

Wetlands Bureau Decision Report

Decisions Taken
03/30/2009 to 04/05/2009

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

**2002-01912 CAMBI, JOSEPH
MOULTONBOROUGH Squam Lake**

Requested Action:

Applicant requests that permit be amended to allow for a smaller dug-in boathouse than was originally approved.

Conservation Commission/Staff Comments:

Sent revised plans outside wetlands. Con. Com. did not respond.

Inspection Date: 12/23/2002 by Darlene Forst

APPROVE AMENDMENT:

Amend permit to read: Permanently remove existing 6 ft x 30 ft seasonal dock, and dredge 33 cu yd from 425 sq ft of lakebed and excavate 1033 sq ft along 23 linear ft of shoreline to construct a single slip 690 sq ft dug-in boathouse, install 30 linear ft of rip-rap to stabilize the edges of the dredged inlet, and install a 6 ft x 40 ft seasonal dock on an average of 182 ft of frontage on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by T.R. Selling Engineering, P.C. dated February 10, 2009, as received by the Department on February 23, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 19 ft in height (Elev. 581.50) above normal high water (Elev. 562.50).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
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. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
14. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
15. Seasonal piers shall be removed for the non-boating season.
16. 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 major impact project per Administrative Rule Wt 303.02(g), removal of more than 20 cu yd of material from public waters.
2. This project as amended will reduce the amount of impact from that which was originally approved as follows: dredge volume - 12 cu yd; dredge area - 175 sq ft; shoreline impacts - 31 sq ft; and boathouse size (impervious area) - 206 sq ft.
3. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. DES Staff conducted a field inspection of the proposed project on December 23, 2003. Field inspection determined the project to be approvable with revised plans.
7. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine system.
8. The applicant has an average of 182 ft of frontage on Squam Lake.
9. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
10. The proposed docking facilities will provide 3 slips as defined per RSA 482-A:2, and therefore meets the requirements of Rule Wt 402.14.

-Send to Governor and Executive Council-

**2007-01711 MERRILL JR, CHARLES
HANCOCK Jaquith & Dingle Brook**

Requested Action:

Approve amendment request to revise the proposed 12-foot precast concrete span bridge with three 48-inch x 56-foot embedded RCP culverts and a 24-inch x 56-foot RCP culvert for dry passage and alter the fish ladder design.

APPROVE AMENDMENT:

Dredge and fill 91,764 square feet of Jaquith Pond to replace existing twin 18-inch culverts with three 48-inch x 56-foot embedded RCP culverts and an 24-inch x 56-foot RCP culvert for dry passage, repair/reconstruct an existing earthen dam, install a fish ladder, dredge portions of the existing ponds and install a dry hydrant.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated February 29, 2008 and March 28, 2008, and revised through March 03, 2009, as received by the DES on March 05, 2009.
2. Work shall be done during annual low flow conditions.
3. All work shall be done under draw down conditions.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. This permit is contingent on approval by the DES Watershed Management Bureau.
6. This permit is contingent upon conversion of .85 acres of open water to scrub-shrub/emergent wetland area.
7. The applicant shall notify the DES Wetlands in writing no less than five (5) days prior to the commencement of construction.
8. 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.
9. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the project and alternative mitigation areas are constructed in accordance with the plan(s). Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES 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.

10. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
11. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
12. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Appropriate siltation and 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.
15. 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.
16. Machinery shall not be located within surface waters, where practicable.
17. Machinery shall be staged and refueled in upland areas.
18. There shall be no excavation or operation of construction equipment in flowing water.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
20. 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.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
23. 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.
24. 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.
25. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
26. Temporary cofferdams shall be entirely removed immediately following construction.
27. 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.
28. 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.
29. 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.
30. Area of temporary impact shall be regraded to original contours following completion of work.
31. Mulch within the restoration area shall be straw.
32. Seed mix within the restoration area shall be a native wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
33. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
34. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
35. A post-construction report documenting the status of the completed fish ladder with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
36. A post-construction report documenting the status of the lowered surface water elevation with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
37. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the transitional area and fish ladder and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year.

With Findings:

DES reaffirms original finding no.'s 1-9 and 12-17:

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. This permit is contingent upon approval by the DES Dam Bureau and DES Watershed Management Bureau.
3. In correspondence dated September 20, 2007, the United States Fish and Wildlife Service (USFWS) requested additional fish ladder information.
4. Fish ladder details were submitted to the USFWS on April 18, 2008.
5. In correspondence dated October 17, 2007, the Hancock Conservation Commission (HCC) stated support for the project given the installed culvert is open-bottomed and a correct width (8-12 feet); the dam is built to proper specification and includes a fish ladder; water diversion for allow for trout passage; dredging maintains shallow areas; pond margins are minimally disturbed; the pond surface water elevation is lowered and the project is completed in 6-8 week spans during the appropriate time of year.
6. The proposal satisfied the HCC concerns.
7. Submitted abutter concerns include: 1) construction window; 2) details for boulder drilling for excavation and sediment and soil information to determine if the material will support slopes and proposed excavation; 3) proposed tool set and equipment methods, staging, hydraulic fluid or oil leakage control methods; and the dewatering culvert may be undersized for peak flows and lack of a contingency plan to deal with large flows.
8. The response submitted March 28, 2008, confirmed the construction window to a 6-8 week period during summer low flows, weekdays from 7:00 AM to 5:00 PM; blasting is not proposed and large rocks encountered during dredging will remain; specific sediment depths and soil types have not been previously determined; the precise toolset will be left to contractors, but given site topography and project scope likely equipment includes large bull dozer to push sediment, excavator to handle the dredge pile(s) and dump truck to transfer fill to the adjacent hay field; the construction will occur during low-flows and in the an excess water, flows will be directed to pond B; plans have been revised to include proposed access ways, staging and dewatering locations;
9. The applicant has placed 200 acres of land abutting Jaquith Pond in conservation easement.
10. A ditch and stone check dam is proposed along Jaquith Road to filter road runoff.
11. Letters of support from the Hancock Board of Selectman and the Hancock Highway Department dated March 03, 2008, and May 17, 2007, were received by the DES Wetlands Bureau on March 28, 2008.
12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
13. 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.
14. 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.
15. 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 lacustrine resource, as identified under RSA 482-A:1.

DES also makes the following additional findings:

16. Geotechnical investigations completed after approval of the original application determined structural limitations of the existing soil cannot support the proposed 12-foot bridge span and fish ladder design.
17. The amendment proposes revising the 12-foot precast concrete span bridge to three embedded 48-inch x 56-foot RCP culverts and a 24-inch x 56-foot RCP culvert for dry passage and fish ladder details.
18. Pursuant to Env-Wt 803.06, the amended alternative mitigation includes lowering the pond elevation to allow a transitional scrub-shrub/emergent wetland area to naturally revegetated and installation of a fish ladder.
19. The alternative mitigation proposal meets the criteria of Env-Wt 803.06.
20. All abutters have been re-notified of the pending amendment. Copies of the certified mail receipts were provided with the January 28, 2009, Agent response.
21. The NHFG Fisheries Division has reviewed the revised fish ladder design and confirmed the revised structure will provide some fish passage.
22. No comments were received from the USFWS or EPA regarding the amendment.
23. In correspondence received on February 05, 2009, the Hancock Conservation Commission expressed its support for the project.
24. In correspondence dated June 04, 2007 the Harris Center expressed its support for the project noting the Merrill family has protected over 600 acres including the pond area through conservation easements and gifts of land to the Harris Center and the Town.

2009-00020 **SALEM, TOWN OF**
SALEM Porcupine Brk, Policy Brk & Spicket River

Requested Action:

Dredge and fill a total of 9,285 sq. ft. of jurisdictional wetlands for work associated with the replacement and/or reconstruction of three (3) bridges at the following locations: Pelham Road over Porcupine Brook; Cluff Crossing over Policy Brook and Lawrence Road over he Spicket River, all being in or adjacent to designated Prime Wetlands in the Town of Salem.

Conservation Commission/Staff Comments:

The Salem Conservation Commission intervened on the application and following the Prime Wetlands Public Hearing on March 20, 2009 sent a follow-up report stating "The Salem Conservation Commission has no objection to waiving the appeal period for the Town's bridge replacement project."

APPROVE PERMIT:

Dredge and fill a total of 9,285 sq. ft. of jurisdictional wetlands for work associated with the replacement and/or reconstruction of three (3) bridges at the following locations: Pelham Road over Porcupine Brook; Cluff Crossing over Policy Brook and Lawrence Road over he Spicket River, all being in or adjacent to designated Prime Wetlands in the Town of Salem.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group, Inc. dated 12/08 (last revised 01/07/09, as received by DES on March 20, 2009.
2. Any further alteration of areas on these properties 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 Salem Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. 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.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The boundaries of the 100-foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
14. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
15. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
16. A land resource professional shall inspect the each project to insure compliance with approved plans and permit conditions prior to completion of the projects. A post-construction report documenting the status of each of the completed projects with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

- 17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- 18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), Projects located in or adjacent to prime wetlands designated under RSA 482-A:15.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that 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 prime wetlands public hearing on this application was held on March 20, 2009.

MINOR IMPACT PROJECT

2007-02629 STREETER, DAVID
CHARLESTOWN Unnamed Stream Connecticut River

Requested Action:

Construct a 6 ft x 30 ft seasonal dock attached to a 3 ft x 6 ft concrete pad, accessed by a ladder over the bank from a 10 ft x 15 ft concrete pad on an average of 549 ft of frontage on the Connecticut River, Charlestown.

APPROVE RECONSIDERATION:

Construct a 6 ft x 30 ft seasonal dock attached to a 3 ft x 6 ft concrete pad, accessed by a ladder over the bank from a 10 ft x 15 ft concrete pad on an average of 549 ft of frontage on the Connecticut River, Charlestown.

With Conditions:

- 1. All work shall be in accordance with plans by Landmark Land Services LLC dated March 4, 2009, as received by DES on March 6, 2009.
- 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. 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
- 5. This permit does not allow for any bank impacts or removal of vegetation other than the installation of the two concrete pads.
- 6. Seasonal pier shall be removed from the river channel for the non-boating season.

7. No portion of the pier shall extend more than 30 feet from the waterline.
8. Work shall be done during low flow.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. 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.
3. The applicant has an average of 549 feet of shoreline frontage along the Connecticut River.
4. A maximum of 8 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-01946 BEDOR, JOEL & CATHERINE
LITTLETON Unnamed Wetland

Requested Action:

Reconsideration of untimely denial proposal to dredge and fill approximately 4372 sq. ft. of wetlands for construction of driveways to access two proposed residential lots.

DENY RECONSIDERATION:

Deny reconsideration of untimely denial for a proposal to dredge and fill approximately 4372 sq. ft. of wetlands for construction of driveways to access two proposed residential lots.

With Findings:

A. Grounds for Reconsideration

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

1. The agent inadvertently missed the January 30, 2009 deadline of the Request for More Information letter ("RFMI"), issued by the Department on December 1, 2008 because he failed to realize the deadline was so close.
2. It took longer than expected to prepare a response to several of the important issues raised in the RFMI. The work required by the surveyor to re-visit the site, contacting the abutters concerning the 20' rule and contacting the Littleton Highway Department, plan revisions and contacting the owners and Habitat for Humanity.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.
4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received September 15, 2008 and was determined to be administratively complete on September 18, 2009.
3. By letter dated December 1, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(a)(2)

("RFMI"). Specifically, the Department requested the applicant to address the following:

a. DES has received a comments/concern letter (enclosed) from an abutter. Please address the following questions. Is the "old culvert" on your property? Is there an existing drainage issue? Are there any opportunities to address existing drainage issues? Have you investigated what impacts may occur to abutters from the installation of the new culverts and fill in wetlands? Will the proposed culvert and site drainage have any negative impacts on abutters or wetlands? Will roof drains and foundation drains be piped close to wetlands or be allowed to naturally drain into existing uplands? How was the stream type determined (i.e., intermittent vs. perennial)? Please address.

b. The culvert sizing information included in the application indicates a 24-inch diameter culvert will be used within the stream crossing ("Wetland Impact Area 2"), however, the narrative indicates 18-inch diameter culverts are proposed for each crossing. Please clarify.

c. Will the proposed culverts provide free flowing passage during the 10-year storm event? What is the width of the stream channel? What size culverts carry the stream flow through South Grove Street and Grove Street? Please clarify.

d. Please provide additional photographs that depict the stream and associated banks within "Wetland Impact Area 2".

e. Please provide the existing and proposed topography for the lots in accordance with Administrative Rule Env-Wt 304.09(a). Please include grading and proposed stormwater drainage/treatment for the proposed driveways.

f. It is noted in the applications that abutter permission is needed for work in wetlands within 20-feet of an abutter. DES has not received the written agreement (s) in accordance with Administrative Rule Env-Wt 304.04(a). Please address.

- 4. The Department did not receive a response to the RFMI within the 60 days of the request per RSA 482-A:3, XIV(2).
- 5. Based on RSA 482-A:3, XIV (a)(3) the department denied the application because the issues raised in the RFMI were not addressed.
- 6. The request for reconsideration does not assert that the department's decision was erroneous, but rather appears to concur with the decision by including the RFMI response with the reconsideration.
- 7. The reconsideration and accompanying RFMI response received on February 24, 2009 included a waiver request to Administrative Rule Env-Wt 304.04(a) in order to address the requirement of obtaining abutter(s) agreements for work in wetlands that is within 20 feet of an abutting property line.
- 8. The waiver request was not approved due to the denial status of the application.
- 9. On March 26, 2009, the department discussed the submitted waiver request with the agent and suggested that it should be included with the new application. Additionally, the department requested that the agent continue to work with the abutter(s) to obtain written agreements per Env-Wt 304.04(a).
- 10. On March 26, 2009, the agent was informed that the department still had concerns with the increased impervious surfaces on the property and requested that he further investigate the use of drywells and rain gardens to help address concerns of the abutter.
- 11. The agent has not met his burden of proving that the department's decision was unlawful or unreasonable.

D. Decision

- 1. On March 26, 2009, the department informed the agent that it was affirming it's decision to deny the subject application.
- 2. Based on the foregoing, the department affirms the decision to deny the subject application, file number 2008-01946.

2008-02422 SHRULL, ROLAND & NANCY
WINDHAM Cobbetts Pond

Requested Action:

Construct 32 linear feet of retaining wall along the property line and remove an 259 sq ft of sloped beach, add loam and seed the area on an average of 48 ft of frontage on Cobbetts Pond, in Windham.

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 14, 2009

APPROVE PERMIT:

Construct 32 linear feet of retaining wall along the property line and remove an 259 sq ft of sloped beach, add loam and seed the area on an average of 48 ft of frontage on Cobbetts Pond, in Windham.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering Inc revision dated February 20, 2009, as received by DES on March 02, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Area shall be regraded to original contours following completion of work.
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. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.

**2008-02525 SKIFFINGTON HOMES
GILFORD Lake Winnepesaukee**

Requested Action:

Replace a 4 ft x 26 ft permanent dock with a 4 ft x 25 ft 7 in permanent dock in a new location, relocate an existing 3 pile ice cluster, and an existing seasonal boatlift to the center slip, install two seasonal PWC lifts in the easterly slip, relocate an existing permanent boatlift with a seasonal canopy to the dug in slip, install a 6 ft wide access stair from the dock to the waterbody, and construct a 286 sq ft perched beach, on an average of 197 ft of frontage on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

Con Com has comments

APPROVE PERMIT:

Replace a 4 ft x 26 ft permanent dock with a 4 ft x 25 ft 7 in permanent dock in a new location, relocate an existing 3 pile ice cluster, and an existing seasonal boatlift to the center slip, install two seasonal PWC lifts in the easterly slip, relocate an existing permanent boatlift with a seasonal canopy to the dug in slip, install a 6 ft wide access stair from the dock to the waterbody, and construct a 286 sq ft perched beach, on an average of 197 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by David Dolan dated November 07, 2008, as received by DES on March 24, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.

10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
15. The new boatlift and 2 PWC lifts shall be of seasonal construction type. The seasonal support frame shall be removed for the non-boating season.
16. 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 demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 160 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-02649 BUELL, WILLIAM & JEANNETTE
GILFORD Mark Island

Requested Action:

Install a 6 ft x 4 ft concrete anchoring pad and retain a second 6 ft x 4 ft concrete pad to anchor a 6 ft x 40 ft seasonal dock connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration on an average of 715 ft of frontage on Mark Island, in Gilford.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a 6 ft x 4 ft concrete anchoring pad and retain a second 6 ft x 4 ft concrete pad to anchor a 6 ft x 40 ft seasonal dock connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration on an average of 715 ft of frontage on Mark Island, in Gilford.

With Conditions:

1. All work shall be in accordance with plans dated June 11, 2008, as received by DES on December 04, 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. Seasonal piers shall be removed for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. 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

**2008-02448 WEST VIEW FARMS LLC
WILTON Unnamed Stream**

Requested Action:

Dredge and fill 800 sq. ft. and temporarily impact 1,200 sq. ft. of intermittent stream and associated palustrine forested to install a 3-foot x 12-foot x 30-foot precast box culvert for road access to a 30-lot subdivision on ± 61 acres.

APPROVE PERMIT:

Dredge and fill 800 sq. ft. and temporarily impact 1,200 sq. ft. of intermittent stream and associated palustrine forested to install a 3-foot x 12-foot x 30-foot precast box culvert for road access to a 30-lot subdivision on ± 61 acres.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Survey, Inc. dated March 19, 2008, and revised through February 13, 2009, as received by the DES on March 04, 2009 and plans dated November 5, 2008, and revised through February 13, 2009, as received by DES on March 18, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Easement use shall be restricted to trail and emergency/fire access only.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culverts shall be laid at original grade.
14. 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).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. This permit is contingent upon the restoration of 1,200 square feet of intermittent stream channel in accordance with plans received March 04 and 18, 2009 within 30 days of construction.
17. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
18. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(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 provided construction is performed during periods of non-flow.
2. The use for easements depicted on the plan is restricted to emergency/fire vehicles and trail access.
3. This permit is conditioned that easement use shall be restricted to trail and emergency/fire access only.

4. The Town of Wilton Planning Board has indicated that there will not be a through access for traffic between the subject parcel and the abutting parcel owned by the applicant except for emergency and fire department.
5. General notes no. 28 on sheet 1 of 9, by Monadnock Survey, Inc. dated March 19, 2008, and revised though February 13, 2009, states, "The emergency access shall be gated and used for emergency situations only. The access shall not be used for general daily through traffic."
6. The applicant also owns a large abutting parcel tax map/lot B/70-5.
7. A conceptual build-out was provided for the abutting lot owned by the applicant, tax map/lot B/70-5.
8. The applicant obtained a variance from the Town to access tax map/lot B/70-5 from Lyndeborough Road.
9. The Applicant's Agent has confirmed that access to abutting parcel tax map/lot B/70-5 would be from Lyndeborough Road and not from the subject parcel.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. 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.
12. 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.

**2008-02626 THE PIER PEOPLE, DBA WENTWORTH MARINA
NEW CASTLE Little Harbor**

Requested Action:

Maintenance dredge 2,833 sq. ft., having a volume of 184 cubic yards, of clean sand material which was carried into this intertidal area during significant rain events of 2008 to restore depth to the launch service area to provide continued safe navigation from the launch dock to and from the mooring field in Little Harbor.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission intervened on this application, however, no follow-up report or comments were received.

Inspection Date: 02/06/2009 by Frank D Richardson

APPROVE PERMIT:

Maintenance dredge 2,833 sq. ft., having a volume of 184 cubic yards, of clean sand material which was carried into this intertidal area during significant rain events of 2008 to restore depth to the launch service area to provide continued safe navigation from the launch dock to and from the mooring field in Little Harbor.

With Conditions:

1. All work shall be in accordance with plans by Watermark Planning & Permits dated 10/27/08, as received by DES on December 01, 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 New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. The NH Fish & Game Department has authorized a waiver of the dredge window set forth in Env-Wt 304.11(b) due the small scope of work involved and lack of any impact to fish spawning in the area during the approved maintenance dredge time period.
5. This one-time maintenance dredge permit to restore depths to the launch dock area must be completed on or before April 30, 2009.
6. Dredged material shall be placed back into the eroded channel from which the material came and be properly stabilized.
7. The clogged drain in the upland tidal buffer zone which contributed to the erosion and subsequent sedimentation in tidal waters shall be properly maintained to avoid future impacts.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

10. Work shall be done during periods of low tide.

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

12. Faulty equipment shall be repaired prior to entering jurisdictional areas.

13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

14. 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(o), projects deemed minimum impact by the Department based on the degree of environmental impact.

2. The NH Fish & Game Department has authorized a waiver of the dredge window set forth in Env-Wt 304.11(b) due the small scope of work involved and lack of any impact to fish spawning in the area during the approved maintenance dredge time period.

3. This one-time maintenance dredge permit to restore depths to the launch dock area must be completed on or before April 30, 2009.

4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has provided evidence corroborating that this project constitutes maintenance dredging to establish pre-storm event bottom contours.

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

FORESTRY NOTIFICATION

2009-00536 SOMMERS, JOANNE
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R8, Lot# 51

2009-00537 MEADOWSEND TIMBERLANDS LTD
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax Map 202, Lot# 60

2009-00538 TRIMBUR, MICHAEL
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax Map 3, Lot# 13

2009-00542 DERMERS, DENNIS
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax Map 4, Lot# 15,16,18,18-1

**2009-00543 MATARAZZO, ANTHONY
HUDSON**

COMPLETE NOTIFICATION:
Hudson Tax Map 144, Lot# 21

**2009-00549 STOUTE, CHRISTINE
MILTON Unnamed Stream**

COMPLETE NOTIFICATION:
Milton Tax Map 29, Lot# 10

**2009-00550 PLOURDE, RITA
ALLENSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:
Allenstown Tax Map 410, Lot# 21,21,22.1,22.2,22.3

**2009-00562 PAPALIAN, RAFIK
RAYMOND Unnamed Stream**

COMPLETE NOTIFICATION:
Raymond Tax Map 44, Lot# 25

**2009-00563 TAYLOR, WILLIAM
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 269, lot# 2

**2009-00564 TAYLOR, WILLIAM
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Nottingham Tax Map 7, Lot# 1

OTHER BUSINESS

2003-00945 FREMONT CONSERVATION COMMISSION
FREMONT Prime Wetland

Conservation Commission/Staff Comments:
Town of Fremont's Prime Wetland Designation Study.

OTHER:

Accept Prime Wetlands designation for an additional 26 wetlands in the Town of Fremont.

Supporting documentation includes: a)Town of Fremont Wetland Evaluation Report prepared by West Environmental, Inc. dated September 2007.

b)Fremont Contour and Prime Wetland Map prepared by Dollard Associates dated October 23, 2008.

c)Town of Fremont, NH 2008 Warrant Article, Amend Article IX Section G to add more Prime Wetlands. All received by the DES on November 13, 2008.

With Findings:

1. Based on review of the Town of Fremont Wetland Evaluation Report prepared by West Environmental, Inc. dated September 2007 and received together with additional supporting documentation on November 13, 2008, the NH Department of Environmental Services Wetlands Bureau has determined that the Report and associated maps identifying 26 additional wetlands as designated Prime Wetlands is in compliance with Sections Env-Wt 702.01 and Env-Wt 702.02 of the NH DES Wetlands Bureau Code of Administrative Rules and is hereby accepted per Rule Env-Wt 702.03.

2009-00400 HAMPTON FALLS - MULTIPLE OWNERS
HAMPTON FALLS Prime Wetlands

OTHER:

Accept Prime Wetlands designations for ten (10) wetlands in the Town of Hampton Falls per Env-Wt 702.03. Supporting documentation includes: a)Prime Wetland Inventory Report: Hampton and Hampton Falls, New Hampshire prepared by Gove Environmental Services, Inc. dated February 8, 2006 together with b)Hampton Falls Prime Wetland Inventory NH Method Data Sheets dated March 31, 2006 and c)Final Project Data contained on a digital CD dated April 2006 and d) Hampton Falls Prime Wetlands map prepared by the Rockingham Planning Commission dated April 2008, all received, with a letter of transmittal from West Environmental, Inc. dated August 4, 2008 by the DES on September 10, 2008.

With Findings:

1. Based on review of the Prime Wetlands designations for ten (10) wetlands in the Town of Hampton Falls submitted with supporting documentation which includes: a)Prime Wetland Inventory Report: Hampton and Hampton Falls, New Hampshire prepared by Gove Environmental Services, Inc. dated February 8, 2006 together with b)Hampton Falls Prime Wetland Inventory NH Method Data Sheets dated March 31, 2006 and c)Final Project Data contained on a digital CD dated April 2006 and d) Hampton Falls Prime Wetlands map prepared by the Rockingham Planning Commission dated April 2008, all received, with a letter of transmittal from West Environmental, Inc. dated August 4, 2008 by the DES on September 10, 2008, the NH Department of Environmental Services Wetlands Bureau has determined that the Report and supporting documentation is in compliance with Sections Env-Wt 702.01 and Env-Wt 702.02 of the NH DES Wetlands Bureau Code of Administrative Rules and is hereby accepted per Rule Env-Wt 702.03.

2009-00401 BRENTWOOD - MULTIPLE OWNERS
BRENTWOOD Prime Wetlands

OTHER:

Accept Prime Wetlands designations for fourteen (14) wetlands in the Town of Brentwood per Env-Wt 702.03. Supporting documentation includes: a) Town of Brentwood Wetland Evaluation Report prepared by West Environmental, Inc. dated December 2007 together with b) Brentwood Prime Wetlands Map prepared by Cartographic Associates, Inc. dated April 1, 2008 and c) Color Ortho Photo Prime Wetlands Overlay Map prepared by West Environmental, Inc. dated April 13, 2008 and d) Town of Brentwood,

NH 2008 Warrant Article 1 Results, all received by the DES on November 13, 2008.

With Findings:

1. Based on review of the Prime Wetlands designations for fourteen (14) wetlands in the Town of Brentwood submitted with supporting documentation which includes: a) Town of Brentwood Wetland Evaluation Report prepared by West Environmental, Inc. dated December 2007 together with b) Brentwood Prime Wetlands Map prepared by Cartographic Associates, Inc. dated April 1, 2008 and c) Color Ortho Photo Prime Wetlands Overlay Map prepared by West Environmental, Inc. dated April 13, 2008 and d) Town of Brentwood, NH 2008 Warrant Article 1 Results, all received by the DES on November 13, 2008, the NH Department of Environmental Services Wetlands Bureau has determined that the Report and supporting documentation is in compliance with Sections Env-Wt 702.01 and Env-Wt 702.02 of the NH DES Wetlands Bureau Code of Administrative Rules and is hereby accepted per Rule Env-Wt 702.03.

EXPEDITED MINIMUM

**2007-02315 THORNTON, PAUL
NEW DURHAM Merrymeeting Lake**

Requested Action:

Construct a 428 sq ft perched beach with less than 10 cubic yards of sand, remove the existing stone steps in the lake and install seasonal stairs over the bank on Merrymeeting Lake, New Durham.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 428 sq ft perched beach with less than 10 cubic yards of sand, remove the existing stone steps in the lake and install seasonal stairs over the bank on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans dated February 16, 2009, as received by DES on February 18, 2009.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. The lakeward wall placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 639). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be seasonal removable steps over the bank.
5. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The applicant submitted a letter from the abutter for the proposed work within the abutter 20 foot setback.

2008-02185 MARIA L BEASLEY REV TRUST
WEARE Horace Lake

Requested Action:

Untimely denial of applicants request to construct a perched beach.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

With Findings:

1. A request for additional information dated October 23, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-02265 LERNER, JAMES
BRIDGEWATER Newfound Lake

Requested Action:

Repair an existing 12 ft x 20 ft boatramp located on the property line, on Newfound Lake, Bridgewater.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 12 ft x 20 ft boatramp located on the property line, on Newfound Lake, Bridgewater.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 20, 2008 and March 04, 2009.
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 repair of the boat ramp shall not increase the size of the boat ramp or the lakeward extension of the ramp into the waterbody.
4. Area shall be regraded to original contours following completion of work.
5. 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.
6. Work shall be done during draw down.
7. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Newfound Lake.
9. 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.

**2008-02485
SULLIVAN**

SULLIVAN, TOWN OF

Requested Action:

Reconsideration request to replace a 36-inch corrugated metal culverts with a 48-inch HDPE culvert at South Road/intermittent stream, replace a 48-inch corrugated culvert with a 48-inch culvert at Cross Road/Meetinghouse Brook, replace a 36-inch culvert with a 42-inch culvert at Cross Road/intermittent stream and replace a 30-inch and 16-inch concrete culvert with a 42-inch squashed plastic culvert at Meetinghouse Brook/gravel road behind fire station.

DENY RECONSIDERATION:

Deny permit reconsideration request to replace a 36-inch corrugated metal culverts with a 48-inch HDPE culvert at South Road/intermittent stream, replace a 48-inch corrugated culvert with a 48-inch culvert at Cross Road/Meetinghouse Brook, replace a 36-inch culvert with a 42-inch culvert at Cross Road/intermittent stream and replace a 30-inch and 16-inch concrete culvert with a 42-inch squashed plastic culvert at Meetinghouse Brook/gravel road behind fire station.

With Findings:

A. Grounds for Reconsideration:

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

1. The Agent missed the 60 day deadline.
2. The Agent submitted information requested in the Request for More Information ("RFMI") to the Department via email on February 26, 2009.
3. The Agent requested the denial be overturned and the application be looked at with the new information submitted with the reconsideration request.

B. Standards and Process for Review:

1. RSA 482-A:10, II requires a request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law:

1. RSA 482-A:3, XIV establishes the process that the Department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject application was received on November 17, 2008 and was determined to be administratively complete on November 19, 2008.
3. By letter dated December 11, 2008, the Department requested more information pursuant to RSA 482-A:3, XIV(a)(2). Specifically, the Department requested the applicant to address the following:
 - a. Channel, top-of-bank and bankfull width of Meetinghouse Brook.
 - b. Length of existing and proposed culverts.
 - c. Alternative discussion for Meetinghouse Brook culvert replacements.
 - d. Cross-section or typical plans.
4. The Department did not receive a response to the RFMI within 60 days of the RFMI.
5. Based on RSA 482-A:3, XIV(a)(2), the Department denied the application because the issues raised in the RFMI were not addressed within 60 days of the RFMI.

6. The request for reconsideration does not assert that the Department's decision was erroneous, but rather appears to concur with the decision by asserting that the issues raised in the RFMI are addressed with the reconsideration materials.
7. The reconsideration and accompanying RFMI response received on March 05, 2009 included stream width information and cross-section plans.
8. On March 30, 2009, the Department discussed the submitted waiver request with the Agent and suggested that the additional information submitted with the reconsideration request be included with the new application. The Department requested that the Agent revise cross-section plans to include additional stream bed elevation information and requested construction details, including embedding plans, construction sequence and discussion. The Department also requested that exact existing and proposed culvert lengths be clarified. Additionally, the Department suggested Meetinghouse Brook culvert widths be 1.2 times the bankfull width.
9. The Agent has not met his burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision:

1. On March 30, 2009, the Department informed the Agent that it was affirming its decision to deny the subject application.
2. Based on the foregoing, the Department affirms the decision to deny the subject application, file number 2008-02485.

2009-00304 RADWAN, MARK & PATRICIA
STARK North Pond

Requested Action:

Install a 4 ft x 24 ft seasonal dock on North Pond, Stark.

Conservation Commission/Staff Comments:

Con Com did not sign the Exp application

APPROVE PERMIT:

Install a 4 ft x 24 ft seasonal dock on North Pond, Stark.

With Conditions:

1. All work shall be in accordance with plans dated January 30, 2009, as received by DES on February 23, 2009.
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 shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 50 feet of shoreline frontage along North Pond.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2009-00367 SCHNEIDERHEINZE, ROBERT
BEDFORD Unnamed Wetland**

Requested Action:

Proposal dredge and fill 348 sq. ft. of wetlands (48 linear ft.) for the installation 15 in. x 44 ft. CPP culvert, associated filling, grading, outlet protection and flared culvert end sections for construction of a driveway to one lot of a proposed two lot subdivision (one lot with an existing home).

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill 348 sq. ft. of wetlands (48 linear ft.) for the installation 15 in. x 44 ft. CPP culvert, associated filling, grading, outlet protection and flared culvert end sections for construction of a driveway to one lot of a proposed two lot subdivision (one lot with an existing home).

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc. Inc., dated February 27, 2009, as received by DES on March 5, 2009.
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 #3 of this approval.
5. Work shall be done during low flow.
6. The inlet and outlet of the proposed culvert shall match the grade of the natural wetland surface.
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. 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.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading 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 New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. 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 (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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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.
6. The proposed crossing location is needed to help address town setback requirements and avoid additional wetlands impacts.
7. The previous subdivision was permitted in 1976.
8. The department found no previous wetlands conditions that would affect the project.
9. The department did question the agent regarding previous covenants for the original subdivision. The agent stated his surveyor researched the project and the previous covenants had a 20 year expiration date that has now expired.
10. The previously submitted Permit by Notification ("PBN") for the project was disqualified because the project involves a subdivision, which does not meet the requirement of Administrative Rule Env-Wt 304.04(z) as required by the PBN process. The applicant subsequently filed the appropriate application type.

2009-00377 GLEASON, EDWARD
NORTHWOOD Unnamed Wetland

Requested Action:

Dredge and fill 425 sq. ft. of wetlands associated with installation of a 12" x 28' culvert for constructin of a driveway crossing to a single family house lot.

APPROVE PERMIT:

Dredge and fill 425 sq. ft. of wetlands associated with installation of a 12" x 28' culvert for constructin of a driveway crossing to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier Inc. dated December 2008, as received by DES on 3/6/2009.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading 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. Proper headwalls shall be constructed within seven days of culvert installation.
8. 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).
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. It is necessary to cross wetlands at some point on the property to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the

NH Heritage Bureau.

5. The Northwood Conservation Commission signed the expedited application.

2009-00434 MCCREE, DONALD
SUNAPEE Lake Sunapee

Requested Action:

Repair an existing 14 linear feet of retaining wall and install 4 ft wide access steps adjacent to the patio on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 03/11/09

APPROVE PERMIT:

Repair an existing 14 linear feet of retaining wall and install 4 ft wide access steps adjacent to the patio on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 2009, as received by DES on March 16, 2009.
2. Repair shall maintain existing size, location and configuration.
3. Work shall be done during drawdown.
4. This permit does not allow for the removal of any trees for the repair of the wall or installation of the steps.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining wall performed in the dry during draw down.

GOLD DREDGE

2009-00539 BROOKS, BRUCE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath Con Comm

2009-00546 LUND, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath Con Comm

2009-00554 BASNAR, VALERIE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2009-00522 HARTMANN, SAMUEL & LINDA
STRAFFORD Bow Lake

COMPLETE NOTIFICATION:
Strafford, NH Tax Map 28 Lot 15
Bow Lake

2009-00534 ROTA, KENNETH
DANVILLE Long Pond

COMPLETE NOTIFICATION:
Danville, NH Tax Map 4 Lot 68
Long Pond

X-SHORELAND VARIANCE / WA

2008-01106 WRIGHT, CARLA
NORTHFIELD Sandogardy Pond

Requested Action:
Retain the replacement of an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 380 ft of frontage on Sandogardy Pond in Northfield.

APPROVE CSPA WAIVER:
Retain the replacement of an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 400 ft of frontage on Sandogardy Pond in Northfield.

With Conditions:
1. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
2. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the subsurface plans entitled "effluent disposal system design" within the Setback.
3. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
4. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 2. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 2. In the event condition 2 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.

- 5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
- 6. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 7. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
- 8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

With Findings:

- 1. The existing structure, as identified on the Town of Northfield Tax Map R08 Lot 70, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
- 2. The previously existing structure was located approximately 26.5 ft from the reference line, was a single story structure on posts and piers and had an overall footprint of approximately 984 sq ft located within the primary building setback to Sandogardy Pond.
- 3. The proposed structure shall be located approximately 26.5 ft from the reference line, maintain the previous single story ridgeline height and have footprint of approximately 1,008 sq ft.
- 4. The property has approximately 400 feet of frontage on Sandogardy Pond and is approximately 50 feet deep.
- 5. 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." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 6. The Applicant installed a new septic system, file #CA2005074609.
- 7. The previously existing primary structure was damaged during the winter of 2007-2008. Snow load collapsed the structure.
- 8. The existing woodland buffer was not disturbed as a result of the demolition and new construction.
- 9. The Applicant's proposal will not increase the amount of impervious surface within the Setback.
- 10. The Applicant's proposal is more nearly conforming with RSA 483-B, The Comprehensive Shoreland Protection Act, provides at least the same degree of protection to the public waters, and meets the requirements of RSA 483-B:11, II.

ROADWAY MAINTENANCE NOTIF

**2009-00524 NH DEPT OF TRANSPORTATION
BARNSTEAD Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 24" CMP inkind and ditch drainage swale

PERMIT BY NOTIFICATION

**2009-00531 YOUNG, WILLIAM & CATHERINE
MEREDITH Lake Winnepesaukee**

Requested Action:
Repair existing ice piles at an existing docking facility.

Conservation Commission/Staff Comments:
Con Com signed PBN on 03/27/09

PBN IS COMPLETE:
Repair existing ice piles at an existing docking facility.

With Findings:
Repair of existing docking structures pursuant to Env-Wt 303.04(v).

**2009-00559 HUNTOON REVOC TRUST, MARSHA HUNTOON
WAKEFIELD Great East Lake**

Requested Action:
Repair existing retaining wall

Conservation Commission/Staff Comments:
Con Com did not sign PBN form

With Findings:
Repair existing retaining wall pursuant to Env-Wt 303.04(c).

CSPA PERMIT

**2008-02149 HART/PATTERSON, LORRAINE/CHERYL
DANBURY Waukeena Lake**

Requested Action:
Impact 4,266 sq ft to raze and replace a nonconforming primary structure in kind.

Inspection Date: 01/30/2009 by Raymond M Reimold

APPROVE PERMIT:
Impact 4,266 sq ft to raze and replace a nonconforming primary structure in kind.

- With Conditions:
1. All work shall be in accordance with plans by One Source Properties and Permitting, LLC, and dated September 29, 2008 and received by the Department of Environmental Services ("DES") on March 13, 2009.
 2. This permit is contingent upon approval of a new subsurface system by the DES Subsurface Systems Bureau.
 3. The proposed project will result in no alteration of the impervious footprintsof existing structures. No more than 4.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 4. No areas currently in an unaltered state will be altered as a result of this project.
 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

- 7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 10. The owner shall be responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that might be associated with the future installation of any replacement septic system.

**2009-00285 JWM GENERATIONS TRUST, SKIP HURT
TUFTONBORO Winter Harbor**

Requested Action:

Impact 9,500 sq ft for the purpose of removing an existing single-family dwelling, garage, and driveway and constructing a 5 bedroom single-family dwelling with driveway, garage, and paved parking area and installing a state approved septic system.

APPROVE PERMIT:

Impact 9,500 sq ft for the purpose of removing an existing single-family dwelling, garage, and driveway and constructing a 5 bedroom single-family dwelling with driveway, garage, and paved parking area and installing a state approved septic system.

With Conditions:

- 1. All work shall be in accordance with plans by Beckwith Builders Inc revised March 13, 2009 and received by the Department of Environmental Services ("DES") on March 17, 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 wetlands or 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.
- 6. No more than 19.1% 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 12,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,500 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.

**2009-00314 YMCA CAMP CONISTON
CROYDON Lake Coniston**

Requested Action:

Impact 1,037 sq ft for the purpose of removing an existing 1,125 structure and constructing two smaller 636 sq ft structures.

APPROVE PERMIT:

Impact 1,037 sq ft for the purpose of removing an existing 1,125 structure and constructing two smaller 636 sq ft structures.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated February 2009 and received by the Department of Environmental Services ("DES") on February 24, 2009.
2. No more than 11.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or 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. The project as proposed will leave approximately 8,777 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,258 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.

**2009-00371 WOOD, WILLIAM
NEW DURHAM Merrymeeting Lake**

Requested Action:

Impact 2,984 sq ft for the purpose of constructing a garage and driveway and removing an existing shed.

APPROVE PERMIT:

Impact 2,984 sq ft for the purpose of constructing a garage and driveway and removing an existing shed.

With Conditions:

1. All work shall be in accordance with plans by William Wood dated February 16, 2009 and received by the Department of Environmental Services ("DES") on March 5, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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. 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.

2009-00414 INGALLS, MEG
BROOKFIELD Unnamed Stream

Requested Action:

Impact 5,146 sq ft for the purpose of constructing a new driveway.

APPROVE PERMIT:

Impact 5,146 sq ft for the purpose of constructing a new driveway.

With Conditions:

- 1. All work shall be in accordance with plans by Pollock Land Planning LLC dated February 1, 2009 and received by the Department of Environmental Services ("DES") on March 12, 2009.
- 2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
- 3. 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. 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 6.3% 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 24,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 16,062.50 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.

2009-00463 1876 OSSIPEE CORPORATION, JOHN SUTHERLAND
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 6,300 sq ft for the purpose of replacing a pier/post foundation of an existing camp accessory building.

APPROVE PERMIT:

Impact 6,300 sq ft for the purpose of replacing a pier/post foundation of an existing camp accessory building.

With Conditions:

- 1. All work shall be in accordance with plans by Bill Lapar dated February 5, 2004 and received by the Department of

Environmental Services ("DES") on March 16, 2009.

2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. 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. 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 6.3% 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 131,909 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 65,954 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.

CSPA PERMIT W/VARIANCE

2008-02326 COLWELL, J COREY
STRAFFORD Bow Lake

Requested Action:

Applicant is seeking a variance to enlarge an existing 3,050 sq ft gravel roadway to add an additional 2,070 sq ft and pave entire area.

DENY PERMIT:

Applicant is seeking a variance to enlarge an existing 3,050 sq ft gravel roadway to add an additional 2,070 sq ft and pave entire area.

With Findings:

1. A request for additional information dated December 17, 2008 addressed to the applicant, and then a phone conversation made by DES staff to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information supporting the inability of the applicant to use a previous technology for the road surface to DES within 60 days of the request.
2. Pursuant to RSA 483-B:5-b,V(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information outlining why pervious technologies could not be used on this site within the 60 days and, therefore, the application has been denied.

CSPA PERMIT W/WAIVER

2009-00123 HESS, DANIEL
LACONIA Winnisquam Lake

Requested Action:

Impact 1,378.5 sq ft for the purpose of constructing an addition onto an existing single family dwelling, relocating an existing shed, removing a portion of the existing driveway, replanting the waterfront buffer to the minimum points per segment and installing rain gardens to infiltrate stormwater runoff.

APPROVE PERMIT:

Impact 1,378.5 sq ft for the purpose of constructing an addition onto an existing single family dwelling, relocating an existing shed, removing a portion of the existing driveway, replanting the waterfront buffer to the minimum points per segment and installing rain gardens to infiltrate stormwater runoff.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow for 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 Steven Smith revised March 16, 2009 and received by the Department of Environmental Services ("DES") on March 17, 2009.
2. All landscape work including planting the waterfront buffer to the minimum point standards and installing the proposed rain gardens shall be done in accordance with plans by Jordan Associates Inc dated December 2, 2008 and received by the Department of Environmental Services ("DES") on January 22, 2009.
3. No new impervious surfaces shall be constructed until the planting needed to bring the waterfront buffer segments up to the minimum points required has been completed as shown on the approved plans.
4. This approval includes a waiver of RSA 483-B:9, II 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.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. No more than 22.01% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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 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, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of

protection provided to the public waters and the proposal is "more nearly conforming."

3. The project as proposed would result in expanding the footprint of the non-conforming primary structure with no increase in overall impervious surface area within the protected shoreland.
4. The applicant has proposed to reduce the surface area of the existing driveway, plant the waterfront buffer to the minimum standards of the CSPA, and install 2 rain gardens, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00195 GI STONE SUPPLIERS, WARD GLEASON
MERRIMACK Merrimack River

Requested Action:

Impact 77,000 sq ft to subdivide and redevelop an existing storage yard.

APPROVE PERMIT:

Impact 77,000 sq ft to subdivide and redevelop an existing storage yard.

WAIVER APPROVED: RSA 483-B:9(g)(1) is waived to allow the subdivision of a parcel of land into two parcels each having in excess of 30% of its surface area cover by impervious surfaces.

With Conditions:

1. All work authorized by this approval shall be conducted on the proposed subdivided lot referred to as "Map 5D-1 Lot 5-1" as shown by plans by True Engineering dated March 6, 2009 and received by the Department of Environmental Services ("DES") on March 10, 2009.
2. All work shall be in accordance with plans by True Engineering dated March 6, 2009 and received by the Department of Environmental Services ("DES") on March 10, 2009.
3. No more than 33.2% 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 50,051 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 52,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This approval includes a Waiver of RSA 483-B:9(g)(1) and, therefore, shall not be effective until it has been recorded on both newly created lots at the Hillsborough County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

With Findings:

1. The proposed subdivision and redevelopment of the property will result in 2 lots each having in excess of 30 percent impervious area of a each lot located within the protected shoreland, adjacent to the Merrimack River and, therefore, fails to conform to the impervious surface limits set forth in RSA 483-B:9(g)(1), of the CSPA.
2. The pre-existing lot exceeds the 30% impervious surface limit. The proposed subdivision and redevelopment will reduce to overall impervious area on the pre-existing lot and the subdivision of the land into 2 lots will not allow any future opportunity for additional impervious area.
3. 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."

4. The project as proposed would result in a decrease of impervious surfaces, from 33.2 percent to 30.6 percent.

5. The applicant has proposed to decrease impervious surface and use pervious pavers to infiltrate stormwater, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-00264 DOUGLAS LAMSON REV TRUST, DOUGLAS/RAELEEN
ALTON Lake Winnepesaukee**

Requested Action:

Impact 3830 sq ft to expand an existing residence and construct a separate outbuilding.

APPROVE PERMIT:

Impact 3830 sq ft to expand an existing residence and construct a separate outbuilding.

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 Ames Associates dated February 16, 2009 and received by the Department of Environmental Services ("DES") on March 18, 2009.
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 14.0% 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 3,290 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,581 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

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, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 9% to 14%.
4. The applicant has proposed to plant (14) 3 gallon high bush blueberry shrubs within the natural woodland buffer, and install drip edges beneath the primary structure and the proposed storage building, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

