

# Wetlands Bureau Decision Report

Decisions Taken  
02/11/2008 to 02/17/2008

## **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.

**MINOR IMPACT PROJECT**

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**2005-01537                      STONYFIELD FARM INC**  
**LONDONDERRY   Unnamed Wetland**

**Requested Action:**

Agent for applicant requests amendment to permit condition #5 to address the plan for Stonyfield Farm to enhance and maintain cottontail habitat in the area of the development.

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**Conservation Commission/Staff Comments:**

DES received comments from the Conservation Commission on July 19, 2005.

**APPROVE AMENDMENT:**

Dredge and fill 18,027 sq. ft. (17,182 sq. ft. permanent impact, 845 sq. ft. temporary impact) of forested, scrub-shrub and emergent wetlands for the construction of a 24,970 sq. ft. 1-story milk receiving building addition, a new 2-story 36,800 sq. ft. office and cafeteria building with associated parking, a new sewer line connection, on-site wastewater treatment facility and 2 new detention basin outlet structures. The applicant is providing a donation to the Town of Londonderry Conservation Commission totaling \$75,000 as compensatory mitigation for the project.

**With Conditions:**

**With amended conditions:**

1. All work shall be in accordance with plans by TFMORAN Inc., dated June 30, 2005, as received by the Department on July 7, 2005 and amended plan received by the Department on January 25, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Work shall be done during low flow.
5. This permit is contingent on implementation of the recommendations provided and outlined in the Memorandum of Understanding entered into on June 26, 2007 between Stonyfield Farm, Inc., NH Department of Transportation, NH DES, NH Fish & Game Department.
6. The applicant shall provide a report outlining the status of habitat mitigation efforts. The report shall be prepared by a qualified Wildlife Biologist and submitted to the NH Fish & Game Department (NHF&G) and the Department once the habitat mitigation efforts are complete but no later than one year from the permit issuance date. An additional report evaluating the success of the habitat mitigation shall be submitted to NHF&G and the Department three years from the permit issuance date.
7. The temporary wetland impacts associated with the proposed sewer connection shall be restored in-kind by the end of the first growing season, following the completion of the sewer line connection.
8. The applicant shall submit a report outlining the status of the wetland restoration.
9. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the restoration site.
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two full growing seasons, following the start of construction, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the Department.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

14. Dredged material shall be placed outside of the jurisdiction of the Department.
15. 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.
16. 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.
17. 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).
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
20. Faulty equipment shall be repaired prior to entering jurisdictional areas.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Wetland Mitigation:

23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the permittee. A copy of the registered permit shall be submitted to the Department prior to construction.
24. This permit is contingent on the deposit of \$75,000 to the Town of Londonderry Conservation Commission as a form of compensatory mitigation for impacts to jurisdiction wetlands.
25. The deposit of \$75,000 shall be in accordance with written correspondence dated January 15, 2006, as received by the Department on January 18, 2006.
4. Prior to the start of construction the DES Wetlands Bureau shall be provided with a copy of the deposit slip documenting the transfer of funds to the Town of Londonderry Conservation Commission.

With Findings:

1. The amendment request satisfactorily addresses the site conditions and habitat issues relative to the conditions for the cottontail rabbit.

**2006-02436                      WHITAKER, PAUL & SHERI**  
**CONWAY   Unnamed Wetland**

Requested Action:

After-the-fact approval to retain 8,131 sq. ft. of wetlands impacts for upgrades conducted to an existing "old woods road" and access right-of-way for construction of a driveway for a new single family home. Work in wetlands consists of installation of an approximately 15 in. x 40 ft. CPP culvert, associated grading, filling and side slope stabilization (Area "A") and installation of an approximately 12 in. x 35 ft. CPP culvert, associated grading, filling and side slope stabilization (Area "B").

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APPROVE AFTER THE FACT:

After-the-fact approval to retain 8,131 sq. ft. of wetlands impacts for upgrades conducted to an existing "old woods road" and access right-of-way for construction of a driveway for a new single family home. Work in wetlands consists of installation of an approximately 15 in. x 40 ft. CPP culvert, associated grading, filling and side slope stabilization (Area "A") and installation of an approximately 12 in. x 35 ft. CPP culvert, associated grading, filling and side slope stabilization (Area "B").

With Conditions:

1. All work shall be in accordance with plans and narratives by B.H. Keith Associates, as received by DES on January 17, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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-Wt303.04(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 new driveway was constructed in a 66 foot wide right-of-way dedicated for access to the building lot.
5. An existing "old woods road" was utilized for the new driveway access.
6. DES has not received comments from anyone in objection to the project.

**2006-02733                      ARISTA DEVELOPMENT LLC**  
**LEE   Unnamed Wetland**

Requested Action:

Dredge and fill 15,100 sq. ft. of wetlands and install a 5' wide x 2' high x 36' long box culvert to construct a stream crossing impacting 55 linear feet of seasonal stream channel and banks for secondary access to a Walgreen's store.

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DENY PERMIT:

Dredge and fill 15,100 sq. ft. of wetlands and install a 5' wide x 2' high x 36' long box culvert to construct a stream crossing impacting 55 linear feet of seasonal stream channel and banks for secondary access to a Walgreen's store.

With Findings:

1. Pursuant to RSA 482-A:1, approvals must be consistent with the findings of public purpose, which holds that it is in the public good to protect the state's waters from unregulated alteration.
2. Pursuant to Env-Wt 302.04(d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
3. Pursuant to Env-Wt 302.04(d)(2), the department shall not grant a permit if the project will contribute to significant degradation of the waters of the state.
4. Pursuant to Env-Wt 302.04(d)(3), the department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands.
5. On 10/16/2006 DES received an application to dredge and fill 15,100 sq. ft. of wetlands and install a 5' wide x 2' high x 36' long box culvert to construct a stream crossing impacting 55 linear feet of seasonal stream channel for secondary access to a Walgreen's retail store.
6. The Walgreen's store is proposed to be located on a currently developed and functioning retail site.
7. On 10/20/2006 DES received a letter from the Lee Conservation Commission requesting to intervene on the application.
8. On 10/30/2006 DES deemed the application administratively incomplete as the application did not meet the compensatory mitigation requirements stated in Env-Wt 302.03, Env-Wt 501.02(a)(6), and Chapter Env-Wt 800.
9. On 12/01/2006 DES received comments from the Lee Conservation Commission ("LCC") in opposition to the project, primarily on the basis that the impacts are entirely avoidable, and which point out that there is currently active access to the site from Route 125.
10. In the 12/01/2007 comments, the LCC states that the wetland in question drains directly into the Oyster River, a public water supply for the Town of Durham and for UNH, and voices concerns relative to the effects of stormwater discharge and further encroachment into wetlands that protect the public water supply.

11. In the 12/01/2007 comments, the LLC further states that the wetland proposed to be impacted received the second highest score, out of 105 wetlands evaluated townwide, for its value in the "Wetlands of Lee", a wetlands evaluation and ranking report prepared by biologist David Allan, for the Lee Conservation Commission.
12. Attached to the 12/01/2007 LLC letter, was a letter dated 12/16/2005 to the NH Department of Transportation from the Strafford Regional Planning Commission ("SRPC"), commenting on the Walgreen's proposal for the Lee Traffic Circle, opposing the access point onto Route 4 as unnecessary, with the result of "cut-through" traffic; and describing four alternative options for traffic circulation around the various new developing businesses. None of the four options included access onto Route 4.
13. On 3/6/2007 DES deemed the application administratively complete.
14. On 5/2/2007 DES received letters from the Town of Lee Selectmen, and Fire and Rescue Department supporting the application based on safety concerns.
15. On 5/18/2007 DES sent a Request For More Information ("RFMI") letter to the applicant, requesting further information relative to the proposal not meeting demonstrated need pursuant to Env-Wt 302.01(b), and 302.04(a)(1), nor avoidance and minimization, pursuant to Env-Wt 302.03, nor representing the least impacting alternative, pursuant to Env-Wt 302.04(a)(2), based on the active use of the property's direct access onto Route 125 and use of this access by the multiple retail entities currently present on the site, and the summarized comments of the LCC, SRPC, and EPA echoing this position. Also included in the RFMI was a request for outstanding mitigation details and DES's calculation of the ARM fund mitigation fee payment of \$43,036.72.
16. On 6/16/2007 DES received a response from Gove Environmental Services Inc. ("GES") including a traffic study conducted on behalf of the applicant, a resubmission of materials submitted with the mitigation package previously, and acknowledgement of the in-lieu fee amount as determined by DES.
17. On 7/10/2007 DES received a copy of a letter dated 7/6/2007 to the Lee Selectmen from the SRPC stating that access to the subject properties fronting Route 125 (north of the traffic circle) should be from the signalized intersection on Route 125 at the junction of the Lee Market place and the proposed Wentworth-Douglas medical complex, and that the developing properties should create an interconnectivity from this intersection.
18. The 7/6/2007 SRPC letter stated that the proposed wetland impact area is a source water protection area for several public water supplies including the town of Lee, the Lee 5-Corners public water supply well, and the Oyster River intake for Durham and UNH.
19. The 7/6/2007 SRPC letter stated that the SRPC looked forward to working with the Town on a second phase of the Route 125 Corridor Study, which focuses on issues of road capacity, safety, traffic conflicts, growth and development.
20. On 7/16/2007 DES sent a second RFMI letter including the following items:
  - a. clarification of ownership of the subject property, as it had come to the attention of DES that this property is owned by Robert Callioras, not Arista Development LLC as portrayed in this application;
  - b. documentation that off-site restoration candidate sites had been sought for mitigation as required Env-Wt 803.07(c);
  - c. clarification of project purpose relative to the description of the Walgreen's access a "side access road" intended to connect Rt. 4 with the Lee Marketplace signalized intersection on Rt. 125, in association with a proposed development of Wentworth-Douglas Health Care Facility. Materials requested in support of this connector road were the Corridor Impact Study referred to by both NHDOT and SRPC (or all information developed for the Study that is currently available) to depict what the potential build-out for development will be for the Lee traffic circle area to provide an overview of the area's development potential; a master or comprehensive plan for the development currently planned for the Callioras properties with respect to the full scope of the access road, the relative locations of the wetlands on the properties, and whatever potential additional wetlands impacts, not currently applied for, may be needed to fully construct this access road, so that DES may review the current request within the context of the full extent, and wetlands impact implications, of the overall development of the area; and, finally, the Driveway permit approval from NHDOT.
21. On 1/15/2008 DES received a response from the applicant to the request to examine the parallel connector road. The materials submitted indicate that while it is physically possible to run a connector road along the properties, the current property owner may not develop or sell the necessary parcels in the near future, or at all if he so determines. An easement would be offered to the current developer, but for another parcel, that the current owner does not intend to sell or develop in the foreseeable future. No Route 125 Corridor Study, or other formal municipal or regional planning material requested in the 7/16/2007 RFMI were received, nor was the DOT driveway permit.
22. Upon review of all materials submitted to the record, DES finds that the site has direct frontage on and access to Route 125. The existing access to Route 125 from the site is currently used by an active retail center, thus represents a practicable alternative that would have less adverse impact on the department's jurisdiction than the proposal, and therefore DES shall not grant a permit pursuant to Env-Wt 302.04(d)(1).
23. Upon review of all materials submitted to the record, DES finds that placement of 15,100 sq. ft. of fill in the wetland of second-highest value in the Town of Lee represents loss of function important to the protection of the Oyster River watershed would contribute to the significant degradation of waters of the state, and therefore DES shall not grant a permit pursuant to Env-Wt

302.04(d)(2).

24. Given that there is existing access to an active retail use at this site, and continuing use of this access represents a practicable alternative to the proposed wetlands impact, DES finds that the proposal represents unnecessary destruction of wetlands, and therefore shall not grant a permit pursuant to Env-Wt 302.04(d)(3).

**2007-02678                      GEAIR, CATHERINE**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock attached to the existing rocks on an average of 510 ft of shoreline on Keniston Island, on Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock attached to the existing rocks on an average of 510 ft of shoreline on Keniston Island, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated January 30, 2008, as received by DES on February 06, 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. No work is authorized to the existing 8 ft x 30 ft permanent pier on the frontage.
5. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the seasonal pier shall extend more than 40 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 a 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 510 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facilities will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The loon nesting sites are located more than 1/4 of a mile from and on different islands than the proposed seasonal docking structure.

**2007-02690                      JENNY, RICHARD**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing seasonal docking structure and install a 6 ft x 40 seasonal dock attached to a 6 ft x 40 ft seasonal

dock by a 6 ft x 12 ft seasonal walkway, install a seasonal boatlift in the center slip with a 12 ft x 30 ft seasonal canopy, perch an existing 720 sq ft beach on an average of 175 ft of frontage on Lake Winnepesaukee, in Moultonborough.

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Conservation Commission/Staff Comments:

No Con Com comments by 01/16/08

APPROVE PERMIT:

Permanently remove an existing seasonal docking structure and install a 6 ft x 40 seasonal dock attached to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, install a seasonal boatlift in the center slip with a 12 ft x 30 ft seasonal canopy, perch an existing 720 sq ft beach on an average of 175 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated February 04, 2008, as received by DES on February 08, 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 pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. Seasonal piers shall be removed for the non-boating season.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. 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 (Elevation 504.32). 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. 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.
16. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
17. Boatlifts shall be of seasonal construction type which shall be removed for the non-boating season.
18. 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 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 175 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-02747 NH DEPT OF TRANSPORTATION  
BEDFORD Unnamed Wetland**

Requested Action:

Widen roadway, add turn lanes, construct raised median and drainage structures; improve shoulders to provide safety improvements impacting 7,602 sq. ft. (324 sq. ft. temporary) of palustrine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE AMENDMENT:

Widen roadway, add turn lanes, construct raised median and drainage structures; improve shoulders to provide safety improvements impacting 7,602 sq. ft. (324 sq. ft. temporary) of palustrine wetlands. NHDOT project #13692A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 9/07, as received by the Department on November 21, 2007.
2. This permit is contingent upon the submission of project specific erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method 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 jurisdictional 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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal 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. Upon further review of the original permit conditions, the DES agrees that one of the conditions was not needed at this time and two of the conditions could be reworded to meet the specific on site circumstances.

**MINIMUM IMPACT PROJECT**

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**2007-01252                      B & N DESIGNS LLC**  
**MEREDITH   Unnamed Wetland**

Requested Action:

Approve amendment request to reduce the wetland impacts as a result of changes in the wetland delineation and elimination of sewer crossing.

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Conservation Commission/Staff Comments:

The Conservation Commission provided comments and the applicant incorporated them into their project.

APPROVE AMENDMENT:

Dredge and fill a total of 1200 square feet of wetland for driveway access in the subdivision of 23 acres into 5 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by R Jeff Burd dated May 26, 2007, and revised through October 15, 2007, as received by the Department on December 4, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work within wetlands shall be at low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. 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. Silt fencing must be removed once the area is stabilized.
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).

With Findings:

The Department reaffirms findings 1-5 of the original approval:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000

square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

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

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

5. The applicant has incorporated the Conservation Commission's comments into the project.

And makes the following additional finding:

6. The redelineation was done at the request of the town and the changes are due to changes in hydrology as a result of the recent logging activities on the site.

**2007-01530 HAYES TRUST, ELLEN  
WAKEFIELD Unnamed Wetland**

Requested Action:

Impact 2500 sq. ft. of wetlands to relocate an existing access road to a proposed building lot.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Impact 2500 sq. ft. of wetlands to relocate an existing access road to a proposed building lot.

With Findings:

1. A request for additional information dated 10/02/2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request, with a stated deadline of no later than 2/2/2008. The requested information is summarized as follows:

- a. documentation and verification of disputed ownership of the property;
- b. demonstration of need, avoidance and minimization, pursuant to Rules Env-Wt 302.01(b) and Env-Wt 302.03, respectively;
- c. submission of adequate tax map and abutter notification;
- d. submission of adequate plans depicting full property boundaries and ownership relationships; depiction of project purpose and submission of materials required under Chapter Env-Wt 300 if the project represents a subdivision.

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

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-01786 NH DES WATER DIVISION, DAM BUREAU  
CLARKSVILLE Lake Francis**

Requested Action:

Dredge and fill approximately 80 sq. ft. of wetlands, to include 32 linear feet of intermittent stream channel, to replace two existing temporary 18 in. and 24 in. culverts, installed as per Emergency Authorization issued on August 2007, and install a permanent single 30 in. x 32 ft. culvert for road access.

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Conservation Commission/Staff Comments:

E-Authorization for two culverts in Clarksville, NH. Trib to Francis Lake. 8/7/2007 MAM

Application Complete & filed 12/07/2007 for processing.

Permit Appvd 2/15/2008. MAM

APPROVE PERMIT:

Dredge and fill approximately 80 sq. ft. of wetlands, to include 32 linear feet of intermittent stream channel, to replace two existing temporary 18 in. and 24 in. culverts, installed as per Emergency Authorization issued on August 2007, and install a permanent

single 30 in. x 32 ft. culvert for road access.

With Conditions:

1. All work shall be in accordance with plans entitled: Cedar Stream Road Culvert Replacement, dated September 21, 2007, prepared by State of New Hampshire, Department of Environmental Services, Dam Bureau, as received by the Department on November 30, 2007.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
3. Work shall be conducted during non-flow conditions.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. No equipment shall enter the water.
6. All work shall be done from the top of the bank.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
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 3:1.2.
10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
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. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n); Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant was issued an Emergency Authorization to install two temporary culverts on August 7, 2007. The applicant was required to submit a follow-up application, which was received by the Department on November 30, 2007, and was determined to be complete on December 7, 2007. The file represents a proposal to install permanent single culvert and has been determined to be in the best interest of the public that this applicant be authorized.
6. No comments from Conservation Commission or Town Clerk signature are in file.
7. No objections or comments have been received from abutters or agencies to date. Comments from CRJC have been entered into the file and have been determined to be adequately addressed through proposed design and culvert sizing. See comments in file.
8. Based on our review of provided information submitted to date, adequately demonstrating need to replace the existing culverts installed as an emergency measure to facilitate access, the Department has determined that the proposed work will result in only minimal impacts to an unnamed intermittent stream, that the current design does not deviate significantly from the overall character and scope of the existing culverts and the project is in the best interest of the public.
9. Based on the above findings, we have determined that the proposed work should be permitted in accordance with submitted plans and supporting information and allowed to commence as per conditions accordingly.

Requested Action:

Dredge and fill 900 sq. ft. of wetlands for construction of an access/driveway to a single family building lot. Work in wetlands consists of installation of a 12 in. x 20 ft. culvert associated grading, filling and culvert headwalls.

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APPROVE PERMIT:

Dredge and fill 900 sq. ft. of wetlands for construction of an access/driveway to a single family building lot. Work in wetlands consists of installation of a 12 in. x 20 ft. culvert associated grading, filling and culvert headwalls.

With Conditions:

1. All work shall be in accordance with plans by Tristram Gordon and Lull Road Corporation dated January 11, 2008, as received by DES on January 16, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet). Please note that there will be changes to the requirements of RSA-483-B on April 1, 2008.
4. Work shall be done during low flow or no flow.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. 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. 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. The Department has determined that this project is in the vicinity of an impaired water body. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

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

**2007-02780 ALTON, TOWN OF  
ALTON Unnamed Stream**

Requested Action:

Retain existing twin 24-inch x 39-foot culverts which replaced an undersized 30-inch x 33 foot culvert within an existing public roadway.

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**APPROVE AFTER THE FACT:**

Retain existing twin 24-inch x 39-foot culverts which replaced an undersized 30-inch x 33 foot culvert within an existing public roadway.

**With Conditions:**

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

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j); Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has sized the culverts for a 25-year storm event.

**2007-02806                      CARROLL, TOWN OF  
CARROLL Ammonoosuc River**

**Requested Action:**

Impact approximately 1,087 sq. ft. within the banks of the Ammonoosuc River to replace an existing deteriorated single lane steel truss bridge with a new pre-fabricated truss bridge of same size and scope.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

No Objections from Con-Com, see letter in file dated 31 Dec 2007.

**APPROVE PERMIT:**

Impact approximately 1,087 sq. ft. within the banks of the Ammonoosuc River to replace an existing deteriorated single lane steel truss bridge with a new pre-fabricated truss bridge of same size and scope.

**With Conditions:**

1. All work shall be in accordance with plans entitled: Town Of Carroll, Carroll, New Hampshire, in 23 consecutive sheets, dated November 2007, Prepared by Hoyle, Tanner & Associates, inc., and received by the Department on November 29, 2007.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Work shall be conducted during low water conditions.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No equipment shall enter the water.
7. All work shall be done from the top of the bank.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
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 3:1.2.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h); Installation of a bridge provided that: (1) No work is done in the water or wetland; (2) The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and (3) The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. No impacts are proposed below OHW in the Ammonoosuc River. All temporary and permanent impacts are proposed solely within the banks and are associated with augmenting the existing abutments. No substantial change to the character or scope of the existing structure is proposed. Augmentation to the existing abutments has been incorporated into the current design for safety and overall engineering requirements accordingly. Also, based on a review of the design and information provided, the proposed multi-use bridge is designed to span completely across the waterway from the top of bank and as reported, will not have any impacts within wetlands, waters or the bank, and will be constructed outside the limits of the Department's jurisdiction.
6. Town Conservation Commission has no objections to the work as proposed. See letter in file.
7. No objections or comments have been received from abutters or agencies to date.
8. Due to the submitted information in the record demonstrating need to replace the existing structure, overall support and funding from the NHDOT and well as local support, the fact that the applicant and NHDOT asserts that the existing structure is deteriorated and consequently does not adequately insure safe vehicular passage and the overall need demonstrated in the record for said safe passage, the Department has determined that the proposed work will result in only minimal impacts to the bank of the river, that the current design does not deviate significantly from the overall character and scope of the existing bridge, the project is in the best interest of the public and the overall new bridge will help to meet the needs and welfare of the people in the region.
9. Based on the above findings, we have determined that the proposed activity will be permitted and allowed to commence as per conditions accordingly.

**2007-02814                      COHEN, MATTHEW & DONNA**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Extend an existing 6 ft wide seasonal pier to 77 ft in length on an average of 75 ft of frontage on Lake Winnepesaukee, in Moultonborough.

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APPROVE PERMIT:

Extend an existing 6 ft wide seasonal pier to 77 ft in length on an average of 75 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 26, 2007, as received by DES on December 3, 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 shall be the only structure on this water frontage and all portions of the dock shall be at least 7.5 ft from northwest property line and the imaginary extension of that line over the water and 20 ft from southeast property line and the imaginary extension of

that line over the water.

4. This permit does not authorize the placement of any seasonal watercraft lifts on the frontage.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 77 feet from the shoreline at full lake elevation.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
8. If at any time the Department finds that the property has an average of less than 75 ft of frontage, then the owner of the property shall be required to reduce the size of the docking facility to, at most, the pre-existing 6 ft x 52 ft.
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), modification of a 2-slip seasonal pier.
2. The need for the additional pier length has been demonstrated by the applicant per Env-Wt 402.02, Dimensions, paragraph (b).
3. The applicant claims an average of 75 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. The Applicant provided a notarized waiver of the setback to the northeast property line signed by the affected abutter.

**FORESTRY NOTIFICATION**

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**2008-00181                      YANKEE FOREST LLC**  
**MILAN   Unnamed Stream**

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

**2008-00182                      FESSENDEN, DAVID & AMY**  
**BROOKLINE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Brookline Tax Map G, Lot# 46

**2008-00183                      WOODS, DONNA LEE**  
**GILSUM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilsum Tax Map 409, Lot# 21

**2008-00184                      SUGAR HILL, TOWN OF**  
**SUGAR HILL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sugar Hill Tax Map 209, Lot# 6

**2008-00194 UNITED STATES TRUST COMPANY NA  
TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 419, Lot# 7

**2008-00195 PLETCHER, LARRY  
WARNER Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax MAp 18, Lot# 11-1

**EXPEDITED MINIMUM**

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**2006-02175 NEW LONDON, TOWN OF  
NEW LONDON Red Brook & Little Brook**

Requested Action:

Deny permit request to dredge and fill approximately 760 square feet in three different streams to replair and replace culverts with new.

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Conservation Commission/Staff Comments:

FI 4/27/7 conducted in response to a complaint that the culvert had been replaced w/o a permit; resulting in sedimentation. Complaint was unfounded.

Inspection Date: 04/27/2007 by Linda M Magoon

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill approximately 760 square feet in three different streams to replair and replace culverts with new.

With Findings:

1. A request for additional information dated March 30, 2007, addressed to the applicant, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive any information in response to our request for additional information within the 120 days and therefore the application has been denied.

**2007-01701 THE LEDGES AT NEWFOUND LAKE  
ALEXANDRIA Mountain Stream**

Requested Action:

Deny request to dredge 1235 square feet within a perennial stream adjacent to Newfound Lake to maintain a kiddie pool.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 1235 square feet within a perennial stream adjacent to Newfound Lake to maintain a kiddie pool.

With Findings:

1. A request for additional information dated July 31, 2007, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive any information in response to our request for additional information within the 120 days and therefore the application has been denied.

**2007-02004                      SULLIVAN, DANIEL & JEAN**  
**BARRINGTON North River Pond**

Requested Action:

Replace an 18 linear ft of wood retaining wall 42 linear ft of rip rap with 64 linear ft of block retaining wall faced with rip-rap along the base on propertyhaving 70 ft of frontage on North River Pond, in Barrington.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY PERMIT:

Replace an 18 linear ft of wood retaining wall 42 linear ft of rip rap with 64 linear ft of block retaining wall faced with rip-rap along the base on propertyhaving 70 ft of frontage on North River Pond, in Barrington.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact project per Rule Env-Wt 303(k) projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Rule Env-Wt 303.02.
3. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
4. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that he alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
6. In accordance with Rule Env-Wt 404.01 Least Intrusive Method, Shoreline stabilization shall be by the least intrusive but practical method.
7. In accordance with Rule Env-Wt 404.05,(a) The following requirements relative to walls shall apply to nontidal waters: (1) Walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical; (2) Applications for walls shall include cross-section and plan views of the proposed installation and sufficient plans to clearly indicate the relationship of the project to fixed points of reference, abutting properties, and features of the natural shoreline; (3) Walls on great ponds or water bodies where the state holds fee simple ownership shall be located on the shoreward side of the normal high-water shoreline; (4) Applications for walls adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.

Findings of Fact

8. On August 24, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Barrington, tax map 126, lot 0036, (the "Lot") to replace an existing 18 linear ft of retaining wall and replace 42 linear ft of rip rap shoreline with 42 ft of retaining wall, on North River Pond.
9. On October 03, 2007, the Wetlands Bureau sent a Request for More Information letter to the applicant. This letter requested the applicant submit information to the file indicating the proposed project is the least impacting alternative pursuant to Env-Wt 404.01.
10. The October 03, 2007 letter also requested the applicant submit all the information to the file in support of construction of a new wall as required pursuant to Env-Wt 404.05.

Rulings in Support of Denial

11. The Applicant failed to provide evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative as requested by the Department on March 28, 2007 and, therefore, the application shall be denied in accordance with Env-Wt 302.04(d).
12. The Applicant failed to provide the information pursuant to Env-Wt 404.05, therefore the application is denied.

**2008-00027                      BRUNELLE, RAYMOND**  
**GILMANTON   Sawyer Lake**

Requested Action:

Replace an existing 20 linear ft of retaining wall "in kind" on Sawyer Lake, Gilmanton.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 20 linear ft of retaining wall "in kind" on Sawyer Lake, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on January 08, 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. Work shall be done during drawdown.
5. Area shall be regraded to original contours following completion of work.
6. Repair shall maintain existing size, location and configuration.
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 minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of water, and that results in no change in height, length, location, or configuration.

**2008-00070                      SMITH, MARTIN**  
**GREENFIELD   Unnamed Stream**

Requested Action:

Dredge and fill ± 415 sq. ft. of intermittent stream and associated palustrine forested wetlands to install a 60-in. x 20-ft. embedded CMP culvert for driveway access to a single lot of a 7-lot subdivision on ± 80.018 acres.

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**APPROVE PERMIT:**

Dredge and fill ± 415 sq. ft. of intermittent stream and associated palustrine forested wetlands to install a 60-in. x 20-ft. embedded CMP culvert for driveway access to a single lot of a 7-lot subdivision on ± 80.018 acres.

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 24, 2007, and Subdivision Plans dated August 28, 2007, as received by the Department on January 17, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. 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. 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).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The submitted abutter list includes errors or there are two abutters that were not notified, but these parcels are located over one-quarter mile from the project and pursuant to Env-Wt 101.02 notification is not required.
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.

**GOLD DREDGE**

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**2008-00213                      LASHWAY, DAVID**  
**(ALL TOWNS)    Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-00215                    TAMI, MICHAEL**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-00216                    HAMBLETT, MARCUS**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2008-00211                    STREIT, THOMAS**  
**GILFORD Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Gilford, NH Tax map 217 Lot 111  
Lake Winnepesaukee

**PERMIT BY NOTIFICATION**

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**2007-02354                    MORGAN, THOMAS**  
**LEBANON Unnamed Stream**

Requested Action:  
Dredge and fill approximately 800 sq. ft. of wetlands, to include 45 linear feet of an intermittent stream, to install a single 24 in. x 20 ft. culvert with associated head walls for road access to a single family building lot.

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Conservation Commission/Staff Comments:  
PBN Inc. 10/23/2007. Sent Ltr. Info received 11/16/2007.  
Site Visit required 12/7/2007 Ltr Sent. Site visit cond.1-8. Need revised plans & wetland delin update. File Incomplete.  
08 Feb 2008: Recvd info. Complete this date.

PBN IS COMPLETE:  
Dredge and fill approximately 800 sq. ft. of wetlands, to include 45 linear feet of an intermittent stream, to install a single 24 in. x 20 ft. culvert with associated head walls for road access to a single family building lot.

With Findings:  
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated

fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

**2008-00140                      COLLINS, PATRICIA**  
**BENNINGTON   Unnamed Stream**

Requested Action:

Dredge and fill 770 sq. ft. of wetlands to install a 18 in. x 25 ft. HDPE culvert for a new driveway crossing to a piece of property for a single family building lot. Work in wetlands consists of removing the existing crossing, installing a new culvert, associated filling, grading and side slope stabilization.

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PBN IS COMPLETE:

Dredge and fill 770 sq. ft. of wetlands to install a 18 in. x 25 ft. HDPE culvert for a new driveway crossing to a piece of property for a single family building lot. Work in wetlands consists of removing the existing crossing, installing a new culvert, associated filling, grading and side slope stabilization.

With Findings:

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

**2008-00175                      SQUARE HILL TRUST**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Dredge and fill 952 square feet in two independent wetland crossings including installation of two culverts for access to a proposed single family structure on an existing lot of record.

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APPROVE PERMIT:

Dredge and fill 952 square feet in two independent wetland crossings including installation of two culverts for access to a proposed single family structure on an existing lot of record.