of wetlands for installation of a 46-foot x 4-foot x 4-foot embedded box culvert and temporarily impact 300 square feet for construction envelope.

With Conditions:

1. All work shall be in accordance with plans by g.r. spaulding design consultants, LLC plan sheet OP-1, revision dated September 2007, plan sheet WP-1 revision dated December 2007, plans by FWS Land Surveying P.L.L.C., plans dated December 13, 2007, as received by DES on December 17, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the three lots associated with this phase of the lot development.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Work shall be done during low flow or no 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
13. 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.
14. 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.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed wetlands crossing is within an existing wetlands impact and farm road.
6. The project impacts have been reduced from the initial proposal of 2300 square feet of wetlands impact with a culvert length of 60 feet to 1880 square feet of wetlands impact and a culvert length of 46 feet.
7. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFG") submitted comments regarding the proposed crossing and the presence of a species of special concern, Blanding's turtle, in the vicinity of the proposed project.
8. The NHFG informed DES that they have no issue with the proposed box culvert.
9. The applicant has provided a conceptual subdivision plan for the future phase of lot development.
10. The future crossing of Bee Hole Brook and other associated wetlands impacts for future phases of the subdivision shall comply with the recommendations of NHFG and their concerns with State, Federal listed species or species of special concern.
11. Portions of the proposed wetland impacts are within 20 feet of abutting property lines.
12. DES Administrative Rule Env-Wt 304.04 requires work in wetlands to be at least 20 feet from abutting property lines unless a written agreement is received from the affected abutter.
13. The applicant did not obtain a written agreement for the proposed impacts.
14. The applicant requested a waiver per Administrative Rules Part Env-Wt 204 to the setback rule.
15. On January 16, 2008, DES denied the application as untimely because it was DES's opinion that all of the items in the "Second Request for More Information" (RFMI), dated November 8, 2007, were not adequately addressed, specifically, item number two related to Administrative Rule Env-Wt 304.04.
16. On January 27, 2008, DES received a correspondence from the applicant's agent for DES to reconsider the denial decision.
17. DES did request an abutter agreement to address Env-Wt 304.04, however, DES also presented the option of submitting a waiver to the Administrative Rule.
18. DES determined that the application should not have been denied because DES gave the applicant the option of requesting a waiver or submitting the required abutter agreement.
19. DES has further reviewed the waiver request and has granted the waiver with the following findings.
20. The proposed crossing is within an existing crossing and farm road.
21. The proposed crossing will be upgraded to a 4 foot x 4 foot embedded box culvert, which should improve aquatic passage through the wetland area and should not impact abutting properties.
22. The crossing width was reduced to limit the required impacts within 20 feet of the abutting property lines.
22. The only permanent wetlands impacts within 20 feet of abutting property lines is for culvert rip-rap outlet protection (280 square feet).
23. DES has not received any comments or objections to the proposed application.
24. The applicant has estimated that it would take five wetland crossings to access the three lots if this one crossing point was not allowed.
25. The waiver request complies with the criteria of Administrative Rule Env-Wt 204.04(a).

2007-02084 PROKOP, WILLIAM
ANTRIM Unnamed Wetland

Requested Action:

Dredge approximately 10,071 sq. ft. of wetlands to construct a 15,000 sq ft shallow wildlife and recreation pond

APPROVE PERMIT:

Dredge approximately 10,071 sq. ft. of wetlands to construct a 15,000 sq ft shallow wildlife and recreation pond

With Conditions:

1. All work shall be in accordance with plans by Site Succor Design LLC dated January 27, 2008, as received by DES on February 8, 2008.
2. 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.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Emergency spillway and outlet pipe shall be properly stabilized.
6. There shall be no excavation or operation of construction equipment outside the permitted foot print of the pond.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02087 BRAMANTE, FRANK
BARNSTEAD Halfmoon Lake

Requested Action:

Permanently remove an existing 56 ft long seasonal dock and a 8 ft x 9 ft deck, and construct a 4 ft x 60 ft seasonal dock connected to a 3 ft x 4.5 ft concrete anchor pad on 150 ft of frontage on Halfmoon Lake, in Barnstead.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 56 ft long seasonal dock and a 8 ft x 9 ft deck, and construct a 4 ft x 60 ft seasonal dock connected to a 3 ft x 4.5 ft concrete anchor pad on 150 ft of frontage on Halfmoon Lake, in Barnstead.

With Conditions:

1. All work shall be in accordance with plans by Orvis Drew LLC dated December 05, 2007, as received by DES on January 24, 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. 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.
6. The deck shall be completely removed prior to the beginning of construction of the new dock.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 60 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or modification of a seasonal pier or wharf in no more than 2 slips, are proposed.
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 150 feet of shoreline frontage along Halfmoon Lake.
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 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-02627 MATHES, ROGER
NEWBURY Lake Sunapee

Requested Action:

Repair an existing 12 ft x 42 ft piling pier accessed by a 6 ft x 13.5 ft walkway in kind on 400 ft of frontage on Lake Sunapee.

APPROVE PERMIT:

Repair an existing 12 ft x 42 ft piling pier accessed by a 6 ft x 13.5 ft walkway in kind on 400 ft of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Roger Mathis as received by DES on January 16, 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 construction.
3. Repairs shall maintain the existing size, location and configuration of all structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04 (v) repair of existing structures.

2008-00084 ROTHMAN, STEPHEN & DEBRA
STODDARD Granite Lake

Requested Action:

Repair an existing 23 linear feet of concrete anchor pad by adding concrete below the existing pad on Granite Lake, Stoddard.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 23 linear feet of concrete anchor pad by adding concrete below the existing pad on Granite Lake, Stoddard.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated August 30, 2007, as received by DES on January 22, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. Work shall be done during drawdown.
6. Work shall be done during low flow.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

GOLD DREDGE

2008-00180 LUND, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2007-01403 PEPIN REVOC TRUST 2001, LEO
SUCCESS Unnamed Stream

COMPLETE NOTIFICATION:

Berlin / Success Tax Map/Lot#: 137/135, 133/105, 202/18,202/19, 1613/10, 1612/7

2008-00135 LACONIA AREA COMMUNITY LAND TRUST, ROBERT REALS JR
MEREDITH Unnamed Wetland

COMPLETE NOTIFICATION:
Meredith Tax Map U11, Lot# 63

LAKES-SEASONAL DOCK NOTIF

2008-00164 PERRY REVOCABLE TRUST, GRETA
ACWORTH Crescent Lake

COMPLETE NOTIFICATION:
Acworth, NH Tax map 201 Lot 83
Crescent Lake

PERMIT BY NOTIFICATION

2007-02191 BLAMPIED, NANCY
SUGAR HILL Streeter Pond

With Findings:
1. No response received to address deficiencies within 20 days of incomplete letter pursuant to Rule Env-Wt 506.02(g).

2007-02549 NISTA, MICHAEL
MIDDLETON Unnamed Stream

Requested Action:
Install a replacement 15" x 20' culvert in existing driveway impacting 100 sq. ft. of wetlands

PBN IS COMPLETE:
Install a replacement 15" x 20' culvert in existing driveway impacting 100 sq. ft. of wetlands

2008-00155 BLUEBERRY SHORES AT NEWFOUND LLC
BRISTOL Newfound Lake

Requested Action:
Install two PWC lifts next to and existing seasonal U-shaped docking facility on 1220 ft of frontage in Bristol on Newfound Lake.

APPROVE PERMIT:
Install two PWC lifts next to and existing seasonal U-shaped docking facility on 1220 ft of frontage in Bristol on Newfound Lake.

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(ad) installation of a personal watercraft lift.

