

Wetlands Bureau Decision Report

Decisions Taken
11/24/2008 to 11/30/2008

DISCLAIMER:

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

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

APPEAL:

- I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 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

2008-01253 LEE, DONALD
OSSIPEE Lake Ossipee

Requested Action:

Dredge 260 cubic yards from 7440 square feet of lake bed in Ossipee Lake, Ossipee.

Conservation Commission/Staff Comments:

Con Com requests 40 day hold on July 03, 2008. No response by Sept 09, 2008.

DENY PERMIT:

Dredge 260 cubic yards from 7440 square feet of lake bed in Ossipee Lake, Ossipee.

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(g), "removal of more than 20 cubic yards or rock, gravel, sand, mud, or other material from public waters."
3. In accordance with RSA 482-A:3,XIV(a)(2), "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."
4. In accordance with RSA 482-A:3,XIV(a)(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve or deny the application, in whole or in part."

Findings of Fact

1. On July 03, 2008, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Ossipee tax map 39, lots 25, 26, to dredge 260 cubic yards from 7440 square feet of lake bed in Ossipee Lake, Ossipee.
2. On September 18, 2008, the Wetlands Bureau sent a Request for More Information letter requesting plans, information and materials from the applicant to complete its review of the application.
3. The Request for More Information letter dated September 18, 2008 requested plans showing the sand would be placed outside of the Departments jurisdiction.
4. The Request for More Information letter dated September 18, 2008 requested a description of whether the excavated materials would need to be dewatered on site and, if so, a plan showing where the material would be dewatered and what steps would be taken to ensure that dewatering does not affect wetlands or protected shorelands on site. Plans should show any dewatering basins to be constructed and details regarding the type of erosion and sedimentation controls to be used.
5. The Request for More Information letter dated September 18, 2008 requested a construction sequence and details describing what actions would be taken to control siltation, erosion and turbidity during excavation.
6. The Request for More Information letter dated September 18, 2008 requested an explanation and plan if appropriate describing how the site will be accessed for construction showing any temporary impacts associated with gaining access and transporting the material from the dredge site to the dewatering basin and off site for disposal.
7. The Request for More Information letter dated September 18, 2008 requested plans drawn to a usable scale showing how many cubic yards of material would be dredged.
8. The Request for More Information letter dated September 18, 2008 requested proposed conditions cross sections showing the post dredge contours of the dredge site and impact areas.
9. The Request for More Information letter dated September 18, 2008 requested plans indicating that all fill from the dredge area

would be placed in areas not requiring a separate CSPA permit.

10. The Request for More Information letter dated September 18, 2008 noted that the plans submitted were marked "Not For Construction and requested all plans in final form.

11. On October 29, 2008, the Wetlands Bureau received a response to the Request for More Information letter dated September 18, 2008. The first sentence on the letter states "The following are responses to numbered items listed in a letter dated September 18, 2008 from you to Mr. Donald Lee, applicant for DES file 2008-01253."

Rulings in Support of Denial

1. The Applicant failed to submit the information requested in the Request for More Information letter dated September 18, 2008, as noted in Findings of Fact items #3 through #10 above and, therefore, the application is denied pursuant to RSA 482-A:3, XIV.

MINIMUM IMPACT PROJECT

2007-02176 YOUNG, MICHAEL
MILFORD Unnamed Wetland

Requested Action:

Deny permit to fill 245 sq. ft. of forested wetland to obtain access to a single family residential lot.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit to fill 245 sq. ft. of forested wetland to obtain access to a single family residential lot.

With Findings:

1. A request for additional information dated March 28, 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.

2008-01631 ANTRIM, TOWN OF
ANTRIM Gregg Lake

Requested Action:

Dredge and fill approximately 17 square feet of Gregg Lake for the replacement and repositioning of an existing Holt Hill Road drainage pipe.

APPROVE PERMIT:

Dredge and fill approximately 17 square feet of Gregg Lake for the replacement and repositioning of an existing Holt Hill Road drainage pipe.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated July 16, 2008 and July 2008, as received by the Department on August 14, 2008.
2. All work shall be completed during drawdown and in the dry.

3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. 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.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no excavation or operation of construction equipment in flowing water.
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. Culverts shall be laid at original grade.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
16. 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.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. 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).
19. 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(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
2. This applicant has obtained DES Shoreland Permit Impact Permit 2008-01674.
3. The applicant has received written permission from the owners of tax map/lot number 101/28 and 29.
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(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01730

WILLINSKY, MICHAEL

CHESTER Unnamed Wetland

Requested Action:

Dredge 3,380 sq. ft. of wet meadow to expand an existing pond for the purpose of creating a fire pond for fire protection.

Conservation Commission/Staff Comments:

The Chester Conservation Commission did not sign the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge 3,380 sq. ft. of wet meadow to expand an existing pond for the purpose of creating a fire pond for fire protection.

With Conditions:

1. All work shall be in accordance with the Pond Design & Wetland Impact plans by Schauer Environmental Consultants, LLC dated August 13, 2007, as received by DES on August 27, 2008.
2. Work shall be conducted during (seasonal) low flow conditions, and during drawdown where practicable.
3. 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.
4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
8. 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.
9. 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.
10. All work within DES's jurisdiction shall be located at least 20 feet from abutting property boundaries unless written permission is submitted in accordance with Env-Wt 304.04(a).

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. The area lacks a sufficient water supply for fire protection, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. This project will utilize an existing pond, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Chester Fire Chief supports this project as stating in the letter dated August 11, 2008.

2008-01908 KISH, GARY & PATRICIA
PORTSMOUTH Tidal Buffer

Requested Action:

Impact a total of 765 sq. ft. in the developed upland tidal buffer zone including the following: 550 sq. ft. to construct a dwelling addition with an attached 2nd floor deck; 140 sq. ft. for construction of a entry way deck; and 75 sq. ft. for construction of wooden stairs to access the shoreline above the highest observable tide line.

APPROVE PERMIT:

Impact a total of 765 sq. ft. in the developed upland tidal buffer zone including the following: 550 sq. ft. to construct a dwelling addition with an attached 2nd floor deck; 140 sq. ft. for construction of a entry way deck; and 75 sq. ft. for construction of wooden stairs to access the shoreline above the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering dated 9/11/2008, as received by DES on 9/15/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects that are in the previously developed upland tidal buffer zone that are not minor or major according to Env-Wt 303.03 or 303.02, respectively.
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. The proposal locates the construction on the side of the existing structure which is furthest away from the resource, and the stair construction will minimize foot traffic erosion over the bank.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The species reported by the NH Heritage Bureau are located in the greater vicinity of this project, but are not located on the applicant's property.
5. The Portsmouth Conservation Commission recommends approval of the project.
6. The project complies with RSA 483-B, the Comprehensive Shoreland Protection Act, as the percent of increase of impervious surface on the property does not exceed that allowed pursuant to the Act.

**2008-01912 ST JARRE, DANIEL & LORIANN
LANGDON Unnamed Wetland**

Requested Action:

Retain 534 sq. ft. of palustrine forested wetlands impact for the installation of twin 18-inch x 20-foot culverts for driveway construction for access to a single family residence existing lot of record.

APPROVE PERMIT:

Retain 534 sq. ft. of palustrine forested wetlands impact for the installation of twin 18-inch x 20-foot culverts for driveway construction for access to a single family residence existing lot of record.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC dated August 2008, as received by the Department on September 12, 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.

- 11. 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.
- 12. This permit is contingent upon receipt of photographs illustrating stable and completed construction within 30 days of completion of construction.

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. The lot was subdivided in 1968.
- 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.

EXPEDITED MINIMUM

**2007-02769 HALL, MICHAEL
AMHERST Unnamed Wetland**

Requested Action:

Deny application to impact 440 sq. ft. of forested wetland to create a driveway crossing to access buildable uplands for a single family residential dwelling.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny application to impact 440 sq. ft. of forested wetland to create a driveway crossing to access buildable uplands for a single family residential dwelling.

With Findings:

- 1. A request for additional information dated December 20, 2007, addressed to the applicant 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.

**2008-01891 FOSTER, ERIC
NEW HAMPTON Winona Lake**

Requested Action:

Construct a 201 sq ft perched beach with 3 cubic yards of sand on Winona Lake, New Hampton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 201 sq ft perched beach with 3 cubic yards of sand on Winona Lake, New Hampton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 21, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line, (elevation 540). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 3 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. 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.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The applicant submitted a waiver request of rule Env-Wt 304.04 due to the unique configuration of the frontage.
3. The orientation of the proposed beach should have no adverse impact on the abutting property and, therefore, rule Env-Wt 304.04 is waived.

2008-02041 HEAFIELD, CRAIG
WEARE Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 1,500 sq. ft. of palustrine forested wetlands for road access to a proposed 15-lot subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1,500 sq. ft. of palustrine forested wetlands for road access to a proposed 15-lot subdivision.

With Findings:

1. A notice of administrative incomplete minimum impact expedited application dated September 26, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the notice.
2. Pursuant to RSA 482-A:3, XIV(a)(1), if the requested additional information is not received by DES within 60 days of the notice, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2008-02113 PONTOOK OPERATING LIMITED PARTNERSHIP
DUMMER Androscoggin River

Requested Action:

Proposal to repair four sink hole areas along the upstream side of the crest of the Pontook Dam. Work includes filling a total area of approximately 20 sq. ft. with pre-washed 1 ft. native stone. The stone will be placed in the sink holes from a boat being directed by divers.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application (received on 10/27/08) waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Approval to repair four sink hole areas along the upstream side of the crest of the Pontook Dam. Work includes filling a total area of approximately 20 sq. ft. with pre-washed 1 ft. native stone. The stone will be placed in the sink holes from a boat being directed by divers.

With Conditions:

1. All repair work shall be in accordance with plans and narratives submitted by Brookfield Power, as received by DES on October 2, 2008.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent coordination with the NH Natural Heritage Bureau to address any concerns with possible impacts to the identified plant species near the site.
4. 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.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
8. 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.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The repairs are needed to maintain the structural integrity of the dam.
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 work will be done by hand and will replicate the existing river bed.
6. 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.
7. The NH Natural Heritage Bureau review conducted by the applicant identified a historic record of an endangered plant species, Wapato, identified within the impounded area above the existing dam. It appears from the submitted application materials that if the plant still exists at the site there would be no impact because the proposed sink hole repairs are along the dam outside of the identified plant area and the repairs should not result in any turbidity because they are placing pre-washed native stone by hand in the sink holes.

2008-02291 STEVENS, PEARL
DEERFIELD Unnamed Wetland

Requested Action:

Dredge and fill 750 sq. ft. of wetlands to upgrade woods road to become driveway for single family residence.

APPROVE PERMIT:

Dredge and fill 750 sq. ft. of wetlands to upgrade woods road to become driveway for single family residence.

With Conditions:

1. All work shall be in accordance with plans by James E. Franklin, L.L.S., dated 9/22/2008, as received by DES on 10/22/2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. 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.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), placement of fill to access a single family house lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is necessary to provide access to buildable area of a single family lot.
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. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Deerfield Conservation Commission signed the expedited application.

TRAILS NOTIFICATION

2008-02190 WAGNER FOREST MANAGEMENT
DIXVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Millsfield Tax Map 1629, Lot# 9

LAKES-SEASONAL DOCK NOTIF

2008-02531 COLOSI, PHILIP
WAKEFIELD Pine River Pond

COMPLETE NOTIFICATION:
Wakefield, NH Tax Map 81 Lot 24
Pine River Pond

ROADWAY MAINTENANCE NOTIF

2008-02532 MANCHESTER, CITY OF
MANCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Remove 6' of 12" drain line and replace with 18"; Install 4' X 6' riprap pad at inlet

PERMIT BY NOTIFICATION

2008-02461 PSNH
MADBURY Unnamed Wetland

Requested Action:
Temporarily impact 16,200 sq. ft. of wetlands (1,350 linear feet) to install swamp mats to access utility poles for straightening in PSNH ROW.

PBN IS COMPLETE:
Temporarily impact 16,200 sq. ft. of wetlands (1,350 linear feet) to install swamp mats to access utility poles for straightening in PSNH ROW.

2008-02527 BROWN, KEITH
ALTON Lake Winnepesaukee

Requested Action:
Repair of existing docking system.

Conservation Commission/Staff Comments:
Con Com signed PBN on November 13, 2008

PBN IS COMPLETE:
Repair of existing docking system.

With Findings:

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

CSPA PERMIT

**2008-01929 DOME, DELBERT
GRAFTON Kilton Pond**

Requested Action:

Impact 2,500 sq ft to construct a proposed primary structure, driveway and septic system.

APPROVE PERMIT:

Impact 2,500 sq ft to construct a proposed primary structure, driveway and septic system.

With Conditions:

1. All work shall be in accordance with plans by Delbert Dome dated August 11, 2008 and received by the Department of Environmental Services ("DES") on September 15, 2008.
2. No more than 1.84% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 78,218 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. There shall be no impacts to jurisdictional wetlands unless additional approval is recieved by the DES Wetlands Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. 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.
7. 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.
8. 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.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01988 CITY OF FRANKLIN, RICHARD LEWIS
FRANKLIN Winnepesaukee River**

Requested Action:

Impact 269 sq ft to construct of a gazebo.

APPROVE PERMIT:

Impact 269 sq ft to construct of a gazebo.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering & Survey dated January 11, 2007 and received by the Department of Environmental Services ("DES") on October 31, 2008.
2. No more than 17.66% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

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.

**2008-01993 SALTMARSH, ROBERT
HAMPTON Atlantic Ocean**

Requested Action:

Impact 3,700 sq ft to replace an existing dwelling and driveway.

APPROVE PERMIT:

Impact 3,700 sq ft to replace an existing dwelling and driveway.

With Conditions:

1. All work shall be in accordance with plans by E.J. Cote & Associates, Inc. dated September 12, 2008 and received by the Department of Environmental Services ("DES") on September 19, 2008.
2. No more than 19.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,154 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. The proposed "Aqua-Bric" brad permeable pavement shall be installed and maintained in accordance with the manufacturers specifications.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. 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.
8. 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.
9. 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.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02008 CARRIAGE HOUSE POINT PROPERTY TRUST
TUFTONBORO Mirror Lake**

Requested Action:

Impact 546 sq ft of to add a gravel parking niche to an existing driveway.

APPROVE PERMIT:

Impact 546 sq ft of to add a gravel parking niche to an existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Sam Macausland dated September 17, 2008 and received by the Department of

Environmental Services ("DES") on September 22, 2008.

2. No more than 14.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 32,516 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 16,531 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
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.

2008-02330 CASEY, RICHARD
STRAFFORD Bow Lake

Requested Action:

Impact 2,028 sq ft to construct a foundation under an existing 816 sq ft structure and extend fill approximately 12 ft beyond the footprint approximately 36 inches deep at the building line.

APPROVE PERMIT:

Impact 2,028 sq ft to construct a foundation under an existing 816 sq ft structure and extend fill approximately 12 ft beyond the footprint approximately 36 inches deep at the building line.

With Conditions:

1. All work shall be in accordance with plans by David R. Whitcher dated October 20, 2008 and received by the Department of Environmental Services ("DES") on October 28, 2008.
2. No more than 13.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
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.
8. 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).
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.

2008-02354 GILBERT, JOHN
NEWBURY Lake Sunapee

Requested Action:

Impact 5,185 sq ft to realign a driveway and improve drainage..

APPROVE PERMIT:

Driveway realignment project to minimize erosion and stormwater runoff.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc. dated October 20, 2008 and received by the Department of Environmental Services ("DES") on October 29, 2008.
2. No more than 25.06% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,673 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,909 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
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. 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.

2008-02355 ALEXANDER, CAROLINE
BELMONT Sargent Lake

Requested Action:

Impact 5,788 sq ft for the expansion of single family dwelling, expansion of existing deck to a farmers porch and replacemnt of existing septic system with a larger septic system.

APPROVE PERMIT:

Impact 5,788 sq ft for the expansion of single family dwelling, expansion of existing deck to a farmers porch and replacemnt of existing septic system with a larger septic system.

With Conditions:

1. All work shall be in accordance with plans by Peter Schauer of Schauer Environmental Consultants dated November 25th, 2008 and received by the Department of Environmental Services ("DES") on November 26, 2008.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain in an unaltered state.
3. No more than 13.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,039 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

- 6. 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.
- 7. 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.
- 8. 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.
- 9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 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.

CSPA PERMIT W/WAIVER

**2008-02017 SWETT, LARAINÉ
MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 7,730 sq ft to replace and expand an existing non-conforming structure replace a garage and restore an abandoned section of driveway.

WAIVER APPROVED: RSA 483-B:9 II is waived to allowed the expansion of a primary structure located, in part, within the primary building setback.

APPROVE PERMIT:

Impact 7,730 sq ft to replace and expand an existing non-conforming structure replace a garage and restore an abandoned section of driveway.

WAIVER APPROVED: RSA 483-B:9 II is waived to allowed the expansion of a primary structure located, in part, within the primary building setback.

With Conditions:

- 1. All work shall be in accordance with plans by Ames Associates dated September 4, 2008 and received by the Department of Environmental Services ("DES") on September 23, 2008.
- 2. This approval includes a waiver of RSA 483-B:9, II and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
- 3. No more than 21.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. The project as proposed will leave approximately 6,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,826 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. 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.
- 7. 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.
- 8. 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.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
12. All vegetation planted for the purpose of providing a more nearly conforming proposal shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
13. This approval does not allow lakeward expansion of the primary structure.
14. Before the proposed construction begins on the non-conforming residence, the applicant shall upgrade the existing septic system.
15. 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).

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the replacement of the wastewater treatment system with an improve system, a reduction in the impervious surface area on within the protected shoreland, and the enhancement of the vegetative buffer through the replanting of disturbed areas.
4. The applicant has proposed to improve wastewater treatment, enhance wildlife habitat, and reduce impervious surface areas, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.
5. The project as designed and approved shall not have an adverse impact on adjacent Common Loon populations.