

Wetlands Bureau Decision Report

Decisions Taken
02/18/2008 to 02/24/2008

DISCLAIMER:

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

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

APPEAL:

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

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

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

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

MAJOR IMPACT PROJECT

**2006-01505 HOPGOOD BIXBYSHORE FAMILY TRUST, RICHARD HOPGOOD
TUFTONBORO Lake Winnepesaukee**

Requested Action:

The Applicant requests reconsideration of the Department's April 4, 2007 denial of the application for failure to provide a timely response to a written request for more information.

Conservation Commission/Staff Comments:

Rec'd 8/9/07 Corrected Frago Trust Abutter's Objection and Response to Applicant's Request for Reconsideration - np
Rec'd 8/2/07 Objection/Response to Applicant's Req. from Frago Trusts abutters

Reconsideration Requested from Atty Gregory Smith, McLane, Graf, Raulerson and Middleton for the Hopgood-Bixby Shore Family Trust

DENY RECONSIDERATION:

Deny reconsideration as the Request for Reconsideration was not filed within the time frame required by RSA 482-A:10.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:10 Appeals, II, A request for reconsideration shall be filed with the Department within 20 days of the issuance of issuance of the Department's decision or order.

Findings of Fact

1. On June 19, 2006, the NH DES Wetlands Bureau received an application for construction of a breakwater with docks in a "W" configuration and seasonal watercraft lifts on an average of 150 ft of frontage on Lake Winnepesaukee in Tuftonboro.
2. On April 6, 2007, the Department denied the Applicant's request to construct a breakwater and modify the docking facilities on the grounds that the information requested on September 8, 2006, was not submitted within 120 days as required pursuant to RSA 482-A:3 XIV, (b).
3. On April 9, 2007 the Department issued a written notice of its decision to deny the application to the Applicant. The deadline for filing a request for reconsideration was April 29, 2007.
4. On April 30, 2007, the Department received a Request for Reconsideration of the Department's April 6, 2007 denial. The Request was signed and dated April 30, 2007.

Rulings in Support of the Decision

1. A Request for Reconsideration was not filed within 20 days of the issuance of the notice of the Department's decision as required per RSA 482-A:10, II and, therefore, the decision shall not be reconsidered.

**2007-00883 NH DEPT OF TRANSPORTATION
PORTSMOUTH Piscataqua Estuary**

Requested Action:

Remove and replace concrete encasement of the steel pile supports for two bridges impacting 11,500 sq. ft. of estuarine wetlands (7,800 sq. ft. temporary).

Conservation Commission/Staff Comments:

Portsmouth Cons. Comm. recommends approval

New Castle Cons. Comm. - no comment

APPROVE PERMIT:

Remove and replace concrete encasement of the steel pile supports for two bridges impacting 11,500 sq. ft. of estuarine wetlands (7,800 sq. ft. temporary). NHDOT project 14802.

With Conditions:

1. All work shall be in accordance with plans by NHDOT revised 4/24/07 as received by the Department on April 27, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. No work shall occur in the water between Jan 1 and July 1.
7. The species of concern noted by the Natural Heritage Inventory shall be protected and the applicant shall identify and mark these areas as off limits prior to any 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.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. This project was discussed on March 21, 2007 at the monthly Natural Resource Agency Meeting held at the NH Dept. of Transportation (DOT) . The National Marine Fisheries Service noted concerns regarding migratory fish and requested that no work occur until after July 1st. Additional concerns were raised regarding the turbidity controls due to the method of dredging around the base of the pilings.
6. On May 14, 2008, the NH Dept. of Environmental Services Wetlands Bureau (DES) received a letter from the Portsmouth Conservation Commission recommending approval of the project.
7. A copy of a letter dated August 27, 2007 was received from the US Army Corps of Engineers (USACOE) stating concerns regarding the timing of the project due to migratory fish and regarding turbidity controls.
8. On November 14, 2007 the DES received a memo from the DOT noting the time of year for the work will be as requested by the Federal Agencies noting their concerns and that an airlift system would be used to access the base of the pile supports.
9. On January 16, 2008, this project was discussed at the Natural Resource Agency Meeting. Further information was provided regarding dredging and using the airlift system. Further discussion of fisheries included concerns regarding winter flounder and the Agencies in attendance agreed the dredging should not occur prior to June 30th.
10. The Department of Environmental Services (DES) Staff conducted a field inspection of the project area on February 15, 2008. Field inspection determined that significant damage to the concrete encasement protecting the supports for the bridges had occurred and replacement is necessary to provide a safe roadway for the general public.
11. DES Staff finds that this project will not have a significant impact on these estuarine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

Forward to G&C for approval per RSA 482-A:1,II as this is a major project in public-owned water bodies.

-Send to Governor and Executive Council-

2007-02252 AKWA MARINA YACHT CLUB LLC
LACONIA Lake Winnepesaukee

Requested Action:

Transfer 3 boatslips from an adjacent property and relocate one slip which is subject to sand accumulation into a permitted major docking facility increasing the total number of permitted slips from 73 up to 76 on property having an average of 340 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Transfer 3 boatslips from an adjacent property and relocate one slip which is subject to sand accumulation into a permitted major docking facility increasing the total number of permitted slips from 73 up to 76 on property having an average of 340 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work related to the addition of three slips and relocation of the fourth slip within the approved docking structures shall be conducted in accordance with plans dated August 28, 2007 as received by the Department on September 19, 2007.
2. This permit does not authorize any work or impacts other than what is specifically depicted on the approved plan.
3. This permit shall not be effective until it has been recorded with the deeds for the properties identified as Laconia Tax map 139 lots 46 and 48, and Laconia tax map 259, lot 52 with the Belknap County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. With the exception of the additional slips approved above, all work on this property and lakefront shall be done in accordance with the Approval Conditions as imposed on Permit # 2003-00203 approved for work on this property on August 25, 2006.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. All activity shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), modification of a major docking facility.
2. 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.
3. The public hearing is waived with the finding that the project impacts as approved and conditioned will not significantly impair the resources of this wetland ecosystem, and Lake Winnepesaukee
4. The property identified as Laconia Tax Map 139, lot 127-46 (the Landing) has an average of 340 feet of frontage along Lake Winnepesaukee.
5. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The docking facilities as previously approved on the frontage would provide 73 boat slips.
7. The contiguous property identified as Laconia Tax Map 139, lot 127-48 (the Beach) has an average of 315 ft of frontage along Lake Winnepesaukee.
8. This property was erroneously stated to have only 298 ft of frontage in previous Permit # 2003-00203.
9. A maximum of 5 slips may be permitted on 315 ft of frontage per Rule Env-Wt 402.12, Frontage Over 75'.
10. Four of the 5 slips which could be provided on the Beach frontage were transferred to the Landing under Permit # 2003-00203.
11. This approval accepts the transfer of the 1 remaining slip, as defined per RSA 482-A:2, VIII, which could be permitted on the Beach frontage, to the landing property and allows for the incorporation of that slip into the permitted docking facility.
12. The contiguous property identified as Laconia Tax Map 139, lot 259-2 (the Jetty) has an average of 88 ft of frontage along Lake Winnepesaukee.
13. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
14. This approval accepts the transfer of the 2 slips, as defined per RSA 482-A:2, VIII, which could be permitted on the jetty frontage, to the landing property and allows for the incorporation of those slip into the permitted docking facility.
15. Consolidation of the boat slips, which could be permitted on the Beach and Jetty frontages, into the facility on the Landing property, is less environmentally impacting and more conducive to safe navigation and the safety of those using frontage of the Beach and Jetty frontages for swimming and other non-boating activities, therefore the requirements of Rule Env-Wt 402.12 are waived.
16. The proposed docking facilities will not encroach further over the extension of the NH Department of Transportation's property

line over the water than the previously approved facilities.

17. The Wetlands Bureau received written notification from the NH Department of Transportation stating that they had no objection to the proposed reconfiguration of the docking facilities on March 7, 2006.

18. The NH Department of Safety has reviewed the proposed reconfiguration and expansion of the docking facilities and has no objection to the project as proposed.

19. The docking facilities as proposed will more nearly conform to the requirements of Chapter Env-Wt 400, therefore the requirements of Rule Env-Wt 402.20, Modification of Existing Structures have been met.

20. The Wetlands Bureau received documentation that the Applicant retained the rights the construct docking facilities on the Beach on May 3, 2005.

-Send to Governor and Executive Council-

2007-02376 STEELE, PHIL
EATON Crystal Lake

Requested Action:

Replenish 2700 sq ft of beach with no more than 50 cubic yards of sand along 150 linear ft of shoreline in Eaton on Crystal Lake.

Inspection Date: 06/08/2007 by Craig D Rennie

APPROVE PERMIT:

Replenish 2700 sq ft of beach with no more than 50 cubic yards of sand along 150 linear ft of shoreline in Eaton on Crystal Lake.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 5, 2008.
2. No more than 50 cu yd of sand may be used and all sand shall be located above the normal high water line.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to replenishment, shall be maintained during construction, and shall remain until the area is stabilized.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. 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.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o) replenishment of an existing beach requiring more than 20 cubic yards of sand.
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 June 7, 2007. Field inspection determined erosion was due to past issues with beaver damming and those issues were resolved as part of previous permitting.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

**2007-02658 NH DEPT OF TRANSPORTATION
ALSTEAD Cold River**

Requested Action:

Replace the 60 ft. span bridge with a butted box beam structure spanning 87 ft.; construct a temporary bridge, new drainage structures outletting on rip rap and stabilize slopes beyond the stone protection for the abutments impacting 10,541 sq. ft. (7,862 sq. ft. temporary) of palustrine, riverine wetlands and banks.

Conservation Commission/Staff Comments:

Cold river LAC approves and requests fill be free of invasive species and be notified of the plan to measure turbidity and contain sediment.

Inspection Date: 11/08/2005 by Gino E Infascelli

APPROVE PERMIT:

Replace the 60 ft. span bridge with a butted box beam structure spanning 87 ft.; construct a temporary bridge, new drainage structures outletting on rip rap and stabilize slopes beyond the stone protection for the abutments impacting 10,541 sq. ft. (7,862 sq. ft. temporary) of palustrine, riverine wetlands and banks. (NHDOT project #14541K).

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 16-OCT-07 as received by the Department on Nov. 7, 2007.
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. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; 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.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
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. 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.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. 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.
18. The impacts associated with the temporary work shall be restored immediately following construction.
19. Stream bank planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
20. The Cold River Local Advisory Committee shall be advised of the plan to measure turbidity and contain sediment.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 linear feet of impacts to a river or its 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 project area on November 8, 2005. Field inspection determined that the October 2005 flooding scoured the wetlands, waterways, and banks causing significant damage to the highways, roadways, bridges and culverts within the watershed.
6. As a result of the widespread flooding damage and federally declared emergency, the DES finds that addressing the mitigation rules would not be necessary on this publicly funded project because of its restoration goals.
7. The project will improve public safety.
8. DES Staff finds that this project will stabilize eroding banks, replace the existing drainage system and will not be detrimental to water quality.
9. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

2007-02871 MANCHESTER, CITY OF
MANCHESTER Piscataqua River

Requested Action:

Dredge and fill 24,051 sq. ft. (includes 9,193 sq. ft. of temporary/grading wetland impacts) of manmade and disturbed wetlands within an abandoned railroad bed for construction of Phase II of a multi-use pathway known as the "Piscataquog Trailway". Work in wetlands consists of construction of a new paved trail path, associated grading and filling, new underdrains and drainage swales.

APPROVE PERMIT:

Dredge and fill 24,051 sq. ft. (includes 9,193 sq. ft. of temporary/grading wetland impacts) of manmade and disturbed wetlands within an abandoned railroad bed for construction of Phase II of a multi-use pathway known as the "Piscataquog Trailway". Work in wetlands consists of construction of a new paved trail path, associated grading and filling, new underdrains and drainage swales.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc., dated November 26, 2007, and narratives, as received by DES on December 5, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet). Please note there will be changes to the requirements of RSA 483-B starting April 1, 2008.
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. Orange construction fencing shall be placed at the limits of construction (adjacent to wetlands or surface waters) to prevent accidental encroachment on wetlands.
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. 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.
9. 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.
10. 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.
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.
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a 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 sq. ft. in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is within an existing right of way owned by the City of Manchester.
6. The wetlands to be impacted by the proposed project are severely degraded and manmade.
7. The proposed projects is for public benefit and will provide ADA compliant public access, scenic viewing and recreational opportunities in an urbanized setting.
8. The project is being funded in part through the New Hampshire Department of Transportation, Transportation Enhancement program.
9. The proposed project will improve site drainage and improve the quality of the existing site runoff.
10. This permit is contingent on approval by the NHDES Alteration of Terrain Program.
11. The New Hampshire Natural Heritage Bureau "NHB" has identified state-listed endangered species, brook floater and persious dusky wing, state-threatened species, pine barrens zanclognatha moth, birds-foot violet and wild blue lupine and state-listed endangered and federally-listed threatened species, bald eagle near the project site.
12. The applicant's agent has met with the New Hampshire Natural Heritage Bureau and has agreed to provide protection for state-threatened plant species identified adjacent to the construction area.
13. The identified plant species adjacent to the multi-use path will be protected by orange construction fencing or other highly visible barricades during construction and will be permanently delimited and protected by the installation of split-rail fencing.
14. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program provided comments stating that it does not expect impacts to rare, threatened, or endangered wildlife species as long as there are no impacts to the banks or waters of the Piscataquog River.
15. There are no impacts proposed to the banks or waters of the Piscataquog River.
16. The United States Department of the Interior, Fish and Wildlife Service provided comments that the proposed projects is not likely to adversely affect the bald eagle or its habitat.
17. This permit is contingent on compliance with the Comprehensive Shoreland Protection Act, RSA 483-B.
18. The Department did not receive any comments from the Piscataquog River LAC.

19. The project proposes impacts to a severely degraded, man-made area created when the rail line was decommissioned with tracks and ballast material being removed.
20. The areas to be filled are of low quality and currently provide minimal water quality treatment or storage of storm water.
21. The proposed project will re-establish a drainage system to construct the multi-use trail, correcting drainage deficiencies currently encountered.
22. The proposed project complies with the purpose of the mitigation rules, Env-Wt 801.01 as the functions and values impacted will be replaced through project completion.
23. The Department has not received any comments in objection to the proposed project.
24. A public hearing was not held with the finding that the project impacts will not significantly impair the resources of the adjacent wetland and riverine ecosystem and that the wetland impacts are only within severely degraded manmade wetlands and are not an important physical component of a wetland ecosystem.

2008-00144 RAYMOND, TOWN OF
RAYMOND Unnamed Wetland

Requested Action:

Dredge and fill a total of 40,459 sq. ft. of palustrine forested, scrub-shrub, emergent and surface water wetlands contained within contaminated soils of abandoned lagoons and adjacent wetlands for work associated with the remediation and redevelopment of this designated US EPA Brownfield's site.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission has been proactive in the review of this project proposal and "... has no issues with this Dredge and Fill application."

Inspection Date: 08/09/2007 by Frank D Richardson

Inspection Date: 09/07/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 40,459 sq. ft. of palustrine forested, scrub-shrub, emergent and surface water wetlands contained within contaminated soils of abandoned lagoons and adjacent wetlands for work associated with the remediation and redevelopment of this designated US EPA Brownfield's site.

With Conditions:

1. All work shall be in accordance with plans prepared by Michael A. Lambert,CWS at ECM,Inc. dated January 08,2008; January 23, 2008 & January 25, 2008 as received by DES on January 30, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Waste Management Division.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
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. 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.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

12. **NO COMPENSATORY WETLANDS MITIGATION IS REQUIRED FOR THIS PROJECT:** The impacts are to wetlands contained within contaminated soils of abandoned lagoons and adjacent wetlands for work associated with the remediation and redevelopment of this designated US EPA Brownfield's site.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c).
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 inspections of the proposed project on 08/09/2007 and 09/07/2007.
6. **NO COMPENSATORY WETLANDS MITIGATION IS REQUIRED FOR THIS PROJECT:** The impacts are to wetlands contained within contaminated soils of abandoned lagoons and adjacent wetlands for work associated with the remediation and redevelopment of this designated US EPA Brownfield's site.

MINOR IMPACT PROJECT

2006-00245 BROADVEST PROPERTIES INC
SWANZEY Unnamed Wetland

Requested Action:

Approve permit amendment to remove the 490 square feet of palustrine forested wetlands temporary impact for the installation of a 30-foot x 24-foot x 4-foot, 10-inch bridge and reduce the proposed total number of lots to 15 (Phase I and II).

Conservation Commission/Staff Comments:

Reference Wetands and Non-SIte Specific Permit 2004-02803.

APPROVE AMENDMENT:

Dredge and fill 7,340 square feet of palustrine forested wetlands to install an 18-inch x 50-foot and 18-inch x 40-foot HDPE culvert for road access to phase II of a 15-lot subdivision on ± 33.6 acres.

With Conditions:

1. All work shall be in accordance with plans by Souhegan Valley Engineering, Inc. dated March 08, 2006, and revised through December 04, 2007, as received by the Department on December 13, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for lots 153, 153-6 to 153-8 and 153-10 to 153-11 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. 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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Culverts shall be laid at original grade.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. 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:

The DES Wetlands Bureau reaffirms original findings #1 - #3 and #7 - #13:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Wetlands and Non-Site Specific Permit 2004-02803 issued January 11, 2005, approved 2,236 square feet of wetlands impact for access to Phase I of the Arrowcrest Drive Subdivision.
3. Conceptual plans submitted with the 2004-02803 application estimated 10,500 square feet of wetlands impact for Phase II.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The Swanzy Conservation Commission recommended oversized embedded culverts with a stony substrate and suggested a possible mitigation alternative.
6. The culvert type recommended by the Swanzy Conservation Commission is appropriate for stream crossings.
7. The applicant has received written consent from the owners of Lots 55 and 56 (Tax Map 20), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Rule Env-Wt 304.04(a).
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. 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.
10. 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 DES Wetlands Bureau also makes the following new/revised findings:

11. For the original 2006-00245 permit the applicant revised the wetland impact #2 crossing to a bridge span in order to reduce cumulative impacts for Phase I and Phase II below 10,000 square feet, to avoid mitigation required per Env-Wt 302.03.
12. The applicant requested a permit amendment to remove the wetland impact # 2, which was 490 square feet of palustrine forested wetlands temporary impact for the installation of a 30-foot x 24-foot x 4-foot, 10-inch bridge (which provided access to 8 of the 11 eliminated lots). The applicant also requested the amendment include the reduction in the proposed total number of lots to from 26 to 15 (Phase I and II).
13. Phase II approved under this permit amendment includes 7,340 square feet of wetland impact.
14. Cumulatively Phase I (2,236 square feet) and Phase II (7,340 square feet) impact 9,576 square feet of wetlands.

**2007-00321 HI-SPOT CONDOMINIUMS, TOM MCKAY
LACONIA Lake Winnepesaukee**

Requested Action:

Approve revised plans submitted to the Wetlands Council by the Applicant to repair 111 linear ft of retaining wall, add 6 ft wide access steps to the waterbody, add 9 cubic yards of sand to the existing beach area, and replace a 3-slip docking facility on frontage

in Gilford on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

New information received 11/2/07 from Paul Goodwin

APPROVE RECONSIDERATION:

Approve permit to: Repair 111 linear ft of retaining wall in-kind with the exception of 6 ft wide steps to be cut into the land, add 9 cubic yards of sand to the existing beach area, remove an existing 3-slip docking facility, construct a 6 ft x 42 ft piling pier attached to a 6 ft x 35 ft 11 in piling pier by a 5 ft x 11 ft 8 in walkway in a "U" configuration, install a 3 pile ice cluster at the end of the northern dock, and install two seasonal PWC lifts on an average of 173 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 31, 2008, as received by DES on February 15, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. 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.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
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. Personal Watercraft Lifts shall be of seasonal construction type which shall be removed for the non-boating season.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 9 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of a 3-slip docking facility.
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 173 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.
8. The Applicant has provided a notarized waiver of the 20 ft setback to property lines signed by the owners of the property identified as Laconia Tax map 254, lot 5.

2007-01796 WELCH, BRIAN/HEATHER
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 5425 square feet of palustrine forested wetland for access in the subdivision of 32.59 acres into 14 single family residential lots.

APPROVE PERMIT:

Dredge and fill 5425 square feet of palustrine forested wetland for access in the subdivision of 32.59 acres into 14 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering dated May 30, 2007, and revised through November 19,2007, as received by the Department on January 23, 2008 and Figure 5 also by Eckman Engineering dated June 22, 2007 as received by the Department July 30, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during periods of non-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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
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.

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 Alton Conservation Commission has no objections to the proposed project.
6. The applicant has addressed all the items required by Env-Wt 302.04(a).

2007-02072 DEERFIELD DPW, TOWN OF DEERFIELD Hartford Brook

Requested Action:

Retain construction of a 19' 8" wide x 30' long pre-cast concrete bridge and associated wingwalls and rip rap, totalling 2,150 sq. ft. of wetland impacts (approximately 170 linear ft. of channel and bank impact) installed in place of bridge crossing which failed in the April 2007 flooding on Hartford Brook.

APPROVE AFTER THE FACT:

Retain construction of a 19' 8" wide x 30' long pre-cast concrete bridge and associated wingwalls and rip rap, totalling 2,150 sq. ft. of wetland impacts (approximately 170 linear ft. of channel and bank impact) installed in place of bridge crossing which failed in the April 2007 flooding on Hartford Brook.

With Conditions:

1. All work shall be in accordance with plans by Frederick J. McGarry, P.E., dated 11/13/2007, as received by DES on 11/16/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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(l), projects that alter or disturb less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Emergency Authorization was issued on 09/05/07; bridge was lost during the April 2007 floods.
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. Use of the pre-cast bridge required a much less prolonged impact to the stream than alternative construction methods.
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. There were no species of concern reported by the NH Heritage Bureau for this project. The approval includes a condition to address the project's proximity to an impaired water.
5. The Deerfield Conservation Commission did not intervene or report on this project.

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

Requested Action:

Replace the originally proposed rip-rap with a retaining wall to correct the structural integrity of the dam.

APPROVE AMENDMENT:

Dredge and fill a total of 3500 square feet further described as follows: Permanently impact 27 linear feet of the bank of Sawyer Lake for the installation of a new cut off retaining wall adjacent to the dam; and Temporarily impact 3362 square feet within the bed and banks of Sawyer Lake for installation of a cofferdam and twin 30-inch x 75 foot culverts to repair and rehabilitate the existing Sawyer Lake Dam, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans by NH DES Dam Bureau dated September 11, 2007, and revised through January 7, 2008, as received by the Department on January 7, 2008.
2. This permit is contingent on approval, if required by RSA 482 and Env-Wr 100-700, by the DES Dam Safety Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during drawdown.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Erosion Controls must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

9. No equipment shall enter the water.
10. The high waterline shall be surveyed prior to the installation of the new cutoff wall.
11. No portion of the proposed retaining wall shall extend beyond the existing high water line.
12. All work shall be conducted in a manner that minimizes the duration of construction below the high water line.
13. Prior to commencing work on the dam, the cofferdam shall be constructed to isolate the work area from the surface waters.
14. Filter fabric shall be laid prior to the construction of the cofferdam to facilitate removal of the cofferdam.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
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.
18. Work within the waterbody, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
19. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
20. 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.
21. The temporary cofferdam shall be entirely removed immediately following construction.
22. Area of temporary impact shall be regraded to original contours following completion of work.
23. All material removed during work activities shall be placed out of DES's jurisdiction.
24. 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.
25. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
26. As built plans shall be provided after work is complete illustrating the location of the high water line and the retaining wall.

With Findings:

The Department confirms findings 1-15 of our original approval:

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

public.

And makes the following additional finding:

16. The change to a retaining wall is to improve the structural integrity of the dam structure and the public safety.

**2007-02493 NORTHWOOD, TOWN OF
NORTHWOOD Unnamed Wetland Flat Meadow Brook**

Requested Action:

Dredge and fill 1,300 sq. ft. of wetlands and install twin 42" x 50' culverts as replacment for a deteriorated single 48" culvert on Flat Meadow Brook.

APPROVE PERMIT:

Dredge and fill 1,300 sq. ft. of wetlands and install twin 42" x 50' culverts as replacment for a deteriorated single 48" culvert on Flat Meadow Brook.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers Inc. dated 7/31/2007, as received by DES on 12/17/2007.
2. 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.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. 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).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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.
8. Proper headwalls shall be constructed within seven days of culvert installation.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.04(1), projects that disturb less than 200 linear ft. of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is deteriorated and in need of repair.
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 replacement culverts increase stream flow without the need to increase slope fill into the wetland. To increase the culvert size by using one large culvert would double the fill impact necessary for slope stabilization, per documents examining this alternative by Underwood Engineers dated 1/21/2008, as received by DES on 1/23/2008.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau as occurring in the vicinity of this project.

5. The Northwood Conservation Commission signed the original expedited minimum impact application.

**2007-02701 FPL ENERGY SEABROOK LLC
SEABROOK Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,235 sq. ft. of palustrine forested wetlands, including a small unnamed stream, to construct a roadway with culvert crossings to provide safe access to a commercial/industrial site.

Conservation Commission/Staff Comments:

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

Inspection Date: 06/15/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 9,235 sq. ft. of palustrine forested wetlands, including a small unnamed stream, to construct a roadway with culvert crossings to provide safe access to a commercial/industrial site.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Jul. 16, 2007, as received by DES on November 15, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Work shall be done during low flow.
9. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 15, 2007. Field inspection determined that the proposed new access roadway is needed as a matter of public health and safety. Currently tractor trailer trucks have to negotiate a very narrow driveway through a crowded residential neighborhood.

**2007-02865 PLAISTOW, TOWN OF
PLAISTOW Unnamed Wetland**

Requested Action:

Dredge and fill a total of 8,776 sq. ft. of previously impacted palustrine wetlands to replace an existing detention pond and for work associated with the construction of an addition to the Plaistow Safety Complex with appurtenant parking, access and stormwater management.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill a total of 8,776 sq. ft. of previously impacted palustrine wetlands to replace an existing detention pond and for work associated with the construction of an addition to the Plaistow Safety Complex with appurtenant parking, access and stormwater management.

With Conditions:

1. All work shall be in accordance with plans by S.E.C. & Associates, Inc. dated August 6, 2007, as received by DES on December 07, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. 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.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

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

MINIMUM IMPACT PROJECT

**2007-00744 FEHRNBACH, EDWARD
AUBURN Unnamed Wetland Beaver Pond**

Requested Action:

Dredge and fill 1,000 sq. ft. within the embankments and flow channel of a small unnamed stream to install a 24 in. x 30 ft. culvert with headwalls to replace stream crossing washed out in storm event and provide access for logging and pasture.

Conservation Commission/Staff Comments:

Follow-up application for work done under Emergency Authorization Verification issued April 19, 2007.

APPROVE AFTER THE FACT:

Dredge and fill 1,000 sq. ft. within the embankments and flow channel of a small unnamed stream to install a 24 in. x 30 ft. culvert with headwalls to replace stream crossing washed out in storm event and provide access for logging and pasture.

With Conditions:

1. All work shall be in accordance with plans by USDA/NRCS (K. McCabe) dated 06/29/06, as received by DES on June 04, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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).
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.

**2007-01617 ROCHESTER DPW, CITY OF
STRAFFORD Berrys River**

Requested Action:

Retain work permitted under Emergency Authorization issued on 7/19/2007 and amended on 9/11/2007 including: install approximately 70 linear ft. of AquaDam across Berry's River approximately 20 ft. upstream of the existing dam as part of remediation of failing Berry's River Dam. Estimated area of temporary impact to wetlands is 2,000 sq. ft. Excavation and temporary removal of accumulated river sediment from the upstream face of the dam approximately 70 ft long x 5 feet wide. Excavate sediment to dam footing, approximately 5 feet deep. Clean upstream and downstream dam face with water applied at high pressure. Evacuate debris and sediment from cracks in concrete with compressed air. Inject high strength epoxy resin into cracks and voids. If needed, repair voids in dam face and toe of dam. Provide structural reinforcement on a downstream portion of the dam located between the west side of the spillway and discharge gate. Reinforcement to consist of placement of large concrete blocks to form buttress walls, and anchoring the dislocated dam section with reinforcing steel dowels and epoxy adhesive. Total area of all work in wetlands 2,000 sq. ft.

APPROVE AFTER THE FACT:

Retain work permitted under Emergency Authorization issued on 7/19/2007 and amended on 9/11/2007 including: install approximately 70 linear ft. of AquaDam across Berry's River approximately 20 ft. upstream of the existing dam as part of remediation of failing Berry's River Dam. Estimated area of temporary impact to wetlands is 2,000 sq. ft. Excavation and temporary removal of accumulated river sediment from the upstream face of the dam approximately 70 ft long x 5 feet wide. Excavate sediment to dam footing, approximately 5 feet deep. Clean upstream and downstream dam face with water applied at high pressure. Evacuate debris and sediment from cracks in concrete with compressed air. Inject high strength epoxy resin into cracks and voids. If needed, repair voids in dam face and toe of dam. Provide structural reinforcement on a downstream portion of the dam located between the west side of the spillway and discharge gate. Reinforcement to consist of placement of large concrete blocks to form buttress walls, and anchoring the dislocated dam section with reinforcing steel dowels and epoxy adhesive. Total area of all work in wetlands 2,000 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce Engineers dated 12/10/2007, as received by DES on 12/13/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of an existing structure such as a dam, which meet the criteria of Env-Wt 303.04(x)(1)-(2).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts were necessary to execute immediate repairs to the damaged and failing Berry's River Dam.
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 work was confined to immediately adjacent to the dam and to the dam structure itself.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Inventory as occurring in the vicinity of this project.
5. The Strafford Conservation Commission did not intervene or report.

2007-02420 BLANEY, JESSICA
SUTTON Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,279 sq. ft. of palustrine forested wetlands for access to a single lot of a 2-lot subdivision on ± 18 acres.

APPROVE PERMIT:

Dredge and fill approximately 2,279 sq. ft. of palustrine forested wetlands for access to a single lot of a 2-lot subdivision on ± 18 acres.

With Conditions:

1. All work shall be in accordance with plans by Evans Land Consultants, PLLC dated September 2007, as received by the Department on October 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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. Culverts shall be laid at original grade.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Access north of jurisdictional wetlands is limited by topography boulders and wetlands that extend to property lines.
3. The existing culvert was installed pre-jurisdiction and is 15-inches in width.

4. The applicant's agent confirmed permission for construction of a driveway within the PSNH right-of-way is not required.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02777 CHRISTIAN, BRENDA
NEW CASTLE Tidal Buffer Zone

Requested Action:

Excavate, regrade and/or otherwise alter terrain for temporary impacts of 900 sq. ft. within the previously disturbed upland tidal buffer zone (tbz) for work associated with the connection of a residential dwelling to the existing municipal sewer line located in the tbz.

Conservation Commission/Staff Comments:

"At the December meeting, [New Castle] Conservation Commission members voted unanimously to recommend approval of the Benda application."

APPROVE PERMIT:

Excavate, regrade and/or otherwise alter terrain for temporary impacts of 900 sq. ft. within the previously disturbed upland tidal buffer zone (tbz) for work associated with the connection of a residential dwelling to the existing municipal sewer line located in the tbz.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated November 2007 (last revised 11/20/07), as received by DES on January 14, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on adjacent tidal wetlands.
5. Special precautions shall be taken to avoid impacts to nearby stand of Marsh Elder (*Iva frutescens*), a threatened coastal wetland plant species.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2007-02813 HCA HEALTH SERVICES OF NH INC
PORTSMOUTH Unnamed Wetland

Requested Action:

Dredge and fill 1,937 sq. ft. of man-made isolated wetlands for facility expansion and construction of underground detention structure.

APPROVE PERMIT:

Dredge and fill 1,937 sq. ft. of man-made isolated wetlands for facility expansion and construction of underground detention structure.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated 11/29/2007, as received by DES on 12/3/2007.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. 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).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. f.t of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impact is necessary for expansion of an existing medical facility.
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 two wetland areas to be impacted consist of a man-made depression and a constructed rain garden surrounded by the existing facility development. Neither of the "wetlands" are connected with any of the natural wetlands in the greater project vicinity.
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. Species of concern reported in the greater vicinity of this project by the NH Heritage Bureau are located off site on the Pease Tradeport.
5. The Portsmouth Conservation Commission recommends approval of this project.

FORESTRY NOTIFICATION

2008-00147 SHAW, JEFF & KIM
CONWAY Unnamed Stream

COMPLETE NOTIFICATION:
Conway Tax Map 290, Lot#44

2008-00152 GIBSON, THERESA
MONROE

COMPLETE NOTIFICATION:
Monroe Tax Map U2, Lot# 5

2008-00212 EDWARD DANA TRUST, C/O MELLON TRUST
CENTER HARBOR Unnamed Stream

COMPLETE NOTIFICATION:
Center Harbor Tax Map 6, Lot# 24

2008-00234 BERGERON, LEONARD
DANVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Danville Tax Map 3, Lot# 124

2008-00235 MOODY, JOHN
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map B6, Lot# 1-10

2008-00237 COFRAN, TIMOTHY & PETER
ALLENSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Allenstown Tax Map 407, Lot# 32, 34 & 34.1

2008-00238 HERTEL SR, VAN & VAN HERTEL JR
ALTON Unnamed Stream

COMPLETE NOTIFICATION:
Alton Tax Map 16, 1, 4 & 5

2008-00239 NEW ENGLAND POWER COMPANY
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 5-2, Lot# 1 & 7

2008-00247 HEALY, JANE
STODDARD Unnamed Stream

COMPLETE NOTIFICATION:
Stoddard Tax Map 424, Lot# 7

2008-00248 COOKE, ANDREW & PAMELA
TROY Unnamed Stream

COMPLETE NOTIFICATION:
Troy Tax Map 19, Lot# 28

**2008-00249 STILES, WALTON
STRAFFORD Unnamed Stream**

COMPLETE NOTIFICATION:
Strafford Tax Map 11, Lot# 83

**2008-00250 NH WORLD FELLOWSHIP CENTER INC
ALBANY Unnamed Stream**

COMPLETE NOTIFICATION:
Albany Tax Map/Lot# 3/46, 49 & 5/5, 6, 17, 18

**2008-00255 FESSENDEN, MARY
BROOKLINE Unnamed Stream**

COMPLETE NOTIFICATION:
Brookline Tax Map C, Lot# 20, 21 & 24

**2008-00257 PELHAM FISH & GAME CLUB INC
PELHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Pelham Tax Map 9, Lot# 145

EXPEDITED MINIMUM

**2004-03036 SHIPLEY LLC
HAMPSTEAD Unnamed Wetland**

Requested Action:
Approve name change to: Shipley, LLC, PO Box 1223, E. Hampstead, NH 03826 per request received 2/20/2008. Previous owner:
KLC Land Planning & Consulting

Conservation Commission/Staff Comments:
The Hampstead Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:
Impact 718 square feet of wet meadow for the installation of a 24-inch by 54-foot culvert to access 21 elderly housing units on a residential lot on 11.35 acres.

With Conditions:
1. All work shall be in accordance with the Grading and Drainage Plans (Sheets G1 and G2) by Civil Construction Management Inc. dated October 2004 with revisions through March 7, 2005, as received by the Department on April 5, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Site Specific Program.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
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 remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be done during low flow conditions.
11. Proper headwalls shall be constructed within seven days of culvert installation.
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.

With Findings:

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

2007-01687 WESTON, WILLIAM
NEW BOSTON Unnamed Pond

Requested Action:

Deny permit request to maintenance dredge 500 cubic yards of an existing 2,800 square foot pond.

Conservation Commission/Staff Comments:

NHFG indicates dredge may be increasing the size of pond - ??? wouldn't qualify as minimum - KAP 08/10/2007

John - What is the need???

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to maintenance dredge 500 cubic yards of an existing 2,800 square foot pond.

With Findings:

1. A request for additional information dated October 04, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-00059 NH DEPT OF TRANSPORTATION
GILFORD Unnamed Stream Wetland

Requested Action:

Install an 18 in. x 40 ft. culvert, as an overflow, and a 6 in. sleeve adjacent to a 24 in. culvert impacting 153 sq. ft. of bank on an intermittent stream.

Conservation Commission/Staff Comments:

Cons. Comm. signed expedited application

APPROVE PERMIT:

Install an 18 in. x 40 ft. culvert, as an overflow, and a 6 in. sleeve adjacent to a 24 in. culvert impacting 153 sq. ft. of bank on an intermittent stream. NHDOT project #M314-15.

With Conditions:

1. 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.
2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. No fill shall take place in Atlantic white cedar swamps.
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. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), projects within the right of way of a public road and does not exceed the criteria specified in this rule.
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.

2008-00061 DEVITTORI, JOHN
EFFINGHAM Province Lake

Requested Action:

Replace existing failed 49.8 linear ft of retaining wall on 59 ft of frontage in Effingham on Province Lake.

DENY PERMIT:

Replace existing failed 49.8 linear ft of retaining wall on 59 ft of frontage in Effingham on Province Lake.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank,

flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."

2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance with Rule Env-Wt 303.04, projects to repair or replace an existing retaining wall that results in no change of height, length, location, and configuration shall be deemed a Minor impact project.
4. In accordance with Rule Env-Wt 501.02, Additional Data, plans submitted shall be completely dimensioned or drawn to scale and shall show all existing and proposed structures and other relevant features as necessary to clearly define the project.
5. This project is classified as a minimum impact project per Rule Env-Wt 303.04 (k) projects impacting less than 50 ft of shoreline on a lake or pond.

Findings of Fact

1. On January 15, 2008, the Wetlands Bureau received an application to replace an existing retaining wall on property identified as Effingham Tax Map 101, Lot 13 (the Property).
2. A request for additional information dated February 5, 2008, addressed to the Applicant and copied to the Agent, clearly identified that the Applicant was required to submit a single and complete response to DES by June 4, 2008, 120 days from the date of the request. The request identified the following items to be submitted:
 - a. A single and complete plan showing complete dimensions for all existing and proposed structures on the frontage including but not limited to: docks, retaining walls, decks, sheds, patios, gazebos, breakwaters, beaches, etc. Plans must show the structures relative to fixed points on the shoreline and show distances from the structures to property lines.
 - b. Existing and proposed cross-section of the retaining wall.
3. On February 11, 2008, the Department received a response that was missing the width dimension of the seasonal dock, and plans did not show distances from this structure to property lines.

Ruling in support of the Decision

1. The Applicant failed to submit plans clearly and completely showing existing and proposed conditions as required pursuant to Rule Env-Wt 501.02 (g), and therefore, this application is denied in accordance with RSA 482-A:3, XIV(b).

**2008-00085 DERRY DPW, TOWN OF
DERRY Unnamed Stream Wetlands**

Requested Action:

Dredge and Fill 234 sq. ft. of palustrine forested/scrub-shrub wetlands for work associated with the installation of a municipal sewer line.

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Expedited Minimum Impact application 1.17.08

APPROVE PERMIT:

Dredge and Fill 234 sq. ft. of palustrine forested/scrub-shrub wetlands for work associated with the installation of a municipal sewer line.

With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey/ Derry Engineering(MRL) dated 1/3/08, as received by DES on January 22, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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 low flow.

2008-00086 SUNNYFIELD FARM INC
PETERBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 1,900 square feet of palustrine emergent and forested wetlands to install two (2) 18-inch x 10-foot corrugated plastic culverts for a cattle crossing for access to existing pastures.

APPROVE PERMIT:

Dredge and fill 1,900 square feet of palustrine emergent and forested wetlands to install two (2) 18-inch x 10-foot corrugated plastic culverts for a cattle crossing for access to existing pastures.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC dated November 26, 2007, as received by the Department on January 22, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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(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. No comments were submitted from the Contoocook and North Branch Rivers Local Advisory Committee.
3. The Peterborough Conservation Commission signed the expedited application and submitted a letter in favor of the project.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00102 LABRIE REVOC TRUST, J.A. & M.G.
RYE Atlantic Ocean

Requested Action:

Demolish an existing circa 1920's deteriorated residential dwelling and build a new replacement dwelling in the same footprint impacting 650 sq. ft. within the previously developed upland tidal buffer zone.

Conservation Commission/Staff Comments:

Rye Conservation Commission signed expedited minimum impact application.

APPROVE PERMIT:

Demolish an existing circa 1920's deteriorated residential dwelling and build a new replacement dwelling in the same footprint impacting 650 sq. ft. within the previously developed upland tidal buffer zone.

With Conditions:

1. All work shall be in accordance with plans by Living Spaces, Inc. dated 1-17-08, as received by DES on January 24, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

2008-00197 SCHWARTZ, MIRIAM
SUNAPEE Lake Sunapee

Requested Action:

Repair an existing 8 ft x 35 ft permanent dock with a 10 ft x 12 ft wide area near shoreline, supported by an 8 ft x 8 ft crib and two 2 ft 8 inch square concrete support posts on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 8 ft x 35 ft permanent dock with a 10 ft x 12 ft wide area near shoreline, supported by an 8 ft x 8 ft crib and two 2 ft 8 inch square concrete support posts on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated February 04, 2008, as received by DES on February 11, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. 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.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. 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.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is 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

2008-00242 ABBOTT, GERALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2008-00244 IAGULLI, CARMAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2008-00245 AMATO, VINCENT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2008-00243 RAYNOR, BARRY & CINDY
LACONIA Winnisquam Lake

COMPLETE NOTIFICATION:
Laconia, NH Tax map 403 Lot 1
Winnisquam Lake

PERMIT BY NOTIFICATION

2007-02976 WINNIPESAUKEE YACHT CLUB
GILFORD Lake Winnepesaukee

Requested Action:
Reconsideration denied

DENY RECONSIDERATION:

Reconsideration denied

With Findings:

A. Grounds for Reconsideration

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

1. The applicant believes the decision has been made in error.
2. After redrafting and multiple site visits the applicant prepared a revised plan showing all support and the full lake shoreline. The dockage is quite old and exact locations and dimensions took considerable effort.
3. The plan accurately represents the site conditions and the dimensions and locations of all supports. The only qualification is the fact that the outer L dock is supported by driven piles, yet there appears to be submerged cribbing under the dock. The agent for the applicant states that "We cannot accurately measure these cribs, but the dockage is supported by piles shown on the revised plan."
4. The applicant encloses a photo showing the main crib under construction in the winter of 1945.

B. Standards and Process for Review

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

C. Findings of Fact and Rulings of Law

1. The agent for the applicant states that "We cannot accurately measure these cribs, but the dockage is supported by piles shown on the revised plan."
2. Env Wt 500 outlines the requirements for submission of accurate and complete plans to support the PBN.
3. The Permit By Notification here proposes to "Repair existing docking structure "In-kind". No change in size, location or configuration is proposed under this permit request. Under the PBN process, the Permit By Notification form description serves as the permit description for construction.
4. The PBN form description language serves as the permit description language. This process does not provide for permit conditions.
5. There is not an amendment process available under the PBN.
6. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

**2008-00001 RUBIN, JUEL
GILFORD Lake Winnepesaukee**

Requested Action:

Deny reconsideration

DENY RECONSIDERATION:

Deny reconsideration

With Findings:

1. A. Grounds for Reconsideration

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

1. The existing dockage, breakwater and beach are nearly identical to the previously approved plans under amended permit 1990-1957. The widening of the slip adjacent to the breakwater that the piling supported pier was actually narrowed more than originally proposed, yet this has no net affect on the structure or impacts over public submerged lands.
2. The patio is in the photos supplied with the amendment request.
3. The seasonal canopy was approved on April 14, 1994.
4. The existing patio was in place prior to May 31, 1991 and replaced a small deck that existed before the new breakwater and dockage were constructed under permit 1990-1957.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
4. If DES is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.
5. Pursuant to Env Wt 506.01 projects qualifying for Permit By Notification includes a) 5) repair of an existing docking structure that meets the criteria of Env Wt 303.04(v).
6. Env Wt 506.01(b) provides that after-the-fact applications shall not qualify for the permit by notification process.

C. Findings of Fact and Rulings of Law

1. On January 2, 2008 DES received a Permit By Notification requesting to "Repair an existing breakwater and docking structure "in-kind". No change in size, location or configuration is proposed under this permit request.
2. Permit 90-1957 issued to the predecessor in title, David McDuffee provided that the permit was approved in accordance with the plans on file with the Wetlands Board. The permit specific condition provided that the repair of the retaining wall below the high water mark as there is denied as there is no demonstrated need.
3. The approved dock plan showed two fingers associated with a breakwater modification of dimensions 3' and 2.5'. Additionally the dock plan showed "Crib placement".
4. The PBN Watermark Marine Construction plan proposes dock replacement with two fingers shown as 4' (shown as 3' on 1990 permit) in width and 1 feet 11" (shown as 2.5' on the 1990 permit).
5. The PBN Watermark plan shows an expanded wall at the shore and into the lake between the existing beach and the patio. DES can find no record of a permit or Grant of Right for the expanded rock fill at this location.
6. The PBN Watermark plan shows a 16' x 19' patio. DES can find no record of a permit for the patio.
7. Env Wt 303.02(e) provides that construction or modification of a retaining wall lakeward of the natural shoreline and below the natural mean high water level of great ponds is a major project.
8. Env Wt 303.02(j) provides that construction of a breakwater in public waters is major.
9. Env Wt 303.03(j) repair or replacement of existing retaining wall that results in refacing up to 6 inches is a minor project.
10. On January 4, 2008 DES issued a Notice of Invalid Permit By Notification to Water Marine Construction identifying the inconsistencies with the Permit By Notification process.
11. DES erred by not noting the Wetlands permit by the canopy by amendment on April 14, 1994.
12. The applicant has failed to use the appropriate process to address the permitting request proposed.
13. The issues relating to the rock fill expansion, deck dimensions, and patio construction will be referred to the Compliance

section for its review.

12. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

2008-00071 BABSON FAMILY LAKE WINNIPESAUKEE REALTY TRUST
ALTON Lake Winnepesaukee

Requested Action:

Repair existing docking facility.

PBN IS COMPLETE:

Repair existing docking facility.

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.

2008-00138 OCONNELL, JEAN, JOYCE SWAYGER
SUNAPEE Lake Sunapee

Requested Action:

Repair permanent dock and breakwater.

PBN IS COMPLETE:

Repair permanent dock and breakwater.

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.