

Wetlands Bureau Decision Report

Decisions Taken
06/09/2008 to 06/15/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2007-02200 OSTIA REAL ESTATE ASSOCIATES LLC
EPSOM Unnamed Wetland**

Requested Action:

Dredge and fill a total of 17,464 square feet of palustrine wetland of this total 4,798 square feet is for access in the commercial subdivision of 11.688 acres and 12,666 is for lot development.

DENY PERMIT:

Dredge and fill a total of 17,464 square feet of palustrine wetland of this total 4,798 square feet is for access in the commercial subdivision of 11.688 acres and 12,666 is for lot development.

With Findings:

Findings of Law:

1. This is a major impact project in accordance with Env-Wt 303.02(m) Any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence, which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. In accordance with Env-Wt 301.01(e), plans submitted in support of applications for dredge and fill of wetlands that are classified as major or minor projects in accordance with Env-Wt 303.02 and Env-Wt 303.03 respectively, shall be stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when that individual prepares the plan(s).
8. Wetlands classification shall be identified on plans for all major projects involving dredge and/or fill of wetlands, in accordance with Env-Wt 301.02(b).
9. An applicant's plans shall be in accordance with the requirements as set forth in Administrative Rule Env-Wt 501.02(a)(2).
10. The applicant shall supply a copy or tracing of the tax map showing the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters with each lot labeled with the abutter's name(s) and mailing address(es), in accordance with Env- Wt 501.02(a)(1).
11. Per Env-Wt 501.02(a)(3), the applicant shall supply dated, labeled photograph(s) mounted on 8½" x 11" sheets depicting portions of wetland, shoreline, or surface waters where proposed impact will occur.
12. In accordance with Env- Wt 501.02(a)(5), the applicant shall provide a narrative that describes the sequence of construction including pre-construction through post-construction activities and the relative timing and progression of all work.
13. For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800, per Administrative Rule Env-Wt 302.03(b).(See Env-Wt 803.05, Env-Wt 803.06, Env-Wt 804.01, Env-Wt 804.02, Env-Wt 804.03, Env-Wt 804.04, and Env-Wt 805.02).
14. RSA 482-A:3, XIV(b), states that if the requested information is not received within 120 days of the request by the department, the department shall deny the application.

Findings of Fact:

15. On December 16, 2006, the Department of Environmental Services Wetlands Bureau received an application to dredge and fill 9410 square feet of wetland for roadway construction on the abutting property to the north, file 2006-03183.
16. On September 11, 2007, the Department of Environmental Services Wetlands Bureau received a Standard Dredge and Fill

Application to fill 18, 588 for the extension of the roadway under file 2006-3183 and fill for lot development in the commercial subdivision of 26.94 acres.

17. On September 20, 2007, the application was deemed administratively incomplete, as the mitigation component of the application was not completed.

18. On October 31, 2007, DES received a preliminary mitigation agreement form stating that a complete mitigation package shall be provided by February 2008; this form was signed by a DES Staff Representative on November 1, 2007.

19. The file was deemed administratively complete on November 1, 2007.

20. The Department issued a request for additional information on January 15, 2008, this request included:

- a. The plans provided do not demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on the site.
 - b. It is unclear what the need for the proposed impacts for lot development are. The proposal appears to maximize the development on the lot without consideration of the wetlands.
 - c. The applicant provide documentation that the proposal is designed for specific tenants and the fill for lot development is not speculative.
 - c. The isolated wetlands on the lot appear to have standing water at the time the photographs were taken, and may be functioning as vernal pools.
 - d. The lot is located on tax map U6 but has abutters on map U5 and U8, these tax maps were not submitted with the application to verify abutters.
 - e. That a construction narrative be provided in accordance with Env-Wt 501.02(5).
 - f. The classification of the wetlands be provided on the plans in accordance with Env-Wt 301.02(b).
 - g. Plans be stamped by a Certified Wetland Scientist in accordance with the requirements of Env-Wt 301.01(e).
 - h. DES also recognized in their request for information dated January 15, 2008 that there was a mutual agreement to extend the submittal of a final mitigation package. However, the proposal as submitted did not appear to meet the ratios as set forth in Env Wt 803.05 Table 800-1. The function and value assessment of the impacted wetlands was determined to be incomplete.
21. On January 22, 2008, Department Staff and the project team met to discuss the request for additional information and to clarify what was being requested.
22. On February 20, 2008, the agent for the applicant requested an extension of the mitigation agreement.
23. On February 28, 2008, Department Staff called the agent for the applicant and informed them that they needed to submit only the mitigation package components for review by the February 29, 2008 deadline.
24. On February 29, 2008, the Department received documentation for a mitigation package including a draft conservation easement, a plan depicting the easement area, a letter from a potential easement holder, and letter from the Wetland Scientist regarding vernal pools on site.
25. On March 25, 2008, DES issued a Mitigation Request for Additional Information requesting the applicant provide funds into the Aquatic Resource Mitigation fund rather than the proposed conservation easement.
26. On April 23, 2008, DES Wetlands received correspondence from the property owner indicating their agreement to mitigate using the Aquatic Resource Mitigation fund.
27. On May 12, 2008, the Department received a full size set of plans, and a letter regarding the vernal pool assessment from the Wetland Scientist.
28. The applicant did not address items 1, 2, 3, 4, 6, 8, 9 and 11 of the Request for Additional Information dated January 15, 2008.
29. 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.

Findings in Support of Denial:

30. This project is denied in accordance with Env-Wt 302.04(d)(1) because the applicant failed to document that there is a practicable alternative, such as a smaller footprint building or one less building or less retail space that would have less adverse impact on the area and environments under the departments jurisdiction.
31. This project is denied in accordance with Env-Wt 302.04(d)(3), as the project will cause random or unnecessary destruction of wetlands.
32. The project is denied per Env-Wt 302.04(e)(2) as the requirements of Wt 302.03 were not met and because the applicant failed to document factors as required in Env-Wt 302.04(a).
33. DES did not receive the requested additional information within the 120 days and therefore the application has been denied, in accordance with RSA 482-A:3 XIV(b).

**2007-02364 RIVER REACH ASSOCIATION, JAMES SHEPARD
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Dredge 120 cubic yards of deposited material from 2016 sq ft of the navigatable channel in the Melvin River, in Tuftonboro.

Conservation Commission/Staff Comments:

The local Con Com submitted comments stating: a) the proposed project is in a stream not the lake; b) turbidity curtains are not sufficient; c) it's a major project, 302.04 not addressed
d) where will dredge material go; and e) should be done during low flow.

Inspection Date: 11/28/2007 by Chris T Brison

APPROVE PERMIT:

Dredge 120 cubic yards of deposited material from 2016 sq ft of the navigatable channel in the Melvin River, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated May 6, 2008, as received by DES on May 9, 2008.
2. No dredge shall occur between September 1 and December 1, and between April 1 and May 31
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. 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.
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. 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 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. DES Staff conducted a field inspection of the proposed project on November 28, 2007. Field inspection determined the need for the proposed impacts.
5. 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 the resource, as identified under RSA 482-A:1.
6. The materials to be removed were deposited during recent flood events.

-Send to Governor and Executive Council-

**2007-02620 AKWA MARINA YACHT CLUB LLC
LACONIA Lake Winnepesaukee**

Requested Action:

Repair/replace an existing boat ramp.

Inspection Date: 12/06/2007 by Chris T Brison

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Repair/replace an existing boat ramp.

With Findings:

1. A request for additional information dated January 31, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-02947 JOHNSON REVOC TRUST, DONNA
GILFORD Lake Winnepesaukee**

Requested Action:

Straighten an existing 42 linear ft breakwater with a 6 ft gap at the shoreline, a 6 ft x 30 ft cantilevered pier and a 6 ft x 30 ft piling pier connected by a 6 ft x 30 ft 9 in walkway in a "U" configuration, drive 1 fender piling, replace 2 tie off pilings, install a permanent boatlift and a 33 ft x 30 ft seasonal canopy, and 2 personal watercraft lifts on 135 ft of frontage on Lake Winnepesaukee.

Inspection Date: 03/25/2008 by Chris T Brison

APPROVE PERMIT:

Straighten an existing 42 linear ft breakwater with a 6 ft gap at the shoreline, a 6 ft x 30 ft cantilevered pier and a 6 ft x 30 ft piling pier connected by a 6 ft x 30 ft 9 in walkway in a "U" configuration, drive 1 fender piling, replace 2 tie off pilings, install a permanent boatlift and a 33 ft x 30 ft seasonal canopy, and 2 personal watercraft lifts on 135 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by R C Brown as revised on May 15, 2008, and received by DES on May 19, 2008 with the exception that the clear spacing between the cantilevered pier and the piling pier shall not exceed 12 ft.
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. 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. This permit to replace existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures depicted as "existing" were not previously permitted or grandfathered.
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 disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Only rocks from the existing breakwater shall be used for the reconfiguration. No additional rocks shall be brought on site.
8. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
9. 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.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. All seasonal structures shall be removed for the non-boating season.

12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 135 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 25, 2008, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 25, 2008 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2008-00416 **CAMP CALUMET LUTHERAN**
FREEDOM Lake Ossipee

Requested Action:

Stabilize 4 existing tree areas with by placing a total of 300 sq ft of flat stones around the tree base, stabilize an existing intermittent stream channel with 20 linear feet of bio-logs and add 30 cubic yards of sand to an existing beach above elevation 410 feet on Ossipee Lake, in Freedom.

Conservation Commission/Staff Comments:

Con Com submitted comments stating supportting the proposed project with comments about increase impervious surface around the trees

APPROVE PERMIT:

Stabilize 4 existing tree areas with by placing a total of 300 sq ft of flat stones around the tree base, stabilize an existing intermittent stream channel with 20 linear feet of bio-logs and add 30 cubic yards of sand to an existing beach above elevation 410 feet on Ossipee Lake, in Freedom.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated March 12, 2008, as received by DES on March 20, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. 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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. This permit does not allow for the removal of any vegetation on the frontage as part of the proposed work.
6. Full lake elevation of 410 shall be located and staked by a licensed surveyor prior to the placement of sand.
7. No more than 30 cu yd of sand may be used and all sand shall be located above elevation 410. No sand shall be placed in the waterbody.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
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(o), replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) [and (c) for tidal projects], (EDIT as needed), Requirements for Application Evaluation, has been considered in the design of the project.

2008-00447 RK HOOKSETT LLC
HOOKSETT Unnamed Stream

Requested Action:

Dredge and fill a total of 2350 square feet to enlarge the existing basin and improve stormwater treatment on site; Replace existing 42-inch x 230 linear foot culvert with 52 feet of 5 foot x 8-foot box culvert and construct 110 linear feet of open channel.

APPROVE PERMIT:

Dredge and fill a total of 2350 square feet to enlarge the existing basin and improve stormwater treatment on site; Replace existing 42-inch x 230 linear foot culvert with 52 feet of 5 foot x 8-foot box culvert and construct 110 linear feet of open channel.

With Conditions:

1. All work shall be in accordance with plans by LC Engineering Company LLC dated march 10, 2008, as received by the Department on April 18, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. 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. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final construction sequencing, stream diversion and erosion control plans. Those plans and narrative shall detail the timing and method of all work to be conducted on the site including the stream flow diversion during construction, methods and timing of construction, and shall show temporary siltation/erosion/turbidity control measures to be implemented and provide details on correct installation.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. Work shall be done during low flow.
8. 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.
9. 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.
10. No equipment shall enter the water.
11. All work shall be done from the top of the bank.

12. Prior to commencing work in an area located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
17. Mulch within the wetland areas shall be straw.
18. Seed mix within the wetland areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
19. Plants as identified on the approved plans shall be planted within one growing season of the expansion of the basin.
20. 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.
21. 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.
22. 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.
23. Silt fencing must be removed once the area is stabilized.
24. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
25. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of work.
26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the wetlands areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i); Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The proposal will daylight 110 linear feet of stream that is currently in a 42-inch culvert.
5. The proposed project will increase the stormwater detention, and flood flow attenuation of the existing wetland area.
6. The proposal is to impact 2350 square feet of bank of the existing detention basin.
7. The proposed project has a net gain by treating the stormwater that is currently discharged into Dalton Brook.
8. The proposed project will reduce the overall impervious of the site by 10,000 square feet.
9. 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 this project.
10. Although this project is classified as a major impact project the proposal will increase the area of open stream system, improves the stormwater treatment and the flood flow alteration of the site and will create 19,600 square feet of wetlands. Therefore, DES considers this to be an alternate mitigation package in accordance Env-Wt 803.06(b).
11. The Department did not receive comments from the Hooksett Conservation Commission regarding this project.
12. The Department has not received comments from any of the abutters regarding this project.
13. 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 riverine resource, as identified under RSA 482-A:1.

2008-00472 KENNEDY, MICHAEL
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair an existing 42 ft "L" shaped breakwater, remove a 4 ft x 24 ft cantilevered wharf along the shore and restore the shoreline, remove a 25 ft seasonal dock and install a 3 ft x 7 ft concrete pad in the bank with a 6 ft x 40 ft seasonal dock on an average of 165 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com did not have time to inspect due to ice, no comments submitted

APPROVE PERMIT:

Repair an existing 42 ft "L" shaped breakwater, remove a 4 ft x 24 ft cantilevered wharf along the shore and restore the shoreline, remove a 25 ft seasonal dock and install a 3 ft x 7 ft concrete pad in the bank with a 6 ft x 40 ft seasonal dock on an average of 165 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 17, 2008, as received by DES on March 27, 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 the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Area shall be regraded to original contours following completion of work.
9. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
10. The seasonal pier shall be removed from the lake for the non-boating season.
11. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
12. The concrete pad shall be located entirely behind the natural undisturbed shoreline and above elevation 504.32.
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 303.02(j), construction or modification of any docking system that includes a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has an average of 165 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2007-01919 MANCHESTER SAND GRAVEL & CEMENT CO INC
HOOKSETT Unnamed Stream Wetlands**

Requested Action:

Dredge and fill 750 square feet of intermittent stream along 60 linear feet to stabilize existing stream with rip rap.

APPROVE PERMIT:

Dredge and fill 750 square feet of intermittent stream along 60 linear feet to stabilize existing stream with rip rap.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying dated April 14, 2007 and revised through May 19, 2008, as received by the Department on May 16, 2008.
2. Access to the construction site shall be via the existing haul road and shall not be from the Railroad Right of Way.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. 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.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No equipment shall enter the water.
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. 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(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. Previously the stream was culverted for 200 feet but the culvert washed away several years ago.
3. The existing stream channel is eroding and is head cutting causing sedimentation to enter into Dalton Brook.
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 agreed to cut back the banks of the ravine and plant them with native vegetation.
7. 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.
8. The conservation commission is in favor of the plan to repair the existing culvert and stabilize the stream and the slope.

**2007-02137 HILLSIDE OF WILTON LLC
WILTON Unnamed Stream**

Requested Action:

Dredge and fill 1,380 square feet of palustrine forested wetlands to install a 18-inch x 50-foot ADS culvert for road access to a proposed 6-lot subdivision on \pm 85 acres.

APPROVE PERMIT:

Dredge and fill 1,380 square feet of palustrine forested wetlands to install a 18-inch x 50-foot ADS culvert for road access to a proposed 6-lot subdivision on \pm 85 acres.

With Conditions:

1. All work shall be in accordance with plans by Toth Engineering, PLLC, dated November 12, 2007, and revised through May 13, 2008, as received by the Department on May 19, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. 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.
11. 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.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. 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(f), alteration of less than 3,000 square feet of wetlands.
2. On 01/17/2007 a Complete Forestry Notification letter was issued for this parcel (File No. 2007-00051).
4. On August 21, 2007, the DES Wetlands Bureau received a complaint for activities on the parcel.
3. The DES Wetlands Bureau issued a September 24, 2007, Letter of Deficiency that required the applicant submit a Standard Dredge and Fill Application to the DES Wetlands Bureau and a permit application to the DES Alteration of Terrain (AOT) Bureau.
4. On December 11, 2007, DES received an AOT permit application.
5. On March 25, 2008, the DES Wetlands Bureau, Enforcement Section issued a letter stating the enforcement file will be closed.
6. In correspondence dated February 28, 2008, the project NH certified wetland scientist confirmed there are no vernal pools on the property.
7. The project was revised to eliminate the redirection of jurisdictional flows to stormwater treatment and detention structures and DES AOT approval was granted on June 11, 2008.
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.

2007-02629 STREETER, DAVID
CHARLESTOWN Unnamed Stream Connecticut River

Requested Action:

Excavate 552 cubic yards from the bank to construct a 10 ft x 100 ft access way to the river, construct a 100 sq ft sloped beach, install a 3 ft x 20 ft open bottom culvert in a perennial stream, impact 5384 sq ft to construct access and parking area for private access to the Connecticut River, Charlestown.

DENY PERMIT:

Excavate 552 cubic yards from the bank to construct a 10 ft x 100 ft access way to the river, construct a 100 sq ft sloped beach, install a 3 ft x 20 ft open bottom culvert in a perennial stream, impact 5384 sq ft to construct access and parking area for private access to the Connecticut River, Charlestown.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(k), "Projects in a wetland that have been identified by Natural Heritage Inventory - Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed Endangered or Threatened species."
3. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
4. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
6. In accordance with Rule Env-Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
7. In accordance with RSA 483-B:3, Consistency Required, "State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter" and to be consistent with the requirement of RSA 483-B:2, that the minimum standard shall serve to "protect buildings and lands from flooding and accelerated erosion."
8. In accordance with Rule Env-Wq 1405.05 and Rule Env-Wq 1405.08, no accessory structure or water dependent structure shall be built on land having greater than 25% slope.

Findings of Fact

1. On November 02, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Charlestown tax map 207, lot 3,(the "Lot") to excavate 552 cubic yards from the bank to construct a 10 ft x 100 ft boat ramp to the river, construct a 100 sq ft sloped beach, install a 3 ft x 20 ft open bottom culvert in a perennial stream, impact 5384 sq ft to construct access and parking area for private access to the Connecticut River, in Charlestown.
2. On January 16, 2008 the Wetlands Bureau sent a Request for More Information letter to the applicant. This letter clearly stated "The application as submitted is not approvable. Pursuant to RSA 483-B and Env-Wq 1405.05, construction of any structures shall

not be in slopes greater than 25%, and DES does not approve the construction of individual boat ramps. If you wish to continue with the application please submit the following information to complete the file."

3. The January 16, 2008 letter listed additional items required to complete the application if the applicant wished to continue to pursue approval of the requested impacts process. These items included evidence that excavating the bank and constructing a 12 ft wide boat ramp was the least impacting alternative to provide access to the water body, evidence that placing a culvert in a perennial stream would be the least impacting alternative for the resource, removal of the ramp from the plans since Rule Env-Wq 1405.05 prohibited structures constructed in slopes greater than 25%, plans and cross sections showing boat ramp details including construction materials, bedding materials, construction sequence, finished grades of the ramp, siltation, erosion and turbidity controls, details on where the dredged material would be placed and de-watered the volume of material to be removed, information on how the area will be stabilized, and identification of the existing trees and the trees to be removed.
4. On May 15, 2008, the applicant submitted a response to the Request for More Information letter dated January 16, 2008. This response included a 10 ft x 100 ft boat ramp excavated through the bank to access a 4 ft x 30 ft seasonal dock and a 10 ft x 10 ft sloped beach in the bank.

Rulings in Support of Denial

1. The applicant has failed to provide evidence that the proposed excavation of 552 cubic yards of bank to construct a boat ramp and beach was the least impacting alternative method of providing access to the river. Therefore pursuant to Env-Wt 302.04(d) and 302.04(a), the application is denied.
2. The excavation of the ban, which has a slope steeper than 25% fails to meet the requirements of Rule Env-Wq 1405.05. Therefore the application is denied as required per RSA 483-B:3.

2007-02779 WOLFEBORO, TOWN OF **WOLFEBORO Fernald Brook**

Requested Action:

Dredge and fill 417 square feet to repair existing wash out under the existing bridge.

APPROVE PERMIT:

Dredge and fill 417 square feet to repair existing wash out under the existing bridge.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants dated November 2007 and revised through May 21, 2008, as received by the Department on may 23, 2008.
2. Any construction imitated after July 1, 2008, shall be compliant with the Comprehensive Shoreland Protection Act, RSA 483-B:5-a as effective at the time construction is initiated and may require an additional permit from the Department.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. Work shall be done during low flow.
6. Work shall be conducted during low water conditions.
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. 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.
9. No equipment shall enter the water.
10. All equipment shall be sited above the top of the bank.
12. 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.

13. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
14. Repair shall maintain existing size, location and configuration.
15. 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.
16. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The soil under the bridge washed out as the result of a large storm event in early 2007.
3. The existing bridge abutment is not solid as there is no longer any soil supporting it.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided a rip-rap toe to hold the proposed fill in place and then will vegetate above the high water line.
6. 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(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02782 TRUSSELL, RUTH
NEW BOSTON Unnamed Wetland**

Requested Action:

Dredge and fill 6,350 sq. ft. of palustrine forested wetlands to install a 15-in. x 35-ft. HDPE culvert for driveway access to single lot of a 12-lot subdivision on 25 acres and upgrade an existing 15-inch culvert with an 18-inch culvert within the Dennison Road right-of-way.

APPROVE PERMIT:

Dredge and fill 6,350 sq. ft. of palustrine forested wetlands to install a 15-in. x 35-ft. HDPE culvert for driveway access to single lot of a 12-lot subdivision on 25 acres and upgrade an existing 15-inch culvert with an 18-inch culvert within the Dennison Road right-of-way.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano dated October 2007, as received by the Department on May 19, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The proposed subdivision includes six (6) lots that are 2-3 acres, two (2) approximately 6 acre lots and four (4) lots that are 11-12 acres.
3. In a letter dated April 21, 2008, the New Boston Board of Selectman provided permission to the applicant to upgrading the existing Dennison Road culvert.
4. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
5. The applicant provided a letter signed by the owner of tax map/lot 4/97, abutters to the property on which project activities will take place, not granting permission for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. The driveway location was chosen to avoid a seasonal drainage that flows along the western side of the approximate 60-foot access way.
7. The abutting property on which project activities will take place within 20 feet of the property line is at a higher elevation than the project site.
8. Drainage from the impacted resource flows offsite to an existing town culvert.
9. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
12. 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.
13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00035 GEYER, JAMES/KIM
GILFORD Lake Winnepesaukee

Requested Action:

Requested reconsideration

DENY RECONSIDERATION:

to drive 4 pilings to support a permanent boatlift, drive 2 pilings to support a canopy, repair two 4 ft x 30 ft piling piers connected by a 2.5 ft x 12 ft walkway, attached to a deck having a 19 ft 4 in x 9 ft section over the water and a 23 ft x 7 ft section over the bank, dredge and backfill 35 sq ft of lakebed and 25 sq ft of bank for waterline replacement, replace two 3 ft wide stairways in the bank with a 6 ft wide stairway, and 17 ft long retaining walls in the bank on an average of 201 ft of frontage on Lake Winnepesaukee, in Gilford.

With Findings:

A. Grounds for Reconsideration

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

1. Canopies are allowed to be added to nonconforming structures.
2. Their proposal is similar to hundreds of other proposals and for some reason the internal interpretation of seasonal canopy construction has suddenly changed.
3. Examples of past decisions are cited.
4. The Bureau's own canopy policy makes no mention of offsetting surface area and that a standard canopy size is 14 ft x 30 ft as

proposed herewith.

5. The "wall" is nothing more than a somewhat organized row of rocks. Photos has been attached the applicant argues showing that removal will result in increased impact to this project with little, if any benefit.

B. Standards and Process for Review

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

2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.

4. If DES is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

5. Pursuant to Env Wt 101.14 "canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.

6. Env Wt 101.79 "Seasonal dock or seasonal structure" means a dock and any associated supports designed to be completely removed from the water during the non-boating season and includes pipe docks or floating docks.

7. Env Wt 402.20 provides that the Department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the Department finds, that the modification is less environmentally impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

8. Env Wt 402.02 provides that the approvable standard width for a dock in a lake or pond of 1,000 acres or more shall not exceed 6 ft.

C. Findings of Fact and Rulings of Law

1. The subject application was received on January 9, 2008 and was determined to be administratively complete on January 15, 2008. 2. By letter dated March 24, 2008, DES requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, DES requested the applicant to address the following:

a. The proposal to add a permanent boatlift and seasonal canopy to the docking structure constitutes a modification of a non-conforming structure and, therefore, must meet the requirements of Env Wt 402.20, Modification of Existing Structures. Please submit a revised proposal, including plans, which will reduce the deck connecting the 2 piers to no wider than 6 ft.

b. There is no evidence of an existing rock wall in the bank in the file photos or the previous file. Please either remove the wall in the bank to the east of the dock or submit evidence of its existence prior to 2002.

3. DES did receive a response to the RFMI. The response stated that canopies are allowed to be added to nonconforming structures. The applicant cited 8 other files where approvals for seasonal canopies were allowed. The response also referenced the Bureau's own Canopy Policy which makes no mention of offsetting surface area and that a standard canopy size is 14 ft x 30 ft as proposed. Regarding removal of the wall the applicant states that the "wall" is nothing more than a "somewhat organized row of rocks. We have attached photographs of this area to show this is not a well organized structure and removal will result in increased impact to this project with little, if any, benefit. The applicant submitted a new plan that was identical to a plan received on January 9, 2008 except that it indicated that No work was proposed in an area near the rock retaining wall. New photos were also submitted. The applicant did not submit a revised plan with changes requested by DES.

4. The applicant has not demonstrated, and the Department cannot find that the modification is less environmentally impacting nor provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration pursuant to Env Wt 402.20.

5. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

6. A policy cannot supercede or contravene an existing rule or law.

Requested Action:

Remove two existing 6 ft x 30 ft seasonal docking structures and install two 6 ft x 40 ft seasonal docks in the same location on 441 ft of frontage in Alton on Lake Winnepesaukee.

APPROVE PERMIT:

Remove two existing 6 ft x 30 ft seasonal docking structures and install two 6 ft x 40 ft seasonal docks in the same location on 441 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans dated February 7, 2009, as received by DES on February 28, 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 installation
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Seasonal docks shall be removed from the lake for five months during the non-boating season.
6. No portion of the docks shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) seasonal docking system with no more than 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00361 FB SPAULDING CO, ROBERT SNOWMAN
LANCASTER Unnamed Wetland**

Requested Action:

Dredge and fill 16,585 sq. ft. of forested wetlands for excavation and removal (quarry) of aggregate to create suitable commercial development sites within an existing industrial park. Work in wetlands consists of removal of 16,360 sq. ft. of wetlands for the aggregate removal, access entrance and construction of a stormwater treatment structure and 225 sq. ft. of wetlands impact for stone outlet protection and swales adjacent to an existing 36 in. culvert within "Industrial Park Road". The application has been deemed eligible for payment into the Aquatic Resources Mitigation fund as the form of compensatory mitigation.

APPROVE PERMIT:

Dredge and fill 16,585 sq. ft. of forested wetlands for excavation and removal (quarry) of aggregate to create suitable commercial development sites within an existing industrial park. Work in wetlands consists of removal of 16,360 sq. ft. of wetlands for the aggregate removal, access entrance and construction of a stormwater treatment structure and 225 sq. ft. of wetlands impact for stone outlet protection and swales adjacent to an existing 36 in. culvert within "Industrial Park Road". The application has been deemed eligible for payment into the Aquatic Resources Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering PLLC, plan sheet 2 of 6 revision dated January 2008, plan sheets 3, 4, 5 and 6 of 6 dated February 8, 2008, as received by DES on May 10, 2008.
2. This approval is contingent on approval by the DES Alteration of Terrain Program.

3. This approval is contingent on receipt by DES of a one time payment of \$40,373.00 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. 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.
9. 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.
10. 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.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. 13. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The DES Wetlands Bureau previously issued a permit (File #2004-02432) for 2990 sq. ft. of wetlands impacts for access to the site. The new impacts will occur within the previously approved impact areas.
6. The applicant stated that during construction of the previously approved project significant ledge was encounter and the project could not be completed. The current project will remove the ledge material from the site to provide suitable development sites.
7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The payment calculated for the proposed wetland loss equals \$40,373.00.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
10. The payment into the ARM fund shall be deposited in the DES fund for the Upper Connecticut River Watershed per RSA 482-A:29.
11. The applicant has indicated that the project is outside of the 250 foot boundary set by the Comprehensive Shoreland Protection Act (CSPA), RSA 483-B.
12. The NH Fish & Game Department (NHFG) requested that the applicant coordinate with the US Fish & Wildlife Service (USFWS) regarding possible risk to dwarf wedge mussel population in the Connecticut River. The applicant has provided information to the USFWS Service. DES has not received any further comments from NHFG or USFWS.
13. The Riverbend Subcommittee submitted comments advising a maintenance plan for drainage ditches and detention ponds, monitoring for invasive species and prevention of silt-laden water from entering the river where dwarf wedge mussels have been found.

- 14. The applicant has agreed to monitor the detention ponds and remove invasive species on an annual basis.
- 15. The applicant has received a permit from the DES Alteration of Terrain Program, which addresses treatment and detention needs for stormwater runoff.

2008-00420 CINQUEGRANA, MARK
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 30 ft seasonal dock and construct two 6 ft x 30 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" shaped configuration on Cow Island, Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing 6 ft x 30 ft seasonal dock and construct two 6 ft x 30 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" shaped configuration on Cow Island, Lake Winnepesaukee, in Tuftonboro.

With Conditions:

- 1. All work shall be in accordance with plans by Mark Cinquegrana dated February 20, 2008, as received by DES on March 21, 2008.
- 2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
- 3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
- 4. The seasonal pier shall be completely removed prior to the construction of the permanent docking structure.
- 5. No portion of the piers shall extend more than 30 feet from the shoreline at full lake elevation.
- 6. This permit does not allow for any dredge or bank modifications for the construction of the docking structure.
- 7. If piles can not be driven, the applicant shall request an amended permit from the Department prior to the construction of cribs to support the docking structure.
- 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 3 slip docking system.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has an average of 345 feet of shoreline frontage along Lake Winnepesaukee.
- 4. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2008-00426 FERNANDES, STEPHEN
GREENFIELD Tributary To Contocook River / Manmade Pond

Requested Action:

Dredge and fill 1,220 square feet of an existing manmade pond and associated unnamed perennial stream for pond maintenance dredge, dam reconstruction and fish ladder installation.

APPROVE PERMIT:

Dredge and fill 1,220 square feet of an existing manmade pond and associated unnamed perennial stream for pond maintenance dredge, dam reconstruction and fish ladder installation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated October 08, 2007, and revised through March 27, 2008, as received by the Department on March 28, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. All work shall be done in the dry, frozen conditions or under draw down conditions.
4. All work shall be done in during low flow.
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. Machinery shall not be located within surface waters, where practicable.
8. Machinery shall be staged and refueled in upland areas.
9. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 twenty (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. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
16. Fish ladder concrete shall be covered with natural type rounded stone substrate.
17. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

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. A pre-application meeting with the Agent and DES Wetlands Bureau Staff on January 10, 2008, Staff suggestions provided at the meeting were incorporated in the application process and project design.
3. The project design was revised with comments provided by the New Hampshire Fish and Game Department, Fisheries Staff.
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.

MINIMUM IMPACT PROJECT

2001-02246 BYRNE, JOHN
MOULTONBOROUGH Kanasatka Lake

Requested Action:

Approve name change to: John M Byrne, 2009 Westwood Forest Dr., Vienna, VA 22182 per request received 6/6/2008. Previous owner: George McPhee.

Conservation Commission/Staff Comments:

No locus found on USGS map. Digitized from tax map.
Con Com has no objections to dock, no dredging.

APPROVE NAME CHANGE:

Construct a 6 ft by 30 ft seasonal dock on Lake Kanasatka, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans dated October 10, 2003, as received by the Department on November 10, 2003.
2. 1. 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 prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2007-00724 OLSEN, KENNETH & DARLENE
FITZWILLIAM Unnamed Wetland

Requested Action:

Dredge and fill 560 sq. ft. of palustrine forested wetlands to install a 24-inch x 27-foot culvert for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill 560 sq. ft. of palustrine forested wetlands to install a 24-inch x 27-foot culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Designs, LLC dated October 09, 2007, as received by the Department on February 20, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

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

6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The culvert shall not be perched or impede flows.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. 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(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. On July 24, 2007 DES conducted a site-inspection that documented a driveway culvert had been installed without approval from DES.
3. Restoration or submittal of a Standard Dredge and Fill Application was required in the September 17, 2007, Letter of Deficiency.
4. On November 19, 2007, DES received an application to retain impacts and the existing 8-inch culvert.
5. The applicant agreed to remove the existing undersized and inappropriately set culvert and replace with a 24-inch culvert.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has 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.

**2007-02534 NEW BOSTON, TOWN OF
NEW BOSTON Piscataquog River**

Requested Action:

Repair/replace the 10-foot inlet section in each of the existing twin 80-foot CMP culverts and repair headwalls in the Middle Branch Piscataquog River at Tucker Mill Road.

Conservation Commission/Staff Comments:

11/20/2007 Phone Message from Kim Tuttle, NHFG. Hit for brook floaters, but no record of brook floaters that high in the watershed for Mill Brook, Piscataquog -KAP

APPROVE PERMIT:

Repair/replace the 10-foot inlet section in each of the existing twin 80-foot CMP culverts and repair headwalls in the Middle Branch Piscataquog River at Tucker Mill Road.

With Conditions:

1. All work shall be in accordance with plans received by the Department on October 22, 2007.
2. Work shall be done during annual low flow conditions.
3. 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.
4. 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.

5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse
9. 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.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. 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.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Culvert inlets and outlets shall match the natural grade of the stream channel.
17. The culverts must maintain the natural and a consistent streambed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
22. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
26. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert.
2. Damage to the culverts occurred during the 2007 spring floods.
3. The proposed repairs are a temporary solution to allow the town to obtain funds for a complete replacement in the next 8-10 years.
4. NHDOT issued a bridge report in September of 2007 indicating the road should be closed and that the structure was on the red list and is in the need of complete replacement or extensive rehabilitation.
5. NHB review indicated the presence of Brook Floater in the project vicinity.
6. NHFG indicated the project is not likely to impact rare wildlife species listed by NHB.
7. PRLAC November 19, 2007 minute's state fish passage did not appear to be an issue and that sedimentation controls are critical.
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.

**2008-00033 PSNH
HENNIKER Unnamed Wetland**

Requested Action:

Confirm emergency authorization issued on January 10, 2008, to dredge and fill approximately 25 sq. ft. of palustrine forested wetlands to replace a downed/broken electrical line pole.

CONFIRM EMERGENCY AUTHORIZATION:

Dredge and fill approximately 25 sq. ft. of palustrine forested wetlands to replace a downed/broken electrical line pole.

With Conditions:

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

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

FORESTRY NOTIFICATION

**2008-00884 BROX INDUSTRIES INC
LEMPSTER Unnamed Stream**

COMPLETE NOTIFICATION:

Lempster Tax Map 11, Lot# 121,059

**2008-00982 BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M
DUMMER Unnamed Stream**

COMPLETE NOTIFICATION:

Dummer Tax Map R1, Lot# 2

**2008-00983 FENN, THOMAS
HAVERHILL Unnamed Stream**

COMPLETE NOTIFICATION:

Haverhill Tax Map 414, Lot# 119

**2008-00984 WOODWARD, STEPHAN & ALFRED MCVETTY
MILAN Unnamed Stream**

COMPLETE NOTIFICATION:

Milan Tax MAp 197, Lot# 43

2008-00985 FOREST FUTURES CORP

NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:

Newport Tax Map 56, Lot# 61-1

2008-00987 EPSOM ROLLING HILLS LLC

EPSOM Unnamed Stream

Conservation Commission/Staff Comments:

06/12/08 - Per Barbara, Epsom Town Clerk, there are no conceptualized plans before the town planning board

COMPLETE NOTIFICATION:

Epsom Tax Map U6, Lot# 1

2008-00990 WALLACE, JOHN/CONSTANCE

WARNER Unnamed Stream

COMPLETE NOTIFICATION:

Warner Tax Map 20, Lot# 5-3

2008-00991 90 DORRS CORNER REALTY TRUST, MICHAEL CASTELONE

OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:

Ossipee Tax Map 8, Lot# 80 & 81

2008-00992 PIPER, S. SCOTT

PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:

Plymouth Tax Map 203, Lot# 4

2008-00993 SANDS, DAVID

TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:

Tuftonboro Tax MAp 56, Lot# 3-1

2008-01000 LAKEVILLE SHORES INC

TROY Unnamed Stream

COMPLETE NOTIFICATION:

Troy Tax Map 15, Lot# 1

2008-01001 **WHITWORTH, JEREMY**
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax Map 33, Lot# 14

2008-01002 **WHITWORTH, JEREMY**
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax Map 37, Lot# 12

2008-01003 **PIPER, S. SCOTT**
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:
Rumney Tax Map 13, Lot# 3-10

2008-01004 **PIPER, S. SCOTT**
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:
Rumney Tax Map 16, Lot# 7-8

2008-01005 **GRAVES, LLOYD**
HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
North Hampton Tax Map 41, Lot# 1

2008-01006 **KENISTON, DAVID**
ELLSWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Ellsworth Tax Map E2, Lot# 3 & 13

2008-01007 **FILLMORE, GREGORY**
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:
Loudon Tax Map 40, Lot# 11, 13, 16,17

2008-01008 FILLMORE, GREGORY
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:
Loudon Tax Map 41, Lot# 5

2008-01009 MACKAY, SANDRA L.
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Strafford Tax Map 20, Lot# 42

2008-01010 ROLFE, NELSON & THERESA
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 224, Lot# 19

EXPEDITED MINIMUM

2006-02968 BRICK, MARGARET
WEARE Unnamed Wetland

Requested Action:

Approve amendment to replace the twin 30-inch x 40-inch x 40-foot box culverts with a single 14-foot, 8-inch x 40-foot box culvert. Additional revisions include increasing the road width from 20 feet to 25 feet and increasing the road surface elevation.

APPROVE AMENDMENT:

Dredge and fill 1,950 square feet palustrine forested wetlands to install a 14-foot, 8-inch x 40 foot box culvert for access to a proposed electrical substation.

With Conditions:

1. All work shall be in accordance with plans by Ambient Engineering Inc dated July 31, 2006, and revised through October 26, 2006, as received by the Department on November 15, 2006; and revised wetland crossing plans dated April 02, 2008, as received by the Department on April 16, 2008.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Work shall be done during periods of non-flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Silt fencing must be removed once the area is stabilized.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

DES reaffirms findings #1 -#4:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2008-00276 TILNEY, SHELDON & GAIL HARRITY
HOLDERNESS Squam Lake

Requested Action:

Construct a 6 ft x 63.5 ft boardwalk to access the frontage on Squam Lake, Holderness.

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Construct a 6 ft x 63.5 ft boardwalk to access the frontage on Squam Lake, Holderness.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 2008, revised date April 2008, as received by DES on May 09, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. 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. 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(f), projects involving alteration of less than 3,000 sq ft of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2008-00409 TODD, EILEEN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Dredge 5.5 cu yd from 247 sq ft of lakebed within a 15 ft 10 in x 32 ft dug-in boathouse with an adjacent 28 linear ft of 4 ft 6 in wide wharf on an average of 241 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

APPROVE PERMIT:

Dredge 5.5 cu yd from 247 sq ft of lakebed within a 15 ft 10 in x 32 ft dug-in boathouse with an adjacent 28 linear ft of 4 ft 6 in wide wharf on an average of 241 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 19, 2008, as received by DES on March 19, 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 authorizes no change to the size, location, and configuration of the existing structures.
4. No work is authorized to the areas identified as existing breakwaters on the plans.
5. This permit to dredge within 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. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. 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.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of less than 20 cu yd from public waters..
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00598 WETHERBEE II, FRED MINOT
ACWORTH Unnamed Wetland**

Requested Action:

Dredge and fill 8,400 sq. ft. of palustrine emergent and forested wetlands for pond construction.

APPROVE PERMIT:

Dredge and fill 8,400 sq. ft. of palustrine emergent and forested wetlands for pond construction.

With Conditions:

1. All work shall be in accordance with plans dated April 24, 2008, as received by the Department on April 28, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. All work shall be done during low flows.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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.

6. Machinery shall not be located within surface waters, where practicable.
7. Machinery shall be staged and refueled in upland areas.
8. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
12. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of 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 sq. ft. of wetlands impact.
2. Pond shape and location was influenced by ledge.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00736 KAWONCZYK, PETER
JEFFERSON Alder Brook

Requested Action:

Replace an existing 16.6 ft. span by 16 ft. wide wooden bridge over Alder Brook that provides access to an existing single family residence. The new bridge will consist of 22 ft. span x 14 ft. wide steel beam bridge and wooden deck with associated concrete footings, wing walls and rip-rap protection.

APPROVE PERMIT:

Replace an existing 16.6 ft. span by 16 ft. wide wooden bridge over Alder Brook that provides access to an existing single family residence. The new bridge will consist of 22 ft. span x 14 ft. wide steel beam bridge and wooden deck with associated concrete footings, wing walls and rip-rap protection.

With Conditions:

1. All work shall be in accordance with plans and narratives submitted by Peter Kawonczyk, as received by DES on May 8, 2008.
2. Work shall be done during low flow.
3. No equipment shall enter the water or stream bed.
4. There shall be no excavation in flowing water.
5. There shall be no excavation or filling of the existing streambed or natural stream banks.
6. No rip-rap or fill shall be placed within the bed of the stream.
7. No rip-rap or fill shall be placed within the banks of the stream or associated wetlands beyond the width of the proposed bridge.
8. 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.
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 and the existing bridge materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. 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 minimum impact project per Administrative Rule Env-Wt 303.04(h) Installation of a bridge provided that:
 - (1) No work is done in the water or wetland;
 - (2) The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and
 - (3) 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 new bridge abutments will be placed beyond the banks of the stream.
6. The new bridge will provide an approximately 6 ft. wider opening for high stream flows.
7. The previous bridge was permitted by DES (File# 2001-2395).

2008-00747 RINES, GLEN & LEIGH
HOLLIS Unnamed Wetland

Requested Action:

Dredge and fill 700 square feet of palustrine scrub/shrub wetland for the installation of an 18-inch CPP culvert and associated riprap outlet to construct a driveway to a single family residential dwelling on 4.12 acres as part of a 2-lot subdivision of 6.24 acres.

Conservation Commission/Staff Comments:

The Hollis Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 700 square feet of palustrine scrub/shrub wetland for the installation of an 18-inch CPP culvert and associated riprap outlet to construct a driveway to a single family residential dwelling on 4.12 acres as part of a 2-lot subdivision of 6.24 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 23, 2008, as received by DES on May 12, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The applicant requests to impact jurisdictional area for access to buildable upland, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur in the narrowest portion of wetland, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00748 SMITH, JOHN
ALTON Lake Winnepesaukee

Requested Action:

Replace two, 3 pile ice clusters in adjacent to the existing 4 slip docking structure on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace two, 3 pile ice clusters in adjacent to the existing 4 slip docking structure on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated April 18, 2008, as received by DES on May 12, 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 the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Repair shall maintain existing size, location and configuration.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2008-00782 EPSOM, TOWN OF
EPSOM Fowler Brook

Requested Action:

Dredge and fill a total of 160 square feet within the bed and banks of an unnamed brook to replace existing undersized crossing with a 10 foot wide x 5 foot high x 36 foot concrete box with an emulated natural channel.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill a total of 160 square feet within the bed and banks of an unnamed brook to replace existing undersized crossing with a 10 foot wide x 5 foot high x 36 foot concrete box with an emulated natural channel.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 14, 2008.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work 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. 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 conducted during low water conditions.
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. A natural channel bottom shall be created within the culvert, any materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j); Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the following criteria:(1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area;(2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope;(3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet

- across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or(4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope;
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 proposal to increase the existing 36-inch culvert with a 10-foot x 5 foot structure is a improvement over the existing situation.
 6. The proposal is not increasing the length of the crossing in this location.

2008-00783 EPSOM, TOWN OF
EPSOM Little Bear Brook

Requested Action:

Dredge and fill a total of 180 square feet within the bed and banks of Little Bear brook to replace existing undersized crossing with a 10 foot wide x 5 foot high x 40 foot concrete box with an emulated natural channel.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.

APPROVE PERMIT:

Dredge and fill a total of 180 square feet within the bed and banks of Little Bear brook to replace existing undersized crossing with a 10 foot wide x 5 foot high x 40 foot concrete box with an emulated natural channel.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 14, 2008.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work 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. 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 conducted during low water conditions.
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. A natural channel bottom shall be created within the culvert, any materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j); Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the following criteria:(1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area;(2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope;(3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or(4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope;
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 proposal to increase the existing 36-inch culvert with a 10-foot x 5 foot structure is a improvement over the existing situation.
6. The proposal is not increasing the length of the crossing in this location.

2008-00786 NICKERSON, GUY
GILFORD Lake Winnepesaukee

Requested Action:

Repair an existing 33 ft 5 inch x 33 ft 6 inch crib and pile supported boathouse and 7 ft x 42 ft docking structure on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 33 ft 5 inch x 33 ft 6 inch crib and pile supported boathouse and 7 ft x 42 ft docking structure on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated April 28, 2008, as received by DES on May 14, 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 the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2008-00809 PSNH
GREENFIELD Unnamed Wetland**

Requested Action:

Dredge and fill 125 square feet of palustrine forested wetlands along Swamp Road to install five (5) utility poles and associated guide wire anchors to provide electrical power to a single family residence.

APPROVE PERMIT:

Dredge and fill 125 square feet of palustrine forested wetlands along Swamp Road to install five (5) utility poles and associated guide wire anchors to provide electrical power to a single family residence.

With Conditions:

1. All work shall be in accordance plans as received by the DES Wetlands Bureau on May 19, 2008.
2. All work shall be conducted under low flow or low groundwater conditions or during frozen ground conditions.
3. Prior to installation, new wood-pole structures; and upon removal, old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

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

GOLD DREDGE

2008-00963 RICHARDSON, STEVEN
(ALL TOWNS) Unnamed Stream

2008-01021 BLISH, KEITH
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2008-00951 FOUTS, TERRY
ASHLAND Squam River

COMPLETE NOTIFICATION:
Ashland, NH Tax Map 14 Lot 9
Squam River

2008-00952 COTE, ROBERT
ERROL Akers Pond

COMPLETE NOTIFICATION:
Errol, NH Tax Map U10 Lot 24
Akers Pond

2008-00953 MOYSENKO, ANDREW & PATRICIA
WAKEFIELD Lovell Lake

PBN DISQUALIFIED:
Wakefield, NH Tax Map 202 Lot 10
Lovell Lake

2008-00957 CROSBY, ROBERT
OSSIPEE Ossipee Lake

COMPLETE NOTIFICATION:
Ossipee, NH Tax Map 53 Lot 37
Ossipee Lake

2008-00959 JOHNSON, FRED
CENTER BARNSTEAD Locke Lake

COMPLETE NOTIFICATION:
Center Barnstead, NH Tax Map 40 Lot 41A
Locke Lake

2008-00960 WHITE/ JOHNSON, ANDREW/ MELINDA
JAFFREY Thorndike Pond

COMPLETE NOTIFICATION:
Jaffrey, NH Tax map 230 Lot 41
Thorndike Pond

2008-00961 RICHARDSON, ROBERT
(ALL TOWNS) Unnamed Stream

ROADWAY MAINTENANCE NOTIF

2008-00939 NH DEPT OF TRANSPORTATION
MIDDLETON Unnamed Stream

COMPLETE NOTIFICATION:
Culvert replacements on New Durham Road

2008-00940 NH DEPT OF TRANSPORTATION
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Replace culvert and headwall

2008-00941 NH DEPT OF TRANSPORTATION
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Replace failing 18" diameter CMP with 18" diameter CMP, roadside ditch maintenance

**2008-00942 NH DEPT OF TRANSPORTATION
WEARE Unnamed Stream**

COMPLETE NOTIFICATION:
Replace failing 24" diameter CMP pipe with 30" diameter CMP pipe

**2008-00943 NH DEPT OF TRANSPORTATION
AMHERST Unnamed Stream**

COMPLETE NOTIFICATION:
Replace failing 24" diameter RCP pipe with 24" diameter CMP

**2008-00944 NH DEPT OF TRANSPORTATION
BROOKLINE Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 18" diameter CMP with 18" diameter CMP

**2008-00945 NH DEPT OF TRANSPORTATION
CHICHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 18" diameter CMP with 18" diameter CMP

**2008-00946 ALTON, TOWN OF
ALTON Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 11 existing damaged culverts in kind

PERMIT BY NOTIFICATION

**2008-00739 PAYNE, MARILYN
NORTHWOOD Northwood Lake**

Requested Action:
Repair replacement of existing retaining wall.

PBN DISQUALIFIED:
Repair replacement of existing retaining wall.

With Findings:

1. Pursuant to rule 506.02(g) if the applicant fails to provide the department and local governing body with the information necessary to correct all deficiencies cited within 20 days following issuance of the written notice of incompleteness, the notice of incompleteness shall disqualify the project from the PBN process provide the notice state in full the reasons why the project does not qualify for the PBN review.

2008-00811 PUSATERI, JOHN
OSSIPEE Lake Ossipee

Requested Action:

Install two seasonal boatlifts and retain existing seasonal dock.

PBN IS COMPLETE:

Install two seasonal boatlifts and retain existing seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad) installation of a seasonal personal watercraft lift.
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.

2008-00818 PAGE, DUNCAN
MELVIN VILLAGE Lake Winnepesaukee

Requested Action:

Repair an existing boathouse and attached docks in kind on frontage on Lake Winnepesaukee in Melvin Village.

PBN IS COMPLETE:

Repair an existing boathouse and attached docks in kind on frontage on Lake Winnepesaukee in Melvin Village.

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.

2008-00916 WALKER, ROBERT
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair/replace existing docking facility.

Conservation Commission/Staff Comments:

Con Com DID NOT sign the PBN

PBN IS COMPLETE:

Repair/replace existing docking facility.

With Findings:

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

CSPA PERMIT

**2008-00650 ROCHESTER DPW, CITY OF
BARRINGTON West End Rochester Reservoir**

Requested Action:

Construction and installation of a flow monitoring system within the protected shoreland on property with approximately 419 ft of shoreline frontage on the Rochester Reservoir in Rochester.

APPROVE PERMIT:

Construction and installation of a flow monitoring system within the protected shoreland on property with approximately 419 ft of shoreline frontage on the Rochester Reservoir in Rochester.

With Conditions:

1. All work shall be in accordance with building plans by Wright-Pierce dated March 14, 2008 and received by DES on April 24, 2008.
2. The proposed impervious surfaces, as depicted on building plans by Wright-Pierce dated March 14, 2008 and received by the Department of Environmental Services ("DES") on April 24, 2008, shall occupy no more than .26% of the total lot area.
3. All work on this property shall be conducted in a manner that meets the requirements of the CSPA.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-00819 OTANIC POND CO-OP, JAMIE POLIQUIN
HUDSON Otanic Pond**

Requested Action:

Installation of town water and sewer service within shoreland jurisdiction on property with approximately 570 ft of shoreline frontage on Otanic Pond in Hudson.

APPROVE PERMIT:

Installation of town water and sewer service within shoreland jurisdiction on property with approximately 570 ft of shoreline frontage on Otanic Pond in Hudson.

With Conditions:

1. All work shall be conducted in accordance with building plans by Clough Harbor & Associates LLP dated February 29, 2008 and received by DES on May 16, 2008.
2. Orange construction fencing shall be placed at the limits of areas to be disturbed to prevent accidental encroachment upon protected shorelands.

3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The planting invasive or exotic species is strictly prohibited.
9. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. All work on this property shall be conducted in a manner that meets all of the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B(see attached fact sheet).

CSPA PERMIT W/WAIVER

2008-00691 GRZELAK, KAREN
EAST ANDOVER Highland Lake

Requested Action:

Replace an existing nonconforming primary structure in kind within the primary building setback (the "Setback") on property occupying approximately 12,674 sq ft on Highland Lake in East Andover.

APPROVE PERMIT:

Replace an existing nonconforming primary structure in kind within the primary building setback (the "Setback") on property occupying approximately 12,674 sq ft on Highland Lake in East Andover.

With Conditions:

1. All work shall be in accordance with building plans by Matt A. Grzelak received by DES on April 28, 2008, and planting plans by Matt A. Grzelak received by DES on May 14, 2008.
2. The proposed impervious surfaces, upon completion of the project, shall occupy no more than 15.54% of the total lot size.
3. The activities all be conducted as specified on building plans by Matt A. Grzelak received by the Department of Environmental Services ("DES") on April 28, 2008, and shall comply with the applicable criteria of Rules Chapter Env-Wq 1400 and RSA 483-B.
4. Orange construction fencing shall be placed at the limits of areas to be disturbed to prevent accidental encroachment upon protected shorelands.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The planting invasive or exotic species is strictly prohibited.

11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. The replacement of the existing dwelling shall result in no increase in the footprint, ridgeline height, or the living space of the structure.
13. All work on this property shall be conducted in a manner that meets all of the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B(see attached fact sheet).

With Findings:

1. This project will not increase the footprint or outside dimensions of the structure and, therefore, no waiver of RSA 483-B:9 is required.