

# Wetlands Bureau Decision Report

Decisions Taken  
04/14/2008 to 04/20/2008

## **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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**2006-01392                      JANIGAN, JOHN & MIRIAM**  
**GOFFSTOWN Prime Wetland**

**Requested Action:**

Applicant requests a waiver of an ARM Fund payment to be delayed until a decision has been issued from NH Superior Court.

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**Conservation Commission/Staff Comments:**

Mitigation is in the form of an ARM fund payment of \$60,724.72 into the Merrimack River watershed.

Inspection Date: 09/11/2006 by William A Thomas, Cws

**OTHER:**

NHDES hereby approves the waiver request with noted conditions.

**With Conditions:**

1. The NHDES Wetlands Bureau file shall be updated monthly from the date of this letter as to the status of the court decision.
2. A copy of the court decision shall be submitted to NHDES within 30 days of issuance.
3. The ARM Fund payment shall be submitted with the copy of the court decision.

**With Findings:**

1. NHDES approves the waiver of Env-Wt 803.08(f) due to a local appeal by an abutters group and is pending a decision from the NH Superior Court.
2. The waiver is reasonable and will not have an adverse effect on the environment or natural resources of the State and will not impact abutting properties.

**2007-02190                      NH DES DAM BUREAU, JIM GALLAGHER**  
**WEARE Horace Lake**

**Requested Action:**

Impact a total of 9444 square feet further described as follows: Temporarily impact 5770 square feet for construction access and permanently impact 3674 square feet within the bed of Horace Lake below the summer high water elevation to create a more natural water level regime in the upstream prime wetland and to preclude winter drawdown impacts.

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**APPROVE PERMIT:**

Impact a total of 9444 square feet further described as follows: Temporarily impact 5770 square feet for construction access and permanently impact 3674 square feet within the bed of Horace Lake below the summer high water elevation to create a more natural water level regime in the upstream prime wetland and to preclude winter drawdown impacts.

**With Conditions:**

1. All work shall be in accordance with plans by NH DES Dam Bureau dated June 8, 2007, as received by the Department on January 31, 2008.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be conducted during low water conditions.
6. Work shall be done during drawdown.

7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No equipment shall enter the water.
9. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
10. The 100 foot buffer around the designated prime wetlands shall be left in its natural state.
11. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of their intention to start construction no less than five (5) business days prior to the commencement of construction.
12. The Permittee shall monitor the weather and will not commence work within the water, when rain is in the forecast.
13. The boundaries of the 100 foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
14. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
15. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100 foot prime wetland buffer unless specifically permitted. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
16. Any additional human activities within the 100 foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. 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.
20. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
21. 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.
23. 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.
24. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
25. 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.
26. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
27. A land resource professional may inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The engineering plans accurately locate the boundary of the wetlands, surface waters and prime wetlands.
6. The erosion controls, and stabilization methods, will protect the ability of the wetlands to retain floodwaters and silt.
7. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, will provide an

ecological benefit by maintaining the water levels within the Horace Lake Marsh during the winter season.

8. The project as designed is proposed to maintain and enhance the bio-diversity of the upstream prime wetland.
9. The project is designed to improve the fishery breeding area within the upstream marsh.
10. The proposed structure is not to break the water's surface, therefore it is not considered to be made land.
11. The proposed structure is designed not to be a navigational hazard.
12. The local conservation commission is in support of the application.
13. The Local Advisory Committee is in favor of the proposed project.
14. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2007-02918                      BROWN, JAMES**  
**DOVER   Cocheco River**

Requested Action:

Construct a tidal docking structure consisting of a 6' x 20' permanent pier connecting to a 3' x 36' ramp connecting to a 10' x 40' float, overall structure length 63', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 150' of frontage on the Cocheco River.

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Inspection Date: 02/19/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 20' permanent pier connecting to a 3' x 36' ramp connecting to a 10' x 40' float, overall structure length 63', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 150' of frontage on the Cocheco River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine, dated 11/20/2007, as received by the Department on 12/13/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 6' x 20' permanent pier connecting to a 3' x 36' ramp connecting to a 10' x 40' float, overall structure length 63', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 150' of frontage on the Cocheco River on Dover Tax Map N Lot 14J shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
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 permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Cocheco River, and is consistent or shorter than docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The plant species of concern reported by the NH Natural Heritage Bureau for the project vicinity will not be affected by the construction of this structure. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 12/26/2007; and the dock is located greater than 20 feet off the abutting property lines.
5. The Dover Conservation Commission intervened on the application, but did not report further.
6. This application has received review of the federal PGP Joint Processing Meeting on 1/17/2008 and was deemed "eligible as proposed" by the National Marine Fisheries ("NMFS").
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on 2/19/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2007-02921                      BARRETT, CHRIS**  
**DOVER   Piscataqua River**

Requested Action:

Construct a tidal docking structure consisting of a 6' x 90' permanent pier connecting to a 3' x 40' ramp connecting to a 6' x 20' float, connecting to a 30' x 8' float, overall structure length 155', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 116' of frontage on the Piscataqua River.

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Inspection Date: 02/19/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 90' permanent pier connecting to a 3' x 40' ramp connecting to a 6' x 20' float, connecting to a 30' x 8' float, overall structure length 155', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 116' of frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine, dated 11/20/2007, as received by the Department on 12/13/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 6' x 90' permanent pier connecting to a 3' x 40' ramp connecting to a 6' x 20' float, connecting to a 30' x 8' float, overall structure length 155', providing one slip (as defined by RSA 482-A:2, VIII (a)), on 116' of frontage on the Piscataqua River on Dover Tax Map L Lot 95 1-M, shall be the only dock structure on this water frontage

and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.

- 7. Work shall be done during low tide.
- 8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
- 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 permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Piscataqua River, and is consistent or shorter than docks recently approved in the immediate vicinity.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project vicinity. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 12/26/2007; and the dock is located greater than 20 feet off the abutting property lines.
- 5. The Dover Conservation Commission intervened on the application, but did not report further.
- 6. This application has received review of the federal PGP Joint Processing Meeting on 1/17/2008 and was deemed "eligible as proposed" by the National Marine Fisheries ("NMFS"). The applicant has also submitted Appendix B as requested by NMFS.
- 7. This dock is consistent with other tidal dock approvals in the seacoast.
- 8. DES staff field inspection on 2/19/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2007-02944                      RILEY III, JOHN**  
**DURHAM Little Bay**

Requested Action:

Construct a tidal docking structure consisting of a 6' x 6' concrete pad in the upland connecting to a 3' x 50' ramp connecting to a 10' x 20' float, overall structure length 60', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 312' of frontage on Little Bay.

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Inspection Date: 04/10/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 6' concrete pad in the upland connecting to a 3' x 50' ramp connecting to a 10' x 20' float, overall structure length 60', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 312' of frontage on Little Bay.

With Conditions:

- 1. All work shall be in accordance with plans by Pickering Marine, dated 11/20/2007, as received by the Department on 12/17/2007.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
- 3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain in until the area is stabilized.

5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construct a tidal docking structure consisting of a 6' x 6' concrete pad in the upland connecting to a 3' x 50' ramp connecting to a 10' x 20' float, overall structure length 60', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 312' of frontage on Little Bay on Durham tax map 20, lot 14-2, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water. The existing crib dock present on the frontage shall be completely removed prior to the construction of the dock approved herein.
7. Work shall be done during low tide, and shall not impact any tidal vegetation.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The new dock will be a low-impact relocated replacement of an existing deteriorated crib dock. The crib dock will be removed prior to construction of the new docking structure.
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. No permanent pier is proposed; only a concrete pad installed on ledge in the upland tidal buffer zone to which to secure the seasonal ramp and float. The structure is the minimum length necessary to reach usable water in Little Bay.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The plant and animal species of concern reported by the NH Natural Heritage Bureau for the project vicinity are located at least 1/2 mile from the project and will not be affected by the construction of this seasonal structure. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 12/26/2007; and the dock is located greater than 20 feet off the abutting property lines.
5. The Durham Conservation Commission conducted a site walk of the property on 1/24/2008 and stated via email dated 1/25/2008 that they had no further comments on the application.
6. This application has received review of the federal PGP Joint Processing Meeting on 1/17/2008 and further information was requested by the National Marine Fisheries ("NMFS"). The applicant has responded by submitting Appendix B as requested, and has responded to the satisfaction of NMFS, regarding the length of time over the course of the tidal cycle that useable water is present at the proposed dock location.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on 4/10/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2007-02949                      PARADIS, RAYMOND**  
**DOVER   Bellamy River**

Requested Action:

Construct a tidal docking structure consisting of stairs over the bank to a 6' x 30' permanent pier connecting to a 3' x 30' ramp connecting to a 10' x 20' overall structure length 77', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 135' of frontage on the Bellamy River.

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Inspection Date: 02/19/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of stairs over the bank to a 6' x 30' permanent pier connecting to a 3' x 30' ramp connecting to a 10' x 20' overall structure length 77', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 135' of frontage on the Bellamy River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine, dated 11/20/2007, as received by the Department on 12/17/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construct a tidal docking structure consisting of stairs over the bank to a 6' x 30' permanent pier connecting to a 3' x 30' ramp connecting to a 10' x 20' overall structure length 77', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 135' of frontage on the Bellamy River on Dover Tax Map L Lot 3, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. This dock shall have float stops installed which provide a minimum of 18" of clearance between the bottom of the float and the substrate at low tide.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
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 permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Bellamy River, and is consistent or shorter than docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The plant species of concern reported by the NH Natural Heritage Bureau for the project vicinity are located well upstream at least 1/4 mile away, and will not be impacted by this project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 12/26/2007; and the dock is located greater than 20 feet off the abutting property lines.
5. The Dover Conservation Commission intervened on the application, but did not report further.
6. This application has received review of the federal PGP Joint Processing Meeting on 1/17/2008 and was deemed "eligible with modifications" by the National Marine Fisheries ("NMFS"). Modifications were to include the submission of Appendix B, and the addition of float stops. The applicant has submitted Appendix B, as received by DES on 3/18/2008, and the permit has been conditioned to include float stop requirements maintaining 18" above the substrate at low tide as requested by NMFS.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on 2/19/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

Requested Action:

Stabilize 82 linear ft. of shoreline along a existing developed residential lot along the North Mill Pond, using a combination of rip rap at the toe of slope, and vegetation to the top of slope; total impact area 400 sq. ft.

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Inspection Date: 04/10/2008 by Dori A Wiggin

APPROVE PERMIT:

Stabilize 82 linear ft. of shoreline along a existing developed residential lot along the North Mill Pond, using a combination of rip rap at the toe of slope, and vegetation to the top of slope; total impact area 400 sq. ft.

With Conditions:

1. All work shall be in accordance with revised plans by Pickering Marine Corporation dated 3/18/2008, as received by DES on 3/19/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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. Final bank stabilization plantings shall consist of native vegetation.
5. All work shall be conducted during low tide.
6. 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 major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The bank is under-cut and eroding, causing property damage, jeopardizing mature trees, and sending sediments into the adjacent tidal marsh.
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 has revised their plan to use riprap at the toe of slope where the erosive wind and ice forces are greatest, and strengthen the stability of the upper portion of the bank with vegetation.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, have been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for the project vicinity.
5. DES Staff conducted a field inspection of the proposed project on 4/19/2008. Field inspection confirmed the need for rip rap at the toe of slope, and that reinforcement of vegetative stabilization would be appropriate for the upper half of the bank.
6. The Portsmouth Conservation Commission recommended approval of the original application plan for rip rap of the full bank height with the condition that vegetation cover the riprap; were provided with the revised plan to reduce the riprap, and did not comment further on the revised plan.
7. This application has received review of the federal PGP Joint Processing Meeting on 1/17/2008 and was deemed "eligible as proposed" by the National Marine Fisheries ("NMFS").
8. The project will be located above the mean high tide line out of the public ownership, and therefore does not require Governor and Executive Council approval.

Requested Action:

Remove existing unauthorized non-conforming tidal dock system, and replace with a reduced and conforming tidal docking structure consisting of a 6' x 45' permanent pier, connecting to a 3' x 36' ramp, connecting to a 8' x 16' landing float, connecting to a T float section consisting of a 140' x 5.5' section and a 34' x 5.5' section running parallel to shore, overall structure length 99.5' providing a total of 6 slips (as defined by RSA 482-A:2, VIII (a)) on 440 ft. of frontage on Sagamore Creek.

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Inspection Date: 03/20/2008 by Dori A Wiggin

APPROVE PERMIT:

Remove existing unauthorized non-conforming tidal dock system, and replace with a reduced and conforming tidal docking structure consisting of a 6' x 45' permanent pier, connecting to a 3' x 36' ramp, connecting to a 8' x 16' landing float, connecting to a T float section consisting of a 140' x 5.5' section and a 34' x 5.5' section running parallel to shore, overall structure length 99.5' providing a total of 6 slips (as defined by RSA 482-A:2, VIII (a)) on 440 ft. of frontage on Sagamore Creek.

With Conditions:

1. All work shall be in accordance with revised plans by Pickering Marine, dated 3/27/2008, as received by the Department on 4/3/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of a tidal docking structure consisting of a 6' x 45' permanent pier, connecting to a 3' x 36' ramp, connecting to a 8' x 16' landing float, connecting to a T float section consisting of a 140' x 5.5' section and a 34' x 5.5' section running parallel to shore, overall structure length 99.5' providing a total of 6 slips (as defined by RSA 482-A:2, VIII (a)) on 440 ft. of frontage on Sagamore Creek on Portsmouth Tax Map 201 Lot 1, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Slips for this dock are authorized on the outboard side of the float string only. Any use of the inboard side of the float string as slip area shall result in invalidation of the permit and enforcement action by DES, which may include, but not be limited to, removal of the entire float string.
8. Work shall be done during low tide.
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.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently a unauthorized, non-conforming and deteriorated docking structure on the property that will be replaced by a conforming structure to provide access to the water.
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 permanent pier as proposed is half the length and width of the current unauthorized non-conforming structure. The ramp and floats proposed are seasonal, are a reduction in size over what currently exists and will represent a slip count with complies with current standards. The structure is the minimum length necessary to reach usable water on the Sagamore Creek, and is consistent with or shorter than docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The plant and bird species of concern reported by the NH

Natural Heritage Bureau for the project vicinity are located more than 1/2 mile away, and will not be impacted by this project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 1/9/2008; and the dock is located greater than 20 feet off the abutting property lines.

5. The slip count of six slips on 440' of frontage complies with the requirements of Env-Wt 402.12 relative to slip density. The slips for this tidal docking structure are counted along the outboard face of the floats only; the record reflects, and DES has confirmed, that current bottom and water depth conditions prevents use of the inboard side for docking. The permit is further conditioned to prevent use of the inboard side (thus exceeding the permitted number of slips) should bottom conditions change.
6. The Portsmouth Conservation Commission recommended approval of the original application to reconstruct the existing pier, but reserved judgement on the legality of the current floats. Subsequent investigation by DES, in coordination with the Portsmouth City Attorney's office and Planning Department, confirmed that the entire existing docking structure was not grandfathered, as it had never been authorized by DES and had been enlarged several times without permits after the effective date of RSA 482-A9 (and its predecessor RSA 483-A) and to the present time. The new property owner has revised the application plans to remove the unauthorized structure in its entirety and replace it with a conforming structure.
7. This application has received review of the federal PGP Joint Processing Meeting on 2/21/2008 and was deemed "eligible as proposed" by the National Marine Fisheries ("NMFS"). NMFS also reviewed the revised plans on 4/11/2008 and was satisfied with the new conforming structure as well.
8. This dock proposal is consistent with other tidal dock approvals in the seacoast.
9. DES staff field inspection on 3/20/2008 found that the site conditions were accurately represented in the application.

-Send to Governor and Executive Council-

**2008-00007                      BLIZZARD INC**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Reconfigure an existing docking facility providing 157 slips to provide 155 slips by removing five 2 ft x 20 ft permanent docks providing 6 slips and installing four 2 ft x 20 ft permanent docks at an angle providing 4 slips, and repair and maintain all structures within a major docking facility on Lake Winnepesaukee, in Laconia.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

no comments from Con Com by March 07, 2008

Inspection Date: 10/05/2007 by Dale R Keirstead

**APPROVE PERMIT:**

Reconfigure an existing docking facility providing 157 slips to provide 155 slips by removing five 2 ft x 20 ft permanent docks providing 6 slips and installing four 2 ft x 20 ft permanent docks at an angle providing 4 slips, and repair and maintain all structures within a major docking facility on Lake Winnepesaukee, in Laconia.

**With Conditions:**

1. All work shall be in accordance with plans dated December 28, 2007, as received by DES on March 18, 2008.
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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs shall maintain existing size, location and configuration.
5. 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.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

- 7. 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.
- 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a major docking facility.
- 2. The applicant has an average of 415 feet of frontage along Lake Winnepesaukee.
- 3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 4. The proposed docking facility will provide 155 slips as defined per RSA 482-A:2, VIII. This is a reduction from 157 slips to 155 slips on this frontage.
- 5. The proposed modification is a reconfiguration of an existing docking structure pursuant to RSA 482-A:3.
- 6. The proposed modification provides for less construction surface area of public waters and provides less slips, thus meeting Env-Wt 402.20
- 7. Field inspection by NH DES staff on October 05, 2007, confirmed that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2006-02932                      CANNEY FARM COMMUNITY ASSOCIATION, ROBERT CAUSEY  
DURHAM   Unnamed Pond Beards Creek**

Requested Action:

Amend permit to include an additional 4,412 square feet total of wetlands impact over 3 locations for construction of a driveway to access a community dam for on-going maintenance.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 4,412 square feet total of wetlands impact over 3 locations for construction of a driveway to access a community dam for on-going maintenance; reconstruct 1,251 sq. ft. of eroded pond berm, including regrading to match existing contours; lowering of outlet structure; installation of proper headwall surrounding outlet culvert. Total wetlands impact 5,663 sq. ft.

With Conditions:

- 1. All work shall be in accordance with revised plans by MJS Engineering dated 10/26/2007, as received by the Department on 11/5/2007.
- 2. This permit is contingent on approval by the DES Dam Safety Program.
- 3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. 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).
- 6. Proper headwalls shall be constructed within seven days of culvert installation.
- 7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate of non-tidal wetlands that exceed the criteria of Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The access is necessary to monitor and maintain the safe condition of the dam on a regular basis.
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 access way follows the previously disturbed path of the municipal sewer line easement.
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. The site was reviewed by Carex Ecosystems, per letter dated 10/31/2007, for the presence of the NHB-reported species, the noctid moth (a 40+ year old siting occurring over 1 mile from the site), and found that the subject site does not have suitable habitat for this species.
5. Durham Public Works supports this amendment, and the Durham Conservation Commission report that the amendment is necessary and recommends approval.

**2006-02986                      DUPUIS FAMILY TRUST, HARVEY  
NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill 6,900 square feet of palustrine forested wetlands for road access to a 40-lot subdivision on ± 175.40 acres. Compensatory mitigation includes preserving ± 97.14 acres of the parcel in conservation easement.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 6,900 square feet of palustrine forested wetlands for road access to a 40-lot subdivision on ± 175.40 acres. Compensatory mitigation includes preserving ± 97.14 acres of the parcel in conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. sheets D&F-3 and D&F-4 dated November 09, 2006, and revised through June 01, 2007, and sheets C-35 and C-36 dated October 30, 2006, as received by DES on June 08, 2007; and plans dated December 20, 2007, and revised through March 04, 2008, as received by the Department on March 05, 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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. In the event stream diversion is necessary at the time of the perennial stream crossing construction, a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.

13. 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.
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 twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. 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).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. 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.
24. 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.
25. Post-construction photographs documenting the status of the completed perennial stream crossing construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
26. This permit is contingent upon the execution of a conservation easement on 97.14 acres as depicted on plans dated December 20, 2007, and revised through March 04, 2008, as received by the Department on March 05, 2008.
27. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
28. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
29. Signs to indicate the location of and restrictions on the area shall be posted every one-hundred and fifty (150) feet along the boundary of the conservation area prior to construction.
30. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments/stakes prior to construction.
31. The DES Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
32. 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.
33. 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 Environmental Protection Agency requested a vernal pool survey, cluster alternatives, easement locations and questioned possible impacts to Blanding's turtles and the lack of connectivity of the easement.
3. In correspondence dated November 20, 2006, the New Hampshire Fish and Game Department stated the conservation easement lacked connectivity and recommended the entire western wetland complex be included in the easement area to protect the wetland resource of the area and maintain viable amphibian populations for the Eastern hognose snake and Blanding's turtles and NHFG recommended an open-bottomed span that is 1.2 times the bankfull width for the perennial stream crossing.
4. The New Boston Conservation Commission expressed concern for the size of the perennial stream culvert; density of house lots,

impact to wildlife corridors and noted a known vernal pool. Also, a soil study was requested.

5. The applicant has revised the proposed development to a cluster alternative that increases the conservation easement area and decreases the proposed development area by 54.54 acres; increasing the conservation easement from 49.8 acres to 97.14 acres. This alternative provides greater connectivity between the two-easement parcels and will be held by the New Boston Conservation Commission.

6. A vernal pool survey was completed, which identifies five vernal pools. The revised conservation easement includes the entirety of four vernal pools and the majority of one vernal pool.

7. The applicant has provided an open-bottomed span that is 1.2 times the bankfull width for the majority of the perennial stream crossing.

8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

**2006-03183                      DESTEFANO, STEPHEN & ELLEN**  
**EPSOM   Unnamed Wetland**

**Requested Action:**

Dredge and fill 19,922 square feet for access and lot development in the commercial subdivision of 37.73 acres.

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**Conservation Commission/Staff Comments:**

ARM Fund payment approved for mitigation.

**APPROVE PERMIT:**

Dredge and fill 19,922 square feet for access and lot development in the commercial subdivision of 37.73 acres. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

**With Conditions:**

1. All work shall be in accordance with plans by Northpoint Engineering LLC sheets S1-S14 dated November 2006, and revised through April 16, 2008, as received by the Department on April 16, 2008 and sheets B3 and B3 dated June 2007, and revised through April 17, 2007 as received by the Department on April 17, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This approval is contingent on receipt by DES of a one time payment of \$ 52,342.79 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
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 #4 of this approval.
7. 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.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.

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. DES Staff conducted a field inspection of the proposed project on September 25, 2007. Field inspection determined that the area adjacent to Impact area 1 appears to be a vernal pool. The applicant has agreed to maintain a buffer to the pool and keep stormwater discharges out of this area.
3. The proposed application is for a commercial development and the Town of Epsom is in favor of the proposed project.
4. The Town of Epsom is requiring the applicant to construct a through road.
5. The applicant has provided an open bottom box culvert at impact area 1 to maintain a possible wildlife connection with the upstream wetlands.
6. The applicant has provided all of the information required by Env-Wt 304.09(a).
7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The payment calculated for the proposed wetland loss equals \$ 52,342.79.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
10. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack watershed per RSA 482-A:29.

**2007-02530                      BATEMAN, GERALDINE**  
**NEWBURY Lake Sunapee**

Requested Action:

The Applicant requests reconsideration of the January 16, 2008 denial to: Rebuild and modify existing nonconforming dwelling/boathouse constructed over water on 60 ft of frontage in Newbury on Lake Sunapee.

\*\*\*\*\*

APPROVE RECONSIDERATION:

Reconsider and approve application to: Repair a boathouse and dwelling over public waters and modify existing the structure by turning an existing "L" 90 degrees such that it will extend over land and provide more environmentally sound connections to utilities and wastewater systems on 60 ft of frontage in Newbury on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with revised plans by CLD consulting dated February 4, 2008, as received by DES on February 21, 2008.
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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

4. 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.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
7. All excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. The repairs and modification shall result in no increase in the total square footage of the footprint of the structure or in its outside dimensions.
- 10 All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) modification to an existing 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.
5. This project as approved and conditioned meets the requirements of RSA 482-A:26, Dwellings Over Water.

**2007-02809 NH DEPT OF TRANSPORTATION  
SANBORNTON Unnamed Stream**

Requested Action:

Replace a 3 ft. x 3 ft. stone culvert and 36 in. extensions with a 48 in. x 48 ft. (3 ft. length extension) concrete culvert impacting 436 sq. ft. (388 sq. ft. temporary) of a perennial stream.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace a 3 ft. x 3 ft. stone culvert and 36 in. extensions with a 48 in. x 48 ft. (3 ft. length extension) concrete culvert impacting 436 sq. ft. (388 sq. ft. temporary) of a perennial stream. NHDOT project # M211-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 2 dated 11/7/07 as received by the Department on Nov. 30, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1\_), alteration of less than 200 linear feet of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per 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.

**2008-00005                      NH DEPT OF TRANSPORTATION**  
**HOLLIS Sucker Brook**

Requested Action:

Replace a 6 ft. x 7 ft. x 42 ft. stone box culvert with a 7 ft. x 7 ft. x 60 ft. concrete box culvert one ft. below the existing stream bed impacting 1,520 sq. ft. (860 sq. ft. temporary) of stream and banks.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace a 6 ft. x 7 ft. x 42 ft. stone box culvert with a 7 ft. x 7 ft. x 60 ft. concrete box culvert one ft. below the existing stream bed impacting 1,520 sq. ft. (860 sq. ft. temporary) of stream and banks. NHDOT project #15310.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 2/08 as received by the Department on Feb. 28, 2008.
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.
11. A change in the design will require an amended permit.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per 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 project was coordinated through the Natural Resource Agency meeting held at the NHDOT on January 16, 2008.

**2008-00038                      NH DEPT OF TRANSPORTATION**  
**HENNIKER   Unnamed Stream**

Requested Action:

Widen the road at three intersections for turn lanes extending culverts 10 to 15 ft. and relocated ditchlines impacting 4,425 sq. ft. of palustrine and riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. no concern provided adequate erosion controls and revegetate ASAP.

Rivers comm. - no comment

APPROVE PERMIT:

Widen the road at three intersections for turn lanes extending culverts 10 to 15 ft. and relocated ditchlines impacting 4,425 sq. ft. of palustrine and riverine wetlands. NHDOT project #15278.

With Conditions:

1. All work shall be in accordance with plans dated 12/07 by NHDOT Bureau of Highway Design, as received by the Department on March 12, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
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; 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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).
10. 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.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. 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.
13. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per 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. NH Fish and Game does not object if there are no major impacts to streams.

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.

## MINIMUM IMPACT PROJECT

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**2004-02736**                      **STAPLES, SHAYNE**  
**NEW DURHAM**   **Unnamed Wetland**

### Requested Action:

Deny permit request to dredge and fill 6600 square feet for the construction of a pond, and removal of vegetation and regrade wetlands.

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### DENY PERMIT:

Deny permit request to dredge and fill 6600 square feet for the construction of a pond, and removal of vegetation and regrade wetlands.

### With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Env-Wt 303.04(p); Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:(1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;(2) There are no streams into or out of the proposed pond site; (3) The project is not located in prime wetlands; and (4) The project does not meet the requirements of Env-Wt 303.02(k).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a) or (b) or (c), (select appropriate one), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

### Findings of Fact:

8. On December 13, 2004, DES personnel inspected the Property. During the inspection DES personnel observed the following:
  - a. Two man-made ponds were recently excavated on the Property: i. Pond #1, approximately 2,500 sq ft in size (25 ft x 100 ft), was located on top of a hill adjacent to the residence. The pond was surrounded by uplands and no natural stream channels were coming into or leaving the pond. ii. Pond #2, approximately 5,500 sq ft in size (50 ft x 110 ft), was constructed in the middle of a headwater wetland located in a gully downhill of the house. The pond segregated approximately 1,124 sq ft (25 ft x 45 ft) of wetland on the northwest side of the pond from a wetland complex including a flowing stream on the southeast side of the pond. The pond was overflowing across exposed fill and draining into the wetland and stream to the southeast;
  - b. An approximate 200 ft unstable man-made channel connected Pond #1 to Pond #2. Water was not flowing in the channel.
  - c. The soil around the Ponds was exposed. The slope leading down from the house to Pond #2 was also exposed and rills were present indicating significant erosion. An exposed swale was located at the bottom of the slope. No other erosion controls were installed or stabilization methods implemented on the Property.
9. A Subdivision Plan reviewed and approved by the DES Water Supply and Pollution Control Division (Approval #

SA1996000264) on July 26, 1996, depicts a wetland in the location of Pond #2.

10. 7. On February 15, 2005, DES issued a letter to Mr. Staples, which included the following requests: a. Immediately retain a certified wetland scientist ("CWS") to prepare a wetland restoration plan and erosion control plan and immediately install erosion controls.
  - b. By February 25, 2005, contact the DES Wetlands Bureau to set up an appointment to go over permitting requirements for the wetland impacts associated with Pond #2.
  - c. By March 11, 2005, submit an erosion control plan designed by the wetland scientist, photographs depicting installation of erosion controls, and a statement from the CWS verifying installed erosion controls are sufficient.
  - d. Within 30 days of the meeting (refer to b.), submit an "after-the-fact" Standard Dredge and Fill application to retain permissible wetland impacts discussed at the meeting.
  - e. Within 30 days of the meeting, submit a restoration plan designed and stamped by the CWS addressing the restoration of all un-permittable impacts discussed at the meeting.
11. On March 9, 2005, a CWS from Orvis / Drew LLC met with DES personnel. DES personnel provided the CWS guidance pertaining to the design of ponds, the wetlands permitting process, and the restoration of un-permittable impacts. DES personnel explained that "after-the-fact" applications are reviewed in the same manner as other applications and that in order for Pond #2 to be permitted, a need for the pond would have to be established and the design of the pond would have to meet that need.
12. On May 24, 2006, DES personnel inspected the Property and documented the following: a. A rip-rapped lined spillway had been installed on the southeast side of the pond to handle overflow into the adjacent wetland as requested by DES in a letter issued on March 29, 2005.
  - b. The slope leading from the house down to the pond had been re-graded, eliminating the rills previously observed, but the soils had been left exposed.
  - c. The channel between the ponds was fully rip-rapped and rip-rap was apparent around the edge of the pond.
13. On July 12, 2006, DES issued a letter to Mr. Staples stating that DES would not issue a permit to retain Pond #2, but DES would accept a plan designed by a CWS which included a 15' vegetated buffer around the pond to enhance and diversify the values and functions of the pond and surrounding habitat. The letter also proposed a new deadline of October 1, 2006 for the submittal of and implementation of the planting plan.
14. On August 4, 2006, DES received a letter from Orvis / Drew LLC stating that despite DES's previous letter, they were going to go ahead and submit an application to DES within the next few weeks.
15. The Department received an After-the-Fact application to retain 6600 square feet of previously disturbed wetlands as ponds are allowed by rule.
16. The plans provided by the applicant fail to meet Env-Wt 501.02(a)(2), as the existing and proposed topography, including a reference elevation is not included on the plans ;and all temporary and permanent impacts in jurisdiction, including wetlands, are not labeled;
17. The proposed impacts are within 20 feet of the shared property line with Tax Map 2, lot 1-7, no letter of written authorization was received from that abutting property owner in accordance with Env-Wt 304.04.

Findings in support of denial:

18. The applicant failed to provide documentation explaining the need for the proposed project in accordance with Env-Wt 302.01(b), and therefore the application is denied in accordance with Env-Wt 302.04(d)(3) as the project will cause random or unnecessary destruction of wetlands.
19. The applicant failed to provide documentation as to how the proposal before DES is the alternative with the least impact to Wetlands Jurisdiction in accordance with Env-Wt 302.03(a), and therefore the application is denied in accordance with Env-Wt 302.04(e)(2), as there are alternatives which will impact less areas under Wetlands Jurisdiction.
20. The proposed project is likely to reduce the off lot flow of water, may warm water prior to discharge onto abutting properties, and appears to be nutrient enriched due to the lack of surrounding vegetation. The application is denied in accordance with Env-Wt 302.04(d)(2) as the proposed project would cause or contribute to significant degradation of waters of the state.
21. The proposed project is within 20 feet of abutting properties and no letter of written authorization has been received therefore the application is denied as the Department must limit impacts to a minimum of 20 feet from the property line in accordance with Env-Wt 304.04(a).
22. The applicant has constructed a pond on the property within the uplands near their existing dwelling and has significant upland on the site therefore the project is denied in accordance with Env-Wt 302.04(d)(1), as there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.

**2008-00006 YU, WANKIN JOSEPH  
MEREDITH Lake Winnepesaukee**

Requested Action:

Construct a 254 sq ft perched beach and retain 2 personal watercraft lifts on 374 ft of frontage in Meredith on Lake Winnepesaukee.  
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APPROVE PERMIT:

Construct a 254 sq ft perched beach and retain 2 personal watercraft lifts on 374 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by David Dolan Associates, as received by DES on April 9, 2008.
2. This permit shall not be effective until it has been recorded with the appropriate 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. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. This permit does not authorize maintenance dredging.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cubic yards of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. 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.
10. 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.
11. Unnecessary removal of vegetation is strictly prohibited.
12. Seasonal personal watercraft lifts shall be removed from the lakebed annually for 5 months during the non-boating season.
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 minimum impact project per Administrative Rule Env-Wt 303.04(d) construction of a beach.
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.

**FORESTRY NOTIFICATION**

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**2008-00570 LESSARD, PIERRE  
BERLIN Unnamed Stream**

COMPLETE NOTIFICATION:

Berlin Tax Map 106, Lot# 26, 27 & 28

**2008-00571                    MCCARTHY, LEE ANNE**  
**HAMPTON FALLS   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hampton Falls Tax Map 5, Lot# 5

**2008-00580                    H&H INVESTMENTS LLC**  
**MARLOW   Unnamed Stream**

COMPLETE NOTIFICATION:  
Marlow Tax Map 411, Lot# 3

**EXPEDITED MINIMUM**

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**2008-00049                    R & F LAND DEVELOPMENT LLC**  
**FRANKLIN   Unnamed Wetland**

Requested Action:  
Dredge and fill 225 square feet and cut of hydrology to 1750 square feet of isolated wetland.  
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DENY PERMIT:  
Deny permit request to dredge and fill 225 square feet and cut of hydrology to 1750 square feet of isolated wetland.

With Findings:  
Findings of Law:

1. This is a Minimum Impact Project per NH Code of 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. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. The Department Received a Minimum Impact Expedited Application on January 14, 2008, to fill 395 square feet of wetlands to construct a berm to keep stormwater flows from Kidder Ave.
8. The application was deemed Administratively Incomplete on January 15, 2008, as the applicant did not provide information from the Natural Heritage Bureau.
9. The applicant provided the additional information on January 22, 2008, and the application was deemed Administratively Complete on that same day.
10. DES Wetlands issued a Request for Additional Information on February 8, 2008, this correspondence requested that the

applicant withdraw the application as the application did not meet the need criteria or avoidance and minimization as viable engineering solutions exist. In addition DES further requested the following additional information to compete the record:

- \* Plans that include the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography and the location of all existing and proposed lot lines. Plans must also be stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, and parties responsible for the wetlands delineation shall be recorded on the plan.
- \* DES requested a function and value assessment of the existing system and how the proposal will affect the functions and values of the system.

11. On February 22, 2008, the Department received a subdivision plan and a request to remove the low flow hydrological connection to the downstream wetland and subdivision plans as requested in the Request for Additional Information.
12. On March 3, 2008, the Department provided an e-mail to the engineer and the town planner indicating that the response was not complete as the need, avoidance and minimization, and functions and values of the wetland were not addressed.
13. On March 18, 2008, the Department received a function and value assessment and a summary of engineering alternatives discussed at the City's Technical Review Committee Meeting.
14. The alternatives discussed included a temporary impacts to the wetland, and construction of another detention basin outside of our jurisdiction. Other alternatives not discussed would include upgrading the drainage system on Kidder Ave, or construction of a berm outside of DES Wetlands Jurisdiction.

Findings in Support of Denial:

15. The application is denied in accordance with Env-Wt 302.04(d)(1), as the applicant failed to demonstrate that the alternative proposed is the least impacting to DES Wetlands jurisdiction.
16. The application is denied in accordance with Env-Wt 302.04(d)(3), as the applicant has failed to provide a clear need for the proposed project.
17. The application is denied in accordance with Env-Wt 302.04(e)(2), as the applicant has provided other lesser impacting alternatives in their discussion.

**2008-00376                      PSNH**  
**RICHMOND   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 150 square feet of palustrine forested wetlands to install six (6) utility poles and guide-wire anchors along Old County Road for electrical power to tax map/lots 7 and 8.

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APPROVE PERMIT:

Dredge and fill approximately 150 square feet of palustrine forested wetlands to install six (6) utility poles and guide-wire anchors along Old County Road for electrical power to tax map/lots 7 and 8.

With Conditions:

1. All work shall be in accordance with plans by PSNH dated February 19, 2008, as received by the Department on March 14, 2008.
2. Construction easements shall be obtained from affected landowners outside of the right-of-way.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. 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.
7. 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.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

- 9. 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).
- 10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 11. Post-construction photographs of each pole installed in wetlands labeled with pole numbers referenced on the approved plan(s) shall be submitted to the DES Wetlands Bureau within sixty (60) days of installation.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ae), installation of residential utility lines and associated temporary impacts to permit utility services.
- 2. DES Wetlands and Non-Site Specific Permit 2007-01483 approved wetland impacts associated with the upgrade of Old County Road for access to tax map/lots 7 and 8.
- 3. No comments were submitted from the NH Fish and Game Department or the Natural Heritage Bureau.
- 3. The Richmond Conservation Commission signed the application.
- 4. The Roadway Improvement Plans were included for wetland delineation reference.
- 5. Reference the PSNH Pole Location Plan dated 02-19-2008 for proposed poles locations.
- 6. PSNH has confirmed the proposed pole locations are within a PSNH right-of-way and that easements have been obtained for any anchors outside of the right-of-way.
- 7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**GOLD DREDGE**

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**2008-00559                    MCCONNELL, JAMES**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2008-00576                    GRASSO, TRACY**  
**(ALL TOWNS) Unnamed Stream**

**LAKES-SEASONAL DOCK NOTIF**

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**2008-00560                    CONNOR, TERRANCE & KELLEY**  
**NOTTINGHAM Pawtuckaway Pond**

COMPLETE NOTIFICATION:  
Nottingham, NH Tax map 72 Lot 16  
Pawtuckaway Lake

**2008-00561 COUNTRY WIDE HOME LOANS  
MOULTONBOROUGH Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Moultonboro, NH Tax map 200 Lot 46  
Lake Winnepesaukee

**ROADWAY MAINTENANCE NOTIF**

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**2008-00597 NH DEPT OF TRANSPORTATION  
LYNDEBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace existing 15" CMP approximately 40 feet in length with new 15" CMP pipe

**PERMIT BY NOTIFICATION**

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**2008-00522 NH SPEEDWAY INC  
LOUDON Unnamed Stream**

Requested Action:  
Maintenance dredge 630 square feet of Gues Meadow Brook at existing spillway.  
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PBN IS COMPLETE:  
Maintenance dredge 630 square feet of Gues Meadow Brook at existing spillway.

**2008-00542 MCCARTHY, ROBERTA  
MEREDITH Lake Winnepesaukee**

Requested Action:  
Remove existing 6 ft x 30 ft seasonal dock and replace it with a 6 ft x 40 ft seasonal dock.  
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PBN IS COMPLETE:  
Remove existing 6 ft x 30 ft seasonal dock and replace it with a 6 ft x 40 ft seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.

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.