

# Wetlands Bureau Decision Report

Decisions Taken  
01/12/2009 to 01/18/2009

## **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**

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**2007-02278                      DODD, FREDERICK**  
**RINDGE   Robbins Pond**

Requested Action:

Dredge and fill 21,400 sq. ft. of palustrine and lacustrine wetlands for reconstruction of an existing dam located on Robbins's Pond in Rindge. Proposed compensatory mitigation for the wetland impacts consists of alternative mitigation in the form of habitat enhancement and creation adjacent to the dam.

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Conservation Commission/Staff Comments:

1. The Rindge Conservation Commission supports repair of the dam.

APPROVE PERMIT:

Dredge and fill 74,000 sq. ft. of palustrine and lacustrine wetlands for reconstruction of an existing dam located on Robbins's Pond in Rindge. Compensatory mitigation for the wetland impacts consists of a conservation easement on a 17 acre parcel created on the project property that will connect to an existing conservation parcel.

With Conditions:

1. All work shall be in accordance with plans by HTE Northeast Inc., plan sheets 1, 2 and 5 of 7 revision dated April 2008, plan sheet 3 of 7 revision dated March 2008, plan sheet 4 of 7 revision dated June 2008, plan sheet 6 of 7 revision dated July 2008, plan sheet 7 of 7 dated April 7, 2008 and plan sheet W-1 dated July 2, 2008, as received by DES on January 15, 2009 and applicable narratives by Eco Terra, LLC., dated April 8, 2008, as received by DES on May 9, 2008 and narratives dated and revised through September 18, 2008, as received by DES on September 24, 2008.
3. This permit is contingent on approval by the DES Dam Safety Program.
4. This permit is contingent on approval by the DES Watershed Management Bureau.
5. 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/pond flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Work shall be done during drawdown and low flow.
7. 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.
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. Unconfined work within the stream/pond, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. 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.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

17. 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).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
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. 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.
22. A post-construction report documenting the status of the project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland/upland buffer preservation:

23. This permit is contingent upon the execution of a conservation easement on a 17 acre parcel as depicted on plans received September 24, 2008.
24. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
25. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
26. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
27. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
28. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
29. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The dam reconstruction is needed to maintain the historical diversity of the wetlands and surface waters and associated wildlife habitat within and adjacent to the pond.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The structural requirements for the proposed dam require a larger impact area outside of the existing dam footprint.
7. The existing dam is in disrepair and has breached in several areas.
8. The existing dam was built approximately 90 years ago and has historically maintained a 37 acre pond that increased to approximately 43 acres due to beaver activity.
9. The previous landowner had conducted some maintenance activities as a result of an inspection conducted by the DES Dam Bureau in 1988.
10. The current owner conducted additional work on the dam, which was addressed through Wetlands Bureau files #2006-00195 and #2006-01524.
11. DES staff inspected the site on February 16, 2006.

12. DES issued a permit (Wetlands Bureau file #2006-01524) to the current owner on July 28, 2006 for temporary wetlands impacts associated with obtaining test pit information and additional breaching for future reconstruction of the dam.
13. The existing property is approximately 210 acre undeveloped parcel with approximately 167 acres of land outside of the existing pond.
14. The current landowner has indicated that he wants to repair/replace the dam to get the ecosystem back into place and does not have any desire or plans to develop the site other than possibly one future home site.
15. The Rindge Conservation Commission has submitted comments requesting that DES approve the proposed project.
16. DES received a comment letter from a Rindge citizen requesting that the dam be repaired to get the pond back.
17. DES has not received any comments in opposition to the proposed project.
18. DES has been working with the applicant to finalize the required compensatory mitigation as discussed in our meeting at DES on July 28, 2008.
19. On October 27, 2008, DES received correspondence indicating that the Rindge Conservation Commission has been working with the applicant and the Monadnock Conservancy on details for the conservation easement.
20. The applicant is providing a 17 acre conservation easement for the wetlands and surface water impacts associated with the proposed dam construction.
21. The permit is contingent on approval by the DES Dam Bureau and DES Watershed Management Bureau.
22. The proposed dam will maintain the historic uses and features of the pond.
23. The applicant has indicated that the pond is open to the public as a wildlife preservation area.
24. 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 palustrine and lacustrine resource, as identified under RSA 482-A:1.

**2008-00037                      MILES, MICHAEL & KAREN**  
**NEW LONDON   Lake Sunapee**

Requested Action:

The Applicant requests reconsideration of the denial of the second docking facility providing 3 additional slips on the frontage with the condition that no additional docking structures shall be allowed.

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APPROVE RECONSIDERATION:

Construct a 6 ft x 29 ft piling pier and a 6 ft x 30 ft piling pier connected by a 6 ft x 10 ft walkway in a "U" configuration and drive two 3 piling ice clusters for protection all at a location to the south of an existing 8 ft x 30 ft crib pier with a 10 ft x 18 ft 6 in seasonal canopy on an average of 498 ft of frontage on Lake Sunapee, in New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised November 19, 2008 and received by DES on November 21, 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. 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.
4. 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.
5. This permit does not allow for dredging for any purpose.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
8. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

10. 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.

11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.

12. The Permittee shall file a restrictive covenant in the Sullivan County Registry of Deeds restricting the the docking facilities on the frontage to provide no more than 5 boat slips.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), alteration of docking facilities providing 5 or more boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
4. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Sunapee as identified under RSA 482-A:1.
5. The applicant has an average of 498 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility, in combination with the existing pier, will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
8. The Applicant has agreed to file a Restrictive Covenant with the Sullivan County Registry of Deeds to limit the total number of slips allowed on this frontage to not more than 5 in order to meet the requirements relative to the utilization of the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2007-01149                      DREW, TIMOTHY & DEBORAH  
NORTHFIELD   Unnamed Wetland**

Requested Action:

Approve name change to: Timothy & Deborah Drew, 4 Beech St., Merrimack, NH 03054 per request received 1/12/09. Previous owner: Alan Hannaford

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APPROVE NAME CHANGE:

Dredge and fill 9450 square feet of palustrine forested wetland for access to a proposed building site on a lot of record.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises LLC dated May 2005, and revised through May 12, 2007, as received by the Department on May 23, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be conducted during low water conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

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

**2008-01046                      CANAAN, TOWN OF**  
**CANAAN   Mascoma River**

Requested Action:

Dredge and fill 1050 sq. ft. (approximately 95 linear ft.) river bank and adjacent wetlands for replacement of and existing (closed) 42 ft. span steel stringer and timber deck bridge with a new 27 ft. wide x 48 ft. span/channel pre-cast concrete deck beam bridge with associated steel railings, concrete abutments, wing walls, and footings and rip-rap scour protection. Additional work will include removal of the existing temporary bridge structure and detour and restoration of temporary bank, wetland and upland impacts as required and conditioned by the previous Wetlands Bureau permit #2006-02357.

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APPROVE PERMIT:

Dredge and fill 1050 sq. ft. (approximately 95 linear ft.) river bank and adjacent wetlands for replacement of and existing (closed) 42 ft. span steel stringer and timber deck bridge with a new 27 ft. wide x 48 ft. span/channel pre-cast concrete deck beam bridge with associated steel railings, concrete abutments, wing walls, and footings and rip-rap scour protection. Additional work will include removal of the existing temporary bridge structure and detour and restoration of temporary bank, wetland and upland impacts as required and conditioned by the previous Wetlands Bureau permit #2006-02357.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers Inc. ("HEB"), plan sheet 1 of 2 dated May 8, 2008 and sheets 2 and 3 of 3 dated May 28, 2008, and narratives as received by DES on June 13, 2008 and plan sheet 10 of 13 dated November 3, 2008 and narratives received by DES on December 17, 2008.
2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way and shall supply signed copies to DES Wetlands File No. 2008-01046 prior to construction.
3. 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.
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. 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. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam

is fully effective, confined work can proceed without restriction.

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. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
16. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
17. Areas from which vegetation has been cleared to gain access to the site or for installation of the temporary bridge shall be replanted with like native species.
18. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the bridge and wetlands and bank restoration is completed constructed in accordance with the approved plans and narratives.
19. Wetlands and bank restoration plantings shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
20. Wetland soils from areas vegetated with purple loosestrife or other invasive species shall not be used in the wetland restoration.
21. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
22. A post-construction report documenting the status of the project, restored stream bank and wetlands shall be submitted to the Wetlands Bureau within 60 days and one full growing season after the completion of construction.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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).
28. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
29. 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.
30. 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(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 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is upstream of the convergence of the Mascoma and Indian Rivers; and therefore, the proposed bridge construction will not impact the Mascoma River in an area that is classified as fourth order.

6. The existing River Road bridge is closed.
7. The proposed bridge structure provides a larger hydrological opening than currently exists and is sized to pass a 100-year storm event.
8. The proposed bridge maintains a natural stream channel.
9. The applicant received a previous permit (Wetlands Bureau file #2006-2357) from the department for installation of the existing temporary bridge and detour.

**2008-01798                      TAKACH REVOC TRUST, KELLY  
ATKINSON   Wetlands**

Requested Action:

Dredge and fill a total of 7,590 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings and drainage structures to access a 10-lot single family residential subdivision on a 30.9 acre parcel of land.

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Conservation Commission/Staff Comments:

No Report or Comments were received from the Atkinson Conservation Commission regarding this application.

APPROVE PERMIT:

Dredge and fill a total of 7,590 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings and drainage structures to access a 10-lot single family residential subdivision on a 30.9 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Cornerstone Survey Associates, Inc. dated July 2008 (last revised 10-14-08), as received by DES on November 13, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. 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.
11. 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.
12. 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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

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

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A site investigation by Schauer Environmental Consultants, LLC dated November 25, 2008 certifies that "... there were no vernal pool habitats identified on the site."

**2008-01942 SWISS VIEW CONDOS, BERNIE GALLAGHER  
BRISTOL Newfound Lake**

Requested Action:

Install a second 4 ft x 40 ft seasonal dock on an average of 250 ft of frontage, Newfound Lake, Bristol.

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Conservation Commission/Staff Comments:

No Con Com comments by December 10, 2008

APPROVE PERMIT:

Install a second 4 ft x 40 ft seasonal dock on an average of 250 ft of frontage, Newfound Lake, Bristol.

With Conditions:

1. All work shall be in accordance with plans by Granite State Surveying as received by DES on September 17, 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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. These shall be the only structures 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.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. 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 minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that provides for 4 boat slips including previously existing 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 an average of 250 feet of shoreline frontage along Newfound Lake.
5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-02066 THIBAUT, JOHN  
HAMPTON Atlantic Ocean**

Requested Action:

Impact 5,300 sq. ft. (1,285 sq. ft. permanent & 4,015 sq. ft. temporary impacts) in the previously developed upland tidal buffer zone to reconstruct an existing deteriorated boulder seawall, cap with a dry laid stone wall and install granite stairs to provide for beach access.

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Conservation Commission/Staff Comments:

The Hampton Conservation Commission has reviewed this application and "... does not oppose the granting of a wetlands permit for the reconstruction of the seawall at 1026 Ocean Blvd...."

Inspection Date: 10/24/2008 by Frank D Richardson

APPROVE PERMIT:

Impact 5,300 sq. ft. (1,285 sq. ft. permanent & 4,015 sq. ft. temporary impacts) in the previously developed upland tidal buffer zone to reconstruct an existing deteriorated boulder seawall, cap with a dry laid stone wall and install granite stairs to provide for beach access.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/17/08 (last revised 9/10/08), as received by DES on September 24, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. 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.
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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 24, 2008. Field inspection determined the reconstruction of this deteriorated and slumping boulder seawall is needed.

**2008-02137 PUGLISI, WILLIAM & JUNE  
LONDONDERRY Unnamed Wetland**

Requested Action:

Dredge and fill 1,376 sq. ft. in palustrine wetlands to install 56 linear feet of 15 in. dia. RCP culvert in an intermittent stream to construct a driveway access to two (2) residential building lots.

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Conservation Commission/Staff Comments:

The Londonderry Conservation Commission reviewed this application and voted to recommend approval [of the permit].

APPROVE PERMIT:

Dredge and fill 1,376 sq. ft. in palustrine wetlands to install 56 linear feet of 15 in. dia. RCP culvert in an intermittent stream to construct a driveway access to two (2) residential building lots.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants LLC dated Revised 10/15/08, as received by DES on October 17, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Work shall be done during low flow.

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

**2008-02166                      HAVERHILL COUNTRY CLUB**  
**PLAISTOW   Unnamed Pond**

Requested Action:

Dredge 3,500 sq. ft. in the embankments of two man-made irrigation ponds and remove a cart path/berm separating the two ponds to create one larger pond to provide increased irrigation capacity for the golf course.

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Conservation Commission/Staff Comments:

No Comments or Report was received from the Plaistow Conservation Commission regarding this application.

APPROVE PERMIT:

Dredge 3,500 sq. ft. in the embankments of two man-made irrigation ponds and remove a cart path/berm separating the two ponds to create one larger pond to provide increased irrigation capacity for the golf course.

With Conditions:

1. All work shall be in accordance with plans by JM Associates dated June 27, 2008, as received by DES on October 03, 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/or 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. 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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Work shall be done during low flow.

With Findings:

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

**MINIMUM IMPACT PROJECT**

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**2006-02102                      AMES FARM INN**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Applicant requests to retain fill of approximately 2,963 square feet of wet meadow and retain two culverts with headwalls in three jurisdictional areas (2,576 square feet, 327 square feet, and 60 square feet), Gilford.

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APPROVE AFTER THE FACT:

Applicant requests to retain fill of approximately 2,963 square feet of wet meadow and retain two culverts with headwalls in three jurisdictional areas (2,576 square feet, 327 square feet, and 60 square feet), Gilford.

With Conditions:

1. All work shall be in accordance with Plans prepared by Schauer Environmental Consultants, LLC, dated May 13, 2008, as received by the Department on May 30, 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. 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. Proper headwalls shall be installed within seven days of culvert installation, weather permitting.
5. Within three days of final grading or temporary suspension of work in an area that is adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season.

With Findings:

1. This is a minimum impact project per NH Admin. Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in wet meadow that are not prime wetland.
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. This property has been the subject of a DES Wetlands Bureau enforcement action for, among other things, unauthorized fill in wetlands, unauthorized installation of a rock wall within the bank of Lake Winnepesaukee, and modification to dock structures. A restoration plan to restore the wetland impacts was submitted to DES on August 4, 2008 and a Restoration Plan Approval was issued by DES on August 11, 2008. The applicant has restored the above-referenced impacts.
6. The DES Wetlands Bureau inspected the restored areas on October 15, 2008.
7. The applicant has submitted an after-the-fact application to retain a 74 foot concrete retaining wall. File number 2008-2477 has been assigned to the matter.
8. The Conservation Commission did not submit comments regarding this after-the-fact application.

**2007-01444                      WOODS, EDMOND J & WANDALEA G  
LANGDON   Unnamed Wetland**

Requested Action:

Approve name change to: Edmond J & Wandalea G Woods, 968 Forest Rd., Alstead NH 03602 per request received 1/12/09.

Previous owner: Karen Curran

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Conservation Commission/Staff Comments:

No Con Com comments by Oct 02, 2007

APPROVE NAME CHANGE:

Construct a driveway with two culverts impacting 2,475 sq. ft. of wetlands for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by FOREST Designs, as received by DES on October 26, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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 permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2007-02870                      BOHANAN DAIRY FARM, JAMES ROBERTSON  
CONTOOCCOOK   Contoocook River**

Requested Action:

Impact 12,551 square feet along 542 linear feet of the Contoocook River bank and bed to stabilize the existing bank to protect an important cultural resource.

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APPROVE PERMIT:

Impact 12,551 square feet along 542 linear feet of the Contoocook River bank and bed to stabilize the existing bank to protect an important cultural resource.

With Conditions:

1. All work shall be in accordance with plans by NRCS dated October 2008, as received by the Department on December 18, 2008.
2. 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.
3. The permittee shall work with the NH Division of Historic Resources throughout the duration of construction.

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. 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 phasing, timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division wetland permitting staff, and DES Rivers Coordinator at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands 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.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the buffer area is constructed in accordance with the approved plans. 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.
8. Work shall be done during low flow.
9. 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.
10. 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.
11. All work shall be done from the top of the bank. No equipment shall enter the water.
12. Prior to commencing work on a structure located within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
13. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
14. 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.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
18. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
21. 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.
22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. The Buffer area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a natural looking vegetated bank. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth.
24. The riverine buffer area shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
25. There shall be no cutting of vegetation within the Buffer area unless such cutting is compliant with the Comprehensive Shoreland Protection Act.
26. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau and DES Rivers Coordinator within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t) Restoration of altered or degraded wetlands provided the project: Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental

- Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service; Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order;
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 applicant has provided documentation that the proposed project will not constrict or decrease the capacity of the river.
  6. The applicant proposes to revegetate the new bank within the voids of the proposed rip rap.
  7. The project can not be cut back into the bank as the cultural resources have already been exposed by the river.

**2008-01842                      JULIANO, RICHARD  
THORNTON   Unnamed Wetland**

Requested Action:

Confirm Emergency Authorization to impact 150 square feet of wetlands to gain access to a well.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization to impact 150 square feet of wetlands to gain access to a well.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The project was necessary to access an existing well.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on September 10, 2008.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2008-02109                      RYE CONSERVATION COMMISSION, TOWN OF  
RYE   Awcomin Salt Marsh**

Requested Action:

Dredge 9,320 cubic yards of historic fill material (dredge spoils) previously disposed of in a salt marsh over an area totaling 123,000 sq. ft. (2.82 acres) for work associated with the restoration of the Awcomin Salt Marsh including the removal of a berm, the establishment of new marsh elevations and the construction of a new drainage channel to provide for enhanced tidal flows and to abate the encroachment of invasive plant species.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission is the applicant and proponent for this salt marsh restoration project which has been designed and funded by NRCS/WRP in association with NHDES, NHCP, USACOE, USEPA, USFWS & NMFS.

Inspection Date: 05/06/2008 by Frank D Richardson

Inspection Date: 08/28/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge 9,320 cubic yards of historic fill material (dredge spoils) previously disposed of in a salt marsh over an area totaling 123,000 sq. ft. (2.82 acres) for work associated with the restoration of the Awcomin Salt Marsh including the removal of a berm, the establishment of new marsh elevations and the construction of a new drainage channel to provide for enhanced tidal flows and to abate the encroachment of invasive plant species.

With Conditions:

1. All work shall be in accordance with plans by the Natural Resources Conservation Service (NRCS) dated 9/08 (last revised January 2009), as received by DES on September 30, 2008 and January 09, 2009 respectively.
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/or further permitting by the Bureau with the exception of logistical determinations made by the DES Salt Marsh Restoration Technical Advisory Staff in the field to accommodate unforeseen but necessary changes needed to best implement the restoration plan.
3. The NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands Bureau Southeast Region staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(NRCS) and the contractor responsible for performing the work.
5. This project will be implemented in phases in accordance with the following sequence:
  - a) Establishing a staging area and constructing the temporary haul road.
  - b) Removal of the designated section of the 1941 berm and grading to design contours.
  - c) Construction of the new drainage channel extending Branch 2 from the previous project to the new terminus shown as location #16 on the current project plans.
  - d) Regrading marsh areas westerly of the 1941 berm location and the removal of invasive species as designated and delineated in the field by the DES Salt Marsh Restoration Technical Advisory Staff.
  - e) Removal of the temporary haul road and all dredged materials from areas within NH DES Wetlands jurisdiction.
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. Temporary storage of dredged materials may occur within specific areas designated to be regraded during the project which have been previously delineated (staked)in the field by DES Wetlands Bureau staff to facilitate handling.
9. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
10. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
11. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
12. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
13. Pre- and post-restoration monitoring shall be completed through the protocols set forth by the "Global Program of Action Coalition for the Gulf of Maine" (GPAC) and the "Monitoring Requirements for Salt marsh Restoration Projects," NH Coastal Program, September 1998.
14. The permittee shall submit monitoring reports to the DES Wetlands Bureau according to the specifications stated in the above-listed protocols.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. 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.
18. 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(t)(1): Restoration of altered or degraded wetlands provided the project receives financial support and direct supervision of a New Hampshire state agency, the USEPA, the USACOE,

the USDA NRCS or the USFWS

- 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.

**2008-02306                      KENNY, BARBARA**  
**HAMPTON Tidal Buffer**

Requested Action:

Construct a 113 sq. ft. addition to an existing dwelling and remove 170.5 sq. ft. of impervious sealed driveway and replace with a pervious surface within the previously developed tidal buffer zone.

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Conservation Commission/Staff Comments:

The Hampton Conservation Commission has reviewed this application and "... does not oppose the granting of a wetlands permit for the removal of the paved driveway, patio and grill area ... and the construction of an addition and a deck with stairs..."

Inspection Date: 07/09/2008 by Frank D Richardson

APPROVE PERMIT:

Construct a 113 sq. ft. addition to an existing dwelling and remove 170.5 sq. ft. of impervious sealed driveway and replace with a pervious surface within the previously developed tidal buffer zone.

With Conditions:

- 1. All work shall be in accordance with plans by E.J.Cote & Associates, Inc. dated July 18, 2008 (last revised 9-24-08), as received by DES on October 20, 2008.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
- 4. All 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.
- 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.

**2008-02347                      JACKSON, TOWN OF**  
**JACKSON Ice Pond Brook**

Requested Action:

Dredge and fill 1,400 square feet within the bed and banks of Ice Pond Brook to remove an existing concrete dam and to remove wooden timbers and debris from an existing granite dam that will restore the brook to free flowing condition. Restore an additional 1,600 square feet of wetlands by removing existing fill and debris, and by replanting a bank area with native trees and shrubs.

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Inspection Date: 01/22/2007 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 1,400 square feet within the bed and banks of Ice Pond Brook to remove an existing concrete dam and to remove

wooden timbers and debris from an existing granite dam that will restore the brook to free flowing condition. Restore an additional 1,600 square feet of wetlands by removing existing fill and debris, and by replanting a bank area with native trees and shrubs.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers dated September 22, 2008, as received by DES on October 27, 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. Work shall be done during low flow.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
9. The permittee shall attempt to control invasive, weedy species such as Japanese knotweed (*Fallopia japonica*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
10. The design calls for Dam #123.03, referred to as the Trickey Brothers Dam, to remain in place with the outlet being cleared of boards and debris. The dam will remain in an active status and will be classified as a non-menace dam by the NHDES Dam Bureau. Maintenance, in the form of maintaining a clear opening through the dam's outlet so that there will be no impoundment, will be the responsibility of the dam owner.
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(o), as impacts to restore the brook and adjacent wetlands are deemed to have minimal environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 project proposes to remove wooden timbers in an existing granite dam and to remove an existing concrete dam which are restricting the flow to Ice Pond Brook. The project intent is to restore Ice Pond Brook to a free flowing condition and facilitate the movement of aquatic species.

**2008-02364**                      **MCKAY, CHARLES**  
**NEW DURHAM**   **Unnamed Stream**

Requested Action:

Retain 100 sq. ft. of wetlands impact and installation of a 36" x 20' replacement culvert.

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APPROVE AFTER THE FACT:

Retain 100 sq. ft. of wetlands impact and installation of a 36" x 20' replacement culvert.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated 10/22/2008, as received by DES on 10/29/2008.
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. Proper culvert headwalls shall be constructed immediately if not already installed.
4. All exposed soil areas shall be stabilized by seeding and mulching immediately 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 immediately upon the availability of bare ground following the Spring 2009 melt off of current snow cover.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of a non-docking structure such as a culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The previous culvert provides access to several dwellings and was washed out during a major flood event last year.
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 culvert has been replaced in-kind.
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 by the NH Heritage Bureau for the vicinity.
5. The New Durham Conservation Commission did not report.

**2008-02536                      MANNING, GORDON**  
**SUTTON   Unnamed Stream**

Requested Action:

Dredge and fill 645 square feet of palustrine forested wetlands including approximately 20 linear feet of intermittent stream to install twin 18-inch x 20-foot plastic corrugated culverts with stone headwalls for driveway access to a single lot of a 2-lot subdivision on ± 47 acres.

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APPROVE PERMIT:

Dredge and fill 645 square feet of palustrine forested wetlands including approximately 20 linear feet of intermittent stream to install twin 18-inch x 20-foot plastic corrugated culverts with stone headwalls for driveway access to a single lot of a 2-lot subdivision on ± 47 acres.

With Conditions:

1. All work shall be in accordance with plans by Evans Land Consultants dated October 2008, as received by the Department on November 21, 2008 and Subdivision Plans dated November 2008, as received by the Department on November 21, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 2 of this approval.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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. 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(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks.
2. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
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.

**2008-02652 SEACOAST UNITED SOCCER CLUB, PAUL WILLIS  
EPPING Unnamed Wetland**

Requested Action:

Fill a total of 2,009 sq. ft. in three locations within three isolated wetlands to construct parking and access associated with a sporting facility.

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Conservation Commission/Staff Comments:

Con. Com. recommends approval.

APPROVE PERMIT:

Fill a total of 2,009 sq. ft. in three locations within three isolated wetlands to construct parking and access associated with a sporting facility.

With Conditions:

1. All work shall be in accordance with revised plans by Beals Associates PLLC dated January 5, 2009, as received by the Department on January 12, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. 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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01.
3. The applicant has demonstrated avoidance and minimization of wetland impacts per Administrative Rule Env-Wt 302.03 by avoiding the larger higher functional wetlands on the property.

**FORESTRY NOTIFICATION**

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**2009-00038                    STAR LAKE PROPERTIES INC**  
**SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Springfield Tax Map 13, Lot# 208,164 & 302,066

**2009-00039                    BLIGHT, BRUCE**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 419, Lot# 31

**2009-00040                    KEANE, KAREN**  
**LYME   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyme Tax Map 408, Lot# 75.1

**2009-00041                    DRED, INGA SEABOYER**  
**PETERBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Peterborough Tax Map R2, Lot# 34

**2009-00042                    WITHINGTON, ESTATE OF RICHARD**  
**ANTRIM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Antrim Tax Map 246, Lot# 10

**2009-00053                    CANFIELD, JEFFREY & KATHLEEN SMITH**  
**LITTLETON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Littleton Tax Map 268, Lot# 6.2

**2009-00054                    SPNHF**  
**DALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dalton Tax Map 409, Lot# 33.1

**2009-00055                    SOCIETY FOR THE PROTECTION OF NH FORESTS**  
**BETHLEHEM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Tax Map 402, Lot# 23

**2009-00058                    LOWE, VYRON**  
**JEFFERSON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Jefferson Tax MAp 5A, Lot# 13

**2009-00060                    CONCORD, CITY OF**  
**CONCORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Concord Tax Map 120, Lot# 26

**2009-00063                    JUDD, J BRIAN & TORIN**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 410, Lot# 25

**2009-00064                    NEW ENGLAND FORESTRY FOUNDATION**  
**DEERING   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deering Tax Map 233, Lot# 11

**2009-00065                    FOSS TRUST, FREDERIC**  
**COLUMBIA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Columbia Tax Map 421, Lot# 1

**2009-00067                    SPNHF**  
**BRISTOL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bristol Tax Map 216, Lot# 1

**2009-00071                    GUAY, KEVIN & LORRAINE**  
**CONCORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Concord Tax Map 98, Lot# 79

**EXPEDITED MINIMUM**

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**2008-02036 HEALEY, BRIAN  
PLYMOUTH Unnamed Stream**

Requested Action:

Dredge and fill 2195 square feet in four crossing locations for access in the subdivision of approximately 26 acres into 9 single family residential lots.

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APPROVE PERMIT:

Dredge and fill 2195 square feet in four crossing locations for access in the subdivision of approximately 26 acres into 9 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping dated November 2008, and revised through January 2009 as received by the Department on January 9, 2009 and Subdivision Plans by Mountain Mapping dated November 2008, and revised through December 2008 as received by the Department on December 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #x of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. 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.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work within the perennial stream shall be done during low flow.
9. Work within the perennial stream shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. 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.
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. 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.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
16. Temporary cofferdams shall be entirely removed immediately following construction.

17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Area of temporary impact shall be regraded to original contours following completion of work.
19. 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.
20. 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.
21. 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.
22. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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 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.

**2008-02455 PSNH  
CONCORD Unnamed Wetland**

Requested Action:

Corrected permit description: Temporarily impact 6364 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

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APPROVE PERMIT:

Corrected permit description: Temporarily impact 6364 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated October 14, 2008, as received by the DES Wetlands Bureau on November 14, 2008 and the "Standards for Transmission Line Construction in Wetlands" as received on November 14, 2008.
2. This permit is contingent on approval by the DES Shoreland Program.
3. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All work shall be conducted during frozen conditions or under no flow or low groundwater conditions.
5. All stream crossings shall be conducted during no flow conditions and in a manner so as to minimize turbidity.
6. If necessary prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.
7. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
8. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
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 20 feet of undisturbed vegetated buffer.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. 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.
15. Construction shall be inspected by a qualified professional such as a wetland scientist, or erosion control specialist, to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
16. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to [jocelyn.degler@des.nh.gov](mailto:jocelyn.degler@des.nh.gov)
17. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
18. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
19. 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.
20. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
21. Mulch within the restoration areas shall be straw or seedless hay.
22. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
23. The right-of-way shall be monitored at the end of construction and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
24. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
25. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
26. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
27. Faulty equipment shall be repaired prior to entering wetlands.
28. 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.
29. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
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.

Requested Action:

Temporarily impact a total of 29,640 sq. ft. of wetlands over 2,470 linear ft. for installation of swamp mats for access along utility line for routine pole repair/replacement.

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APPROVE PERMIT:

Temporarily impact a total of 29,640 sq. ft. of wetlands over 2,470 linear ft. for installation of swamp mats for access along utility line for routine pole repair/replacement.

With Conditions:

1. All work shall be in accordance with plans by Tighe and Bond dated October 2008, as received by DES on 12/18/2008.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. 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.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the maintenance and repair of existing utility lines. This project, in combination with that permitted under 2008-2738 for the same vicinity, does not exceed the one acre limit required by Env-Wt 303.04(af)(1).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is to perform necessary maintenance on an exiting utility line.
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. PSNH has coordinated with the NH Fish & Game Department ("NHFG") regarding the species of concern reported for the greater project vicinity, and NHFG states that impacts to the species are not expected since the species' habitat would be unaffected by the project.
5. The Portsmouth Conservation Commission signed the expedited application.

**2008-02818 SANDERS, KAREN  
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Repair/replace: A) an existing 18'3"x 40'6" single slip boathouse and associated 4'4"x 35' pier supported by a full crib; B) a 5'x 12' walkway connecting a 6'x 38'10" piling and crib supported pier; C) an 8'8"x 30' rock supported pier; D) a 14'3"X 10'4" rock supported pier, and E) 4 ice clusters on 765' of average frontage, Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:  
Con Com signed Exp Application on Dec 23, 2008

**APPROVE PERMIT:**

Repair/replace: A) an existing 18'3"x 40'6" single slip boathouse and associated 4'4"x 35' pier supported by a full crib; B) a 5'x 12' walkway connecting a 6'x 38'10" piling and crib supported pier; C) an 8'8"x 30' rock supported pier; D) a 14'3"X 10'4" rock supported pier, and E) 4 ice clusters on 765' of average frontage, Lake Winnepesaukee, Tuftonboro.

**With Conditions:**

1. All work shall be in accordance with plans as received by DES on December 30, 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. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. 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.
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 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.

**LAKES-SEASONAL DOCK NOTIF**

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**2009-00049                      FATKIN, HARRY**  
**WASHINGTON    Half Moon Pond**

COMPLETE NOTIFICATION:  
Washington, NH Tax Map 12 Lot 21  
Half Moon Pond

**PERMIT BY NOTIFICATION**

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**2009-00033                      ROCHESTER DPW, CITY OF**  
**STRAFFORD    Round Pond**

Requested Action:

Temporarily impact 600 sq. ft. of wetland in a woods road to install a 24" gate valve on an existing 24" diameter raw water main to be used to control water flow.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Rochester Conservation Commission signed PBN

PBN IS COMPLETE:

Temporarily impact 600 sq. ft. of wetland in a woods road to install a 24" gate valve on an existing 24" diameter raw water main to be used to control water flow.

**2009-00034 PSNH  
ROCHESTER Unnamed Wetland**

Requested Action:

Temporarily impact a total of 8,496 sq. ft. of wetlands to install wooden mats for access and guy wire anchor installation.

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PBN IS COMPLETE:

Temporarily impact a total of 8,496 sq. ft. of wetlands to install wooden mats for access and guy wire anchor installation.

**2009-00046 FARETRA, RICHARDS  
ALTON Lake Winnepesaukee**

Requested Action:

Repair of existing docking structure.

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Conservation Commission/Staff Comments:

Con Com signed PBN form on Jan 08, 2009

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**

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**2008-02534 DOW, GARRY  
DALTON Forest Lake**

Requested Action:

Impact 300 sq ft for the purpose of replacing and relocating septic system.

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APPROVE PERMIT:

Impact 300 sq ft for the purpose of replacing and relocating septic system.

With Conditions:

1. All work shall be in accordance with plans by Edgar Cormier dated December 23, 2008 and received by the Department of Environmental Services ("DES") on January 7, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered and wetlands.
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 more than 5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 19,600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,800 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).
8. 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.
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.

**2008-02558 IC REED & SONS**  
**RAYMOND Lamprey River**

Requested Action:

Impact 15,736 sq ft for the purpose of restoring an existing impervious gravel parking area and constructing a vegetated berm/drainage swail.

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Conservation Commission/Staff Comments:

Contacted via phone 12/30/08. Missing Shoreland Worksheet.

APPROVE PERMIT:

Impact 15,736 sq ft for the purpose of restoring an existing impervious gravel parking area and constructing a vegetated berm/drainage swail.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout and Design dated October 23, 2008 and received by the Department of Environmental Services ("DES") on November 26, 2008.
2. No more than 65% 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 6,449 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,576 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.
11. Silt fencing must be removed once the area is stabilized.

**2008-02720                      WHITEFIELD, TOWN OF**  
**WHITEFIELD Airport Marsh**

Requested Action:

Impact 20,865 sq ft for the purpose of replacing an existing 13' wide arched culvert with a new 20' wide pre-cast concrete culvert, re-surfacing existing road, adding guardrail, and filling side slopes of an existing roadway.

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APPROVE PERMIT:

Impact 20,865 sq ft for the purpose of replacing an existing 13' wide arched culvert with a new 20' wide pre-cast concrete culvert, re-surfacing existing road, adding guardrail, and filling side slopes of an existing roadway.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated December 9, 2009 and received by the Department of Environmental Services ("DES") on December 15, 2009.
2. This permit is contingent on approval by the DES Dam Bureau.
3. All actions that may result in, or have the potential to result in, either temporary or permanent impacts to wetlands are contingent upon receipt of an approved wetlands permit under RSA 482-A.
4. Whereas the NH Department of Fish and Game is the controlling agency for the Airport Marsh dam this permit is contingent on their approval.
5. The northern harrier (*Circus cyaneus*) and the graceful clearwing (*Hemaris gracilis*) have been identified as rare species that occur within the proposed project area. It the recommendation of the NH Fish and Game Nongame and Endangered Species Program that to limit the potential disturbance to these species construction shall be limited to the immediate areas of the road and bridge and construction equipment and materials are not staged in wet meadows of fields in the area of the Whitefield Airport.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
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.
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.

With Findings:

1. The proposed project is in part the replacment of an existing corrugated metal culvert which has been closed due to structural deficiencies.

2. The northern harrier (*Circus cyaneus*) and the graceful clearwing (*Hemaris gracilis*) have been identified as rare species that occur within the proposed project area. It the recommendation of the NH Fish and Game Nongame and Endangered Species Program that to limit the potential disturbance to these species construction shall be limited to the immediate areas of the road and bridge and construction equipment and materials are not staged in wet meadows of fields in the area of the Whitefield Airport.

**2008-02765                      BEAUCHER, DAVID**  
**EPSOM   Suncook River**

Requested Action:

Impact 9,990 for the purpose of raising the grade of an existing gravel driveway and replacing a deck removed during a flood event.

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APPROVE PERMIT:

Impact 9,990 for the purpose of raising the grade of an existing gravel driveway and replacing a deck removed during a flood event.

With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert dated December 9, 2008 and received by the Department of Environmental Services ("DES") on December 19, 2008.
2. No more than 7.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remian unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The project as proposed will leave approximately 28,450 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 28,450 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).
7. 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.
8. 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.
9. 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.
10. 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.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The complaint against the applicant by the abutting property owner states that regrading the existing driveway may make the areas surrounding the project site more susceptible to flooding.
2. The evidence submitted by the complainant however, shows the entire area already flooding prior to the driveway being regraded.
3. The applicant states that driveway was raised approximately 1 to 2 feet along the southeastern end furthest from the abutting property using 322.2 cu yds of fill. The 1 to 2 foot rise in the driveway may allow access to the dwelling during a flood event but should not prevent the remainder of the applicant's property from flooding.
4. Both the photographic and topographic evidence along with the past history of flooding in the project area indicate that this project should have minimal, if any, impact on abutting properties.
5. The proposed actions are permissible under RSA 483-B.

**2008-02797                      GILPIN, DALE & MARY**  
**ACWORTH Crescent Lake**

Requested Action:

Impact 2,683 sq ft for the purpose of constructing a garage with connecting driveway and installing a larger septic system.  
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APPROVE PERMIT:

Impact 2,683 sq ft for the purpose of constructing a garage with connecting driveway and installing a larger septic system.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services LLC dated December 2008 and received by the Department of Environmental Services ("DES") on December 26, 2008.
2. All activities associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
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. 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 more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 12,448 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,752 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).
9. 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.
10. 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.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/VARIANCE**

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**2008-02254                      CONSTANCE CALLEJAS TURNER REV TRUST, CONSTANCE CAL**  
**WOLFEBORO Mirror Lake**

Requested Action:

Impact 8,591 sq ft for the purpose of removing an existing single family dwelling, resurfacing an existing driveway with pervious technologies, constructing a new single family dwelling, and installing a new septic system.  
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APPROVE PERMIT:

Impact 8,591 sq ft for the purpose of removing an existing single family dwelling, resurfacing an existing driveway with pervious technologies, constructing a new single family dwelling, and installing a new septic system.

VARIANCE APPROVED: RSA 483-B:9,V(b)(A)(i) is varied to allow the temporary reduction of unaltered areas below the minimum standard required.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp. dated June 2008 and received by the Department of Environmental Services ("DES") on October 17, 2008.
2. This approval includes a variance of RSA 483-B:9,V(b)(A)(i) 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. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
5. All areas temporarily impacted by the proposed project shall be re-vegetated with native vegetation and allowed to revert to "unaltered" conditions.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 17.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 2,101 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
9. 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.
10. 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.
11. 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.
12. 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.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The proposed project will not meet the minimum requirements for maintenance of unaltered areas adjacent to Mirror Lake in Wolfboro and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the unaltered space requirements would prohibit the property owner from constructing the proposed and otherwise approvable, structures.
4. The temporary impacts will allow the reasonable use of the property and will be restored to provide wildlife habitat and water quality protection, and therefore, are consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as it will allow the reasonable use of the property while maintaining long term habitat and water quality protection.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

**CSPA PERMIT W/WAIVER**

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**2008-02136                      MARGARET A AARONIAN REV TRUST, MARGARET/RICHARD TR  
HAMPTON   Atlantic Ocean**

Requested Action:

Impact 7,462 sq ft to replace an existing non-conforming structure and construct a new driveway.

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APPROVE PERMIT:

Impact 7,462 sq ft to replace an existing non-conforming structure and construct a new driveway.

WAIVER APPROVED: RSA 483-B:9, V,(g)is waived to allow the reconfiguration of structures with a total impervious area greater than 30% of the area of the lot.

With Conditions:

1. All work shall be in accordance with revised building plans by Jones & Beach Engineers, Inc. dated December 19, 2008 and received by the Department of Environmental Services ("DES") on December 24, 2008.
2. This approval includes a waiver of RSA 483-B:9, V,(g) and, therefore, shall not be effective until it has been recorded at the Rockingham 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 38% 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 at least 558.75 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 558.75 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. An initial vegetation monitoring report shall be submitted to DES by July 1, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
6. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
7. The proposed permeable pavers shall be installed and maintained in accordance with the manufacturers specifications.
8. This permit is contingent upon approval of the proposed septic system by the NH Subsurface Systems Bureau.
9. 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.
10. 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.
11. 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.
12. 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.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The proposed structures shall exceed 30% of the lot size and, therefore, fail to conform to the impervious surface limit set forth in RSA 483-B:9, V,(g) 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 applicant has proposed to locate the proposed structure approximately 9 ft further back from the reference line than the existing structure.
4. The applicant has proposed to replace an existing impervious driveway with permeable pavers, reducing the total amount of

impervious surface on the lot by approximately 160 sq ft.

5. The applicant has proposed to plant native vegetation in accordance with the approved plans by Jones & Beach Engineers, Inc. dated December 19, 2008 and received by DES on December 24, 2008.

6. The applicant has proposed to locate the proposed structure approximately 9 ft further back from the reference line than the existing structure, reduce the total amount of impervious surface on the lot by approximately 160 sq ft and plant native vegetation and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02374                      POWERS, RODNEY/ELLEN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 3,650 sq ft for the purpose of demolishing an existing nonconforming primary structure and rebuilding a more nearly conforming primary structure.

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APPROVE PERMIT:

Impact 3,650 sq ft for the purpose of demolishing an existing nonconforming primary structure and rebuilding a more nearly conforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Christopher P. Williams, Architects, dated August 20, 2008 and received by the Department of Environmental Services ("DES") on November 3, 2008.
2. This approval includes a waiver of RSA 483-B:9, II,(b) and, therefore, shall not be effective until it has been recorded at the Belknap 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 27.4% 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 1,567 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,567 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
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.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), 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 applicant has proposed to remove approximately 231 sq ft of impervious surface within the waterfront buffer of the protected shoreland.
5. The applicant has proposed to remove and relocate existing driveway to better handle storm water runoff as well as install infiltration trenches to absorb stormwater from the drip edges of the proposed dwelling.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback than the existing system.
7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 231 sq ft, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02568                      SOUCY FAMILY NOMINEE TRUST**  
**ALTON    Lake Winnepesaukee**

Requested Action:

Impact 6,500 sq ft for the purposes of expanding an existing nonconforming primary structure and installing a new septic sytem.

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APPROVE PERMIT:

Impact 6,500 sq ft for the purposes of expanding an existing nonconforming primary structure and installing a new septic sytem.

WAIVER APPROVED: RSA 483-B:9, II(b)(2) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 13, 2008 and received by the Department of Environmental Services ("DES") on December 1, 2008.
2. This approval includes a waiver of RSA 483-B:9, II, (b) and, therefore, shall not be effective until it has been recorded at the Belknap 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 12.7% 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 2,155 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,357 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
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.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Silt fencing must be removed once the area is stabilized.

14. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure 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 (b), of the CSPA.

2. The existing non-conforming structure is located on a lot that is comprised of greater than 30% impervious surfaces within the area of the lot located within the protected shoreland and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1)

3. In accordance with RSA 483-B:11, I, 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."

4. The applicant has proposed replace 240 sq ft of the existing impermeable driveway with permeable technologies.

5. The applicant has proposed to decrease the size of the existing driveway and increase the quantity of vegetation within the natural woodland buffer as well as install 1' deep by 2' wide infiltration trenches on the northerly and easterly side of the dwelling to better handle stormwater runoff.

6. The applicant has proposed to reduce the quantity of impervious area of the lot within the protected shoreland from 42.3% to 38.3%.

7. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback from the reference line.

8. The applicant has proposed to install stormwater controls, install a new septic system, and decrease the total amount of impervious surface coverage of the lot within the protected shoreland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02710                      DONOVAN, MICHAEL & LISA**  
**LYMAN   Dodge Pond**

Requested Action:

Impact 3,264 sq ft for the purposes of expanding an existing nonconforming primary structure and installing a new septic system.  
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APPROVE PERMIT:

Impact 3,264 sq ft for the purposes of expanding an existing nonconforming primary structure and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc., dated August 4, 2008 and received by the Department of Environmental Services ("DES") on December 15, 2008.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the Grafton 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 12.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

5. The project as proposed will leave approximately 6,180 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 4,236 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).

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.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Dodge Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), 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 applicant has proposed to install 3 foot wide infiltration trenches under the drip edges of the dwelling to more effectively handle stormwater.
4. The applicant has proposed to decrease the total area of imperviousness of the property within the protected shoreland from 15.9% to 12.7%
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback from the reference line.
6. The applicant has proposed to install stormwater controls, decrease the total area of impervious surface coverage of the lot within the protected shoreland, and install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.