

Wetlands Bureau Decision Report

Decisions Taken
03/10/2008 to 03/16/2008

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

2007-00683 MCNITT, NANCY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration of the Departments decision to deny applicants request to construct two 6 ft x 30 ft permanent docks supported by two 6 ft x 6 ft cribs, connected by a 4 ft x 10 ft permanent walkway on Church Island, Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com requests DES site inspection

Inspection Date: 07/06/2007 by Chris T Brison

DENY RECONSIDERATION:

Deny applicants request of reconsideration of the Departments decision to deny the construction of two 6 ft x 30 ft permanent docks supported by two 6 ft x 6 ft cribs, connected by a 4 ft x 10 ft permanent walkway on Church Island, Lake Winnepesaukee, Wolfeboro.

With Findings:

A. Grounds for Reconsideration

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

1. The project to be a "major docking system" given the size of the shoreline frontage and the absence of other nearby residents.
2. The project will not interfere or obstruct the rights of passage or access of anybody. Any visual examination of the area will corroborate this claim.
3. The applicant would like a permanent dock in this location and recognizes that the proposed dock does not meet the fetch requirements.
4. The proposed permanent dock in this location, which does not meet the Env-Wt 402.05, is "not an issue."
5. We need protected dockage and there will be no impact on fish or wildlife. We previously submitted detailed drawings of the area to prove that there will be no obstruction of public rights of passage or access and no impact on migratory fish and wildlife. The only abutter within hundreds of feet built a huge dock with pilings, without our knowledge or consent - see picture enclosed.
6. The original application sought two 6 ft x 40 ft permanent crib docks, the most recent plan requests two 6 ft x 30 ft permanent crib supported docks.
7. The alleged receipt of comments from abutters are untenable. Negative allusions from unnamed persons lack any credibility. We have noted for several years that the loons have not been nesting any more behind Church Island! From ice-out forward there are sometimes dozens of pleasure boats anchored within 10 feet of where the loons used to nest- very simply, they have been scared away!

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken),

except as provided in paragraph VIII of that section.

2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
4. If DES is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.
5. The site does not meet the criteria for a permanent dock pursuant to Env-Wt 402.05.

C. Findings of Fact and Rulings of Law

1. The applicant has not submitted any new plans or information to the file in support of the request for the proposed docking facility.
2. Based on RSA 482-A:3, XIV[(c) DES denied the application because the issues raised in the RFMI were not addressed.
3. The request for reconsideration does not assert that DES's decision was erroneous, but rather appears to concur with the decision by asserting that the issues raised in the RFMI will be addressed if reconsideration is granted.
4. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

**2007-02607 NH DEPT OF TRANSPORTATION
HAMPTON Hampton River**

Requested Action:

Rehabilitate the bridge on NH Rte. 1A over Hampton Harbor Inlet temporarily impacting 16,290 sq. ft. of sand dune and Estuarine wetlands for the purpose of repairing the wing walls of the abutments.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 02/29/2008 by Gino E Infascelli

APPROVE PERMIT:

Rehabilitate the bridge on NH Rte. 1A over Hampton Harbor Inlet temporarily impacting 16,290 sq. ft. of sand dune and Estuarine wetlands for the purpose of repairing the wing walls of the abutments. NHDOT project #14188.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 25-OCT-07, as received by the Department on October 29, 2007.
2. This permit is contingent upon the submission of project specific erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Orange construction fencing shall be installed to locate the limit of construction at the southerly abutment and shall be coordinated with the Natural Heritage Bureau.

6. Sand and vegetation in front of the westerly wing wall of the southerly abutment shall be removed using hand tools while maintaining as much of the root layer as possible.
7. Any temporary sand piles established in the spring shall be covered in fabric to avoid attracting plovers during nesting season.
8. Extreme precautions to be taken within the tidal buffer zone and riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. All construction debris shall be prevented from falling into the water.
10. Impact area "G", as shown on the plan, shall be avoided if at all possible as the application states no work will take place below mean high tide.
11. There shall be no further alteration to jurisdictional areas, wetlands or surface waters without amendment of this permit.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department of Environmental Services (DES) Staff conducted a field inspection of the project area on February 29, 2008. Field inspection determined that the temporary impacts proposed are necessary for maintenance of this bridge and that the application commitments, along with the plan submitted, will limit any impacts to the plants, fish and wildlife of concern.
6. This project was discussed on October 17, 2007 at the monthly Natural Resource Agency Meeting held at the NH Dept. of Transportation (DOT). Concerns regarding endangered or threatened plants and wildlife were resolved with the commitments made by the applicant to implement recommendations and continued coordination with state and federal agencies.
7. On December 20, 2007, the National Marine Fisheries Service reviewed the file and noted no additional recommendations were necessary.
8. A review of the project relative to impaired waters finds all work is temporary and will have no additional loading or change in use.
9. DES Staff finds that this project will not have a significant impact on these estuarine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

-Send to Governor and Executive Council-

2007-02863 ZAJAC, LOU
TUFTONBORO Lake Winnepesaukee

Requested Action:

Extend an existing major docking facility further in the public waters to provide deeper boat slips. Construction will result in additional construction surface area over public submerged lands.

DENY PERMIT:

Extend an existing major docking facility further in the public waters to provide deeper boat slips. Construction will result in additional construction surface area over public submerged lands.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to Rule Env-Wt 302.04(a)(1) The applicant shall demonstrate by plan and example that there is a need for the proposed impact.
3. Rule Env-Wt 501.02(a)(2) requires that the Applicant submit a drawing or drawings that are either drawn to scale or completely dimensioned and show all existing and proposed structures and all other relevant features necessary to clearly define the project.
4. Pursuant to Rule Env-Wt 402.20, the Department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

Findings of Fact

1. On December 6, 2007, the Department received an application to reconfigure an existing major docking facility by relocating two finger piers extending from the shoreline to the end of an existing nonconforming 5 ft x 130 ft piling supported dock requiring an additional 5 ft x 20 ft lakeward walkway extension, and relocating one 5 ft x 40 ft piling supported dock 6 ft northwesterly of its existing location on property identified as Tuftonboro Tax Map 51, Lot 9 (the Property).
2. On February 6, 2008 the Department sent a request for More Information informing the Applicant that increasing the construction surface area of a non-conforming structure over public water is not approvable pursuant to Rule Env-Wt 402.20. The request stated that if they wish to continue to pursue the proposed project the Applicant would need to supply the following items:
 - a. Revised plans to showing complete dimensions for all existing and proposed structures on the frontage including but not limited to: docks, decks, sheds, patios, gazebos, breakwaters, beaches, etc. Plans needed to include dimensions of all dock supports and support locations if permanent. Docks must be labeled seasonal or permanent. The plans must show the structures relative to fixed points on the shoreline and show distances from the structures to the property lines, all dock lengths in relation to the normal high water line, and an appropriately oriented north arrow.
3. The Department received revised plans on February 28, 2008. The plans did not show all existing and proposed structures relative to property lines and, therefore, these plans do not comply with Rule Env-Wt 501.02(a)(2).

Ruling in support of the Decision:

1. The Applicant proposes to increase the construction surface area over water of an existing nonconforming docking structure by 100 sq ft. The proposed increase in surface area is prohibited by Rule Env-Wt 402.20. Therefore, this application for a permit is denied.
2. The applicant failed to provide adequate plans showing the distances of all existing and proposed structures to the property lines. Therefore, this application is denied.

MINOR IMPACT PROJECT

2007-01325 BAGGE, HAROLD & PAULA
WOLFEBORO Lake Winnepesaukee

Requested Action:

Request to construct a 50 foot retaining wall with a rip rap base and stabilize the remainder of the bank utilizing bio-stabilization techniques on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

DENY PERMIT:

Deny permit request to construct a 50 foot retaining wall with a rip rap base and stabilize the remainder of the bank utilizing

bio-stabilization techniques on Lake Winnepesaukee, Wolfeboro.

With Findings:

Standards of approval:

1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of non-tidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. Env-Wt 404.01 requires that the method for bank stabilization shall be by the least intrusive but practical method.
8. Rip-rap applications shall be considered only where the applicant demonstrates that anticipated turbulence, flows, restricted space, or similar factors render vegetative and diversion methods physically impractical, in accordance with Env-Wt 404.01(a).
9. Plans for applications requesting rip rap are required to have the Designation of a minimum and maximum stone size; Gradation; Minimum rip-rap thickness; Type of bedding for stone; Cross-section and plan views of the proposed installation; Sufficient plans to clearly indicate the relationship of the project to fixed points of reference, abutting properties, and features of the natural shoreline; and a description of anticipated turbulence, flows, restricted space, or similar factors that would render vegetative and diversion methods physically impractical, per Env-Wt 404.04(b).
10. Applications to use rip-rap adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project, per Env-Wt 404.01(c).
11. RSA 482-A:3, XIV establishes the process that DES must follow when processing applications and establishes deadlines by which decisions must be made.
12. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

Findings of Fact:

1. On May 13, 1986 the NH Wetlands Board issued permit B-1455 to the existing property owners to construct a 50 foot breakwater with a 4 foot cantilevered dock and walkway, and denied a 60 foot breakwater.
2. The approved plans provided in application B-1455 show a previously existing 12 foot x 16 foot deck and a proposed 4 foot x 37.5 foot walkway connected to the proposed 4 foot x 45 foot breakwater with a 4 foot x 13 foot dogleg.
3. In May 2006, a heavy rain event caused a portion of the steep slopes along the frontage to slough into Lake Winnepesaukee damaging an existing dock and staircase.
4. On October 17, 2006, the Department received a Permit by Notification (PBN) to repair and replace the existing docking structure in kind, file 2006-02659.
5. The signature on the PBN form certifies that the applicant understands "all information provided with the PBN form is complete and accurate".
6. The signature on the PBN form certifies the applicant understands that "the completion of the PBN process does not preclude DES from taking enforcement action if DES later determines that I have provided misleading, incomplete or false information or if I have failed to follow criteria or conditions".
7. The signature on the PBN form certifies the applicant shall "Within 10 days calendar days following the completion of work I will complete and submit a Confirmation of Project Completion form to DES".
8. The docking structure shown on the plans provided for the PBN, 2006-02659 shows a 10 foot x 40 foot deck with a 4 foot x 16 foot walkway, with a 50 foot breakwater with a 10 foot dogleg reaching 60 feet into Lake Winnepesaukee.
21. On June 11, 2007, a site inspection was conducted by Department Staff which found that although the applicant had attempted to stabilize the site utilizing temporary measures, erosion into Lake Winnepesaukee was ongoing.
9. During the June 11, 2007 inspection, the applicant provided plans proposing the installation of a 5.15 foot high x 53 feet long

retaining wall above the high water line to support and stabilize the base of the slope. This was to be the foundation of the slope. The bank above and below this wall would then be replanted and stabilized utilizing bio-stabilization techniques.

10. On June 15, 2007, the Department issued an Emergency Authorization (authorization) to install a 45 linear foot x 5 foot high retaining wall 10 feet back from the high water line impacting approximately 972 square feet within the bank of Lake Winnepesaukee.

11. The authorization issued June 15, 2007, specified no work was to be done within the water.

12. The authorization issued June 15, 2007, specified that a post construction report be submitted documenting the stabilized jurisdictional area within 30 days of the completion of construction.

13. The Department received a Standard Dredge and fill application in accordance with Condition 1 of the authorization on August 3, 2007.

14. The application was deemed administratively complete on August 9, 2007.

15. On September 17, 2007, a second site inspection was conducted by Department Staff this inspection found that work on the wall was substantially complete. The deck had been reconstructed and the stairway down the bank had been reconstructed. It further found that rip rap had been placed over the entire bank downslope of the retaining wall. DES measured and found that the existing deck structure is accurately depicted on the current plan set.

16. On October 23, 2007, the Department issued a Request for More Information pursuant to RSA 482-A:3, XIV(b) (RMI) noting the following deficiencies with the application materials submitted:

* A tree inventory was not submitted in accordance with Env-Wq 1409.03.

* A plan indicating the drainage patterns on the site and identifying the measures taken to treat and redirect the stormwater from the driveway and developed portions of the lot away from the previously failed slope and bank of Lake Winnepesaukee.

* That the rip rap installed at the base of the retaining wall be removed and the area restored to a vegetated bank.

17. The applicant responded to the request for additional information on February 11, 2008. This response included a copy of a tree inventory for the frontage; and a

18. The response received February 11, 2008 also included a plan identifying the drainage patterns for portions of the driveway. However, the final 50 feet of driveway and the impervious of the structure and the deck appear to still be directed to the previously failed slope.

19. A narrative from the agent stating that they will loam and plant over the existing riprap above the existing deck, but that the rip-rap will not be removed as the contractor will not warrantee the wall without the rip rap.

20. The plans for the retaining wall, stamped by a Professional Engineer licensed by the state of NH under RSA 310-A, do not include rip rap at the base of the wall, nor any notes indicating that rip-rap is required.

21. The plans provided do not contain any of the information required in accordance with Env-Wt 404.04.

22. As of the date of this decision no Confirmation of project Completion form has been submitted to the Department as required by the Permit by Notification.

Findings in Support of Denial:

1. The proposal to stabilize the base of the retaining wall has been deemed an unnecessary impact as it fails to provide a need for the extent of impact as per Rule Env-Wt 302.04 (a)(1).

2. The Applicant failed to provide evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative and, therefore, the application is denied in accordance with Env-Wt 302.04(d).

3. The project, to install a retaining wall on with a rip rap base, is not consistent with the policies of the CSPA, therefore the project is denied in accordance with RSA 483-B:9 V.(a)(1).

4. Applicant failed to provide evidence that the non-conforming shoreline structures are grandfathered or otherwise authorized by previous permitting. Therefore the application is denied.

5. The applicant failed to submit a stamped survey plan showing the footprint of the proposed project in relation to the reference line, as required by Env-Wt 404.04(c) and Env-Wt 404.05(a)(4).

6. Based on RSA 482-A:3, XIV(c) DES denied the application because the issues raised in the RMI were not addressed.

2007-01379 QUINBY, RICHARD & DIANNE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Applicant requests that Department reconsider and remove Conditions #17 and #18 pertaining to the maintenance of the 50 ft

setback to the reference line in accordance with RSA 483-B.

DENY RECONSIDERATION:

Applicant requests the Department to reconsider and remove Conditions #17 and #18 pertaining to the maintenance of the 50 foot setback to the reference line in accordance with RSA 483-B.

With Findings:

FINDINGS

Grounds for Reconsideration

1. The Applicant maintains that the Department has approved dug-in boathouses in the past that would result in surface water flowing to within 50 feet of a primary structure. The Applicant argues that these approvals show precedent that the reference line is static and does not move in relation to any alteration of the land at the normal high water level.

Standards for Approval and Applicable Law

1. RSA 483-B:3, Consistency Required, provides that state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of the chapter.
2. RSA 483-B:9, II(b), provides that within the protected shoreland, primary structures shall be set back behind the primary building line, which is 50 feet from the reference line.
3. RSA 483-B:4, XVII(a) defines "reference line" for natural fresh water bodies without artificial impoundments as the natural mean high water level as determined by the department.

Finding of Fact

1. Lake Winnepesaukee is a natural fresh waterbody. The natural features which maintained the natural mean high water elevation of 504.32 were previously excavated and replaced by an impoundment structure to allow more consistent maintenance of the water level.
3. By removing land to accommodate the dug-in boathouse allowed under the Permit, the natural mean high water of Lake Winnepesaukee will be moved laterally by approximately 32 feet.

Rulings in Support of the Decision

1. The reference line as defined in RSA 483-B:4, XVII is dependent on the level of the water, not on a contour on the land. Any change to the land, whether natural or man-made, which alters the area of land overflowed by the water at the level determined to define the reference change changes the jurisdictional boundaries of RSA 483-B.
2. All setbacks established under RSA 483-B are measured from location where the reference line intersects the land. Any alteration of the land which alters the location of its intersection with the reference line will, in turn, alter the location of the required setbacks.
3. RSA 483-B:3, Consistency Required, prohibits the issuance of permits which are not consistent with the policies established therein. The issuance of permits by the Department under RSA 482-A that may not have been consistent with the requirements of RSA 483-B in no way relieves the Department from its obligation to review all current and future applications for permits within the protected shorelands in accordance with the requirements of RSA 483-B, and to approve only those applications which are consistent with the policies of that chapter.
4. Conditions # 17 and # 18 as applied to the approval are necessary to maintain compliance with RSA 438-B:9, II and, therefore,

will not be removed from the Permit.

**2007-01994 PUTNEY, JESSE & GRETA
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Deny permit request to dredge and fill 1000 square feet to stabilize existing slumped bank with a proposed retaining wall and bio-engineering techniques on Lake Winnepesaukee, Wolfeboro.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1000 square feet to stabilize existing slumped bank with a proposed retaining wall and bio-engineering techniques on Lake Winnepesaukee, Wolfeboro.

With Findings:

1. A request for additional information dated November 5, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive any additional information within the 120 days and therefore the application has been denied.

**2007-02408 PLUNKETT, JAMES
CHICHESTER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 12,445 square feet of emergent wetland further described as follows: Fill 875 square feet within a disturbed area including installation of a 12-inch x 20 foot culvert for access to an existing agricultural field and dredge and fill 11,570 square feet for construction of an irrigation pond.

APPROVE PERMIT:

Dredge and fill a total of 12,445 square feet of emergent wetland further described as follows: Fill 875 square feet within a disturbed area including installation of a 12-inch x 20 foot culvert for access to an existing agricultural field and dredge and fill 11,570 square feet for construction of an irrigation pond.

With Conditions:

1. All work shall be in accordance with plans by NRCS dated July 2007, as received by the Department on March 11, 2008.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e); construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p); and 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.

**2007-02585 CAMPTON, TOWN OF
CAMPTON Bog Brook**

Requested Action:

Impact approximately 371 sq. ft. (includes 186 sq. ft. of temporary impacts) of bed and bank of Bog Brook to install a concrete invert inside an existing multiplate culvert pipe, install concrete toe walls at the inlet and outlet and place riprap at the inlet and outlet.

APPROVE PERMIT:

Impact approximately 371 sq. ft. (includes 186 sq. ft. of temporary impacts) of bed and bank of Bog Brook to install a concrete invert inside an existing multiplate culvert pipe, install concrete toe walls at the inlet and outlet and place riprap at the inlet and outlet.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance, dated "Fiscal Year" 2008 and narratives and "Construction Sequence", as received by the DES on October 25, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. 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.
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. Matting and pinning shall stabilize slopes steeper than 3:1.

- 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. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
- 17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
- 18. Any work outside of the Town Right of Way shall be coordinated with the landowner prior to construction in those areas.
- 19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require additional permitting and approval by the Bureau.
- 20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
- 21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of bed and banks of a stream.
- 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 Wt-Env 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 existing culvert bottom is rusted and deteriorated.
- 6. The proposal will extend the life of the existing crossing with minimal impacts to Bog Brook.
- 7. The culvert is located directly adjacent to the outlet of an existing dam.

2007-02599 **DINEEN, JOHN & GINA**
GILFORD Lake Winnepesaukee

Requested Action:

Remove 13.4 sq ft of deck over the water and drive 4 pilings to support a permanent boatlift and a 14 ft x 30 ft seasonal canopy in an existing non-conforming docking facility consisting of two 5.75 ft x 32.4 ft piers attached to a 30.75 ft x 19.4 ft deck in a "U" configuration on an average 229 ft of frontage on Lake Winnepesaukee.

DENY PERMIT:

Remove 13.4 sq ft of deck over the water and drive 4 pilings to support a permanent boatlift and a 14 ft x 30 ft seasonal canopy in an existing non-conforming docking facility consisting of two 5.75 ft x 32.4 ft piers attached to a 30.75 ft x 19.4 ft deck in a "U" configuration on an average 229 ft of frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

- 1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
- 2. Pursuant to RSA 482-A, XIV(b), where DES requests additional information, if that information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. In accordance with Rule Env-Wt 402.20, Modification of Existing Structures, the Department shall not approve any modification to existing structures unless the modification results in a reduction in construction surface area and the number of boat slips provided, or in environmental impact.

4. Rule Env-Wt 402.02, Dimensions, limits the widths of deck widths for all docks to be no more than 6 ft.

Findings of Fact

5. On October 29, 2007, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Gilford tax map 218, lot 22, to add a permanent boatlift and seasonal canopy to an existing non-conforming docking facility on property having an average of 227 ft of frontage on Lake Winnepesaukee.
6. The docking facility is non-conforming in that the 30.75 ft x 19.4 ft deck over the water exceeds the maximum 6 ft width allowed per Rule Env-Wt 402.02.
7. On January 18, 2008, the Department issued a Request for More Information letter to the Applicant that explained that the docking facility was non-conforming and that the proposed canopy could not be added to the structure unless the structure was either brought into compliance with the current shoreline structure rules or there was a reduction in the square footage of the structure to account for the addition of the canopy. The Request specifically requested revised plans to address Rule Env-Wt 402.20 and stated that failure to submit the requested information would result in denial of the application.
8. On February 4, 2008, the Department received a response to the January 18, 2008 Request for More Information letter. In the response the Applicant stated that they would not send the plans as requested in the Department's January 18, 2008 letter. The plans would not be sent because the Applicant claimed the seasonal canopy was an "accessory structure" and thus was not considered to be construction surface area over the water.
9. Nowhere in RSA 482-A or the Administrative Rules Chapters 100 - 800 is it stated that accessory structures are not considered to have construction surface area.
10. The Applicant submitted filing fees with the original application to cover the sq ft of impacts for the proposed seasonal canopy.

Findings in Support of Denial

11. The Applicant failed to submit the plans as required to address Rule Env-Wt 402.20, and requested by the Department on January 18, 2008. Therefore, this application is denied per RSA 482-A, XIV(b).
12. The project as proposed would result in an increase in the construction surface area over public submerged lands and, therefore, is prohibited by Rule Env-Wt 402.20.

**2007-02791 NH DEPT OF TRANSPORTATION
GILSUM Unnamed Stream**

Requested Action:

Replace an existing 5 ft. high x 3 ft. wide x 31 ft. long concrete box culvert with a 5 ft. x 3 ft. x 44 ft. box culvert impacting 1,173 sq. ft. (657 sq. ft. temporary) of stream and banks.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace an existing 5 ft. high x 3 ft. wide x 31 ft. long concrete box culvert with a 5 ft. x 3 ft. x 44 ft. box culvert impacting 1,173 sq. ft. (657 sq. ft. temporary) of stream and banks. NHDOT project #M403-2.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 4/07 and construction sequence, both received by the Department on November 27, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of channel and bank.
2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2007-02792 NH DEPT OF TRANSPORTATION

GILSUM Beaver Brook

Requested Action:

Replace an 18 in. culvert with a 30 in. x 35 ft. culvert, a 4 ft. x 3 ft. box culvert (oversized) with a 30 in. x 45 ft. culvert and a 15 in. culvert with a 24 in. x 35 ft. culvert to properly size them, extend outlets for shoulder widening, install headwalls / end units and stabilize slopes impacting 514 sq. ft. (294 sq. ft. temporary) of streams and banks.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace an 18 in. culvert with a 30 in. x 35 ft. culvert, a 4 ft. x 3 ft. box culvert (oversized) with a 30 in. x 45 ft. culvert and a 15 in. culvert with a 24 in. x 35 ft. culvert to properly size them, extend outlets for shoulder widening, install headwalls / end units and stabilize slopes impacting 514 sq. ft. (294 sq. ft. temporary) of streams and banks. NHDOT project #M403-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 04-04-2007 and construction sequence, both received by the Department on November 27, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of channel and bank.
2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The extension of the culverts is to accommodate wider and safer shoulders for the general public.
6. The existing box culvert appears to be oversized.

**2007-03005 PARRISH, DAVID & ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct a 18 ft x 15 ft perched beach, remove 1 cubic yard of material immediately lakeward of the proposed 4 ft wide lake access stairs for stable entry on 182 ft of frontage in Moultonborough on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 18 ft x 15 ft perched beach, remove 1 cubic yard of material immediately lakeward of the proposed 4 ft wide lake access stairs for stable entry on 182 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Folsom Design Group dated December 20, 2007, as received by DES on January 9, 2008.
2. No work is authorized to the existing 3-slip, U" shaped permanent docking facility and seasonal canopy.
3. Unnecessary removal of vegetation is strictly prohibited.
4. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. No more than 1 cu yd of material shall be removed from the lakebed for lake access.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. This permit does not authorize maintenance dredging.
14. 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(g), removal of less than 20 cubic yards of materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2007-01866 THORBURN, CYNTHIA
HILLSBOROUGH Unnamed Pond

Requested Action:

Deny permit application to remove stumps and debris along a 45 linear feet of an existing pond.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Removal of stumps and debris along a 45 linear feet of an existing pond.

With Findings:

1. A request for additional information dated November 06, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-02402 LAWSON, ROBERT
OSSIPEE Ossipee Lake

Requested Action:

Repair 95 linear ft of existing retaining wall on property having 100 ft of frontage on Ossipee Lake, in Ossipee.

Conservation Commission/Staff Comments:

Con Com submitted comments with no concerns

APPROVE PERMIT:

Repair 95 linear ft of existing retaining wall on property having 100 ft of frontage on Ossipee Lake, in Ossipee.

With Conditions:

1. All work shall be in accordance with plans as received by DES on February 11, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. No equipment shall operate in or on the lakebed or in any other areas of the Departments jurisdiction.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls that is performed "in the dry".
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2007-02461 ANTRIM, TOWN OF
ANTRIM Unnamed Wetland**

Requested Action:

Deny permit application to dredge and fill 1,500 square feet of wetlands for Concord Street sidewalk, curb and catch basin installation (Antrim, NH Sidewalk Improvement Project #2).

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1,500 square feet of wetlands for Concord Street sidewalk, curb and catch basin installation (Antrim, NH Sidewalk Improvement Project #2).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. A request for additional information dated November 08, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

FORESTRY NOTIFICATION

**2007-02957 DAVIDSON, SHIRLEY & LUCY
HENNIKER Unnamed Stream**

COMPLETE NOTIFICATION:

Henniker Tax Map 1, Lot# 632

**2008-00332 FAULKNER, STEPHEN
HOOKSETT Unnamed Stream**

COMPLETE NOTIFICATION:

Hooksett Tax Map 43, Lot# 1

**2008-00357 DIAMOND HEART PROPERTY MGMT LLC, KIM HARDY
MILTON Unnamed Stream**

COMPLETE NOTIFICATION:
Milton Tax MAp 45, Lot# 23

2008-00358 PERKINS, MARY
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 45, Lot# 19

2008-00371 BRIDGES, ROBERT & ELIZABETH
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map/Lot# 43/56, 44/4, 44/5

EXPEDITED MINIMUM

2008-00034 CARVER, CYNTHIA
MOULTONBOROUGH Unnamed Stream

Requested Action:

Dredge and fill 230 square feet to install an 18-inch x 28 linear foot culvert within an intermittent stream for access to a proposed single family lot in the subdivision of 64.52 acres into 4 single family residential lots and a residual 54 acre parcel with an existing single family residence.

APPROVE PERMIT:

Dredge and fill 230 square feet to install an 18-inch x 28 linear foot culvert within an intermittent stream for access to a proposed single family lot in the subdivision of 64.52 acres into 4 single family residential lots and a residual 54 acre parcel with an existing single family residence.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated December 2007, and revised through February 2008 as received by the Department on March 6, 2008 and Subdivision Plans by Ames Associates dated November 19, 2007, as received by the Department on December 20,2007 and copied into the wetlands file March 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
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 proposed house lots in this subdivision shall contain condition #4 of this approval.
6. The wetlands shall be delineated on the remaining land if any future work or subdivision is proposed on lot 2, or the residual lot.
7. The deed for lot 2 shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
5. A Certified Wetland Scientist has reviewed a NRCS Soil Maps, USGS Topographical Maps, National Wetland Inventory Maps and has reviewed aerial photography of the site. The overall plans illustrate the general area of the wetlands resources.
6. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.
7. It would be an economic hardship for the owner to have the entire 57 acre residual lot delineated in the field.
8. If any additional work is to be conducted on the remaining lot an on site delineation will be required per condition #6 of this approval.
9. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-00116 PSNH
GREENLAND Unnamed Wetland

Requested Action:

Impact 2,910 sq. ft. of palustrine scrub-shrub wetlands (of which 2,900 sq. ft. are temporary construction impacts) to replace an existing 34.5 KV structure.

Conservation Commission/Staff Comments:

The Greenland Conservation Commission signed the Minimum Impact Expedited application.

APPROVE PERMIT:

Impact 2,910 sq. ft. of palustrine scrub-shrub wetlands (of which 2,900 sq. ft. are temporary construction impacts) to replace an existing 34.5 KV structure.

With Conditions:

1. All work shall be in accordance with plans by Public Service Company of New Hampshire dated 1/2/07, as received by DES on January 28, 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. Areas of temporary impact shall be regraded to original contours following completion of work so that no rutting occurs in wetlands.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2008-00119 KAM DEVELOPMENT LLC
CANDIA Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,275 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/ culvert crossing to access a single family house lot on a 13-acre parcel of land.

Conservation Commission/Staff Comments:

The Candia Conservation Commission signed the Minimum Impact Expedited Application

APPROVE PERMIT:

Dredge and fill a total of 2,275 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/ culvert crossing to access a single family house lot on a 13-acre parcel of land.

With Conditions:

- 1. All work shall be in accordance with plans by Promised Land Survey, LLC dated December 17, 2007, as received by DES 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, for septic setback or other construction activities.
- 4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 7. Work shall be done during low flow.

With Findings:

- 1. This project is approved as requested to preserve a stand of old growth trees on the lot that would have required removal to fully minimize wetlands impacts needed to access this lot.

2008-00141 PSNH
GREENLAND Unnamed Wetland

Requested Action:

Impact 2,910 sq. ft. of palustrine scrub-shrub wetlands (of which 2,900 sq. ft. are temporary construction impacts) to replace an existing 34.5 KV structure.

Conservation Commission/Staff Comments:

The Greenland Conservation Commission signed the Minimum Impact Expedited application.

APPROVE PERMIT:

Impact 2,910 sq. ft. of palustrine scrub-shrub wetlands (of which 2,900 sq. ft. are temporary construction impacts) to replace an existing 34.5 KV structure.

With Conditions:

1. All work shall be in accordance with plans by Public Service Company of New Hampshire dated 1/2/07, as received by DES on January 30, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Areas of temporary impact shall be regraded to original contours following completion of work so that no rutting occurs in wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2008-00174 MERRIMACK DPW, TOWN OF
MERRIMACK Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,081 sq. ft. (in five locations) of jurisdictional wetlands for work associated with the realignment, widening and reconstruction of Tinker Road.

Conservation Commission/Staff Comments:

The Merrimack Conservation Commission signed the Minimum Impact Expedited application

APPROVE PERMIT:

Dredge and fill a total of 2,081 sq. ft. (in five locations) of jurisdictional wetlands for work associated with the realignment, widening and reconstruction of Tinker Road.

With Conditions:

1. All work shall be in accordance with plans by Maguire Group, Inc. dated June 20, 2007, as received by DES on February 06, 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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

2008-00224 CROTCHED MOUNTAIN FOUNDATION
FRANCESTOWN Unnamed Wetland

Requested Action:

Dredge and fill 2,035 sq. ft. of palustrine forested wetlands for construction of the 4-mile Crotched Mountain Foundation accessible trail.

APPROVE PERMIT:

Dredge and fill 2,035 sq. ft. of palustrine forested wetlands for construction of the 4-mile Crotched Mountain Foundation accessible trail.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC dated December 17, 2007, as received by the

Department on February 14, 2008.

2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Construction of trails shall be in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", N.H. department of resources and economic development, copyright 1994, updated 2004.
4. 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.
5. Wetlands crossings shall not impede or restrict wetland flows.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culverts shall be laid at original grade.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(y), construction of trails in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", N.H. department of resources and economic development, copyright 1994, updated 2004, provided there is less than 3,000 square feet of impact to wetlands per crossing and all crossings are of stream channels less than 10 feet wide.
2. The proposed accessible trail will be used for rehabilitation and is part of the Master Plan for the Crotched Mountain Foundation.
3. The Crotched Mountain Foundation is being considered for a Forest Legacy Grant that will fund this project and will also allow for 1,200 acres of their land to be placed under a conservation easement.
4. The trail will be open to the public and recreational vehicle use will be restricted.
5. The applicant has obtained permission from the Town of Frankestown for work on their property (tax map/lot 4/5).
6. All intermittent and perennial stream crossings along the trail will be spanned and there will be no impacts to the banks or bed of the streams.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. 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.
9. 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.

2008-00258 MELVIN VILLAGE MARINA INC
TUFTONBORO Lake Winnepesaukee

Requested Action:

Upgrade an existing gas dispensing system on within a commercial marina on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Upgrade an existing gas dispensing system on within a commercial marina on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Wilcox and Barton dated December 31, 2007, as received by DES on March 07, 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 shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This permit does not allow for any modifications to the existing docking structures.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.

GOLD DREDGE

2008-00350 LESSARD, RONALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2008-00351 MILLER, EUNICE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

TRAILS NOTIFICATION

2008-00360 ST PAULS SCHOOL
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 99, Lot# 3944

LAKES-SEASONAL DOCK NOTIF

2008-00352 ADAIR, JOSPHINE & SCOTT
MOULTONBOROUGH Kanasatka Lake

COMPLETE NOTIFICATION:
Moultonborough NH Tax Map# 41 Lot# 51 Kanasatka Lake

PERMIT BY NOTIFICATION

2008-00217 KALAMVOKIS, BESSIE
ALTON Lake Winnepesaukee

Requested Action:
Repair existing docking facility.

PBN IS COMPLETE:
Repair existing docking facility.

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

2008-00220 LAW JR, WILLAIM
TUFTONBORO Lake Winnepesaukee

Requested Action:
Repair existing docking facility.

PBN IS COMPLETE:
Repair existing docking facility.

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

2008-00221 SOUTH DOWN RECREATION ASSOCIATION
LACONIA Unnamed Pond

Requested Action:
Dredge 8000 square feet of a man made pond to original depths.

PBN IS COMPLETE:
Dredge 8000 square feet of a man made pond to original depths.

2008-00329 PSNH
MANCHESTER Unnamed Wetland

Requested Action:

Install a new utility pole next to an existing pole to add a battery back-up transformer; temporary and permanent impact 36 sq. ft.

PBN IS COMPLETE:

Install a new utility pole next to an existing pole to add a battery back-up transformer; temporary and permanent impact 36 sq. ft.

**2008-00330 BENHAM REVOC TRUST, DOROTHY
MEREDITH Lake Winnepesaukee**

Requested Action:

Install a 7 ft x 10 ft concrete anchoring pad to support a new 6 ft x 40 ft seasonal dock.

PBN IS COMPLETE:

Install a 7 ft x 10 ft concrete anchoring pad to support a new 6 ft x 40 ft seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) install a seasonal docking structure.

**2008-00341 SALEM, TOWN OF
SALEM Unnamed Wetland**

Requested Action:

Impact a total 330 sq. ft. of wetlands for a municipal roadway reconstruction and drainage improvement project with drain pipe/
culvert replacements.

Conservation Commission/Staff Comments:

Salem Conservation Commission signed off on PBN

PBN IS COMPLETE:

Impact a total 330 sq. ft. of wetlands for a municipal roadway reconstruction and drainage improvement project with drain pipe/
culvert replacements.

With Conditions:

1. 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.
2. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) projects located within the right-of-way of a public road.

**2008-00342 WINNIPESAUKEE YACHT CLUB
GILFORD Lake Winnepesaukee**

Requested Action:

Repair existing docking structures.

PBN IS COMPLETE:

Repair existing docking structures.

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.

2008-00363 NOVO 1993 REVOC TRUST, JUNE
LACONIA Lake Winnepesaukee

Requested Action:

repair existing docking facility in-kind.

PBN IS COMPLETE:

repair existing docking facility in-kind.

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.