

Wetlands Bureau Decision Report

Decisions Taken
04/28/2008 to 05/04/2008

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

**2005-01505 NEW ENGLAND POWER COMPANY, JOHN REED
PLAINFIELD Unnamed Wetland**

Requested Action:

Amendment request to permanently impact 8.7 sq. ft. of wetlands to replace a proposed 3 pole structure with a single pole structure that requires a 6-foot diameter footing in and adjacent to wetlands.

Conservation Commission/Staff Comments:

The Lebanon Conservation Commission recommended approval of the wetlands permit application and requested that they be contacted prior to the start of work in Lebanon. No comments were received from Plainfield, Cornish, Claremont, Charlestown, or Walpole.

APPROVE AMENDMENT:

Temporary impact of approximately 194,020 square feet of palustrine scrub-shrub and emergent wetlands and permanently impact 8.7 square feet of wetlands in a utility right-of-way easement for the replacement of wood-pole structures and shieldwire and the use of swamp mats for associated access along an existing 41-mile electric aerial power line. Of the 494 structures located along the transmission line, sixty-three (63) wetlands crossings are required to access structures, forty (40) structures require wood pole replacement and/or crossarm replacement, and five (5) structures require additional guy anchors installed in wetlands.

With Conditions:

1. All work shall be in accordance with plans by New England Power Construction Company (New England Power Service Company) dated October 8, 1947 and revised October 2004, as received by the DES Wetlands Bureau on December 20, 2005 and narrative and plan dated April 23, 2008, as received by the DES Wetlands Bureau on April 23, 2008.
2. The permittee shall coordinate with the NH Division of Historical Resources to assess and mitigate the project's effect on historical resources.
3. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Maintenance work shall maintain existing size, location and configuration.
5. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
6. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
7. Upon removal, the old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this

permit application and the conditions of this authorization.

15. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
16. 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.
17. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
18. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
19. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
20. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
22. Faulty equipment shall be repaired prior to entering jurisdictional areas.
23. 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.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant's routine inspection of the structures located along the length of the transmission line has revealed the need to replace existing infrastructure in order to continue to provide reliable electric service.
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 DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The applicant has minimized wetlands impacts to the greatest extent practicable by proposing to access the structures via available right-of-way access points and roads to minimize wetlands crossings.
4. The project was designed using environmental procedures and practices applicable to the proposed right-of-way work from the "National Grid USA Environmental Procedure #19, Substation and ROW Access, Maintenance, and Construction BMP" to minimize wetlands impacts.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. Per Env-Wt 501.01, notification of abutters is not required for projects in utility rights-of-way.
7. Per Env-Wt 302.03(d), mitigation shall not be required for impacts that are not intended to remain after the project is completed, provided the areas are restored in accordance with provisions shown in the approved project plans.
8. Of the 494 structures located along the transmission line, sixty-three (63) wetlands crossings are required to access structures in the right-of-way, forty (40) structures located in or proximate to wetlands require wood pole replacement and/or crossarm replacement, and five (5) structures in or proximate to wetlands require additional guy anchors installed in wetlands to bring those structures into current electrical engineering code status.
9. Wood poles are replaced by excavating a narrow hole 8 to 11 feet deep directly adjacent to the existing wood pole. These excavations temporarily affect approximately 100 square feet of area, approximately 50 square feet for the actual excavation and 50 square feet for the incidental workspace and temporary stockpiling of excavated material. The new wood-pole structure is backfilled and the old poles are removed to an upland stockpile area pending permanent disposal.
10. Guy anchors are installed by excavating a narrow hole approximately 6 to 8 feet deep to install a two or three foot diameter plank and anchor assembly.
11. For all excavations, wetland topsoil will be stripped and segregated from subsoil and stockpiled separately from subsoil. Upon

completion, the soil is backfilled and the wetland topsoil is placed back on top to the pre-existing grade.

12. Swamp maps will be deployed to facilitate access and construction and will not be deployed simultaneously along the entire length of the transmission line. Swamp mats will be removed after work at each location is completed.

13. The use of swamp mats will minimize the potential adverse effects during construction, such as soil rutting and compaction, and vegetation root disturbance. Although the mats will temporarily "bend over" or "mat down" the existing vegetation, soil compaction and the effect on existing vegetation will be minimal since the mats will protect the root and seed stock, thereby allowing the wetlands to naturally revegetate during the following growing season.

14. Following work completion and mat removal, the temporarily disturbed areas will be mulched and the applicant will inspect the right-of-way to ensure that appropriate conditions exist for wetland vegetation to re-establish. If deemed necessary, a wetland seed mix (containing seeds of native wetland species) will be applied to the disturbed areas to facilitate revegetation.

15. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

16. The transmission line traverses several buffer areas of known occurrences of endangered or threatened plant species recorded with the NH Natural Heritage Bureau. The NH Natural Heritage Bureau's comments suggest that the proposed project will have no direct impacts on the documented occurrences of protected plant communities. Secondary impacts could result if proper measures to prevent water quality degradation are not employed.

17. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

18. The approved amendment result in only 8.7 sq. ft. of permanent wetlands impact.

2007-01880 JWM GENERATIONS TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

The applicant requests reconsideration of the February 27, 2008 denial to reconstruct an existing boathouse constructed over water on 157 ft of frontage in Tuftonboro on Lake Winnepesaukee.

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

APPROVE RECONSIDERATION:

Reconsider and approve application to: Replace an existing 1415 sq ft nonconforming crib supported boathouse constructed over water with a 1394 sq ft crib supported boathouse on 157 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Beckwith Builders dated as received by DES on March 18, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work 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 authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
6. This permit does not allow for maintenance dredging and/or the removal of any navigational hazards.
7. Unnecessary removal of vegetation shall be prohibited.
8. 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.
9. This permit does not authorize sand deposition for any purpose.

10. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
11. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
12. Existing rock material within cribs shall be reused to the maximum extent practicable.
13. Boathouse shall be a one story structure.
14. Ridgeline height of the boathouse shall not exceed 20 ft.
15. All construction related debris shall be completely removed from jurisdiction of the Wetlands Bureau.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d) modification of an existing major docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 30, 2007. Field inspection determined that original proposal was not the least impacting alternative. The revised plans as received March 18, 2008 addressed that concern.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of public waters, as identified under RSA 482-A:1.
7. The proposed modifications will result in a 21 sq ft reduction in construction surface area over public submerged lands with no increase in the number of slips provided and, therefore, meets the criteria of Rule Env-Wt 402.20.

-Send to Governor and Executive Council-

2008-00260 CURVEY, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Repair 60 linear ft of breakwater and 65 linear ft of 4 ft wide cantilevered dock and dredge 10 cubic yards of sand from a 400 sq ft area on 199 ft of frontage in Alton on Lake Winnepesaukee.

APPROVE PERMIT:

Repair 60 linear ft of breakwater and 65 linear ft of 4 ft wide cantilevered dock and dredge 10 cubic yards of sand from a 400 sq ft area on 199 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design & Construction Management dated February 12, 2008, as received by DES on February 20, 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. Repair 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Dredged area shall not exceed 400 sq ft.
11. No more than 10 cubic yards of material shall be removed from the lakebed.
12. This permit does not authorize sand deposition for any cause within Wetlands jurisdiction
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.03(g) removal of more than 20 cubic yards of rock, gravel, mud, or other materials from public waters.
2. In accordance with RSA 482-A:11, V, Administrative Provisions, a series of minor projects shall be considered in aggregate if they abut.
3. The Applicant is dredging 30 cu yd from the major docking facility on the abutting property.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

-Send to Governor and Executive Council-

2008-00268 **CURVEY, JAMES**
ALTON **Lake Winnepesaukee**

Requested Action:

Repair a 42 ft long "L-shaped" breakwater with a 12 ft gap at the shoreline and 60 linear ft of 4 ft wide cantilevered dock accessed by a 4 ft by 11 ft walkway along the shore and dredge 30 cubic yards from 796 sq ft from a previously dredged area on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Repair a 42 ft long "L-shaped" breakwater with a 12 ft gap at the shoreline and 60 linear ft of 4 ft wide cantilevered dock accessed by a 4 ft by 11 ft walkway along the shore and dredge 30 cubic yards from 796 sq ft from a previously dredged area on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated February 12, 2008, as received by DES on February 20, 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 to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. Appropriate siltation and erosion 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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Repairs shall maintain existing size, location and configuration.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. 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.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
5. The proposed dredge area has been previously dredged under Wetlands Bureau permit 2000-00259.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2006-01508 GOVERNORS ISLAND CLUB INC
GILFORD Lake Winnepesaukee

Requested Action:

Amend permit to show repair of the end of two jettys.

APPROVE AMENDMENT:

Install 89 linear feet of rip rap and repair 140 linear feet of rip rap, repair the end of two 50 ft jettys on property having approximately 871 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All shoreline stabilization work shall be in accordance with plans by Bryan Bailey Associates dated January 1, 2008, revision date February 28, 2008, as received by DES on March 04, 2008, and repair two jettys shall be in accordance with plans by Bryan Bailey Associates dated December 02, 2000, revision date as noted in pen of September 16, 2003, as received by DES on June 20, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and

shall remain until the area is stabilized.

4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. Work shall be done during drawdown per construction note #1 of the approved shoreline stabilization plan.
8. The repair of the two jettys shall not result in any change from the previously permitted dimensions. Th jettys shall not extend more than 50 feet lakeward of full lake elevation of 504.32.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond and do not meet the criteria of Env-Wt 303.02.
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 local Conservation Commission submitted comments suggesting the use of larger material for the proposed new rip rap and repair of the existing rip rap. The approved plans use larger material, thus addressing the Conservation Commissions concerns.

2007-00690 UPPER BIRCH HOLDING LLC
GROTON Unnamed Stream

Requested Action:

Proposed amendment: revised plan sheet to correct lot lines and wetland lines.

APPROVE AMENDMENT:

Dredge and fill 624 sq. ft. of intermittent stream and associated wetlands to install a 24 in. x 40 ft. culvert to construct a subdivision road and dredge and fill 460 sq. ft. of intermittent stream and associated wetlands in a second area to install a 24 in. x 38 ft. culvert for a common driveway to two lots in a proposed 13 lot subdivision of 118 acres.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping sheets 1 and 2 of 2 revision dated October 2007, Wetlands Disturbance and cross-section and profile plans sheets 1 and 2 of 2 revision dated and dated October 2007 as received by DES on October 25, 2007 and supplemental "Wetland Plan" sheet 1 of 1 by Meridian Land Services, Inc., dated December 17, 2007, as received by DES on December 21, 2007 and revised Wetland Plan sheet 1 of 2 revision dated April 10, 2008, as received by DES on April 14, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The proposed building envelopes shall be adjusted to reflect additional wetlands depicted on the supplemental "Wetland Plan" sheets by Meridian Land Services, Incorporated.
4. There shall be no further alteration of wetlands for lot development, driveways, 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 Grafton 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.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

- 10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
- 15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

- 1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
- 2. The 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 permit application was previously denied by DES on November 15, 2007, because the plans submitted did not comply with Administrative Rule Env-Wt 304.09(a).
- 6. On October 25, 2007, DES received a request to waive Administrative Rule Env-Wt 304.09(a).
- 7. The waiver request was denied because it did not meet the content, format and criteria requirements of Administrative Rules Env-Wt 204.03 and 204.04.
- 8. On November 29, 2007, DES received a request for reconsideration of the permit denial decision.
- 9. On November 29, 2007, DES received a request from the applicant for a time extension to give the newly hired NH Certified Wetland Scientist time to identify all wetlands on the property.
- 10. The applicant has now provided supplemental "Wetland Plan" sheets stamped by a NH Certified Wetlands Scientist that identified all wetlands on the property.
- 11. The applicant had previously provided a subdivision plan and impact plans stamped by a NH Licensed Land Surveyor.
- 12. The application now includes the requirements of Administrative Rule Env-Wt 304.09(a).
- 13. The permit approval is contingent on approval by the DES Subsurface Systems Bureau.
- 14. A condition of the approval requires adjustment of the proposed building envelope boundaries due to the additional wetlands identified and depicted on the supplemental "Wetland Plan" sheets.

Requested Action:

Extend DES review deadline of Reconsideration

2007-01800 GALLANT, FREDERICK
ALTON Lake Winnepesaukee

Requested Action:

Appellant requests reconsideration of the Department's March 28, 2008 decision to approve the modification of a boathouse over public waters on property having an average of 103 ft of frontage on Lake Winnepesaukee, in Alton.

DENY RECONSIDERATION:

Deny reconsideration as the request was not filed in a timely manner.

With Findings:
Standards for Approval

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

Finding of Fact

1. On March 27, 2008 the Department issued a decision to approve the modification of docking facilities including a boathouse over public waters on property more particularly identified as Alton tax map 38, lot 27-1.
2. Copies of the original notice of decision were not issued to the Appellant nor to the Applicant's attorney.
3. On April 3, 2008, the Department mailed a corrected notice of the decision issued March 27, 2008. Copies of this notice were sent to the appellant and the Applicant's attorney. This notice clearly stated that the period for filing an appeal of the Department's decision was 20 days from the date of the Decision.
4. In accordance with RSA 482-A:10, II, the latest possible deadline for the filing of an appeal of the project April 16, 2008.
5. The Department received a request for reconsideration from the Appellant on April 21, 2008.

Ruling in Support of the Decision

1. The Appellant failed to meet the timeframes for the filing of the request for reconsideration. Therefore reconsideration is denied.

2007-02060 **NEWMAN, KEVIN & TONJA ROUSSIN**
MEREDITH Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration of the Department's January 14, 2008 decision to deny a permit to repair a breakwater and stone retaining wall, place 4 ft wide steps along the front of an existing perched beach, reset rip-rap, remove a seasonal pier, construct a piling pier, drive three ice clusters and pilings to support a permanent boatlift and seasonal canopy, and retain a seasonal boatlift based on the review of revised plans as submitted.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Repair approximately 40 linear ft of breakwater and increase the height of a 25 ft 6 in length of stone retaining wall and place 4 ft wide steps to perch an existing 30 ft x 14 ft beach, replenish beach with 6 cu yd of sand, reset rip-rap along 23 ft 6 in of shoreline, remove a 6 ft x 30 ft seasonal pier and construct a 6 ft x 30 ft piling pier, drive three 3-piling ice clusters and 4 pilings to support a permanent boatlift, install a 14 ft x 30 ft seasonal canopy, and retain an existing seasonal boatlift on an average of 120 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised January 31, 2008, as received by DES on February 4, 2008 with the exception that no piling shall be driven for the sole purpose of supporting the seasonal canopy.
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 installation.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Only existing rocks which have fallen from the breakwater and rip-rap shall be used in the repair of those structures. No additional rocks shall be brought on site for this purpose..
5. All repairs shall maintain the approved size, location and configuration of structures
6. The retaining wall shall be remain within the footprint of the existing wall so as not to create land in public water.
7. All seasonal structures shall be removed from the lake for the non-boating season.
8. No portion of the piers, lifts, or canopy shall extend more than 30 feet from the shoreline at full lake elevation.

- 9. Canopies shall be of seasonal construction with a flexible fabric cover and shall be removed for the non-boating season.
- 10. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent, 2 slip docking facility.
- 2. The Applicant submitted plans with the Request for Reconsideration to address the deficiencies which had resulted in the Department's earlier decision to deny the project.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 6. The applicant has an average of 120 feet of shoreline frontage along Lake Sunapee.
- 7. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
- 9. In accordance with Rule Env-Wt 101.14, a canopy is a seasonal open structure with a flexible fabric roof.
- 10. In accordance with Rule Env-Wt 101.79, a seasonal structure is a structure, including its supports, which is designed to be removed from the water during the non-boating season.
- 11. Pilings are not a structural support which is designed to be removed during the non-boating season and, therefore, cannot be approved for the sole purpose of supporting a seasonal canopy.

2007-02118 BEAULIEU, CHARLES & DIANE
LACONIA Lake Winnisquam

Requested Action:

Applicant requests to replace a retaining wall on property having 200 ft of frontage on Lake Winnisquam, in Laconia.

Conservation Commission/Staff Comments:

Con Com submitted comments stating

- 1. poor plan submitted
- 2. what parts are to be repaired
- 3. previous permits for structures, docks, boathouse with floor, ramp, boatlifts, stairs and walls

DENY PERMIT:

Applicant requests to replace a retaining wall on property having 200 ft of frontage on Lake Winnisquam, in Laconia.

With Findings:

Standards for Approval

- 1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
- 2. This project is classified as a minor impact project per Rules Env-Wt 303.03(a), projects in or adjacent to any waters of the state that do not meet the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
- 3. In accordance with Env-Wt 101.71 "Repair" means the restoring of an existing legal structure by partial replacement of worn, broken, or unsound parts.
- 4. In accordance with Env-Wt 101.72 "Replacement" means the substitution of a new structure for an existing legal structure with no change in size, dimensions, location, configuration, construction, or which conforms in all material aspects to the original structure.
- 5. In accordance with Env-Wt 404.05 (a)(2)"Walls" applications for walls shall include cross-section and plan views of the

proposed installation and sufficient plans to clearly indicate the relationship of the project to fixed points of reference, abutting properties, and features of the natural shoreline;

6. In accordance with Env-Wt 404.05 (a)(3)"Walls" Walls on great ponds or water bodies where the state holds fee simple ownership shall be located on the shoreward side of the normal high-water shoreline;

7. In accordance with Env-Wt 404.05 (a)(4)"Walls" Applications for walls adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.

8. In accordance with Env-Wt 501.02(a)(2)(f), the scale, if any, used on the plan, using standard measures of whole units such as an engineering rule of 1 to 10, metric engineering rule of 1 to 2.5, or architectural rule which clearly states the unit of measure; g. If the drawing is not to scale, the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project;

9. In accordance with RSA 482-A:3,XIV, (b) Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.(c) Where the department requests additional information pursuant to subparagraph (b), the department shall, within 30 days of the department's receipt of the information: (1) Approve or deny the application, in whole or in part.

Findings of Fact

10. On March 27, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Laconia, tax map 31, lot 15, (the "Lot") to replace an existing retaining wall, on Lake Winnisquam.

11. On September 10, 2007, the Wetlands Bureau received comments from the local Conservation Commission stating "Application does not include a diagram that clearly indicates what part of retaining wall is to be repaired. We do not object to this activity provide the docks, retaining walls, boat ramp, stairs, boatlifts and boathouse with floor inside it are permitted".

12. On December 05, 2007, the Wetlands Bureau sent a Request for More Information letter to the Applicant. This letter requested that the Applicant submit a plan which showed complete dimensions for all existing and proposed structures on the frontage.

13. The Letter also requested that the Applicant submit a cross-section diagram of the existing and proposed wall which showed existing and proposed grades, the height and width of the retaining walls and methods for diversion of surface runoff relative to the normal high water line.

14. The Request for More Information letter requested the Applicant submit a construction sequence and details describing what actions will be taken to control siltation, erosion and turbidity during construction.

15. The Request for More Information letter requested that the Applicant provide evidence that the existing structures are grandfathered including the dates of construction for all structures. The letter stated that DES could find no permits for the structures on the frontage and the local Conservation Commission had some concerns on the status of the structures.

16. The Request for More Information letter stated if the request was for a new wall, additional filing fee would need to be calculated and submitted.

17. On March 27, 2008 the Wetlands Bureau received a response to the Request for More Information letter, to include a hand drawn plan of proposed conditions, a copy of a stamped surveyed plan of the lot dated November 03, 1978 and several documents in related to the City of Laconia for work on the property.

18. The hand drawn plan indicated a wall to be constructed in a different footprint than shoreline on the stamped surveyed plan.

19. The information submitted did not include any reference to permits from the State of New Hampshire for the installation of the docking structures, the boathouse floor within the waterbody, or the existing boatlifts.

Rulings in Support of Denial

20. Pursuant to RSA 482-A:3, XIV, the applicant did not submit the requested all the information in the Request for More Information letter, therefore the application is denied.

21. The applicant submitted plans showing the proposed wall in a different location than the existing conditions plan and photographs, the applicant did not submit the information as required pursuant to Env-Wt 404.05 for a new wall, therefore the application is denied.

2007-02371 SQUIRES FAMILY TRUST, JESSICA SQUIRES TTEE
NEW LONDON Lake Sunapee

Requested Action:

Install a 6 ft x 40 ft seasonal dock on 349 ft of frontage in New London on Lake Sunapee.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Install a 6 ft x 40 ft seasonal dock on 349 ft of frontage in New London on Lake Sunapee.

With Findings:

1. A request for additional information dated December 26, 2007, addressed to the applicant and agent of record requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-02417 CAREY, CHARLES & WENDY
NEW LONDON Lake Sunapee

Requested Action:

Applicant requests reconsideration of the Department's January 13, 2008 decision to deny the application for the construction of a "U" shaped piling pier with fender pilings, permanent boatlifts, seasonal canopy and personal watercraft lifts on an average of 187 ft of frontage on Lake Sunapee.

APPROVE RECONSIDERATION:

Reconsider and approve: Remove an existing 6 ft x 40 ft seasonal pier and construct two 6 ft x 30 ft piling piers connected by a 6 ft x 11 ft walkway, drive pilings to support 2 permanent boatlifts, drive two 3 piling ice clusters, install a 30 ft x 30 ft seasonal canopy, and two seasonal personal watercraft lifts on an average of 187 ft of frontage on Lake Sunapee, in New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised January 16, 2008, and received by DES on January 17, 2008 with the exception that no piling shall be driven for the sole purpose of supporting the seasonal canopy.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Sullivan 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.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the piers or canopy shall extend more than 30 feet from the shoreline at full lake elevation.
7. Canopies shall be of seasonal construction with a flexible fabric cover and shall be removed for the non-boating season.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a permanent, 3 slip docking facility.
2. The Applicant submitted plans with the Request for Reconsideration to address the deficiencies which had resulted in the Department's earlier decision to deny the project.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has an average of 187 feet of shoreline frontage along Lake Sunapee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
9. In accordance with Rule Env-Wt 101.14, a canopy is a seasonal open structure with a flexible fabric roof.
10. In accordance with Rule Env-Wt 101.79, a seasonal structure is a structure, including its supports, which is designed to be removed from the water during the non-boating season.
11. Pilings are not a structural support which is designed to be removed during the non-boating season and, therefore, cannot be approved for the sole purpose of supporting a seasonal canopy.

2007-02890 PATTERSON, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Remove an existing 6 ft x 30 ft cantilevered wharf and a 10 ft x 10 ft 6 in deck over the bank and construct 50 linear ft of 6 ft wide cantilevered wharf in a dogleg configuration accessed by a 6 ft x 10 ft wide walkway on an average of 100 ft of frontage on Lake Winnepesaukee, in Alton.

APPROVE PERMIT:

Remove an existing 6 ft x 30 ft cantilevered wharf and a 10 ft x 10 ft 6 in deck over the bank and construct 50 linear ft of 6 ft wide cantilevered wharf in a dogleg configuration accessed by a 6 ft x 10 ft wide walkway on an average of 100 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 30, 2007, as received by DES on December 11, 2007.
2. There shall be no modification of the natural shoreline involve with the construction of the new wharf. Only existing rocks shall be used to secure the cantilevered poles. No additional rocks shall be brought on site..
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. This permit does not allow for dredging.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Said repairs shall maintain the permitted size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

Evaluation, has been considered in the design of the project.

5. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2008-00290 PATTENS GAS, ALVIN FADDEN
HAVERHILL Unnamed Stream

Requested Action:

Retain 450 sq. ft. of wetlands and associated intermittent stream impact resulting from the installation of 36 in. x 80 ft. plastic culvert to maintain an existing commercial access driveway. The culvert was installed to replace a previous stone box culvert that collapsed. An additional 100 sq. ft. of temporary wetlands and intermittent stream impacts will be restored.

APPROVE PERMIT:

Retain 450 sq. ft. of wetlands and associated intermittent stream impact resulting from the installation of 36 in. x 80 ft. plastic culvert to maintain an existing commercial access driveway. The culvert was installed to replace a previous stone box culvert that collapsed. An additional 100 sq. ft. of temporary wetlands and intermittent stream impacts will be restored.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates Inc., as received by DES on February 25, 2008 and April 25, 2008.
2. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
3. The remaining restoration activities shall be completed by September 1, 2008 and a follow-up monitoring report prepared by a New Certified Wetland Scientist (CWS) shall be submitted to the DES Wetland Bureau by October 1, 2008.
4. The remaining restoration work shall be done during low flow.
5. 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.
6. If the existing (after-the-fact) culvert fails the applicant shall investigate an alternative crossing design.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. 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.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1) Projects that alter the course of or disturb less than 200

linear feet of an intermittent or perennial

nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
4. The culvert was previously installed when the existing box culvert collapsed.
5. The existing driveway provides common access to the existing commercial business on the site.
6. The access is used as entry for large tractor trailers that deliver wholesale propane to the site.
7. The applicant is restoring additional impacts created when the culvert was installed.

MINIMUM IMPACT PROJECT

**2005-02255 ZEKOS, MARTIN & NANCY
UNITY Unnamed Wetland**

Requested Action:

Dredge and fill 15,348 sq. ft. of poorly drained forested wetlands to retain and complete impacts to create a wildlife pond.

APPROVE PERMIT:

Dredge and fill 15,348 sq. ft. of poorly drained forested wetlands to retain and complete impacts to create a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans and narratives by Connecticut Valley Environmental Services, Inc., labeled "Proposed After the Fact Wildlife Pond" and "Construction Sequence and Sediment and Erosion Control Detail", dated March 31, 2008, as received by the Department on April 4, 2008.
2. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
3. Work shall be done during drawdown of the pond and low flow conditions.
4. A post-construction report prepared by a New Hampshire Certified Wetland Scientist ("CWS") documenting the status of the pond and adjacent construction area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of pond construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Completion of the pond construction shall coincide with the approved restoration activities as outlined in the Restoration Plan Approval dated April 29,2008. The restoration shall be in accordance with this Restoration Plan Approval and plans and narratives by Connecticut Valley Environmental Services, Inc., "Wetland Restoration and Planting Plan" plan, dated March 31, 2008, as

received by the Department on April 4, 2008.

13. 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.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 square feet of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department did not submit comments.
6. The Unity Conservation Commission did not submit comments on the project.
7. Restoration of non permissible impacts have been approved by the Wetlands Bureau Compliance Section under a Restoration Plan Approval dated April 29, 2008.

**2007-01159 TOSI JR REVOC TRUST, LAURENCE
RYE Atlantic Ocean**

Requested Action:

Reconstruct approximately 70 linear feet of riprap armor stone to protect the existing concrete seawall for wave energy attenuation and protection of the structural integrity of the existing wall of a private, single family residence on the Atlantic Ocean.

APPROVE PERMIT:

Reconstruct approximately 70 linear feet of riprap armor stone to protect the existing concrete seawall for wave energy attenuation and protection of the structural integrity of the existing wall of a private, single family residence on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with plans by James Tosi, received by the Department on September 7, 2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require A NEW application and approval by the Bureau.
3. Permission to use the right-of-way for access/egress to the site shall be granted by the Town of Rye Board of Selectmen prior to the commencement of work.
4. DES staff shall be notified in writing prior to commencement of work and upon completion.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. All work shall be done at low tide only.
7. Access to the work area shall be through the beach access right-of-way southerly of the subject location.
8. Any beach grass or sand dune vegetation impacted by trucks or the excavator traveling through the right-of-way area shall be restored/replaced immediately following the excavator leaving the beach.
9. A York Rake or similar device shall be used to regrade the beach contours to the original conditions and eliminate all the excavator tracks on the beach and ROW.
10. This permit is not for the reconstruction of the sand dune area. DES will issue a restoration plan approval under separate cover.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) Repair or replacement of existing retaining walls

- that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. Over the course of the storms of April 15-16, 2007, this property sustained heavy damage. More specifically, the entire dune area had been damaged and subsequently scoured away from the property entirely.
 3. On June, 5, 2007, DES issued an Emergency Authorization Verification to repair the damaged area on the property.
 4. On August 13, 2007, DES personnel inspected the site with representatives from the Town of Rye. At the time of this inspection, DES instructed the owner to submit a Standard Dredge and Fill Application, for approval, to DES before any further work could be done.
 5. Presently, the property lacks protection from storm wave energy, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
 6. All impacts will occur landward of the highest observable tide line, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
 7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02746 PROVOST IV 1993 TRUST, PIERRE & LURA
LYNDEBOROUGH Unnamed Stream Unnamed Wetland

Requested Action:

Dredge and fill approximately 120 linear feet of intermittent stream and 2,030 square feet of associated palustrine forested wetlands to install a 36-inch x 53-foot HDPEP drop-inlet culvert for road access to a 14-lot subdivision on ± 70.23 acres.

Conservation Commission/Staff Comments:

check email revisions jeff merritt????

APPROVE PERMIT:

Dredge and fill approximately 120 linear feet of intermittent stream and 2,400 square feet of associated palustrine forested wetlands to install a 5-foot x 3-foot x 50-foot precast box culvert with a natural streambed for road access to a 14-lot subdivision on ± 70.23 acres.

With Conditions:

1. All work shall be in accordance with plans by Keach Nordstrom Associates, Inc. dated October 19, 2007, and revised through March 30, 2008, as received by the Department on April 07, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. 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.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent nontidal stream channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. Related file 2007-00319, included an alternative layout for subdivision of this site with greater impacts.
4. In correspondence dated January 25, 2008, the Wilton Conservation Commission issued comments expressing concern for the proposed drop-inlet culvert.
5. The applicant revised the proposed drop-inlet intermittent stream crossings to a box culvert with a created natural rounded stone stream bed.
6. In correspondence dated February 25, 2008, the Army Corps of Engineers (ACOE) stated the project is ineligible for authorization under the NH Programmatic General Permit (PGP) because the US Environmental Protection Agency (EPA) and US Fish and Wildlife Service (USFWS) expressed the following concerns: 1) no indication of quantity of upland buffer that will remain the same; 2) how upland buffer will be protected; 3) no indication on size of house(s) building area; 4) lot B-14-10 may need to be eliminated, vernal pool 1 covers much of the site; 5) need a before and after plan for the site key; 6) need to show remaining forested areas near vernal pool's 1 and 2; 7) need to show where houses are in relation to vernal pools; and need to show how vernal pool's will be protected.
7. In email correspondence dated April 30, 2008, the Applicant's Agent confirmed the Applicant was planning to apply for an individual permit with the ACOE.
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(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-03007 PAUGUS BAY RACQUET CLUB CONDOS
LACONIA Lake Winnepesaukee**

Requested Action:

Repair four 3 ft wide piling piers having lengths of 39 ft 6 in, 41 ft, 40 ft 6 in, and 40 ft 6 in connected by an 11 ft x 27 ft wharf and an 11 ft 6 in x 44 ft wharf, 3 tie-off pilings, and two 3-piling ice clusters, and install 4 seasonal watercraft lifts and 2 seasonal personal watercraft lifts on an average of 155 ft of frontage on Paugus Bay, in Laconia.

APPROVE PERMIT:

Repair four 3 ft wide piling piers having lengths of 39 ft 6 in, 41 ft, 40 ft 6 in, and 40 ft 6 in connected by an 11 ft x 27 ft wharf and an 11 ft 6 in x 44 ft wharf, 3 tie-off pilings, and two 3-piling ice clusters, and install 4 seasonal watercraft lifts and 2 seasonal personal watercraft lifts on an average of 155 ft of frontage on Paugus Bay, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised March 27, 2008 and received by DES on April 4, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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.
4. The repair of these structures shall maintain approved size, location and configuration of the structures.
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 turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
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 seasonal structures shall be removed for the non-boating season.
10. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2008-00261 MORRELL CORPORATION
BARTLETT Unnamed Pond**

Requested Action:

Dredge and fill approximately 730 sq. ft. (190 linear ft.) of bank and lawn area between an existing man-made pond and paved access-way for the installation of retaining wall and fence to address safety concerns.

APPROVE PERMIT:

Dredge and fill approximately 730 sq. ft. (190 linear ft.) of bank and lawn area between an existing man-made pond and paved access-way for the installation of retaining wall and fence to address safety concerns.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated February 06, 2008, as received by the Department on February 20, 2008.
2. All work shall be done during low flow and under draw down conditions of the pond.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Machinery shall not be located within surface waters.
9. Machinery shall be staged and refueled in upland areas.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 13. 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.
- 14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
- 15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
- 2. The project is to provide a safety barrier between the existing paved access-way and man-made pond.
- 3. The impacts are along the edge of a man-made esthetic pond within and existing amusement park. The impacts are along the pond edge and within the existing lawn area.
- 4. DES has issued permits for similar activities at the amusement park.

FORESTRY NOTIFICATION

2008-00620 CHOCORUA FORESTLANDS
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map ,1 & 4 Lot# 13, 14, 17, 24, 25 & 12, 15

2008-00621 VOPL, H THOMAS
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 241, Lot# 11 & 12

2008-00648 JENKS, ARTHUR
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 69, Lot# 14

2008-00653 CHAMBERLIN, NEIL & JEAN
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 11, Lot# 29

**2008-00654 HELFGOTT, GERTRUDE
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 223, Lot# 24 & 26

**2008-00655 NELSON, BARRY & DONNA COWAN
JEFFERSON Unnamed Stream**

COMPLETE NOTIFICATION:
Jefferson Tax Map 9, Lot# 17

**2008-00660 HEATH, RYAN
ALTON Unnamed Stream**

COMPLETE NOTIFICATION:
Alton Tax Map 8, Lot# 25

**2008-00684 JOHNSTON, COREY & JODI
BRISTOL Unnamed Stream**

COMPLETE NOTIFICATION:
Bristol Tax Map 222, Lot# 16 & 17

**2008-00685 YANKEE FOREST LLC, C/O WAGNER FOREST MGT
CAMBRIDGE Unnamed Stream**

COMPLETE NOTIFICATION:
Cambridge Tax Map 1613, Lot # L-3

EXPEDITED MINIMUM

**2006-02449 PERKINS, PATRICIA
LOUDON Unnamed Stream**

Requested Action:
Approve amendment to install a poled ford in the crossing location prior to installing the final crossing for forestry access.

APPROVE AMENDMENT:
Dredge and fill 900 square feet of palustrine forested wetland to temporarily install a poled ford and install a permanent 18-inch x 18 foot culvert, in the same location, for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering dated July 11, 2006 as received by the Department on September 25, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The temporary impact area shall be in the same location as the permanent location.
5. All poled ford debris shall be removed prior to installation of the final crossing.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. 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).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

2007-02557 GAGNON, CONRAD
MILTON Milton Three Ponds

Requested Action:

Construct a 345 sq ft perched beach with 3 ft wide seasonal lake access stairs and repair existing retaining walls and rip-rap "in-kind" on 173 ft of frontage in Milton on Milton Three Ponds.

APPROVE PERMIT:

Construct a 345 sq ft perched beach with 3 ft wide seasonal lake access stairs and repair existing retaining walls and rip-rap "in-kind" on 173 ft of frontage in Milton on Milton Three Ponds.

With Conditions:

1. All work shall be in accordance with plans by Vachon Landscaping as received by the Department on April 25, 2008.
2. Replacement wall will maintain existing length, height and configuration.
3. Replacement retaining wall will not come closer to the water than the existing wall.
4. Repair/replacement of rip-rap will maintain existing length, height and configuration and shall have the same volume of rock, and will not extend further into the lakebed and shall not extend further landward of the normal high water mark than existing.
5. No more than 10 cubic yards of sand shall be used for perched beach construction.
6. This permit does not authorize annual beach replenishment and landowner must attain further authorization from DES through another permit.
7. This permit does not authorize sand deposition below or lakeward of the normal high water mark elevation.
8. This permit does not authorize maintenance dredging.
9. Retaining walls or rip-rap in front of the beach will be constructed completely landward of the normal high water mark elevation so that the existing contours of the shoreline retain in-tact and undisturbed.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that the "existing structures" as depicted on the plans were not previously permitted or grandfathered.
11. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall

be avoided.

13. 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.

14. Dated photographic documentation of the replaced and newly constructed structures will be submitted to the Wetlands Bureau within 30 days from completion date as a notification of completion of the project.

15. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.

16. 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.

2008-00532 GREGORY, DAVID & CAROLYN
ALTON Lake Winnepesaukee

Requested Action:

Repair/replace existing crib supported "C-shaped" docking facility in-kind on 132 ft of frontage in Alton on Lake Winnepesaukee.

APPROVE PERMIT:

Repair/replace existing crib supported "C-shaped" docking facility in-kind on 132 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on April 9, 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 registered permit shall be submitted to the DES Wetlands Bureau 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. This permit does not allow for maintenance dredging.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
9. Future repairs shall maintain permitted size, location and configuration.
10. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

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

2008-00546 SKIFFINGTON HOMES INC
MOULTONBOROUGH Unnamed Stream

Requested Action:

Dredge and fill a total of 350 square feet for the construction of a spanning structure for access to two single family residential lots.

APPROVE PERMIT:

Dredge and fill a total of 350 square feet for the construction of a spanning structure for access to two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates PC dated March 26, 2008, as received by the Department on April 10, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate 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. All work shall be done from the top of the bank.
10. 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.
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. 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.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h), installation of a bridge provided that, No work is done in the water or wetland; The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Env-Wt 303.02(k);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided

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

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

5. The proposed impact was previously permitted in 2002, under permit 2002-2395, which expired prior to the construction of this structure.

2008-00547 SKIFFINGTON HOMES INC
MOULTONBOROUGH Unnamed Stream

Requested Action:

Dredge and fill a total of 350 square feet for the construction of a spanning structure for access to two single family residential lots.

APPROVE PERMIT:

Dredge and fill a total of 350 square feet for the construction of a spanning structure for access to two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates PC dated March 26, 2008, as received by the Department on April 10, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate 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. All work shall be done from the top of the bank.
10. 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.
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. 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.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h), installation of a bridge provided that, No work is done in the water or wetland; The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Env-Wt 303.02(k);

- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The proposed impact was previously permitted in 2002, under permit 2002-2395, which expired prior to the construction of this structure.

GOLD DREDGE

2008-00643 FAY, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2008-00644 FAY, NANCY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2008-00676 LOGAN, JAMES
LANDAFF Unnamed Stream

COMPLETE NOTIFICATION:
Landaff Tax Map 10, Lot# 10

LAKES-SEASONAL DOCK NOTIF

2008-00634 LANE TRUST, ANDREW
WINDHAM Canobie Lake

COMPLETE NOTIFICATION:
Windham, NH Tax Map 18 Lot L2
Canobie Lake

2008-00635 LESLIE, DEBRA
BARRINGTON Mendums Pond

COMPLETE NOTIFICATION:
Barrington, NH Tax Map 125 Lot 2
Mendum's Pond

2008-00636 BARRETT, CATHERINE
ALEXANDRIA Newfound Lake

COMPLETE NOTIFICATION:
Alexandria, NH Tax Map 202 Lot 79
Newfound Lake

2008-00637 YOUNG, MARK
SALEM Canobie Lake

COMPLETE NOTIFICATION:
Salem, NH Tax map 62 Lot 3556
Canobie Lake

2008-00641 OAK BLUFF REALTY TRUST
WOLFEBORO Wentworth Lake

COMPLETE NOTIFICATION:
Wolfeboro, NH Tax map 223 Lot 28
Lake Wentworth

2008-00642 BOYD, DONALD
NEW HAMPTON Pemigewassest Lake

COMPLETE NOTIFICATION:
New Hampton, NH Tax Map U9 Lot 14
Lake Pemigewasset

2008-00670 STATCHEN, RICHARD
STODDARD Island Pond

COMPLETE NOTIFICATION:
Stoddard, NH Tax Map 136 Lot 37
Island Pond

ROADWAY MAINTENANCE NOTIF

**2008-00639 NH BUREAU OF RAIL & TRANSIT
MEREDITH Unnamed Stream**

COMPLETE NOTIFICATION:

Remove existing 18" clay pipe and install 18" culvert with erosion stone and ledge along bank at outlet.

**2008-00659 NH DEPT OF TRANSPORTATION
ANDOVER Unnamed Stream**

COMPLETE NOTIFICATION:

Dig out existing 24" steel pipe and replace with 24" steel

PERMIT BY NOTIFICATION

**2008-00382 CUMMINGS, WILLIAM & PAULA
HEBRON Unnamed Stream**

Requested Action:

Dredge and fill 650 square feet for the installation of an 18-inch x 30 foot culvert for access to a proposed single family residence.

PBN IS COMPLETE:

Dredge and fill 650 square feet for the installation of an 18-inch x 30 foot culvert for access to a proposed single family residence.

**2008-00595 GODZYK, BRIAN & CYNTHIA
MEREDITH Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking structure in-kind.

PBN IS COMPLETE:

Repair/replace existing docking structure in-kind.

With Findings:

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

**2008-00669 SCOTT, ERIC & CHERYL
ALTON Lake Winnepesaukee**

Requested Action:

Repair/replace existing crib supported docking system.

PBN IS COMPLETE:

Repair/replace existing crib supported docking system.

With Findings:

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