

Wetlands Bureau Decision Report

Decisions Taken
02/25/2008 to 03/02/2008

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

2006-01372 GOULD, RICHARD
BETHLEHEM Ammonosuc River

Requested Action:

Deny permit request to dredge and fill 29,548 square feet of palustrine forested and scrub-shrub wetlands and perennial and intermittent streams for road and driveway access to a 31-lot subdivision on ± 262 acres.

Inspection Date: 11/07/2006 by Linda M Magoon

APPROVE RECONSIDERATION:

Approve reconsideration to dredge and fill 23,289 square feet of palustrine forested and scrub-shrub wetlands and perennial and intermittent streams for construction of roadway and driveway access to a proposed 30-lot residential subdivision on ± 262 acre parcel. Work in wetlands and surface waters consists of removal and upgrading of the existing logging road culverts and crossings and restoration of 9,550 square feet of non-permitted wetlands and surface water impacts resulting from the previous logging activities on the property. The applicant is providing compensatory mitigation consisting of 35,850 square feet of palustrine forested and scrub-shrub wetlands restoration and 90 linear feet of perennial and seasonal stream impact restoration through the removal of a portion of an existing railroad bed on the property.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Engineers, dated May 17, 2007, and "Forestry Wetland Impacts Restoration Plan", by Lobdell Associates, dated February 2008, as received by DES on February 15, 2008.
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. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. At least 72 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, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. 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.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
10. Work shall be done during low flow.
11. 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.
12. 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.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

16. Substrate used to restore and stabilize the stream channel and banks associated with the perennial stream crossings shall be native material similar to that found in the up and downstream reaches of the stream and shall not include angular rip-rap.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. All non-mitigation wetlands and surface water restoration and stabilization shall be completed by October 1, 2008.
19. The DES Wetlands Bureau Compliance Section shall be notified at least 72 hours prior to the start of the non-mitigation restoration and stabilization activities.
20. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
21. Restoration of stream banks and beds shall be restored to their original grades.
22. A post-construction report documenting the status of the completed wetlands and surface water restoration (non-mitigation) with photographs and narratives shall be prepared by a New Hampshire Certified Wetlands Scientist ("CWS") and submitted to the DES Wetlands Bureau Compliance Section within 60 days of the completion of restoration and by December 1 of the following two growing seasons.
23. 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.
24. 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.
25. 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.
26. 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).
27. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
28. 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.
29. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Compensatory Mitigation, Wetland Restoration:

30. This permit is contingent upon the restoration of 35,859 sq. ft. of wetlands in accordance with narratives and plans by Lobdell Associates Inc., revision dated July 31, 2007, as received by DES on August 2, 2007.
31. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
32. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
33. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
34. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
35. The permittee shall designate a CWS who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
36. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
37. The designated CWS shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
38. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing

seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

39. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

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

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

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

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 11, 2006.
6. The proposed project was previously denied by DES.
7. The applicant's agents and attorney have provided revised narratives and plans addressing the outstanding denial items.
8. The proposed permanent wetland and surface water impacts have been reduced to 23,289 square feet.
9. The compensatory mitigation proposal is to restore 35,850 square feet of wetlands including 90 linear feet of perennial and seasonal stream impacted by approximately 1,300 linear feet of historical railroad bed on the property.
10. The proposed mitigation area exceeds the required mitigation ratios.
11. A detailed restoration plan (non-mitigation) has been submitted for the non-permitted forestry impacts to be restored on the property.
12. Revised culverts size and cross section plan information has been submitted.
13. The perennial stream crossing has been upgraded to a 18 foot wide open span x 5 foot high x 55 foot run multiplate arch culvert that is 1.2 times bank full width.
14. The proposed pond has been reduced and moved from wetlands.
15. A public hearing was not held with the finding that the project impacts will not significantly impair the resources of the wetland ecosystem.

2006-02841 CLEARY, MICHAEL
DURHAM Little Bay

Requested Action:

Retain excavation and fill approximately 1,400 sq. ft. of developed upland tidal buffer zone to install a replacement septic system for a failed system for an inhabited primary dwelling, and installation additional 35 linear ft. of rip rap 12 ft. wide to stabilize eroded shoreline to protect integrity of new system.

Inspection Date: 03/08/2007 by Dori A Wiggin

APPROVE AFTER THE FACT:

Retain excavation and fill approximately 1,400 sq. ft. of developed upland tidal buffer zone to install a replacement septic system

for a failed system for an inhabited primary dwelling, and installation additional 35 linear ft. of rip rap 12 ft. wide to stabilize eroded shoreline to protect integrity of new system.

With Conditions:

1. All work shall be in accordance with plans by NHSC Environmental Inc., as dated 11/7/2007 as received by DES on 11/9/2007.
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(o), projects deemed minimum based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission did not intervene or report on this work.

-Send to Governor and Executive Council-

**2007-01094 WILLIAMS, RICHARD & PATRICIA LONG
MEREDITH Unnamed Wetland**

Requested Action:

Dredge and fill 1221 square feet of palustrine wetland for vehicular access to an existing lot of record with an existing structure within the Dolloff Brook Prime Wetland.

APPROVE PERMIT:

Dredge and fill 1221 square feet of palustrine wetland for vehicular access to an existing lot of record with an existing structure within the Dolloff Brook Prime Wetland.

With Conditions:

1. All work shall be in accordance with plans by Hinds Septic Design Services dated May 12, 2007, and revised through November 29, 2007, as received by the Department on January 31, 2008 and Wetland Buffer Mitigation Plans by Gary Flaherty dated January 9, 2008, as received by the Department on January 22, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on this lot or within the existing easement in New Hampton.
5. The deed for this lot shall include the conditions of this permit.
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. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to start construction no less than five (5) business days prior to the commencement of construction.
8. The boundaries of the 100 foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
9. Work shall be done during low flow.
10. Erosion control and construction sequence notes on the approved plans are the minimum standards and shall be followed.

11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. 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.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 100 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau and the Prime Wetland Buffer.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. 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.
17. 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.
18. 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.
19. Silt fencing must be removed once the area is stabilized.
20. 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).
21. The boundaries of the 100 foot prime wetland buffer shall be permanently and clearly marked with signs every 75 feet to indicate the location of and restrictions on the area.
22. There shall be no removal of the existing vegetative undergrowth within the 100 foot prime wetland buffer and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
23. Any additional activities within the 100 foot Prime Wetland Buffer without a permit shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
24. A wetland scientist shall inspect the project to insure compliance with approved plans and permit conditions. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
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 his/her project, as approved and conditioned, 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 detailed engineering plans accurately locate the boundary of the wetlands, prime wetlands and the 100-foot Prime Wetland Buffer.
6. The erosion controls, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to maintain the existing functions and values of the system.
7. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. The applicant has provided mitigation for the proposed impacts in the form of removal of the existing structure and reestablishment of the 100-foot buffer to the prime wetland with native species.
10. The project is for vehicular access to an existing 10-acre lot of record, with an existing structure.
11. The project could be constructed in right of way which is in the town of New Hampton but the impacts would be within the same wetland system and would exceed 10,000 square feet.
12. The town of Meredith requires a 125 linear foot setback from the prime wetland and there is adequate building area on the lot for both a home and a septic system.
13. The wetland area proposed to be impacted is not the main body of the wetland but an associated finger which is also part of the

prime wetland and reaches over the town line into New Hampton.

14. The existing structure cannot currently be accessed by emergency personnel the construction of a driveway to the lot will allow this access.

15. The Department received a letter from the Meredith Conservation Commission dated June 8, 2008 requesting the application be denied based on the lack of information in the application. Specifically noted was the present access to the structure and if there was a lesser impacting alternative that would not impact the prime wetland.

16. The applicant has provided the additional information indicating that there is no existing vehicular access to the lot and indicating that this is the least impacting alternative.

17. The conservation commission was invited to the public hearing dated January 31, 2008. No representatives were present at that hearing.

18. The Conservation Commission has not provided additional written comments regarding this application.

19. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2007-01880 JWM GENERATIONS TRUST
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Replace existing crib supported boathouse with a smaller concrete foundation supported boathouse.

Inspection Date: 10/30/2007 by Chris T Brison

DENY PERMIT:

Replace existing crib supported boathouse with a smaller concrete foundation supported boathouse.

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. As per Rule Env-Wt 302.04, (a)(2) The Applicant shall document that the alternative proposed is the one with the least impact to wetlands or surface waters on site.
3. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.

Findings of Fact:

1. On August 6, 2008 the Wetlands Bureau received an application to modify an existing nonconforming crib-supported boathouse adjacent to a breakwater on 156.75 ft of frontage on property identified as Tuftonboro Tax Map 38, Lot 4, Block 3.
2. As per Rule Env-Wt 303.02,(d) construction or modification of any docking system with 5 or more slips is considered a major project.
3. On October 12, 2007, the Bureau requested revised plans to show the structure being built with crib support material for the least impacting alternative, rather than the proposed poured concrete foundation on the lakebed.
4. On February 12, 2008, the Bureau received revised plans meeting Requirements of Env-Wt 402.20 to reduce the existing structures surface area constructed over water, but did not change the supports over to crib material instead of pouring a concrete foundation.

5. The proposed concrete foundation will be more restrictive of shoreline flows, will reflect more wave energy than a crib foundation, and would provide significantly less habitat than the existing crib foundation.
6. The response received February 12, 2008, contends that the Department approved a similar application for a concrete foundation on a different property under file #1999-1938. The Department researched this file and determined that this proposal was to replace an existing concrete supported boathouse and not to convert a crib supported boathouse to one supported on a full concrete foundation.

Ruling in support of the Decision:

1. Utilization of a concrete foundation in place of a crib foundation would not be the least impacting to surface waters on site as required pursuant to Rule Env-Wt 302.04(a)(2). Therefore this application for a permit is denied.

MINOR IMPACT PROJECT

2005-03053 MAPLE HILL ACRES LTD PARTNERSHIP
BELMONT Unnamed Stream

Requested Action:

Approve request to change the permit description from condominium units under separate ownership to rental units under single ownership.

APPROVE AMENDMENT:

Dredge and fill 3624 square feet including 150 linear feet of intermittent stream for access to the development of 23.93 acres into 32 rental units.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying dated November 21, 2005, and revised through May 9, 2007, as received by the Department on May 15, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed for this lot shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during periods of non-flow.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. During the installation of the open bottom structure care shall be taken to minimize the disruption of the natural stream bottom. If the area is disturbed the stream channel shall be recreated to emulate the preexisting condition. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap
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.

15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

The Department affirms findings 1-11 of the original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f) and Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The proposed impacts are for access to the proposed rental units.
3. The for utility line impacts must be permanent as the town requires access to the utilities.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided an open bottom box culvert over the intermittent stream crossing.
6. The applicant has provided headwalls on the culvert crossing to minimize the length of the crossing.
7. 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.
8. The applicant has crossed the wetlands in the narrowest locations possible.
9. The applicant is proposing to upgrade the existing crossing location in their design.
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.
11. The Belmont Conservation Commission did not comment on this application.

And makes the following additional finding:

12. Condition 4 was changed as the units will simply be rented and not owned as separate parcels.

2007-00130 HOOKSETT TOP CHOICE BUILDERS LLC
HOOKSETT Unnamed Wetland

Requested Action:

Dredge and fill 5173 square feet for access to a proposed condominium development and temporarily impact 325 square feet for sewer service to the proposed units.

APPROVE PERMIT:

Dredge and fill 5173 square feet for access to a proposed condominium development and temporarily impact 325 square feet for sewer service to the proposed units.

With Conditions:

1. All work shall be in accordance with plans by The Concord Engineering Group dated July 28, 2005, and revised through August 1, 2007 as received by the Department on August 10, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Area of temporary impact shall be regraded to original contours following completion of work.
12. Mulch within the temporary impact area shall be straw.
13. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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.

2007-01865 TUPPER, BURR
NEW BOSTON Piscataquag River

Requested Action:

Impact a total of 73 linear feet, 416 square feet, along the east bank of the South Branch of the Piscataquog River, in three separate locations, to include the installation of large angular boulders, filter fabrics, top soil and associated plantings for the purpose of providing bank stabilization necessary to repair and restore areas along an eroding bank damaged by recent storm events and threatening an existing structure.

APPROVE PERMIT:

Impact a total of 73 linear feet, 416 square feet, along the east bank of the South Branch of the Piscataquog River, in three separate locations, to include the installation of large angular boulders, filter fabrics, top soil and associated plantings for the purpose of providing bank stabilization necessary to repair and restore areas along an eroding bank damaged by recent storm events and threatening an existing structure.

With Conditions:

1. All work shall be in accordance with plans entitled: Burr Tupper Site, Tax Map 17 Lot 11, 47 River Road New Boston, NH 03070, in 2 consecutive sheets, also to include associated materials and narratives, submitted by A&D Klumb Environmental LLC, as received by the Department on January 29, 2008.
2. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow

or no flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

3. 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.
4. No equipment shall enter the water.
5. All work shall be done from the top of the bank.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Use native material such as: Proposed large angular boulders, filter fabrics, appropriately placed and stabilized soils and plantings in accordance with approved plans, (not crushed stone or other crushed rip-rap) to stabilize the banks of the river to the 1-2 year flow.
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, to include those varieties noted in the approved planting scheme, during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore; if applicable, any 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.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks. Based on a review of plans and narratives provided, we have determined that any proposed bank stabilization will be placed above the ordinary water line and not in the bed or channel of the river. The estimated total length of fill along the eastern bank of the South Branch of the Picataquog River, for this action, appears to be approximately 73 linear feet +/- and is therefore within the threshold of the above cited Administrative 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.
5. DES requested more information necessary to complete our review on October 4, 2007. We received a response on January 29, 2008, providing revised plans, Letter of No Objection from affected abutter and adequate responses to all items requested in RFMI letter. Based on a review of the information and responses received to date, the file is determined to be complete for processing as of January 29, 2008.
6. The New Hampshire Fish and Game noted the presence of Brook Floater mussel, a state endangered specie in the vicinity of the project. In a memo sent to the NHDES, they made design recommendations and suggestions to minimize adverse effects. Based on a review of the suggested measures from NHF&G, and a review of the revised design and planting scheme, it appears that the project as proposed adequately addresses those comments and recommendations accordingly. No further coordination with NHF&G is required.
7. A Letter Of No Objection consenting and endorsing the proposed work occurring proximal to the abutters lot line and within 20

ft. was submitted to this office and has been entered into the file. No other objections or comments from abutters, state, Federal or local agencies have been received to date. There are no outstanding issues or objections to the proposed work.

8. Based on a review of the site locus, the project has been determined to be outside the limits of the current Shoreland Protection Act, as it is located before the convergence of Middle and South Branch of the Piscataquog River.

9. Based on our review of the record and information submitted to date, and in consideration of the reported information that the proposed work is necessary to protect and avoid possible loss of life and or property due to the ongoing eroding bank, the proposed activity qualifies for a Minor Impact project approval by the Bureau and is not contrary to the public's interest.

**2007-02130 ST GERMAIN, PHILIP
NEW CASTLE Tidal Buffer**

Requested Action:

Impact a total of 4,470 square feet within the 100-foot tidal buffer zone to include the removal of the existing asphalt driveway, replacing the surface of the driveway with a permeable surface, and expand the existing primary structure on a single family residential lot of 0.82 acres adjacent to the Piscataqua River.

APPROVE PERMIT:

Impact a total of 4,470 square feet within the 100-foot tidal buffer zone to include the removal of the existing asphalt driveway, replacing the surface of the driveway with a permeable surface, and expand the existing primary structure on a single family residential lot of 0.82 acres adjacent to the Piscataqua River.

With Conditions:

1. All work shall be in accordance with the following plans by Ambit Engineering, Inc.:
 - a.) Proposed Site Plan (Sheet C1) dated August 2007 and revised through September 20, 2007, as received by DES on September 25, 2007;
 - b.) Revised Driveway Proposal dated and received by DES on November 21, 2007.
2. This permit is contingent upon the Shoreland Waiver, 2007-2544, and those conditions therein.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. The driveway surface shall remain permeable.
7. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction related activities.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b) Projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The applicant wishes to expand the existing dwelling, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. With the removal of the existing asphalt driveway and replacing the surface of the driveway with a permeable surface, 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. A memo dated August 28, 2007 from the NH Natural Heritage Bureau ("NHB") had been included with the application. The NHB memo identified one State endangered vertebrate species, the Common Turn (*Sterna hirundo*), in the vicinity of the proposed project.
6. The Department finds that this project will have no adverse affect on the aforementioned species as this site is previously developed.

2007-02456 LESTER, JOHN
WARREN Unnamed Stream

Requested Action:

Dredge and fill approximately 359.15 square feet of wetlands and impact an associated perennial stream to extend an existing stone culvert an additional 12 feet, to final dimensions of 2 ft. x 3 ft. x 34 ft. 6in., for the purposes of widening the road to meet town specifications for road construction to facilitate access to a proposed eight lot subdivision.

Conservation Commission/Staff Comments:

No Con-com iin town. RFMI letter out 1/14 - info recvd 1/28.
Appvd 2/25/2008.

APPROVE PERMIT:

Dredge and fill approximately 359.15 square feet of wetlands and impact an associated perennial stream to extend an existing stone culvert an additional 12 feet, to final dimensions of 2 ft. x 3 ft. x 34 ft. 6in., for the purposes of widening the road to meet town specifications for road construction to facilitate access to a proposed eight lot subdivision.

With Conditions:

1. All work shall be in accordance with plans entitled: Current Extension, Plan View, submitted by the John Lester, dated January 23, 2008, and received by the Department on January 28, 2008, and also based on plan entitled: Conceptual Subdivision For John Lester, dated January 2005-July 2006, by Sabourn Surveying Inc., as received by the Department on October 11, 2007.
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 no. 4 of this approval.
6. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction and provide NHDES proof of notification and results of any NHDHR findings.
7. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. No equipment shall enter the water.
10. All work shall be done from the top of the bank.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Use native material such as: cobbles (not crushed stone or other crushed rip-rap) to stabilize the banks of streams to the 1-2 year flow.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

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

impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks. NOTE: Based on this rule, the total linear feet within the perennial stream was calculated to be 37.5 ft.

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

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

5. A request for additional information, to include documentation and confirmation proof regarding the age and "grandfathering" of the existing stone culvert structure was sent on January 14, 2008. Additional information, revised plan view and a Certification For Grandfathered Shoreline Structures, was received by this office on January 28, 2008. The information contained in the file to date satisfies our requirements for a complete application and addresses our requirements for confirmation of the existing structure placed prior to July 2, 1969, as reported.

6. Based on the scope of the work proposed, and upon review of the information, plans and narratives submitted by the applicant to date, we have determined that the proposed project qualifies for permit approval under the applicable section of current Rules.

7. Based on these findings, the Department authorizes the activity to commence as per conditions accordingly.

**2007-02856 TUFTONBORO, TOWN OF
TUFTONBORO Unnamed Wetland**

Requested Action:

Dredge and fill a total of 4619 square feet of jurisdictional wetland to upgrade 1400 linear feet of existing roadway further described as follows: Temporarily impact 1710 square feet for temporary construction access and permanently impact 2909 square feet for roadway slopes and replacement of or extension of existing closed bottom culverts with a 36-inch x 48-inch deep x 40-foot embedded box culvert, a 12-foot x 4.5 feet deep x 24 feet wide clear spanning structure and the extension of an existing 18-inch RCP pipe.

APPROVE PERMIT:

Dredge and fill a total of 4619 square feet of jurisdictional wetland to upgrade 1400 linear feet of existing roadway further described as follows: Temporarily impact 1710 square feet for temporary construction access and permanently impact 2909 square feet for roadway slopes and replacement of or extension of existing closed bottom culverts with a 36-inch x 48-inch deep x 40-foot embedded box culvert, a 12-foot x 4.5 feet deep x 24 feet wide clear spanning structure and the extension of an existing 18-inch RCP pipe.

With Conditions:

1. All work shall be in accordance with plans by HEB Engineers Inc dated November 27, 2007, as received by the Department on December 5, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any construction initiated after April 1, 2008, will require an additional permit from the Department in accordance with RSA 483-B:5-a.
4. The Department has determined that this project is in the vicinity of an impaired water body. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
7. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.

9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. Work shall be conducted during low water conditions.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. 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.
15. No equipment shall enter the water.
16. 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.
17. 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.
18. 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.
19. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. Native material removed from the streambed during the embedded culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
22. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
23. Proper headwalls shall be constructed within seven days of culvert installation.
24. Areas of temporary impact shall be regraded to original contours following completion of work.
25. Mulch within the temporary impact areas shall be straw.
26. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
27. Temporary cofferdams shall be entirely removed immediately following construction.
28. 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.
29. 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.
30. 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.
31. All plantings shall be installed within 1 year of the completion of construction.
32. Silt fencing must be removed once the area is stabilized.
33. A post-construction report documenting the status of the restored jurisdictional areas and the stream crossings, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
34. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the plantings and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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. DES Staff conducted a field inspection of the proposed project on October 9, 2007. Field inspection determined the existing roadway is close to the lake, narrow with the edge of the road right to the edge of the culvert inverts, and the existing culverts are undersized.
6. The proposal will relocate the centerline of the roadway further from Mirror Lake than the current road exists.
7. The proposed roadway design incorporates a 12 foot bridge structure where currently there are two small closed bottom structures.
8. The proposed roadway design incorporates an embedded box culvert where an existing closed bottom culvert exists.
9. The proposed project incorporates a newly proposed swale to detain and treat stormwater prior to discharge into the lake.
10. The applicant has contacted the Loon Preservation Committee and they have stated that the Loons on Mirror Lake are located at the Northern end of the lake. This proposed project is on the southern portion of the lake.
11. The newly constructed culvert and bridge crossings are an improvement over the existing crossings and may allow for fisheries and wildlife to access the large wetland system from the lake.
12. The conservation commission has no concerns with the proposed project.
13. The proposed project intends to reestablish and plant a vegetative buffer where possible.
14. The proposed project is an improvement to public safety.

2007-02919 NADDIFF, MICHAEL/SANDRA
MEREDITH Lake Winnepesaukee

Requested Action:

Remove existing "L-shaped" seasonal dock and install a seasonal "U-shaped" docking facility consisting of two 6 ft x 40 ft seasonal docks with two 4 ft x 6 ft concrete pads, with a 6 ft x 12 ft connecting walkway, install a seasonal boat lift and seasonal canopy within the center slip and install a personal watercraft lift within the most southeasterly boatslip on 195 ft of shoreline in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Remove existing "L-shaped" seasonal dock and install a seasonal "U-shaped" docking facility consisting of two 6 ft x 40 ft seasonal docks with two 4 ft x 6 ft concrete pads, with a 6 ft x 12 ft connecting walkway, install a seasonal boat lift and seasonal canopy within the center slip and install a personal watercraft lift within the most southeasterly boatslip on 195 ft of shoreline in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by NH Environmental Consultants, LLC, received by the Department on February 14, 2008.
2. Plans indicate future impacts to take place within 250 ft of the shoreline. Any implemented impacts within the protected shoreland (within 250 ft of the shoreline) that take place on or after April 1, 2008, requires permits from the Shoreland Protection Program. Please contact the Department prior to any work conducted within 250 ft of the shoreline.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. 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.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

7. Seasonal docks shall be removed from the lake for the non-boating season.
8. No portion of the dock shall extend more than 40 feet from the shoreline at the normal high water mark.
9. The seasonal boatlift and seasonal personal watercraft lift shall be removed from the lakebed 5 months during the non-boating season.
10. The canopy shall be of seasonal construction type with a flexible fabric cover which shall be removed for 5 months during the non-boating season.
11. Concrete anchoring pads shall be completely landward of the normal high water mark elevation.
12. This permit does not authorize maintenance dredging or sand deposition.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking facility exceeding minimum impact rules pursuant to Rule Env-Wt 303.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02986 ENNIS, FORD
NORTHWOOD Harvey Lake

Requested Action:

Remove unpermitted fill and wall in the waterbody and restore the shoreline on property having an average of approximately 78 ft offfrontage on Harvey Lake, in Northwood.

Conservation Commission/Staff Comments:

Con Com has no comments other than a request to be present if DES site inspection is conducted

APPROVE PERMIT:

Remove unpermitted fill and wall in the waterbody and restore the shoreline on property having an average of approximately 78 ft offfrontage on Harvey Lake, in Northwood.

With Conditions:

1. All work shall be in accordance with plans dated December 11, 2007, as received by DES on December 21, 2007.
2. The applicant shall submit stamped surveyed plans and photographs of the completed restoration. Plans shall include full lake elevation and distances to fixed objects on shore to the new established full lake elevation and all docking structures.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during drawdown.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. No equipment shall operate in any areas of wetland or below full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. The removal of fill and a wall in public waters and re-establishing a natural shoreline is less impacting than repairing the existing conditions of the frontage.
2. The applicant submitted a waiver request of Rule Env-Wt 304.04 for the abutter setback to tax map 122, lot 000032.

MINIMUM IMPACT PROJECT

**2007-01622 ROCHESTER, CITY OF
BARRINGTON Round Pond**

Requested Action:

Temporarily impact 2,500 sq. ft. to install temporary support mats in the dry if needed on existing fill area of pond bottom for access, and replace in-kind an existing water intake structure.

APPROVE PERMIT:

Temporarily impact 2,500 sq. ft. to install temporary support mats in the dry if needed on existing fill area of pond bottom for access, and replace in-kind an existing water intake structure.

With Conditions:

1. All work shall be in accordance with revised plans by Wright-Pierce Engineers dated 1/30/2008, as received by DES on 2/4/2008.
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. Work shall be done during drawdown.
4. Work shall be completed no later than October 1st.
5. Water shall be returned to normal level no later than October 15 to ensure protection to Blandings turtles.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(), alteration of ...
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing intake/outfall manages Rochester's municipal water supply and is deteriorated and needs replacement.
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. Work will be conducted in the dry using the existing fill path in the bed of the pond to access the intake and will use mats as needed to further protect the access from impacts.
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. The project has been conditioned to avoid impacts to Blandings turtles, in coordination with direction from NH Fish and Game Department.
5. The Barrington Conservation Commission does not have wetland concerns relative to the project; water withdrawal concerns are to be addressed through the appropriate DES programs beyond the scope of the wetlands bureau.

**2007-02267 WILTSHIRE, MICHAEL
WEBSTER Unnamed Pond**

Requested Action:

Dredge 510 square feet of accumulated sediment within an existing man made pond.

APPROVE PERMIT:

Dredge 510 square feet of accumulated sediment within an existing man made pond.

With Conditions:

1. All work shall be in accordance with plans by Michael Wiltshire, as received by the Department on February 4, 2008.
2. This permit shall be used only once, and does not allow for maintenance in the future.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No equipment shall enter the water.
8. All work shall be done from the top of the bank.
9. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
11. 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.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a letter of written authorization from the abutting property owner of lot 22-1 for work within 20 feet of the property line.
6. The applicant has provided a letter of written authorization from the abutting property owner of lot 23-4 for work on their property.

2007-02816 JAMES, THOMAS & MARY
LACONIA Lake Winnisquam

Requested Action:

Remove existing recessed wooden steps from the bank and replace with granite steps and concrete pavers for dock access on 150 ft of frontage in Laconia on Lake Winnisquam.

APPROVE PERMIT:

Remove existing recessed wooden steps from the bank and replace with granite steps and concrete pavers for dock access on 150 ft of frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Thomas W. James dated November 27, 2007, as received by DES on December 4, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

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

3. This permit does not authorize maintenance dredging.
4. Construction debris/material shall not be deposited within wetlands jurisdiction.
5. Stairs shall be completely landward of the normal high water mark.
6. Stairs and walkways shall not exceed a 6 ft width.
7. Seasonal pier shall be removed from the lake for five months during the non-boating season.
8. No portion of the existing seasonal dock shall extend more than 30 feet from the shoreline at full lake elevation.
9. 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.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. Replacement project shall not direct or redirect stormwater runoff towards surface waters.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2008-00145 SALEM, TOWN OF
SALEM Spickett River**

Requested Action:

Dredge and Fill 734 sq. ft. within the embankments and flow channel of the Spickett River for work associated with the reconstruction/ replacement of the existing structurally unsound bridge which carries Haverhill Road over the Spickett River.

Conservation Commission/Staff Comments:

The Salem Conservation Commission reviewed the application, visited the site and recommends approval of the application. Expedited review and approval of this application per SOP No. 201 was authorized on Feb 27, 2008.

APPROVE PERMIT:

Dredge and Fill 734 sq. ft. within the embankments and flow channel of the Spickett River for work associated with the reconstruction/ replacement of the existing structurally unsound bridge which carries Haverhill Road over the Spickett River.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group, Inc. dated 02/08, as received by DES on February 27, 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, when construction sequence is finalized, and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. 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.
7. 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.

- 8. Temporary cofferdams shall be entirely removed immediately following construction.
- 9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- 11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 12. 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.
- 13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 14. Work shall be done during low flow.

With Findings:

- 1. Expedited review and approval of this application per SOP No. 201 was authorized on Feb 27, 2008.

2008-00256 PSNH, PAUL MEEHAN
BEDFORD Unnamed Wetland

Requested Action:

Confirm emergency authorization to cross wetlands under frozen ground conditions to conduct repairs to an existing utility line.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to cross wetlands under frozen ground conditions to conduct repairs to an existing utility line.

With Conditions:

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

With Findings:

- 1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(af).
- 2. Emergency authorization for this work was issued by DES Wetlands Bureau on February 21, 2008.
- 3. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

FORESTRY NOTIFICATION

2007-01217 BLAIS, STEPHEN & KRISTIN
BEDFORD Unnamed Stream

COMPLETE NOTIFICATION:

Bedford Tax MAP 4, Lot# 15

2007-01840 BAKER, MARK
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Chester Tax Map R1, Lot# 12-5 & 12-5-1

2007-01889 **BEDARD/ JOHNSON, PHILIP/ DOUGLAS**
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Berlin Tax Map 122,126,127 Lot# 1

2008-00236 **SWEET, REGGIE**
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:

Strafford Tax Map 11, Lot# 101

2008-00291 **UICKER, BARRY**
SANBORNTON Unnamed Stream

COMPLETE NOTIFICATION:

Sanbornton Tax Map 23, Lot# 8, 31-1

2008-00292 **STRAFFORD CONSERVATION COMMISSION, TOWN OF**
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:

Strafford Tax Map 10, Lot# 23

2008-00294 **SHORES, IRENE**
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Deerfield Tax Map 405, Lot# 53

2008-00305 **THE LANE CONSTRUCTION CORPORATION, DONALD MASON JR**
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:

Swanzy Tax Map 22, Lot# 1

2008-00306 **STAR LAKE PROP INC**
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Springfield Tax Map 8, Lot# 299,433

2008-00307 KENNETT COMPANY
ALBANY Unnamed Stream

COMPLETE NOTIFICATION:
Albany Tax Map 6, Lot# 104 & 109

2008-00308 SINKLER, DAVID & REBECCA
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R11, Lot# 38

EXPEDITED MINIMUM

2007-02034 FOWLER, LUCAS & TRACI
ANDOVER Unnamed Stream

Requested Action:

Approve name change to Lucas J. Fowler, 272 Forest St., Bradford NH 03221 3608 per request received 11/07/2007. Previous owner Andover Thompson, LLC.

Conservation Commission/Staff Comments:

Conservation Commission signed the Expedited application

APPROVE NAME CHANGE:

Replace an existing undersized failed culvert with a box culvert to gain access to a single family home impacting 242 sq. ft. of jurisdictional wetlands (16 feet of stream channel)

With Conditions:

1. All work shall be in accordance with plans and construction sequence details prepared by the applicant, as received by DES on August 28, 2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
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. 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.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. 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.

With Findings:

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

2007-02686 NEPOMUCENO, DEBORAH
WOLFEBORO Unnamed Wetland

Requested Action:

Dredge and fill 961 square feet including installation of a 12-inch x 20 foot culvert for access to a proposed single family residential lot.

APPROVE PERMIT:

Dredge and fill 961 square feet including installation of a 12-inch x 20 foot culvert for access to a proposed single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Anderson Livingston Engineers dated October 11, 2007, and revised through January 15, 2008, as received by the Department on February 1, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02838 KJAM REALTY TRUST
NEW LONDON Lake Sunapee

Requested Action:

Dredge and fill 2,866 sq. ft. of palustrine forested and emergent wetlands for access and grading to relocate an existing driveway for a proposed single family residence and restore 5,664 sq. ft. of forested wetlands by removal of the existing driveway and a pathway.

APPROVE PERMIT:

Dredge and fill 2,866 sq. ft. of palustrine forested and emergent wetlands for access and grading to relocate an existing driveway for a proposed single family residence and restore 5,664 sq. ft. of forested wetlands by removal of the existing driveway and a pathway.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering, Inc., sheet S1 revision dated January 21, 2008, sheet S2 dated November 26, 2007 and sheet ES1 dated January 18, 2007 and plans by Pellettieri Associates, Inc., sheet W2 dated January 24, 2008, as received by the Department on January 30, 2008 and plans by Pellettieri Associates, Inc., sheet W1 revision dated November 26, 2007 and plans by Schauer Environmental, L.L.C., sheet 1 and 2 of 2 dated July 30, 2007, as received by the Department on December 06, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet). Please note that effective April 1, 2008, new regulations will take effect for RSA 483-B and NH Code of Admin. Rules Env-Wq 1400 et seq.
4. Work shall be done during dry/low flow conditions.
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. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. The permittee shall designate a New Hampshire Certified Wetlands scientist ("CWS") who will be responsible for monitoring and ensuring that the wetlands restoration areas are constructed in accordance with the project plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
10. The schedule for wetlands restoration shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
11. The CWS shall conduct a follow-up inspection after the first growing season, to review the success of the wetlands restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the restoration.
12. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
14. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Within three days of final grading 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.
18. 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.
19. 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.
20. 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 minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project includes removing the existing house and reconstructing a new home further from the lake.
6. The new development includes improved stormwater treatment and detention.
7. The proposal includes restoration of 5,664 square feet of wetlands impacted from historical development on the site.
8. The existing house building site/footprint will be replanted to reestablish a vegetated buffer within the 50-foot shoreland setback.

2007-02873 SUNAPEE HARBOR WEST CLUB
SUNAPEE Lake Sunapee

Requested Action:

Amend permit to reflect dock length of each dock.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Replace three seasonal docks, one 96 ft long, one 94 ft 6 inches long, one 98 ft long, each with 10 finger piers "in kind" on Sunapee Lake, Sunapee.

With Conditions:

1. All work shall be in accordance with plans and letter by Philip O'Brien dated February 05, 2008, as received by DES on February 06, 2008, and letter dated February 25, 2008, and plans with revised date February 25, 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. No portion of the piers shall extend more than as identified on plan received by DES on February 25, 2008, from the shoreline at full lake elevation.
7. Seasonal piers shall be removed for the non-boating season.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance, repair, and replacement in-kind of existing docking structures.

2008-00118 DARBYSHIRE, PAUL
GILMANTON Unnamed Wetland

Requested Action:

Dredge and fill 80 square feet including installation of an 18-inch x 26 foot culvert for access to a proposed single family lot in the subdivision of 24.43 acres into three single family residential lots.

APPROVE PERMIT:

Dredge and fill 80 square feet including installation of an 18-inch x 26 foot culvert for access to a proposed single family lot in the subdivision of 24.43 acres into three single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Paul M Darbyshire Associates dated January 16, 2008, as received by the Department on January 28, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided erosion controls at the base of the driveway slope to protect the wetland.
6. The applicant has provided a drainage analysis illustrating that the culvert is appropriately sized.
7. The applicant has met the requirements of Env-Wt 304.09(a).
8. The Department's jurisdiction lies within the wetlands themselves and not with the steep slopes associated with the lot.

**2008-00121 TUFTONBORO, TOWN OF
TUFTONBORO Unnamed Wetland**

Requested Action:

Dredge and fill a total of 15 square feet of palustrine forested wetland and 3 square feet of bank for the installation of supports for a 3 x 16 foot bridge, 3 x 14 foot ramp and an 8 x 8 foot wildlife viewing platform 3 feet from the high waterline of Copsps Pond, in Tuftonboro.

APPROVE PERMIT:

Dredge and fill a total of 15 square feet of palustrine forested wetland and 3 square feet of bank for the installation of supports for a 3 x 16 foot bridge, 3 x 14 foot ramp and an 8 x 8 foot wildlife viewing platform 3 feet from the high waterline of Copsps Pond, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans, details and construction sequencing by Lane Evans as received by the Department on January 28, 2008 .
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. Unnecessary removal of vegetation within the Protected Shoreland during construction shall be prohibited.
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B:9, V.
5. Work shall be conducted during low water conditions.
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. Silt fence(s) must be removed once the area is stabilized.
8. All work shall be done above the top of the bank and no portion of the structure shall extend closer than 3 feet from the reference line.
9. Excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Silt fencing must be removed once the area is stabilized.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

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).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wildlife viewing platform is proposed to be installed within 3 feet of the reference line of Copps Pond in Tuftonboro and therefore fails to conform to a minimum standard set forth in Env-Wq 1405.04, Setback for Accessory Structures.
6. The applicant has requested a waiver in accordance with Env-Wq 1410.03, to allow for the construction of the wildlife viewing platform within the 20 foot setback.
7. The proposed project will allow for public access to a currently unreachable view of the pond away from the existing roadway, relocating the structure 20 feet from the reference line would require cutting the existing vegetation to achieve the project objectives of wildlife viewing.
8. Relocating the proposed wildlife viewing platform would provide a greater area of shading over the existing wetland area.
9. The proposed project will be of educational value to the general public and will allow for access where currently is none.
10. The proposed project is to be constructed with environmentally friendly materials and will have board spacing to allow light to reach the vegetation below.
11. The proposed platform will be constructed to not be visible from abutting properties.
12. The proposed project will not injure the public or private rights of others.
13. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wq 1405.04.
14. The waiver is granted in accordance with Env-Wq 1410.01, as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-00251 FINETHY, HAROLD
ALTON Lake Winnepesaukee

Requested Action:

Replace two existing piles supporting a 6 ft x 51 ft permanent dock on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace two existing piles supporting a 6 ft x 51 ft permanent dock on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 07, 2008, as received by DES on February 19, 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

2008-00279 LUND, GARY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2008-00289 WOODWARD JR, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2008-00302 FRENETTE, SHARON
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

**2008-00303 FRENETTE, ARTHUR
(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

**2008-00281 GROOM, CRAIG
NEW DURHAM Merrymeeting Lake**

COMPLETE NOTIFICATION:
New Durham, NH Tax map 37 Lot 58
Merrymeeting Lake

**2008-00295 SCHWAB, LEONARD M & FRANCES
GREENLAND Winnicut River**

COMPLETE NOTIFICATION:
Greenland, NH Tax map U6 Lot 44
Winnicut River

PERMIT BY NOTIFICATION

**2008-00193 SILVA, WALTER
NEW DURHAM Merrymeeting Lake**

Requested Action:
reface existing retaining wall.

PBN IS COMPLETE:
reface existing retaining wall.

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

**2008-00262 FAY'S BOAT YARD INC
GILFORD Lake Winnepesaukee**

Requested Action:

Repair and relocated a dock on a major docking facility.

PBN DISQUALIFIED:

Repair and relocated a dock on a major docking facility.

With Findings:

1. Modifying and existing major docking facility does not qualify for PBN review.