

# Wetlands Bureau Decision Report

Decisions Taken  
03/24/2008 to 03/30/2008

## **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**

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**2007-02327                      LUDINGTON, HOWARD  
EAST WAKEFIELD   Pine River Pond**

Requested Action:

Construct two parallel 4 ft x 30 ft seasonal docks and install a seasonal seaplane lift between them adjacent to an existing 40 ft x 32 ft dug in boathouse on an average of 458 ft of frontage on Pine River Pond, in Wakefield.

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Conservation Commission/Staff Comments:

No Con Com comments by December 26, 2007

DENY PERMIT:

Construct two parallel 4 ft x 30 ft seasonal docks and install a seasonal seaplane lift between them adjacent to an existing 40 ft x 32 ft dug in boathouse on an average of 458 ft of frontage on Pine River Pond, in Wakefield.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(d), "construction or modification of major docking system defined by Env-Wt 101.52, and any dock adjacent or attached to a breakwater."
3. In accordance with Env-Wt 101.52, Major docking system, "means a large and complex docking facility that requires utilization of more than 100 feet of waterfront or provides a total of 5 or more boat slips, including those previously existing and proposed."
4. In accordance with RSA 482-A:11,V, "notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole."
5. In accordance with Env-Wt 402.12, Frontage Over Than 75' "there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
6. In accordance with RSA 482-A:3,XIV, "Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application."

Findings of Fact

1. On September 27, 2007, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Wakefield tax map 75, lot 12, to construct two 4 ft x 30 ft docks with a seaplane lift in the center slip adjacent to a previously permitted dug-in boathouse.
2. The plan submitted with the application was not drawn to scale and did not show the existing structures as permitted.
3. The photograph submitted with the application shows a seasonal boatlift adjacent to the docking structure, which was not indicated on the plan submitted.
4. Wetlands Bureau permit 1998-02241 was to construct a new 4 slip dug-in boathouse on the frontage adjacent to an existing pier.
5. The existing pier and approved boathouse would provide for 6 slips on an average of 458 ft of frontage.
6. On December 27, 2007 the Department sent a Request for More Information letter requesting information to complete the review of the file. This letter requested the appropriate fee, information on the construction type of the existing docking structure, information on the proposed seaplane lift and specific plan details as required pursuant to Env-Wt 501.02, Additional Data.

7. On February 26, 2008 the Department received a response to the Request for More Information letter issued by the Department. The response did not include all of the information requested on December 27, 2007.
8. The information that was submitted appears to indicate that the docking facilities will provide 8 slips on the frontage.
9. The plans submitted indicate that rip rap to be placed on the lakebed to stabilize the approach channel slopes was not constructed as permitted, instead a breakwater has been constructed to the east of the boathouse and a railing added to that breakwater.

Rulings in Support of Denial

1. The project as proposed would provide 8 slips on 458 ft of frontage and fails to meet Env-Wt 402.11.
2. The Applicant failed to submit the information requested in the Request for More Information letter dated December 27, 2007, therefore, the application is denied pursuant to RSA 482-A:3,XIV.

**2008-00159 NH DEPT OF TRANSPORTATION  
WAKEFIELD Unnamed Stream Wetlands**

Requested Action:

Widen Rte. 16 constructing turn lanes at Governor's Rd., Stoneham Rd. and Gage Hill Rd., relocating ditchlines, slipline a 30 in. x 155 ft. culvert with 24 in. plastic and extend culverts impacting 8,155 sq. ft. (1,323 sq. ft. temporary) of palustrine and riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Widen Rte. 16 constructing turn lanes at Governor's Rd., Stoneham Rd. and Gage Hill Rd., relocating ditchlines, slipline a 30 in. x 155 ft. culvert with 24 in. plastic and extend culverts impacting 8,155 sq. ft. (1,323 sq. ft. temporary) of palustrine and riverine wetlands. (NHDOT project #'s 14871, 14872, 14085)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and Clough Harbour & Assoc. LLP dated 12/28/2007, as received by the Department on January 30, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and

areas cleared of vegetation to be revegetated as quickly as possible.

- 12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
- 13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
- 14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of stream and banks.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. On January 16, 2008 and February 20, 2008 this project was discussed at the monthly Natural Resource Agency Meeting during which the concern regarding the slip lining of a culvert was found to be a reasonable solution due to the amount of fill over the top, that the culvert was almost full of water and was acting as an equalizer pipe.
- 6. Best management practices are incorporated in the design and in the conditions of approval, therefore there should be no additional impact to impaired waters.
- 7. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

**MINOR IMPACT PROJECT**

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**2004-02953                      PMS PROPERTY MANAGEMENT LLC, DEAN MELHORN  
MANCHESTER    Unnamed Wetland**

Requested Action:

Amendment request to include updated subdivision plans for the existing lot and name change for the new lot with the previously permitted wetlands impacts.

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Conservation Commission/Staff Comments:

Conservation Commission did not report.

**APPROVE AMENDMENT:**

Fill 785 square feet (85 linear ft.) of degraded man-made drainage ditch, install a 85' x 12" culvert; and create 1,180 square feet of wet meadow contiguous with existing wetland for drainage management and wetland enhancement.

With Conditions:

- 1. All work shall be in accordance with plans and materials by ECM, Inc. dated 4/22/2005, as received by the Department on 5/11/2005 and 6/13/2005 and in accordance with plans by Eric C. Mitchell & Assoc. Inc., plan sheets 1, 2 and 3 of 3 revision dated August 30, 2005, as received by DES on March 21, 2008.
- 2. This permit shall be contingent on execution of the mitigation component of the proposal as approved herein.
- 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 6. Proper headwalls shall be constructed within seven days of culvert installation.
- 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

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

8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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 50 to 200 linear feet of an intermittent stream.
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. The applicant has demonstrated that this project will manage a degraded man-made drainage ditch and expand the higher quality wetland on the property. The mitigation is not required by Administrative Rule 302.03, but has been volunteered by the applicant to offset the ditch impact and meets the mitigation ratios.
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 applicant submitted an amendment request to include updated subdivision plans for a 3 lot subdivision of the existing lot and a name change for the lot that contains the previously permitted wetland impacts.
5. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.
6. The applicant has provided updated plans that comply with Administrative Rule Env-Wt 304.09(a).
7. There are no new wetlands or surface water impacts requested or required for the new subdivision of the existing lot.

Requested Action:

Approve name change to: P.M. S. Property Management LLC, PO Box 664, Goffstown NH 03045 on Tax Map 690 Lot 17 only per request received 3/21/2008. Previous owner: James P. Lanoie

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APPROVE NAME CHANGE:

Fill 785 square feet (85 linear ft.) of degraded man-made drainage ditch, install a 85' x 12" culvert; and create 1,180 square feet of wet meadow contiguous with existing wetland for drainage management and wetland enhancement.

With Conditions:

1. All work shall be in accordance with plans and materials by ECM, Inc. dated 4/22/2005, as received by the Department on 5/11/2005 and 6/13/2005 and in accordance with plans by Eric C. Mitchell & Assoc. Inc., plan sheets 1, 2 and 3 of 3 revision dated August 30, 2005, as received by DES on March 21, 2008.
2. This permit shall be contingent on execution of the mitigation component of the proposal as approved herein.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

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

Requested Action:

Original proposal to dredge and fill approximately 351,361 sq. ft. (8 acres) of wetlands to construct a 530 unit residential community, golf course, access roadways and associated infrastructure.

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APPROVE PERMIT:

Dredge and fill approximately 18,235 sq. ft. of wetlands and associated streams (includes 2,063 sq. ft. of temporary impacts) for road construction to access uplands for construction of a 428 residential unit development. Compensatory mitigation is as follows: 1) Preservation of three tracts of land totaling 217.86 acres along Head's Pond and Town Pond to be conveyed to the Town of Hooksett Conservation Commission; 2) Preservation of Great Marsh and associated uplands to include approximately 100.08 acres to be conveyed to New Hampshire Audubon in fee with conservation restrictions; and 3) Preservation of 281.912 acres to be conveyed to the NH Audubon or another conservation entity through a conservation easement with a monitoring program for Blanding's Turtles in accordance with the Conservation Management Plan dated February 8, 2008.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying Inc., "Wetland Impact Location" plans, sheets 1 through 6 revision dated October 18, 2007, as received by DES on October 29, 2007, plan sheets P1 through P29 dated August 9, 2007, plan sheets G1 through G18 and G20 through G29 dated January 15, 2008 and plan sheet 1 of 1 dated January 16, 2008, as received by DES on February 27, 2008, town property boundary plans sheet 1 of 10 dated December 19, 2007 and sheets 2 through 10 dated December 18, 2007, and plan sheet G19 revision dated March 27, 2008, as received by DES on March 28, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. 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, NH 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.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. 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.
8. Work shall be done during low flow.
9. 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.
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. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands and surface waters to prevent accidental encroachment.
12. The temporary wetland impact restoration work shall be monitored by a CWS.
13. A post-construction report documenting the status of the restored wetlands shall be prepared by the CWS and submitted to the DES Wetlands Bureau within 60 days of the completion of each restored impact area.
14. The temporary wetland impacts shall be restored to their original grades and to a stable condition within three days of completion of each crossing.
15. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoil shall be stockpiled separately from subsoil and shall be restored following backfill.
16. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first two full growing seasons following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species.

17. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. Only native plant species shall be used within the restoration areas.
19. Native material removed from the streambed and banks for stream crossings, shall be stockpiled separately and reused to emulate a natural stream channel and banks within the temporary impact areas. Any new materials used must be similar to the natural stream and wetland substrates and shall not include angular rip-rap.
20. The CWS shall submit restoration monitoring reports to the DES Wetlands Bureau at the end of each growing season through the completion of the project with a minimum of two consecutive growing season reports.
21. Unconfined work within streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
22. 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.
23. 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.
24. Temporary cofferdams shall be entirely removed immediately following construction.
25. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
26. 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.
27. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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).
32. 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.
33. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
34. 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.
35. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.
36. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
37. The plant species, Oneida grape fern (*Botrichium oneidense*), a state watch species, shall be transplanted from the area within the proposed roadway and relocated to a nearby location.

#### Wetlands Compensatory Mitigation:

38. The final conservation easement language for the 217.86 acre parcel shall be submitted to the DES Wetlands Bureau (DES) for review and approval and shall be fully executed prior to construction.
39. The draft language for the permanent conservation of the 100.08 acre parcel as depicted on plans received March 28, 2008 to be deeded to the New Hampshire Audubon shall be submitted to DES for review and approval and shall be fully executed prior to construction.
40. The draft language for the permanent conservation for the 281.912 acre parcel shall be submitted to the DES for review and approval and shall be fully executed prior to construction.
41. The permit holder will ensure that the Conservation Management Plan for Blanding's Turtles dated February 8, 2008 will be carried out on parcels described in condition #40 above.
42. The deeded owner of the 281.912 acre conservation parcel shall allow monitoring and access to the parcel to carry out the

Conservation Management Plan for Blanding's Turtles.

43. The Management Plan for the 281.912 acre conservation parcel shall be drafted in consultation with and approved by NH Fish & Game Department, Nongame and Endangered Wildlife Program and DES.
44. The monitoring and management of the Blanding's Turtle shall continue through project build-out and shall include annual monitoring reports to the DES and New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program documenting annual activities and recommendations for future management or monitoring.
45. A post-construction monitoring report documenting the status of the completed project with photographs shall be submitted to DES within 60 days of the completion of each construction phase.
46. The conservation easements or deeds for the three conservation areas shall be written to run with the land, and both existing and future property owners shall be subject to the terms noted in each document.
47. The conservation parcel plans with a copy of the final conservation language shall be recorded with the Registry of Deeds Office for each appropriate parcel. A copy of the recordings from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
48. The applicant shall prepare a report summarizing existing conditions within each of the conservation areas. Said reports shall contain photographic documentation of each conservation area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the conservation areas.
49. The permit holder shall submit the homeowner and condominium association documents to DES for review and approval which note the NH Audubon Habitat Management fee for the long-term stewardship of the 100.08 acre parcel.
50. The permit holder shall provide a one-time payment of \$10,000.00 to the NH Audubon at the closing of the conservation documents to be used for stewardship/monitoring of the 100.08 acre parcel. A copy of the transaction shall be submitted to DES once completed.
51. The permit holder shall provide a one-time payment of \$10,000.00 to the Town of Hooksett Conservation Commission at the closing of the conservation documents to be used for stewardship/monitoring of the 217.86 acre parcel. A copy of the transaction shall be submitted to DES once completed.
52. The conservation areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
53. The Wetlands Bureau shall be notified of the placement of the monuments to coordinate on-site review of their location prior to construction.
54. Activities in contravention of the conservation legal documents 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).

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has reduced its project from the original request of 8.066 acres at 80 impact locations, and revised the design to involve only 0.419 acres of wetlands impact. The revised design includes a 95% reduction of impacts.
6. The applicant has reduced the number of wetland impact areas from 80 to 12.
7. The applicant has eliminated the Golf Course development from the project: eliminating concerns regarding pesticide application, water withdrawal associated with golf course irrigation, and the DES 150' Shoreland Protection Act setback.
10. The roadway length has been reduced from 8.6 miles to 5.6 miles. Impervious surface was to occupy 6.7% and has been reduced to approximately 4.7%.
9. The build out of the divided four lane parkway and golf course between Head's Pond and the Great Marsh has been eliminated from the project and approximately 600 acres of land has been incorporated into permanent conservation.
10. The original design proposed to impact 5 vernal pools, while the new design involves no direct vernal pool impacts.
11. The mitigation offered for this project is the preservation of extensive areas of upland habitat incorporating important wetland habitat areas in accordance with PART Env-Wt 804.
12. On September 14, 2007, DES staff inspected the proposed project and reviewed the proposed mitigation parcels.
13. As noted in the inspection, the plant species Oneida grape fern that is detailed in a report received November 2, 2007, is a state

watch species and will be relocated to prevent loss of the plants.

14. The mitigation provided by this proposal will facilitate in the connectivity of existing protected lands and the protection of valuable wildlife habitat.

15. On February 29, 2008, DES received a letter from NH Audubon to accept the 100.08 acre parcel known as the Great Marsh and associated uplands to conserve the property as a sanctuary for wildlife and to make it accessible to the public for wildlife viewing and environmental education. The protection of the adjacent 281.912 acres to the east is an essential condition of the NH Audubon's acceptance of the Great Marsh parcel.

16. As additional mitigation the applicant will protect 281.912 acres of land for Blanding's Turtle management through a conservation easement or conveyance of the deed to a conservation organization such as NH Audubon.

17. On October 2, 2007, the New Hampshire Fish and Game Department sent a letter to DES as a follow up to this site inspection. Fish and Game states that the substantial revisions to the plans, including the elimination for the golf course and the housing units greatly reduces the impacts to wetlands and adjacent habitats. Therefore, potential impacts to endangered and threatened wildlife have been greatly reduced. Fish and Game does express concern with the impacts to the Blanding's turtle population in the northwest portion of the property. Blanding's turtles are identified in the NH Wildlife Action Plan as a species in greatest conservation need and the species is considered a high conservation priority because of the intense risk across the species northeast range.

18. On October 18, 2007, DES received a letter and a Conservation Plan for Blanding's Turtles at the Villages at Head's Pond dated October 8, 2007.

19. In the Oxbow report it states that the applicant will pull the rear property lines from 50 feet to over 150 feet from the wetland boundary in most places (with the exception of Lots 17, and 18).

20. The applicant will place deed restrictions on the two lots noted in #18 that will prohibit cutting of natural vegetation within the 250 foot Shoreland Protection setback.

**2007-00306                      SPRUCE REVOC TRUST, SUSAN  
SEABROOK   Atlantic Ocean**

Requested Action:

Impact 1,666 sq. ft. within the previously disturbed tidal buffer zone to construct a seawall faced with stone rip-rap armor and with a paverstone deck behind (landward) along 50 linear feet of beach frontage to provide protection from ocean storms and wind blown sand.

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Conservation Commission/Staff Comments:

"The applicant attended our meeting [August 20, 2007] and answered our previous concerns The Commission members all agree the revised plans are acceptable from our perspective. The Seabrook Conservation Commission recommends that you consider approving the revised plans."

Inspection Date: 01/26/2007 by Frank D Richardson

Inspection Date: 03/21/2008 by Frank D Richardson

APPROVE PERMIT:

Impact 1,666 sq. ft. within the previously disturbed tidal buffer zone to construct a seawall faced with stone rip-rap armor and with a paverstone deck behind (landward) along 50 linear feet of beach frontage to provide protection from ocean storms and wind blown sand.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Jan 17, 2007 (last revised 03/25/08), as received by DES on March 27, 2008.
2. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas within wetlands jurisdiction for lot development or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the adjacent beach/ sand dune area.

- 5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 6. Any natural or native sand dune vegetation which becomes established on sand which may accrete along the beach front face of the wall (e.g. American Beach Grass, Hudsonia etc.) shall be allowed to proliferate.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects within 100 feet of the highest observable tide line.
- 2. This is a highly disturbed beach front area which is currently devoid of any native sand dune vegetation or other natural sand dune characteristics.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 6. DES Staff conducted field inspections of the proposed project on January 26, 2007 and March 21, 2008.
- 7. Applicant has secured both (2) abutters letters needed to work w/in 20 feet of the property lines per Env-Wt 304.04(a) as well as concurrence with the Town of Seabrook.
- 8. Wall alignment changed as recommended, revised plans received March 27, 2008 show wall moved west 2 feet to accommodate placement of rip-rap stones along toe of wall and at returns to minimize scour during storm events.
- 9. This wall is of improved design and configuration relative to other existing seawalls along the same beach front.
- 10. This wall will help retain the westerly migration of wind and wave transported sand and will allow sand to accrete along the face and potentially become stabilized with sand dune vegetation.

**2007-00846                      AMY L ALBERTS REV TRUST OF 1995, AMY L ALBERTS TRU  
KINGSTON Unnamed Wetland**

Requested Action:  
Request Name Change to:  
Konover Development Corporation  
Attn: Dusty McMahan  
135 South Road  
Farmington, CT 06032

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Conservation Commission/Staff Comments:  
The Kingston Conservation Commission is not opposed to the approval of this permit. Concern about in lieu fee payment as mitigation has been abated by the conservation easement which will be provided.  
The Kingston Planning Board at its meeting of January 22, 2008 and after due public hearing issued a notice of decision on February 12, 2008 granting conditional approval of the site plan.

Inspection Date: 10/26/2007 by Frank D Richardson

APPROVE NAME CHANGE:  
Approve Name Change to:  
Konover Development Corporation  
Attn: Dusty McMahan  
135 South Road  
Farmington, CT 06032

Requested Action:  
Dredge and fill a total of 12,175 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the construction of a 36,000 sq. ft. Hannaford Bros. Co. grocery store with appurtenant parking and storm water management facilities on an 11.2 acre parcel of land. Compensatory mitigation involves a conservation easement on 5.23 acres of land.

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APPROVE PERMIT:

Dredge and fill a total of 12,175 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the construction of a 36,000 sq. ft. Hannaford Bros. Co. grocery store with appurtenant parking and storm water management facilities on an 11.2 acre parcel of land. Compensatory mitigation involves a conservation easement on 5.23 acres of land.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. dated April 20, 2007 (last revised 1/14/08), as received by DES on January 29, 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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Environmental monitoring of the site is required for the 5-year duration of the permit for invasive species management to remove and destroy any invasive plant species which are observed in the storm water treatment areas or elsewhere on site.
13. A qualified environmental professional, preferably a NH Certified Wetland Scientist, shall be retained to accomplish #12 above. The name and contact information for this person shall be provided to the DES Wetlands Bureau and the Kingston Conservation Commission prior to the start of construction.
14. An annual report shall be prepared and submitted to the Wetlands Bureau and the Kingston Conservation Commission by December 1st for each year following issuance of this permit which documents, by photographs and written narrative, site conditions before, during and following construction relative to water quality management and control of invasive species.
15. A long term (post permit expiration date) maintenance plan for invasive species control and water quality management shall be submitted to the Wetlands Bureau and the Kingston Conservation Commission with the first annual report due on or before December 1, 2008.
16. Maintenance dredging of the existing man-made drainage ditch along the westerly portion of the property may be performed as necessary to remove accumulated sediments and debris to maintain proper flow. Dredged materials shall be disposed of outside of DES Wetlands jurisdiction.

Compensatory Mitigation - Land Resources Preservation:

1. This permit is contingent upon the execution of a conservation easement on 5.23 acres of land as depicted on easement plan of land Map R-26/ Lot 34 in Kingston, NH (Richard L. Russman, Grantor) dated February 14, 2008 received by the DES on February 19, 2008 together with the Parcel Description for Map R-26/ Lot 34 and the accompanying Conservation Easement Deed dated 01/28/2008.
2. The conservation easement is granted in perpetuity to the Rockingham County Conservation District.
3. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Rockingham County Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

5. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
6. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments or appropriate permanent markers prior to construction.
7. The Wetlands Bureau and the Kingston Conservation Commission shall be notified of the placement of the easement monuments and/or markers to coordinate on-site review of their location prior to construction.
8. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
9. Activities in contravention of the conservation easement 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).

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 26, 2007. Field inspection determined the project as proposed to fill 12,175 sq. ft. of palustrine forested/ scrub shrub wetlands for commercial site development is reasonable and will not adversely affect drainage in the environs.
6. The loss of wetland functions and values will be adequately compensated for by the establishment of a 5.23 acre conservation easement to be held, in perpetuity, by the Rockingham County Conservation District.
7. The conservation easement abuts and is contiguous with other conservation lands owned by the Town of Kingston.
8. The water course on the westerly portion of the site was observed during the field inspection and determined to be a man-made ditch being an excavated drainage channel.
9. The applicant has demonstrated that the proposed development will not impact the capacity of this drainage channel to handle storm water runoff.
10. Analysis of this channel assumed that there are no offsite downstream restrictions that would cause additional flooding or backing up of the drainage channel.
11. The drainage analysis reports that "the existing drainage channel has sufficient capacity to pass the 100-year storm design without using any of the wetland volume that is impacted by the proposed wetland fill."
12. Water quality standards will be maintained by the storm water management system designed for the site which will require routine maintenance to remove and destroy any invasive plant growth which might spread by seed or propagules to natural wetlands in the environs.
13. The waste water treatment system as approved by the DES Subsurface Bureau will protect water quality.
14. There are no vernal pools on this site.

**2007-01800                      GALLANT, FREDERICK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Remove a 2.5 ft x 17 ft deck surface from the north side of an existing 22 ft x 32 ft, 2-slip boathouse over public submerged lands with a residence and associated second floor deck and add a 3 ft x 20 piling pier to extend from an attached 4 ft x 17 ft pier along the south wall of the boathouse located along 103 ft of frontage on Lake Winnepesaukee in Alton.

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APPROVE PERMIT:

Remove a 2.5 ft x 17 ft deck surface from the north side of an existing 22 ft x 32 ft, 2-slip boathouse over public submerged lands with a residence and associated second floor deck and add a 3 ft x 20 piling pier to extend from an attached 4 ft x 17 ft pier along

the south wall of the boathouse located along 103 ft of frontage on Lake Winnepesaukee in Alton.

With Conditions:

1. All dock work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 15, 2008, as received by DES on February 19, 2008.
2. This permit shall not be effective until it has been recorded with the Belknap 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.
3. The area within the residential portion of the structure identified as the "Mudroom" shall be restored to its original condition as an open deck by the removal of a 6.5 ft x 12 ft section of roof within 60 days of the date that this permit is recorded with the Belknap County Registry of Deeds Office.
4. Appropriate turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. All future activities on the property shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of a permanent docking providing fewer than 5 slips
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 removal of the 6.5 ft x 12 ft section of roof to restore the Mudroom to an open deck is required for compliance with RSA 482-A:26 Dwellings Over Water, and is a condition of the permit.
6. The proposed modifications to the docking facilities within the structure will provide the same or fewer slips than the pre-existing conditions and will be less environmentally impacting due to the decreased need for future dredge impacts. The reduction of environmental impacts meets the requirements of Rule Env-Wt 402.20, Modification of Existing Structures.

**2007-01906 OATIS, WILLIAM & JOAN  
WAKEFIELD Pine River Pond**

Requested Action:

The Applicant requests reconsideration of the January 29, 2008 denial to: Construct a perched beach and a 6 ft wide flag stone pathway, install 21 linear ft of rip-rap behind existing docking structure and implement bio-engineered planting plan on 67 ft of frontage in Wakefield on Pine River Pond.

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APPROVE RECONSIDERATION:

Reconsider and approve project to: Construct a perched beach and a 6 ft wide flag stone pathway, install 21 linear ft of rip-rap behind existing docking structure and implement bio-engineered planting plan on 67 ft of frontage in Wakefield on Pine River Pond.

With Conditions:

1. All work shall be in accordance with revised plans by Landscape Depot Inc. as received by DES on February 14, 2008.
2. Photographic documentation of the entire frontage shall be submitted to the Department within 30 days of the completion of the proposed project.
3. Natural shoreline rock temporarily removed for access to the undercut areas to implement the erosion control plan, must be put back in place in its natural condition and original location in front of the normal high water mark elevation and in front of rip-rap to promote natural currents, natural shoreline contours, and wave dissipation.

4. Rip-rap shall be selectively keyed into voids where reinforcement is needed.
5. Rip-rap shall not extend lakeward of the normal high water mark and shall be installed in such a manner to retain the natural contours of the shoreline.
6. No more than 2 cubic yards of rip-rap rock shall be used.
7. Selective rip-rapped undercut areas shall be lined with geo-textile fabric.
8. 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.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. Vegetation plan shall be implemented by the growing season immediately following rip-rap installation completion to promote soil retention.
12. All planted vegetation shall be maintained. Vegetation shall be replaced within one year of mortality with more appropriate species if deemed insufficient to soil and environmental conditions.
13. The planting of invasive species is strictly prohibited.
14. 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.
15. Retaining wall construction is strictly prohibited.
16. The unnecessary removal of vegetation is prohibited.
17. This permit does not authorize maintenance dredging activities.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k) projects that disturb between 50 and 200 linear ft of shoreline.
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.

**2007-02110                      BARTLEY, KYLE**  
**EAST KINGSTON   Unnamed Wetland**

Requested Action:

Dredge and fill 4,000 sq. ft. of palustrine forested/ scrub-shrub & emergent wetlands to construct a gravel road with two (2) 24 inch equalizer culverts and associated grading to provide access to the eastern portion of this 14.74-acre property for recreational and personal timber harvesting purposes.

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Conservation Commission/Staff Comments:

The East Kingston Conservation Commission reviewed this project and expressed concerns regarding size of culvert structure and vernal pool setting which have been addressed by the consulting engineer and environmental consultant respectively.

APPROVE PERMIT:

Dredge and fill 4,000 sq. ft. of palustrine forested/ scrub-shrub & emergent wetlands to construct a gravel road with two (2) 24 inch equalizer culverts and associated grading to provide access to the eastern portion of this 14.74-acre property for recreational and personal timber harvesting purposes.

With Conditions:

1. All work shall be in accordance with plans by Paul F. Nichols, PE, LS dated July 25, 2007, as received by DES on September 04, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction

activities.

3. This wetlands crossing is permitted only to provide access for recreation and personal timber harvesting. Any proposal to upgrade this road for any purpose will require a new DES Wetlands Bureau application and further permitting.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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).
8. Work shall be done during low flow.
9. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. In response to concerns of the East Kingston Conservation Commission, the environmental consultant NHSC, Inc. determined that the location of the proposed construction is not vernal pool habitat.
6. The open-bottom box culvert suggested by the East Kingston Conservation Commission is not required for this hydrologic setting. The two (2) 24 inch diameter equalizer culverts will adequately handle seasonal flows and will not significantly impede the movements of small wildlife.

**2007-02221                      CATE, DELAVAN & JANET**  
**NEW LONDON   Unnamed Wetland**

Requested Action:

Impact approximately 1,385 square feet of intermittent stream to install a 15 inch culvert for access to two lots of a proposed 5-Lot subdivision and impact approximately 7,300 square feet of palustrine forested wetlands to construct a fire pond  
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APPROVE PERMIT:

Impact approximately 1,385 square feet of intermittent stream to install a 15 inch culvert for access to two lots of a proposed 5-Lot subdivision and impact approximately 7,300 square feet of palustrine forested wetlands to construct a fire pond

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC: Driveway Design plan revised 11/20/07; Fire pond/dry hydrant plan revised 11/14/07; subdivision plan dated January 3, 2008, as received by DES on February 29, 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.
3. 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.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The 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 project will impact 8685 sq ft for access and pond construction and therefore is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq ft in the aggregate of nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface 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.
5. The USEPA requested a vernal pool survey be conducted.
6. The applicant and/or their agent provided vernal pool study report and mapping.
7. The proposed impacts and development are located down gradient of the vernal pools and therefore no impacts to the vernal pools would result.

**2007-02688 NH DEPT OF TRANSPORTATION  
GILFORD Unnamed Stream**

Requested Action:

Replace a 2 ft. x 3 ft. x 40 ft. stone culvert with a 36 in. x 50 ft. reinforced concrete culvert impacting 900 sq. ft. (600 sq. ft. temporary) of stream and banks.

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Conservation Commission/Staff Comments:

Cons. Comm. - no objection

APPROVE PERMIT:

Replace a 2 ft. x 3 ft. x 40 ft. stone culvert with a 36 in. x 50 ft. reinforced concrete culvert impacting 900 sq. ft. (600 sq. ft. temporary) of stream and banks. (NHDOT project #M314-10.)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance Dist. #3 dated 7/9/07 as received by the Department on Nov. 9, 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 and when there is no fish migration.

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 stream and banks.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The comments received from NH Fish and Game Dept. were addressed by the applicant.

**2007-02752                      HANSCOM, ALAN**  
**CORNISH   Unnamed Wetland**

Requested Action:

On March 6, 2008 a letter of withdrawal was received from the NH Dept. of Administrative Services Bureau of Public Works Design and Construction as they are pursuing alternatives which will not require a Dredge and Fill permit.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

WITHDRAW APPLICATION:

Accept the withdrawal of the application and close the file.

With Conditions:

- 1. Any 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.

**2007-02848                      KHETANI, JUDITH**  
**TUFTONBORO**

Requested Action:

Remove existing 6 ftx 37 ft seasonal dock and install a "U-shaped" seasonal docking facility consisting of two 6 ft x 40 ft seasonal docks connected by a 6 ft x 13 ft walkway accessed by a 6 ft x 10 ft walkway, with a seasonal boatlift and seasonal 14 ft x 30 ft seasonal canopy within the center boatslip, on 201 ft of frontage in Truftonboro on Lake Winnepesaukee.

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APPROVE PERMIT:

Remove existing 6 ftx 37 ft seasonal dock and install a "U-shaped" seasonal docking facility consisting of two 6 ft x 40 ft seasonal docks connected by a 6 ft x 13 ft walkway accessed by a 6 ft x 10 ft walkway, with a seasonal boatlift and seasonal 14 ft x 30 ft seasonal canopy within the center boatslip, on 201 ft of frontage in Truftonboro on Lake Winnepesaukee.

With Conditions:

- 1. All work shall be in accordance with revised plans by Watermark Marine Construction as received by the Department on December 5, 2007.
- 2. 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.

3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. This permit does not authorize maintenance dredging.
6. This permit does not authorize sand deposition.
7. No portion of the dock shall extend more than 40 feet from the shoreline at the normal high water mark.
8. All portions of the docking facility must be removed from the lakebed for 5 months during the non-boating season.
9. Seasonal canopy shall be removed for 5 months during the non-boating season.
10. Seasonal boatlift shall be removed from the lakebed for 5 months during the non-boating season.
11. The unnecessary removal of vegetation is prohibited.
12. 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.
13. All portions of the pre-existing structure shall be completely removed from the jurisdiction of the Wetlands Bureau prior to the construction or installation of and any structure on the frontage.
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(d) construction of a Minor docking system.
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.

**2008-00036                      JANCO INC, KEVIN CAMPBELL**  
**ROLLINSFORD   Unnamed Stream Wetland**

Requested Action:

Temporarily impact a total of 3,008 sq. ft. of wetlands to install a gas line from the gas main to a manufacturing facility.

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APPROVE PERMIT:

Temporarily impact a total of 3,008 sq. ft. of wetlands to install a gas line from the gas main to a manufacturing facility.

With Conditions:

1. All work shall be in accordance with plans by NHSC Environmental Inc. dated November 2007, as received by DES on 1/10/2008.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands that are not classified as minimum impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The pipeline must cross wetlands to connect the gas line from the main to the facility.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impacts are temporary and will be restored.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau as occurring in the vicinity of the project.
5. The Rollinsford Conservation Commission did not intervene or report on the project.

**2008-00074                      BALD PEAK LAND CO**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Dredge 4.8 cu yd from 230 sq ft of lakebed to improve navigation and repair docking facilities consisting of a 4 ft x 52 ft piling pier at the lakeward end of a 6 ft x 146 ft piling pier with ten 2 ft x 23 ft finger piers accessed by a 4 ft x 69 ft walkway adjacent to an existing 16 slip permanent docking facility on 426 ft of frontage on Lake Winnepesaukee.

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APPROVE PERMIT:

Dredge 4.8 cu yd from 230 sq ft of lakebed to improve navigation and repair docking facilities consisting of a 4 ft x 52 ft piling pier at the lakeward end of a 6 ft x 146 ft piling pier with ten 2 ft x 23 ft finger piers accessed by a 4 ft x 69 ft walkway adjacent to an existing 16 slip permanent docking facility on 426 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 3, 2008, as received by DES on January 18, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Repairs shall maintain the size, location and configuration of the existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. 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. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no dredging within 12 ft of the existing walkway along the shore.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), dredge of less than 20 cu yd 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**

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**2003-00644 MCFARLAND, SUZANNE**  
**RYE Atlantic Ocean**

**Requested Action:**

Amend permit to read: In-kind repair to the corner of the existing riprap seawall along 75 linear feet of Parson's Creek and the Atlantic Ocean in Rye.

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**APPROVE AMENDMENT:**

Amend permit to read: In-kind repair to the corner of the existing riprap seawall along 75 linear feet of Parson's Creek and the Atlantic Ocean in Rye.

**With Conditions:**

1. AMENDED CONDITION: All work shall be in accordance with plans by Easterly Surveying, Inc dated April 8, 2003, with revisions dated April 16, 2003, as received by the Department on May 8, 2003; and in accordance with materials submitted with the amendment request by Suzanne McFarland dated January 9, 2008, as received by the Department on March 14, 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. ADDED CONDITION: Permission to use the right-of-way for access/egress to the site shall be granted by the Town of Rye Board of Selectmen prior to the commencement of work.
4. DES staff shall be notified in writing prior to commencement of work and upon completion.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. All work shall be done at low tide only.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. There shall be no change in the location, configuration, or dimensions of the existing riprap slope.
9. Access to the work area shall be through the beach access right-of-way northerly of the subject location.
10. Any beach grass or sand dune vegetation impacted by trucks or the excavator traveling through the right-of-way area shall be restored/replaced immediately following the excavator leaving the beach.
11. A York Rake or similar device shall be used to regrade the beach contours to the original conditions and eliminate all the excavator tracks on the beach and ROW.
12. ADDED CONDITION: No work shall be done within the NHDOT right-of-way adjacent to RT-1A with out their written approval.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), in-kind repair to an existing seawall.
2. Due to the storms of April 2007, the seawall sustained damage and the structural integrity of the seawall had been compromised, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. Repair will maintain the same location, configuration, and dimensions of the existing riprap slope, therefore; The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This approval is consistent with other riprap repair approvals along the New Hampshire seacoast.
6. On March 14, 2007, DES personnel inspected the site and determined that there is a sufficient accumulation of sand adjacent to the proposed work site to allow the use of machinery at low tide.

**2008-00020                      HUDA, PETRA**  
**PETERBOROUGH   Unnamed Pond**

Requested Action:

Dredge 355 square feet of materials deposited in an existing pond during 2006 floods. Excavated material will be used to stabilize 61 square feet of the pond's inlet intermittent stream.

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APPROVE PERMIT:

Dredge 355 square feet of materials deposited in an existing pond during 2006 floods. Excavated material will be used to stabilize 61 square feet of the pond's inlet intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Jacobs, Edwards and Kelcey dated October 2007, as received by the Department on January 07, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Stream work shall be done during periods of non-flow.
4. Pond work shall be done during low water or frozen conditions.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Machinery shall not be located within surface waters, where practicable.
7. Machinery shall be staged and refueled in upland areas.
8. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 twenty (20) feet of undisturbed vegetated buffer.
10. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
11. Within three calendar 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 man-made ponds and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet of an intermittent nontidal stream channel or its banks.
2. This application was submitted as response to the 02/08/2007 Administrative Incomplete Letter for File No. 2006-02625. The Administrative Complete Letter for this application was issued under File No. 2006-02625.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00053                      HOOPER, RONALD**  
**CENTER TUFTONBORO   Unnamed Wetland**

Requested Action:

Dredge and fill 2400 sq. ft. of forested wetlands for installation of an 18 in. x 30 ft. HDPE culvert, associated dredging and filling and culvert headwalls for construction of a driveway for one lot of a two lot subdivision.

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Conservation Commission/Staff Comments:

The Conservation Commission submitted a report indicating that they have no objection to the issuance of this permit and that a site visit was made.

APPROVE PERMIT:

Dredge and fill 2400 sq. ft. of forested wetlands for installation of an 18 in. x 30 ft. HDPE culvert, associated dredging and filling and culvert headwalls for construction of a driveway for one lot of a two lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying, plan sheet titled "Wetlands Permit Application Plan" dated December 2007, as received by DES on January 11, 2008 and plan sheet title "Overall Plan" dated February 2008, as received by DES on February 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the proposed house lot (proposed tax parcel #68-2-8.1).
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. Any future work on the remaining "parent" lot (parcel #68-2-8) that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require additional onsite wetlands and surface waters delineation, new application and approval by the 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading 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.
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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed driveway will access a 3.17 acre upland parcel directly adjacent to Brown Road that is surrounded by forested wetlands.
6. The applicant has provided a full onsite surveyed wetland delineation for the new 12.02 acre house lot, and a partial onsite surveyed wetlands delineation, estimated wetland boundaries map, soil map, USGS topography map, National Wetland Inventory map (NWI) and a surveyor stamped full topography and lot line map for the remaining 65.61 acre lot.
7. The remaining lot contains a home with existing driveway access.
8. This approval is condition on the requirement of additional onsite wetlands and surface water delineation and further permitting

if any future work is proposed within the jurisdiction of the DES Wetlands Bureau on the remaining "parent" lot (proposed parcel #68-2-8).

**2008-00069 PSNH, PAUL MEEHAN  
NEW HAMPTON Unnamed Wetland**

Requested Action:

After-the fact approval for temporary impacts to approximately 250 sq. ft. of wetlands and associated intermittent stream for access to a severely rotten/failing utility line structure #118 on the A-111 utility line in New Hampton.

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APPROVE AFTER THE FACT:

After-the fact approval for temporary impacts to approximately 250 sq. ft. of wetlands and associated intermittent stream for access to a severely rotten/failing utility line structure #118 on the A-111 utility line in New Hampton.

With Conditions:

1. All work shall be in accordance with plans by Gove Environmental Services Inc., dated January 8, 2008, and narratives, as received by DES on January 16, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant needed to conduct the repairs immediately due to the potential safety risk and loss of electrical power.

**FORESTRY NOTIFICATION**

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**2008-00428 CHOCORUA FORESTLANDS LLC, JEFFERY COOMBS  
OSSIPPEE Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 1, Lot# 1, 2, & 4

**2008-00429 KING TRUST, ANNA  
GOFFSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:  
Goffstown Tax Map 3, Lot# 28

**2008-00430 WESTON, GEORGE & LAURIE  
CONWAY Unnamed Stream**

COMPLETE NOTIFICATION:  
East Conway Tax Map 13, Lot# 6

**2008-00431 WESTON, GEORGE & LAURIE  
CONWAY Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway Tax Map 13, Lot# 10B

**EXPEDITED MINIMUM**

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**2007-02214 PSNH, WALTER BILYNSKY  
CONCORD Unnamed Wetland**

Requested Action:

Amendment request to add 900 sq. ft. of temporary wetlands impacts (including 5 sq. ft. of permanent) for repair/replacement of two failing distribution poles found on the existing 318 Distribution Line during construction of the adjacent V-182 Distribution Line.

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APPROVE AMENDMENT:

Dredge and fill a total 36087 square feet of jurisdictional wetlands further described as follows: Temporarily impact 35540 square feet for access to existing utility lines and permanently impact 547 square feet for installation of new poles or guy wire anchors.

With Conditions:

1. All work shall be in accordance with plans by Tighe and Bond dated August 2007, as received by the DES Wetlands Bureau on September 17, 2007 and the "Standards for Transmission Line Construction in Wetlands" as received on September 17, 2007 and two amended plan sheets received by DES on March 25, 2008.
2. The applicant shall conduct work to protect the endangered species, *Asclepias tuberosa*, as outlined in the narrative and plans by Tighe and Bond and approved by the Natural Heritage Bureau on November 14, 2007.
3. The applicant shall continue to coordinate with the Natural Heritage Bureau and NH Fish and Game to mitigate the project impacts on the remaining endangered species, as required by RSA 212-A and RSA 217-A.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Easements shall be obtained for proposed work and recorded at the registry of deeds prior to the commencement of construction.
6. Any future work in the utility right-of-way 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.
7. All work shall be conducted during frozen conditions or under low flow or low groundwater conditions.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. All stream crossings shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
10. Prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.
11. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
12. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
17. Silt fence(s) must be removed once the area is stabilized.
18. 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.
19. Construction shall be inspected by a qualified professional such as a wetland scientist, or erosion control specialist, to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
20. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to [jdegler@des.state.nh.us](mailto:jdegler@des.state.nh.us).
21. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
22. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
25. Mulch within the restoration areas shall be straw or seedless hay.
26. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
27. The right-of-way shall be monitored at the end of construction and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
28. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
29. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
30. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
31. Faulty equipment shall be repaired prior to entering wetlands.
32. 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.
33. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way and 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.
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. An amendment was requested and granted because the contractor found two structures that needed to be replaced on the adjacent

318 Distribution Line.

**2007-02840 REAL ESTATE ADVISORS**  
**DOVER Bellamy River**

Requested Action:

Remove existing dwelling and replace in same footprint expanded with a 61 sq. ft. addition and two porches, total permanent impact area 318 sq. ft. in the developed upland tidal buffer zone. Temporarily impact 3,663 sq. ft. of developed upland tidal buffer zone surrounding the dwelling during removal and reconstruction; to be stabilized and restored thereafter.

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APPROVE PERMIT:

Remove existing dwelling and replace in same footprint expanded with a 61 sq. ft. addition and two porches, total permanent impact area 318 sq. ft. in the developed upland tidal buffer zone. Temporarily impact 3,663 sq. ft. of developed upland tidal buffer zone surrounding the dwelling during removal and reconstruction; to be stabilized and restored thereafter.

With Conditions:

1. All work shall be in accordance with plans by Doucet Survey Inc. dated 11/27/2007, as received by DES on 3/17/2008, and with material by NHSC Environmental Inc., dated 1/18/2008, as received by DES on 1/22/2008.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B Waiver 2008-89 as approved by DES on 3/7/2008.
3. 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.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. All temporary work areas shall be restored following the completion of work; all debris, whether resulting from the construction, or historically present on the site shall be removed concurrent with the restoration of the temporary impacts.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects within 50' of a salt marsh that do not meet the criteria of Env-Wt 303.02 (undeveloped tidal buffer zone).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing dwelling is extremely deteriorated and in need of reconstruction and modernization.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant will use the existing footprint of the current dwelling with only 318 sq. ft. of expansion, which includes 61 sq. ft. of dwelling space and two porches. The expansion does not extend toward the resource.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for the site or its vicinity.
5. The applicant has provided written permission dated 1/7/2008, from the abutter Marshall Smith Trust, to work within 20' of the abutting property line as required by Env-Wt 304.04.
6. On 3/7/2008, the applicant has received DES approval of a Waiver from the requirements of the Comprehensive Shoreland Protection Act to expand a non-conforming structure within 50' of the reference line adjacent to the Bellamy River.
7. The Dover Conservation Commission voted to endorse the project on 12/3/2007.

**2008-00283 PANOPOULOS, JOHN & BARBARA**  
**RYE Atlantic Ocean**

Requested Action:

Expand footprint of existing house by 60 sq. ft. over an area of previously disturbed upland tidal buffer zone.

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APPROVE PERMIT:

Expand footprint of existing house by 60 sq. ft. over an area of previously disturbed upland tidal buffer zone.

With Conditions:

1. All work shall be in accordance with plans by Technical Illustrations dated 2-19-08, as received by DES on February 26, 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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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.

**GOLD DREDGE**

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**2008-00460                   HAMMOND, JOSHUA**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-00465                   HAGGERTY, JOHN**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-00466                   EUBER, ROBERT**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2008-00423                   MILLER, JEFFREY**  
**HARRISVILLE Silver Lake**

COMPLETE NOTIFICATION:  
Harrisville, NH Tax map 72 Lot 13  
Silver Lake

**2008-00425**                      **MURDOCK, HELEN**  
**DEERING** Deering Lake

COMPLETE NOTIFICATION:  
Deering, NH Tax map 235 Lot 29  
Deering Lake

**2008-00451**                      **BOURNE, HARRISON**  
**DORCHESTER** Bryant Pond

COMPLETE NOTIFICATION:  
Dorchester, NH Tax map 20 Lot 995  
Bryant Pond

**2008-00452**                      **SHERMAN, DAVID**  
**WAKEFIELD** Sandy Pond

COMPLETE NOTIFICATION:  
Wakefield, NH Tax map 55 Lot 15A  
Sandy Pond

**2008-00459**                      **GROTH, JEANNE**  
**STRAFFORD** Bow Lake

COMPLETE NOTIFICATION:  
Strafford, NH Tax map 24 Lot 6-2  
Bow Lake