

Wetlands Bureau Decision Report

Decisions Taken
04/27/2009 to 05/03/2009

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

**2007-01803 NH DEPT OF TRANSPORTATION
ANDOVER Unnamed Wetland**

Requested Action:

Replace a 30 in. culvert with a 57 in. x 38 in. x 50 ft. culvert set below the stream bed temporarily impacting a small amount of designated prime wetlands and flatten a sharp dangerous curve on Rte 11 improving roadway safety. NHDOT project #13349.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

Inspection Date: 08/29/2007 by Gino E Infascelli

APPROVE PERMIT:

Waive rule Env-Wt 704.01 requiring the permit issuance to be at least 20 days after notification has been given and approve the request to:

Replace a 30 in. culvert with a 57 in. x 38 in. x 50 ft. culvert set below the stream bed temporarily impacting a small amount of designated prime wetlands and flatten a sharp dangerous curve on Rte 11 improving roadway safety. NHDOT project #13349.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 2 received by the Department on March 6, 2009 and 57 in. x 38 in. x 50 ft. culvert detail plan received on April 20, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. 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 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. 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).
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
10. Work shall be during low flow.
11. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
12. The applicant shall coordinate construction with the DES Watershed Management Bureau regarding the use of underdrains and catch basins for infiltration.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that the project, as approved and conditioned, is the alternative with the

- least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. 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.
 5. Based on the inspection conducted on August 29, 2007 by Gino Infascelli, a recommendation was made to investigate alternatives to impacting 6,637 sq. ft. of wetlands.
 6. The wetland impact area has been reduced from the original request of 6,637 sq. ft. to the minimal and limited impacts necessary for the replacement of the existing culvert estimated to be approximately 100 sq. ft.
 7. The size of the culvert will be increased to improve aquatic organism passage, as requested by NH Fish and Game Dept.
 8. The proposed work will provide increased safety to the general public by removing the existing sharp curve in the roadway. The roadway improvements will reduce vehicular accidents which cause erosion and sedimentation into the stream and wetland
 9. A public hearing was held on April 20, 2009 where no testimony was heard with the exception of the applicant.
 10. At the public hearing the applicant presented the modified plan showing an upgraded culvert near station 519 and underdrain from station 511 to the outlet including perforated catch basins to provide infiltration as requested by the DES Watershed Management Bureau.
 11. On April 21, 2009, the DES received a request to waive rule Env-Wt 704.01 which requires the permit issuance to be at least 20 days after notification has been given to the conservation commission, the planning board, the municipal executive body, the applicant and other interested parties who have entered written testimony or attended the public hearing.
 12. The file does not contain any written testimony or concerns, which have not been addressed.
 13. The project involves temporary minor environmental impacts.
 14. The project was coordinated through the monthly Natural Resource Agency Meeting where the USACOE indicated it would meet the NH PGP.
 15. The file contains no comments from the Conservation Commission, Planning Board, or any municipal official.
 16. The record shows the original application was sent to the Town Clerk by certified mail on July 27, 2007 in accordance with RSA 482-A:3, I (d).
 17. On Dec. 21, 2007 the DES requested more information from the applicant and the letter was copied to the Conservation Commission.
 18. The transmittal memo from the applicant sent with the modified plans received on March 8, 2009 indicates the information was copied to the Conservation Commission.
 19. The modified plan significantly reduced the proposed impacts and no comments have been received.
 20. Granting a waiver to rule Env-Wt 704.01 is justified as strict adherence will be an operational problem, is not in the best interest of the public, is not a statutory requirement and meets the criteria in Env-Wt 204.04(a).
 21. Based on findings #1-19 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

2008-00187 MARLBOROUGH, TOWN OF
MARLBOROUGH Unnamed Stream

Requested Action:

Dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert; shot-crete repair the existing culvert and install 60 linear feet of riprap.

APPROVE PERMIT:

Dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert; shot-crete repair the existing culvert and install 60 linear feet of riprap.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated December 21, 2007, as received by the Department on July 24, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. Additional requests to dredge and/or fill in this area for culvert repairs shall not be considered or approved until a complete analysis and assessment has been conducted by the applicant to determine a more effective long-term solution, which alleviates the problem, such as the installation of a spanning structure, i.e. a bridge and open-bottomed culvert.
4. Work shall be done during annual low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. 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).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior commencement of work.
18. 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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
21. 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.
22. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report documenting the status of the project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), Projects that alter the course of or disturb 200 or more linear feet of a perennial nontidal stream or river channel or its banks.
2. The original culvert installation was not approved by DES. This application proposes to retain impacts associated with the existing culvert.
3. The existing culvert was installed in the mid 1980's by a developer and the road was deeded to the Town.
4. At this time the Town does not have funds to replace the culvert.
5. The applicant's agent has stated the proposed shot-crete is considered a temporary 10 to 15-year fix.
6. Safety concerns have justified the proposed temporary shot-crete repair.
7. This permit is conditioned that additional requests to dredge and/or fill in this area for culvert repairs shall not be considered or approved until a complete analysis and assessment has been conducted by the applicant to determine a more effective long-term solution, which alleviates the problem, such as the installation of a spanning structure, i.e. a bridge and open-bottomed culvert.
8. The Agent has submitted drainage calculations that confirm the proposed shot-crete culvert diameter will pass a 10-year storm.
9. The applicant has received written consent from the owners of lot 1 (tax map 4), owners of the property on which project

activities will take place.

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(a), Requirements for Application Evaluation, has been considered in the design of the project.

13. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

Requested Action:

Approve reconsideration request to dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert; shot-crete repair the existing culvert and install 60 linear feet of riprap.

APPROVE RECONSIDERATION:

Approve reconsideration request to dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert; shot-crete repair the existing culvert and install 60 linear feet of riprap.

With Findings:

A. Grounds for Reconsideration

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

1. That they understand the application was denied due to the applicant not providing the requested drainage calculations.

Reconsideration was requested and drainage calculations for the existing culvert were provided.

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 Minimum Impact Expedited Application was received February 08, 2008 and was determined to be administratively incomplete on February 11, 2008.

3. The applicant submitted outstanding items in a submittal received February 27, 2008.

4. The application was determined to be administratively complete on February 28, 2008.

5. By letter dated March 21, 2008, the department reclassified the project to a Standard Dredge and Fill Application.

6. By letter dated June 04, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").

6. The department received an incomplete response to the RFMI on July 24, 2008.

7. By letter dated August 21, 2008, the department issued a general letter listing outstanding items requested in the June 04, 2008, RFMI, including post-development drainage calculations.

8. The department did not receive a complete response to the RFMI within the 120 days of the request per RSA 482-A:3, XIV(b).

9. Based on RSA 482-A:3, XIV(b) the department denied the application because the issues raised in the RFMI were not addressed.

10. A request for reconsideration was received on March 04, 2009. The reconsideration request included pre-development drainage calculations.

11. By letter dated March 26, 2009, the department requested more information, including post-development drainage calculations.

12. The applicant submitted the requested post-development drainage calculations on April 06, 2009.

13. The post-drainage calculations confirmed the proposed concrete invert will pass a 10-year storm.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-00187.

2008-01790 MARROTTE, MARILYN, JOHN & VIRGINIA
WAKEFIELD Great East Lake

Requested Action:

Install 86 linear feet of rip rap slope and back fill with no more than 44 cubic yards of sand on 116 ft of frontage on Great East Lake, in Wakefield.

Conservation Commission/Staff Comments:

No Con Com comments by November 18, 2008

APPROVE PERMIT:

Install 86 linear feet of rip rap slope and back fill with no more than 44 cubic yards of sand on 116 ft of frontage on Great East Lake, in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. revision dated March 2009, as received by DES on March 19, 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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 574.25). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 44 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. 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.
11. 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 Env-Wt 303.02(o), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2008-02627 BLAKE & SON DESIGN BUILD LLC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Replace an existing 4 ft x 40 ft seasonal dock with a 6 ft x 40 ft seasonal dock, remove an existing 9 ft x 3 ft concrete pad and restore the shoreline, remove an existing 4 ft x 3 ft concrete pad and the associated seasonal dock, replace an existing "L" shaped dock with two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, and retain an existing 3 ft

x 40 ft seasonal dock, on an average of 476 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No comments from Con Com by Feb 03, 2009

Inspection Date: 04/22/2009 by Dale R Keirstead

APPROVE PERMIT:

Replace an existing 4 ft x 40 ft seasonal dock with a 6 ft x 40 ft seasonal dock, remove an existing 9 ft x 3 ft concrete pad and restore the shoreline, remove an existing 4 ft x 3 ft concrete pad and the associated seasonal dock, replace an existing "L" shaped dock with two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, and retain an existing 3 ft x 40 ft seasonal dock, on an average of 476 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revision dated April 22, 2009, as received by DES on April 27, 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. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of any of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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.
8. 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 major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 476 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facilities will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
6. The proposed docks will be placed in locations previously impacted by the existence of prior docking structures. No new impacts will occur with the placement of the proposed docking structures.
7. DES Staff conducted a field inspection of the proposed project on April 22, 2009. Field inspection determined the proposed impacts will not adversely affect the frontage.

-Send to Governor and Executive Council-

2009-00482 NH SPEEDWAY INC
LOUDON Unnamed Wetland

Requested Action:

Correct permit condition number 15 to read: The crossing device at impact area R shall be an open bottom structure.

APPROVE AMENDMENT:

Dredge and fill a total of 103,952 square feet (101,758 square feet of permanent impacts and 2194 square feet of temporary impacts) of palustrine forested, man-made scrub shrub emergent and riverine wetland for expansion flood and water quality improvements at an existing race track facility. Mitigate the proposed impacts by placing 54.94 acres into conservation easement and protect a further 5.73 acres of river bank buffer by deed restriction.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated March 2009, and revised through April 24, 2009, as received by the Department on April 24, 2009 and narrative by Stoney Ridge Environmental as received via e-mail April 27, 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. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the construction is in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. 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.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. At least 48 hours prior to the start of construction of each phase, a pre-construction meeting shall be held with NHDES Water Division permitting staff, NH Fish and Game Easement Monitoring Staff (flood plain creation area phase only) at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. The applicant shall notify in writing the DES Wetlands Bureau, and the Loudon Conservation Commission of their intention to commence construction on each phase no less than five (5) business days prior to the commencement of construction.
10. The applicant shall notify in writing NH Fish and Game Easement Monitoring Staff of their intention to commence construction on the flood storage compensation area no less than five (5) business days prior to the commencement of construction.
11. Work to areas utilized by birds for breeding and nesting shall be carried out in a time and manner such that disturbance is minimized.
12. Work shall be done during low flow.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. The crossing device at impact area R shall be an open bottom structure.
16. No equipment shall enter any surface water at any time.
17. All work shall be done from the top of the bank.
18. Where cofferdams are in place stream flows shall be maintained at all times utilizing proper stream diversion practices.
19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. Prior to commencing work on a area or structure located within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

22. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
23. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
24. Temporary cofferdams shall be entirely removed immediately following construction.
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. The existing conservation easement line shall be surveyed and clearly marked utilizing orange construction fencing prior to the construction of the flood storage area.
27. Extreme precautions shall be taken adjacent to the conservation easement area to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
28. No work shall occur within the conservation easement no materials shall be stockpiled within that area, even temporarily.
29. No vegetation including vegetative under growth shall be removed from the conservation easement area. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. 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).
31. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
32. 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.
33. 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.
34. Silt fencing must be removed once the area is stabilized.
35. This permit is contingent upon the execution of a conservation easement on 54.59 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received April 16, 2009.
36. This permit is contingent upon the execution of a deed restriction on 5.73 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received March 19, 2009.
37. Plans stamped by a licensed land surveyor of both the easement area and the deed restriction shall be submitted to DES prior to the start of construction.
38. The deed restriction and conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
39. The plan noting the deed restriction and conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of each recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau one year from the date of permit issuance.
40. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation and deed restriction area by one year from the date of permit issuance.
41. The conservation easement and deed restriction area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] by one year from the date of permit issuance.
42. There shall be no removal of the existing vegetative undergrowth within the easement or deed restriction area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
43. Activities in contravention of the conservation easement or deed restriction shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
44. The schedule for construction of the flood plain creation area shall occur prior to the removal of the weir on Gues Meadow Brook unless otherwise considered and authorized by the DES Wetlands Bureau.
45. The flood plain creation area shall be properly constructed, monitored, and managed in accordance with approved final plans.
46. There shall be a minimum 25 foot buffer of vegetation. Barriers shall be erected to prohibit vehicular traffic from either traveling or parking within this buffer area.
47. The owner is responsible for marking and verifying that there is no vehicular traffic within the above mentioned buffer area.
48. The permittee shall have a qualified professional monitor water levels within the existing conservation easement. A plan for the proposed monitoring of this area shall be submitted to DES Wetlands and NH Fish and Game Easement Monitoring Staff for written approval prior to the start of construction of the floodplain creation area.

49. If it is determined that the water levels within the existing easement level are being impacted by the proposed floodplain creation area. The applicant shall provide a remediation plan and a schedule for remediation to DES and NH Fish and Game Easement Monitoring within 15-days of the discovery of the encroachment.
50. Wetland flood plain creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
51. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the proposed flood plain creation area during construction and during the early stages of vegetative establishment. The potential for the establishment of the invasive species must also be considered in other areas where spoils may be spread to preclude the establishment of invasive species within the existing easement area.
52. The qualified professional shall submit a post-construction report documenting the status of the completed floodplain creation area and adjacent conservation easement area with photographs shall be submitted to the DES Wetlands Bureau and NH Fish and Game Easement Monitoring Staff within 60 days of the completion of construction.
53. The qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the flood plain creation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the site.
54. The wetland flood plain creation area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

The Department reaffirms findings 1-28 of the original approval:

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. DES Staff conducted a field inspection of the proposed project on June 11, 2008. Field inspection found that the stream within the infield is subject to pollution. The area south of the track is subject to flooding due to the presence of the weir but otherwise is a functioning system therefore agencies recommended avoiding impacts to this area. The area of the proposed hospitality expansion was the higher quality stream area viewed and impacts to this area should be avoided and minimized further. DES further stated that the upgrading of the downstream road crossings should be open bottom and in accordance with the new stream rules.
3. No vernal pools were identified in or near the proposed impact areas.
4. The project area includes eight wetland systems for a total of 11.26 acres. 1.9 acres of wetland are proposed to be impacted. The large majority of wetlands are fragmented sections of Gues Meadow Brook located on the track property.
5. All of the proposed impacts are required for increased access, safety compliance and compliance with FAA regulations, decrease flooding potential within the infield and eliminate a bottleneck of traffic at the main entry road and enhanced water quality.
6. The proposal focuses the impacts on previously disturbed wetland areas, man-created wetland areas and proposes to mitigate for all impacted functions and values.
7. The proposal is to upgrade an existing commercial enterprise to relocate the enterprise would not be practicable.
8. 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.
9. The current stream channel was constructed artificially less than 35 years ago without the benefit of current fluvial geomorphic information. The channel has been straightened and the cobble bottom lost.
10. The proposal will separate brook flows from the existing infield drainage and from the existing created gravel bed that the current stream runs on.
11. The proposal will separate the storm water from the infield area from Gues Meadow Brook and allow for a higher level of treatment compared to the existing system.
12. The proposed upgrades in the existing pipes within the infield area will remove a 90 degree angle in the current pipe network which prohibits aquatic passage.
13. The wetland impacts within the infield are to previously constructed detention basins which were created as part of a previous permit.
14. The proposed project will improve the flooding potential within and around the track and will address water quality issues associated with the high iron oxide levels through the area.
15. The upstream impact areas of Gues Meadow Brook are highly fragmented and altered and represent a low quality habitat.

16. The project will provide water quality monitoring , within Gues Meadow Brook of specific chemical, physical and biological parameters in order to monitor the overall stream health and to ensure that further degradation does not occur as a result of this project.

Mitigation

- 17. The current mitigation package mitigates for the functions and values impacted by the project, improves the water quality on site and permanently protects important water resources in the larger watershed where the impacts are proposed.
- 18. The applicant is proposing a floodplain creation area to compensate for lost flood storage functions on site
- 19. The floodplain mitigation area has been designed on the new drainage analysis and will mitigate the lost flood low function from the proposed impacts to the impacts to Gues Meadow Brook.
- 20. The applicant is mitigating for the proposed impacts by placing 54.94 acres into conservation easement and a further 5.73 acres into deed restriction.
- 21. The total land areas to be protected by the proposed easement and deed restriction is 60.67 acres, which includes 34.13 acres of upland and 26.52 acres of wetland
- 22. The preserved lands contain or are adjacent to Bumfagon Brook, Canterbury River, and the Soucook River.
- 23. The proposed conservation easement will permanently protect and prevent future degradation to 6,031 linear feet of stream/river by permanently providing 9,816 linear feet of upland buffer along these riverine systems located in the same watershed.
- 24. The proposed mitigation package will protect upland buffer along 2,715 linear feet of upland buffer along Bumfagon Brook, 897 linear feet of the Canterbury River channel, 556 linear feet of unnamed stream and 1,863 linear feet of the Soucook River.
- 25. The proposed easement area will protect the convergence of Bumfagon Brook and the Canterbury River, where the Suncook River begins.
- 26. Bumfagon Brook, Canterbury River and Soucook River all provide high quality migratory fish and wildlife habitat.
- 27. The proposed easement will permanently protect existing wildlife corridors and a large unfragmented block of land near existing conservation easements.
- 28. 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 riverine resource, as identified under RSA 482-A:1.

Requested Action:

Dredge and fill a total of 103,952 square feet (101,758 square feet of permanent impacts and 2194 square feet of temporary impacts) of palustrine forested, man-made scrub shrub emergent and riverine wetland for expansion flood and water quality improvements at an existing race track facility. Mitigate the proposed impacts by placing 54.94 acres into conservation easement and protect a further 5.73 acres of river bank buffer by deed restriction.

APPROVE PERMIT:

Dredge and fill a total of 103,952 square feet (101,758 square feet of permanent impacts and 2194 square feet of temporary impacts) of palustrine forested, man-made scrub shrub emergent and riverine wetland for expansion flood and water quality improvements at an existing race track facility. Mitigate the proposed impacts by placing 54.94 acres into conservation easement and protect a further 5.73 acres of river bank buffer by deed restriction.

With Conditions:

- 1. All work shall be in accordance with plans by Nobis Engineering dated March 2009, and revised through April 24, 2009, as received by the Department on April 24, 2009 and narrative by Stoney Ridge Environmental as received via e-mail April 27, 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. This permit is contingent on approval by the DES Alteration of Terrain Program.
- 4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the construction is in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
- 5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to

be in stormwater discharged from the completed project.

6. 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.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. At least 48 hours prior to the start of construction of each phase, a pre-construction meeting shall be held with NHDES Water Division permitting staff, NH Fish and Game Easement Monitoring Staff (flood plain creation area phase only) at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. The applicant shall notify in writing the DES Wetlands Bureau, and the Loudon Conservation Commission of their intention to commence construction on each phase no less than five (5) business days prior to the commencement of construction.
10. The applicant shall notify in writing NH Fish and Game Easement Monitoring Staff of their intention to commence construction on the flood storage compensation area no less than five (5) business days prior to the commencement of construction.
11. Work to areas utilized by birds for breeding and nesting shall be carried out in a time and manner such that disturbance is minimized.
12. Work shall be done during low flow.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. The crossing device at impact area R shall be an open bottom structure 1.2 times the bank full width of the stream channel.
16. No equipment shall enter any surface water at any time.
17. All work shall be done from the top of the bank.
18. Where cofferdams are in place stream flows shall be maintained at all times utilizing proper stream diversion practices.
19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. Prior to commencing work on a area or structure located within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
22. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
23. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
24. Temporary cofferdams shall be entirely removed immediately following construction.
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. The existing conservation easement line shall be surveyed and clearly marked utilizing orange construction fencing prior to the construction of the flood storage area.
27. Extreme precautions shall be taken adjacent to the conservation easement area to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
28. No work shall occur within the conservation easement no materials shall be stockpiled within that area, even temporarily.
29. No vegetation including vegetative under growth shall be removed from the conservation easement area. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. 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).
31. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
32. 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.

33. 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.

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

35. This permit is contingent upon the execution of a conservation easement on 54.59 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received April 16, 2009.

36. This permit is contingent upon the execution of a deed restriction on 5.73 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received March 19, 2009.

37. Plans stamped by a licensed land surveyor of both the easement area and the deed restriction shall be submitted to DES prior to the start of construction.

38. The deed restriction and conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

39. The plan noting the deed restriction and conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of each recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau one year from the date of permit issuance.

40. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation and deed restriction area by one year from the date of permit issuance.

41. The conservation easement and deed restriction area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] by one year from the date of permit issuance.

42. There shall be no removal of the existing vegetative undergrowth within the easement or deed restriction area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

43. Activities in contravention of the conservation easement or deed restriction shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

44. The schedule for construction of the flood plain creation area shall occur prior to the removal of the weir on Gues Meadow Brook unless otherwise considered and authorized by the DES Wetlands Bureau.

45. The flood plain creation area shall be properly constructed, monitored, and managed in accordance with approved final plans.

46. There shall be a minimum 25 foot buffer of vegetation. Barriers shall be erected to prohibit vehicular traffic from either traveling or parking within this buffer area.

47. The owner is responsible for marking and verifying that there is no vehicular traffic within the above mentioned buffer area.

48. The permittee shall have a qualified professional monitor water levels within the existing conservation easement. A plan for the proposed monitoring of this area shall be submitted to DES Wetlands and NH Fish and Game Easement Monitoring Staff for written approval prior to the start of construction of the floodplain creation area.

49. If it is determined that the water levels within the existing easement level are being impacted by the proposed floodplain creation area. The applicant shall provide a remediation plan and a schedule for remediation to DES and NH Fish and Game Easement Monitoring within 15-days of the discovery of the encroachment.

50. Wetland flood plain creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

51. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the proposed flood plain creation area during construction and during the early stages of vegetative establishment. The potential for the establishment of the invasive species must also be considered in other areas where spoils may be spread to preclude the establishment of invasive species within the existing easement area.

52. The qualified professional shall submit a post-construction report documenting the status of the completed floodplain creation area and adjacent conservation easement area with photographs shall be submitted to the DES Wetlands Bureau and NH Fish and Game Easement Monitoring Staff within 60 days of the completion of construction.

53. The qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the flood plain creation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the site.

54. The wetland flood plain creation area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES

Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c). Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. DES Staff conducted a field inspection of the proposed project on June 11, 2008. Field inspection found that the stream within the infield is subject to pollution. The area south of the track is subject to flooding due to the presence of the weir but otherwise is a functioning system therefore agencies recommended avoiding impacts to this area. The area of the proposed hospitality expansion was the higher quality stream area viewed and impacts to this area should be avoided and minimized further. DES further stated that the upgrading of the downstream road crossings should be open bottom and in accordance with the new stream rules.
3. No vernal pools were identified in or near the proposed impact areas.
4. The project area includes eight wetland systems for a total of 11.26 acres. 1.9 acres of wetland are proposed to be impacted. The large majority of wetlands are fragmented sections of Gues Meadow Brook located on the track property.
5. All of the proposed impacts are required for increased access, safety compliance and compliance with FAA regulations, decrease flooding potential within the infield and eliminate a bottleneck of traffic at the main entry road and enhanced water quality.
6. The proposal focuses the impacts on previously disturbed wetland areas, man-created wetland areas and proposes to mitigate for all impacted functions and values.
7. The proposal is to upgrade an existing commercial enterprise to relocate the enterprise would not be practicable.
8. 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.
9. The current stream channel was constructed artificially less than 35 years ago without the benefit of current fluvial geomorphic information. The channel has been straightened and the cobble bottom lost.
10. The proposal will separate brook flows from the existing infield drainage and from the existing created gravel bed that the current stream runs on.
11. The proposal will separate the storm water from the infield area from Gues Meadow Brook and allow for a higher level of treatment compared to the existing system.
12. The proposed upgrades in the existing pipes within the infield area will remove a 90 degree angle in the current pipe network which prohibits aquatic passage.
13. The wetland impacts within the infield are to previously constructed detention basins which were created as part of a previous permit.
14. The proposed project will improve the flooding potential within and around the track and will address water quality issues associated with the high iron oxide levels through the area.
15. The upstream impact areas of Gues Meadow Brook are highly fragmented and altered and represent a low quality habitat.
16. The project will provide water quality monitoring, within Gues Meadow Brook of specific chemical, physical and biological parameters in order to monitor the overall stream health and to ensure that further degradation does not occur as a result of this project.

Mitigation

17. The current mitigation package mitigates for the functions and values impacted by the project, improves the water quality on site and permanently protects important water resources in the larger watershed where the impacts are proposed.
18. The applicant is proposing a floodplain creation area to compensate for lost flood storage functions on site
19. The floodplain mitigation area has been designed on the new drainage analysis and will mitigate the lost flood low function from the proposed impacts to the impacts to Gues Meadow Brook.
20. The applicant is mitigating for the proposed impacts by placing 54.94 acres into conservation easement and a further 5.73 acres into deed restriction.
21. The total land areas to be protected by the proposed easement and deed restriction is 60.67 acres, which includes 34.13 acres of upland and 26.52 acres of wetland
22. The preserved lands contain or are adjacent to Bumfagon Brook, Canterbury River, and the Soucook River.
23. The proposed conservation easement will permanently protect and prevent future degradation to 6,031 linear feet of stream/river by permanently providing 9,816 linear feet of upland buffer along these riverine systems located in the same watershed.
24. The proposed mitigation package will protect upland buffer along 2,715 linear feet of upland buffer along Bumfagon Brook, 897 linear feet of the Canterbury River channel, 556 linear feet of unnamed stream and 1,863 linear feet of the Soucook River.
25. The proposed easement area will protect the convergence of Bumfagon Brook and the Canterbury River, where the Suncook

River begins.

26. Bumfagon Brook, Canterbury River and Soucook River all provide high quality migratory fish and wildlife habitat.

27. The proposed easement will permanently protect existing wildlife corridors and a large unfragmented block of land near existing conservation easements.

28. 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 riverine resource, as identified under RSA 482-A:1.

**2009-00576 GLYNN FAMILY TRUST, HOWARD GLYNN
SALEM Arlington Pond**

Requested Action:

Relocate an existing 2 ft x 15 ft seasonal dock located within a 20 slip major docking facility with 11 seasonal docks on Arlington Pond, Salem.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on April 02, 2009

DENY PERMIT:

Relocate an existing 2 ft x 15 ft seasonal dock located within a 20 slip major docking facility with 11 seasonal docks on Arlington Pond, Salem.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(d), "Construction or modification of major docking system defined by Env-Wt 101.53, and any dock adjacent to a breakwater."
3. In accordance with Env-Wt 101.53 "Major docking system means a large and complex docking facility that requires utilization of more than 100 feet of waterfront or provides a total of 5 or more boat slips, including those previously existing and proposed."
4. In accordance with Env-Wt 402.21 "Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."
5. In accordance with Env-Wt 402.16 "Marinas - Design Standards, (a)(2) The standard for marinas shall be one slip for every 25' of shoreline. More slips shall be permitted if the marina is enclosed by land of the applicant, or other evidence is provided to the department which indicates that the increase is in the public interest. High demand for slips shall be insufficient to establish a public interest. If evidence is provided which shows that the project would pose a navigational hazard, fewer slips shall be permitted."

Findings of Fact

6. On April 06, 2009, the Wetlands Bureau received an Minimum Impact Expedited Application for surface water impacts on the lot identified as Salem tax map 21, lot 5757, to Relocate an existing 2 ft x 15 ft seasonal dock located within a 20 slip major docking facility with 11 seasonal docks on Arlington Pond, Salem.
7. The applicant has an average of 396 feet of frontage on Arlington Pond.
8. DES permit 1991-00278 was approved after-the-fact approval for the construction of 84 ft of retaining wall and the installation of 11 finger docks providing 20 boat slips.

- 9. A condition of the permit 1991-00278 specifically states no dock shall be installed on the wall section adjacent to North Main Street.
- 10. The approved plan for permit 1991-00278 provides for no more than 20 slips.
- 11. Pursuant to Env-Wt 402.15 the applicant has sufficient frontage for to provide 15 boat slips.
- 12. The relocation of the dock to the area adjacent to North Main Street will provide one more slip than the docking configuration approved under permit 1991-00278.

Rulings in Support of Denial

- 13. The proposed relocation of the dock exceeds the requirements of Env-Wt 402.15, therefore the application is denied.
- 14. The proposed relocation of the dock does not meet condition #2, #3 and condition #4 of permit 1991-00278, therefore the application is denied.
- 15. The proposed relocation provides for more boat slips which does not meet the requirements of Env-Wt 402.21, therefore the application is denied.

MINOR IMPACT PROJECT

2006-00338 KREICK, CAROL/JOHN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Amend permit to add two cribs to support the landward section of docks and increase the perched beach to include a disturbed area of shoreline.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing 6 ft by 32 ft permanent dock and construct two 6 ft by 30 ft permanent docks each supported by 4 piles and two 6 ft x 4 ft cribs, connected by a 6 ft by 12 permanent pile supported walkway in a "U" shaped configuration, install a 12 ft by 24 ft seasonal canopy over the center slip and construct a 495 sq ft perched beach in a previously impacted beach area on Lake Winnepesaukee, Moultonborough.

With Conditions:

- 1. All work shall be in accordance with plans by Beckwith Builders dated April 16, 2009, as received by the Department on April 16, 2009.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. 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.
- 4. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 5. If the beach fails within 6 years or requires sand replenishment more frequently than once every 6 years it shall be subject to removal and the shoreline shall be subject to restoration to natural conditions.
- 6. 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.
- 7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
- 8. This permit shall be used only once, and does not allow for annual beach replenishment.

9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. This permit does not allow for maintenance dredging.
12. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
13. The minimum clear spacing between piles shall be 12 feet.
14. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
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 182 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. The applicant submitted information supporting the request for the installation of cribs located at the landward end of the docks.

2008-00500 DESJARDIN, PAUL (DECEASED)
OSSIPEE Lake Ossipee

Requested Action:

Applicant requests reconsideration of the Department's decision to deny the Applicant's request to replace/repair approximately 50 linear ft of rock retaining wall 100 ft of frontage in Ossipee on Ossipee Lake.

DENY RECONSIDERATION:

Deny applicants request of reconsideration of the Departments decision to deny the applicants request to replace/repair approximately 50 linear ft of rock retaining wall 100 ft of frontage in Ossipee on Ossipee Lake.

With Findings:

Grounds for Reconsideration

1. The applicant stated the wall was constructed approximately 50 years ago but has not been maintained.
2. The applicant stated the wall was approximately 3-3 1/2 ft high in the old photos.
3. The applicant states the wall would prevent damage to their property.

Findings of Fact

4. The applicant submitted a request for reconsideration of the Department's decision to deny the application on December 18, 2008.
5. The reconsideration included photographs, submitted in support of the application, in which the frontage appears to be similar to the frontage as depicted in current photographs.
6. The state retains ownership of all land below elevation 410 as part of Ossipee Lake.
7. The plan submitted on October 22, 2008 in support of the application indicates the wall will be constructed entirely below elevation 410.
8. The plan submitted on October 22, 2008 indicates a portion of the residence is located on land the State of New Hampshire retains ownership of as part of Ossipee Lake.
9. The proposal appears to be the construction of a wall on lands owned by the State of New Hampshire and filling this area to raise

the elevation of the property 2 feet above elevation 410.

10. The Applicant does not own the property where the proposed wall is to be installed.

Rulings in Support of Denial

12. No stamp surveyed plan was submitted as required for new retaining wall construction pursuant to Rule Env-Wt 404.05(a)(4).

13. The Applicant is proposing to install a wall on land the Applicant does not own. Therefore, in accordance with RSA 482-A:11 and Env-Wt 402.18, the project is denied.

2008-00674 2 MILL ROAD REALTY TRUST, RICHARD SENTER TTEE KINGSTON Unnamed Wetland Mill Pond

Requested Action:

Dredge and fill a total of 6,110 sq. ft. of palustrine forested, scrub-shrub wetlands to construct a roadway with two (2) culvert crossings and four (4) driveway crossings to access a 14-lot residential subdivision on a 61 acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments were received from the Kingston Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill a total of 6,110 sq. ft. of palustrine forested, scrub-shrub wetlands to construct a roadway with two (2) culvert crossings and four (4) driveway crossings to access a 14-lot residential subdivision on a 61 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Steven E. Cummings, P.E. Civil Engineering dated April 19, 2007 (last revised 4/16/2008), as received by DES on April 28, 2008 and Subdivision Plan received by DES on March 11, 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. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. There will be no construction activities or alteration of terrain within 200 feet of the vernal pool habitat located at the northerly portion of lot #s 6 & 7 and special precautions shall be taken to protect this area with erosion/siltation controls during construction and lot development.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. 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).
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. 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.
14. 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.
15. 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).

16. Work shall be done during low flow.

With Findings:

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

2008-02651 REMINGTON, JOHN
LACONIA Lake Winnepesaukee

Requested Action:

Amend permit to correct the language of Condition # 10.

Conservation Commission/Staff Comments:

Laconia Con Com has no concerns with proposed project

APPROVE AMENDMENT:

Install a 6 ft x 36 ft piling pier with 6 ft wide steps to the water, drive 4 pilings to support a permanent boatlift, and install a 14 ft x 30 ft seasonal canopy and 2 seasonal personal watercraft lifts on an average of 122 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

Amend conditions to read:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised February 24, 2009, and received by DES on April 6, 2009.
2. This permit shall not be effective until it has been recorded with the Belknap 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. 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.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. 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. All seasonal structures shall be removed from the lake for the non-boating season.
7. Pilings supporting the pier shall be spaced a minimum of 12 ft apart as measured center to center.
8. No portion of the docking structure shall extend more than 36 ft lakeward of the normal high water line.
9. This permit does not allow for any dredging for any purpose.
10. In order preserve Bald eagle habitat, no trees over 8 inches in diameter shall be removed from the frontage for the purpose of completing the construction of these approved structures.
11. 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 minor project per Rule Env-Wt 303.03(d), construction of a 2 slip permanent docking facility.
2. The applicant has an average of 122 feet of shoreline frontage along Lake Winnepesaukee.

- 3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage 4ver 75'.
- 4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 5. The Applicant has submitted information indicating that this frontage meets the requirements of Rule Env-Wt 402.06 for the construction of a permanent pier.

**2008-02783 SHAKER LANDING CONDOMINIUM ASSOCIATION, MICHELLE J
ENFIELD Mascoma Lake**

Requested Action:

Replenish an existing 1250 sq ft perched beach with no more than 20 cubic yards of sand on 580 ft of frontage on Mascoma Lake, in Enfield.

APPROVE PERMIT:

Replenish an existing 1250 sq ft perched beach with no more than 20 cubic yards of sand on 580 ft of frontage on Mascoma Lake, in Enfield.

With Conditions:

- 1. All work shall be in accordance with plans by Michelle Jones revision dated March 29, 2009, as received by DES on April 03, 2009.
- 2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
- 4. No more than 20 cu yd of sand may be used and all sand shall be located above the normal high water line.
- 5. This permit shall be used only once, and does not allow for annual beach replenishment.
- 6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 7. 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.
- 8. 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(f), replenishment of a beach with more than 10 cubic yards of sand but no more than 20 cubic yards of sand.

**2009-00232 LONDONDERRY DPW, TOWN OF
LONDONDERRY Unnamed Wetland**

Requested Action:

Impact 2,550 sq. ft. (1,500 sq. ft. permanent & 1,050 sq. ft. temporary impacts) within the embankments and flow channel of a perennial stream for work associated with the removal of a failed 60 inch CMP culvert and replacement with a 6 ft.x 5 ft. concrete box culvert with a natural stone bottom.

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission wrote to acknowledge the efforts of the DPW who replaced the failed culvert with a larger box culvert with a natural bottom.

APPROVE AFTER THE FACT:

Impact 2,550 sq. ft. (1,500 sq. ft. permanent & 1,050 sq. ft. temporary impacts) within the embankments and flow channel of a perennial stream for work associated with the removal of a failed 60 inch CMP culvert and replacement with a 6 ft.x 5 ft. concrete

box culvert with a natural stone bottom.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated 12/04/08, as received by DES on February 06, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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).
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. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The 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. This project received Emergency Authorization Verification on October 25, 2008.

**2009-00246 RANDOLPH, TOWN OF
RANDOLPH Carlton Brook**

Requested Action:

Propose to replace existing 17 foot wide steel and concrete bridge with a 20 foot span, 3 sided, open bottom, pre-cast bridge structure on Carlton Brook, a perennial stream. There will be 400 square feet of permanent impacts for the bridge abutments, wing walls and stone fill to protect the bridge abutments; and 475 square feet of temporary impacts for the installation of cofferdams and plastic sheeting.

APPROVE PERMIT:

Replace existing 17 foot wide steel and concrete bridge with a 20 foot span, 3 sided, open bottom, pre-cast bridge structure on Carlton Brook, a perennial stream. There will be 400 square feet of permanent impacts for the bridge abutments, wing walls and stone fill to protect the bridge abutments; and 475 square feet of temporary impacts for the installation of cofferdams and plastic sheeting.

With Conditions:

1. All work shall be in accordance with Durand Road Bridge plans by H.E. Bergeron Engineers, Inc. entitled: Existing- Features Plan & Profile Details (sheets 3 of 13), Erosion & Sediment Control Plan (sheet 4 of 13), and Erosion and Sediment Control Details (sheet 8 of 13) dated January 30, 2009 as received by DES on February 11, 2009; Proposed Bridge Plan & Elevation (sheet 9 of 13) and Roadway Plan & Profile (sheets 5 of 13) dated March 20, 2009 as received by DES on April 23, 2009.
2. The natural stream channel bottom shall be maintained per the Proposed Bridge Plan & Elevation (sheet 9 of 13) plan. At a minimum the center 8 feet of the channel will remain natural stream bottom material.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if work is to be conducted in flowing water or during high flows). Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during low flow (unless as approved through condition #3).
5. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of

cofferdams, when rain is in the forecast.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
11. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. 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.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has 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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Randolph Conservation Commission.
6. The project will increase the bridge span from 17 feet to 20 feet, allowing a 100 year storm event to pass.
7. Temporary impacts are for the cofferdams and will be restored to pre-construction conditions.
8. The center 8 feet of the channel will remain natural stream bottom.
9. All work is within the town right-of-way.
10. This project is scheduled to receive funding through the American Recovery and Reinvestment Act. The State Project # is 14386.

2009-00498 **CHIARELLO, ANTHONY**
TUFTONBORO **Lake Winnepesaukee**

Requested Action:

Replace an existing 6 ft x 30 ft seasonal pier section with a 6 ft x 50 ft seasonal pier section extending from an existing 6 ft x 20 ft piling pier, relocate a 12 sq ft boulder approximately 57 ft easterly of its current location, install a season boatlift, and 2 seasonal personal watercraft lifts on an average of 281 feet of frontage on Little Bear Island, on Lake Winnepesaukee.

APPROVE PERMIT:

Replace an existing 6 ft x 30 ft seasonal pier section with a 6 ft x 50 ft seasonal pier section extending from an existing 6 ft x 20 ft piling pier, relocate a 12 sq ft boulder approximately 57 ft easterly of its current location, install a season boatlift, and 2 seasonal personal watercraft lifts on an average of 281 feet of frontage on Little Bear Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 17, 2009, as received by DES on March 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 construction.
3. There shall be no modification of the 6 ft x 20 ft permanent section of the docking facility.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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 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. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
9. The repairs shall maintain the size, location, and configuration of the structures as approved.
10. The rocks to be relocated shall be placed in the location as shown on the approved plan
11. All seasonal structures shall be removed for the non-boating season.
12. 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(9), construction of a docking facility providing 4 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. This lot has a great average frontage than listed on the previous permit #2000-02355 due to the fact that the owner purchased an abutting lot and consolidated the properties.
6. The applicant has an average of 281 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 4X slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

**2005-00391 DAIGLE, JOHN
SANBORNTON Lake Winnisquam**

Requested Action:

Amend permit to repair the existing 6 ft x 3 ft concrete pad.

Conservation Commission/Staff Comments:

No Con Com comments by 05/12/05.

APPROVE AMENDMENT:

Permanently remove an 208 sqft seasonal dock and construct a 6 ft by 40 ft seasonal dock, repair an existing 6 ft x 3 ft concrete pad, install the existing seasonal boatlift in the northern slip, on 75 ft of frontage on Lake Winnisquam, Sanbornton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 17, 2005, as received by the Department on February 28, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. The seasonal boatlift shall be removed from the lake for the non-boating season.
7. The concrete pad shall be repaired in kind with no change in dimension or configuration.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

**2008-00099 COLEBROOK DPW, TOWN OF
COLEBROOK Mohawk River**

Requested Action:

Confirm emergency authorization work conducted within the river bank and bed (Mohawk River), to repair and replace existing failed 8 inch water main and install approximately 145 +/- linear feet of new 12 inch water main to restore potable water to various service areas within the town.

Conservation Commission/Staff Comments:

Emergency Authorization for repair to water main in River. Issued 30 Jan 2008.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization work conducted within the river bank and bed (Mohawk River), to repair and replace existing failed 8 inch water main and install approximately 145 +/- linear feet of new 12 inch water main to restore potable water to various service areas within the town.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. 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.
3. Silt fencing must be removed once the area is stabilized.

4. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), Maintenance, repair or replacement of a nondocking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The work was needed to provide potable water to the public.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The work was conducted within the footprint of the previously installed water line, further below the natural stream bed and banks and the stream bed and bank was restored.

**2008-01196 CFF DYNASTY TRUST, CLAYTON FOULGER
WOLFEBORO Lake Winnepesaukee**

Requested Action:

The Applicant requests reconsideration of the Department's September 15, 2008 denial of the request to construct a perched beach on the grounds that the slope in the impact area is, in fact, less than 25%.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Construct a 270 sq ft perched beach with no more than 5 cubic yards of sand on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co revision dated April 20, 2009, as received by DES on April 23, 2009.
2. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. 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.
4. There shall be no access steps from the beach to the waterbody.
5. No more than 5 cu yd 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. 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 has removed the access steps from the beach to the water from the proposal and thus reduced the total slope area to be impacted.

**2008-01736 OBOYLE, JAMES
NEWTON Country Pond**

Requested Action:

Construct 101 feet of retaining wall with two 6 ft wide access steps on Country Pond, Newton.

Conservation Commission/Staff Comments:

No Con Com comments by 02/04/09

DENY PERMIT:

Construct 101 feet of retaining wall with two 6 ft wide access steps on Country Pond, Newton.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(k), "projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02."
3. In accordance with RSA 482-A:11,II " No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."
4. In accordance with Env-Wt 304.04, (a), Setback From Property Lines, the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
5. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
6. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that he alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
7. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
8. In accordance with Rule Env-Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
9. In accordance with RSA 482-A:3,XIV,(2) "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary... Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."
10. In accordance with Env-Wt 404.05(a) Walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical, all applications for walls shall include cross-section and plan views of the proposed installation and sufficient plans to clearly indicate the relationship of the project to fixed points of reference, abutting properties, and features of the natural shoreline, and applications for walls adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.

Findings of Fact

11. On August 25, 2008, the Wetlands Bureau received an application for impacts, on the lot identified as Newton tax map 2, lot 4-37,(the "Lot") to replace the existing retaining wall from property line to property line on Country Pond, Newton.
12. On January 22, 2009, the Wetlands Bureau received comments and photographs from the abutter with concerns with regards to the proposed project.
13. The information in the file does not support the existence of the alleged retaining wall in the location or configuration as shown on the proposed plans but is a proposal for a new wall on the frontage.
14. The information in the file and previous DES file 2000-00461 indicates that the entire frontage has been excavated approximately 10 feet deep with all the native vegetation removed from the frontage.

15. On February 04, 2009 the Wetland Bureau sent a Request for More Information letter to the applicant. This letter requested plans showing existing conditions that accurately include all existing structures, property lines, 20 foot property line setbacks, easements, existing walls, the location of all trees and shrubs, top of bank and full lake elevation. It was noted that the plans submitted indicate the presence of a primary structure which was removed several years ago and did not reflect the current topography of the site.
16. The Request for More Information letter requested plans showing all proposed structures on the frontage to include walls, stairs, primary structures as well as the reference line at full lake elevation, all property lines, setbacks and easements.
17. The Request for More Information letter requested that the applicant submit the alternative with the least impact to wetlands and surface waters, explain how constructing a wall would be the least impacting alternative, and either provide documentation that vegetative stabilization methods would not effectively stabilize the shoreline, or revise the plans to include planting of native vegetation to stabilize the erosion.
18. The Request for More Information letter requested that the applicant demonstrate a need to impact wetlands and/or surface waters.
19. The Request for More Information letter requested the information as required pursuant to Env-Wt 404, relative to the construction of new retaining walls.
20. The Request for More Information letter requested that the applicant submit permission letters from the affected abutters for the proposed work within the 20 foot property line setbacks.
21. On April 03, 2009, the Wetlands Bureau received a response to the Request for More Information letter dated February 04, 2009. The response submitted was an incomplete response which did not include the items specified in Findings 15 through 20 above.

Rulings in Support of Denial

22. There is a less impacting alternative to access the frontage than excavating 552 cubic yards of bank to construct an access way to the pond. Therefore, pursuant to Env-Wt 302.04(d) and 302.04(a), the application is denied.
23. The applicant did not submit a complete response to the Request for More Information letter dated February 04, 2009, therefore the application is denied.
24. The proposed project will be located within the abutters 20 ft setback and may unreasonably affect the value or enjoyment of property of abutting owners, therefore pursuant to RSA 482-A:11, the application is denied.

**2009-00204 MILES, MARA
SANDOWN Unnamed Wetland**

Requested Action:

Dredge and fill 500 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/ culvert crossing, in the location of an existing cart path, to access a single-family residential house lot.

Conservation Commission/Staff Comments:

No report or comments were received from the Sandown Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill 500 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway/ culvert crossing, in the location of an existing cart path, to access a single-family residential house lot.

With Conditions:

1. All work shall be in accordance with plans by Farwell Engineering Services, LLC dated May 28, 2008 (last revised 9/09/08), as received by DES on February 04, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. 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).

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

2009-00211 LEWIS JR, D PALMER
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing 5 slip docking structure supporting a 34 ft 8 in x 40 ft 6 in three slip boat house accessed by a 48 ft x 6 ft walkway supported by 15 cribs, on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comments by Con Com by April 07, 2009

APPROVE PERMIT:

Repair an existing 5 slip docking structure supporting a 34 ft 8 in x 40 ft 6 in three slip boat house accessed by a 48 ft x 6 ft walkway supported by 15 cribs, on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by DES on April 15, 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 repairs shall maintain the size, location and configuration of the pre-existing structures.

4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

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

**2009-00243 BAE SYSTEMS INFO & ELECTRICAL SYSTEMS INTEGRATION
MILFORD Unnamed Pond**

Requested Action:

Increase the size of an existing underwater sonar testing facility from 1,150 sq. ft. to 2,440 sq. ft. by removing the existing structure and replacing it with a new floating building and walkway needed to upgrade the research capabilities of the facility which is located in a water filled quarry on a 10.983 acre parcel of land owned by BAE Systems, Inc.

Conservation Commission/Staff Comments:

The Town of Milford Conservation Commission recommends that the Wetlands Bureau approve the application.

APPROVE PERMIT:

Increase the size of an existing underwater sonar testing facility from 1,150 sq. ft. to 2,440 sq. ft. by removing the existing structure and replacing it with a new floating building and walkway needed to upgrade the research capabilities of the facility which is located in a water filled quarry on a 10.983 acre parcel of land owned by BAE Systems, Inc.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated February 2, 2009, as received by DES on February 10, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff 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)and/or containment booms must be removed once construction completed and the area is stabilized.

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 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.

**2009-00250 MARKEY III, THOMAS
SEABROOK Tidal Wetland**

Requested Action:

Impact 2,884 sq. ft. (1,224 s.f. permanent & 1,660 s.f. temporary impacts) in the previously impacted intertidal zone under an existing restaurant deck on the Blackwater River for maintenance repairs and replacement of deteriorated pilings and structural components of the deck necessary for the continued safe usage by restaurant patrons.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not comment on this application. NMFS PGP review found this application to be " Eligible as proposed".

Inspection Date: 02/27/2009 by Frank D Richardson

APPROVE PERMIT:

Impact 2,884 sq. ft. (1,224 s.f. permanent & 1,660 s.f. temporary impacts) in the previously impacted intertidal zone under an existing restaurant deck on the Blackwater River for maintenance repairs and replacement of deteriorated pilings and structural components of the deck necessary for the continued safe usage by restaurant patrons.

With Conditions:

1. All work shall be in accordance with plans by Bayside Engineering dated 02-05-2009, as received by DES on February 13, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Repairs shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during periods of low tide.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. 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.
10. 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(v), Maintenance, repair and replacement in-kind of existing ... piers, wharves ... provided (1) No work is proposed that would be prohibited under RSA 482-A:26; and (2)&(3)a: The existing structures would be considered grandfathered in their current configuration pursuant to Env-Wt 101.43.
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.

2009-00385 NH DRED, DIV OF FOREST & LANDS
ODELL Johnson Brook & Nash Bog Pond

Requested Action:

Fill approximately 1,000 square feet within the bed and banks of Johnson Brook along 1,300 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat for native brook trout, part of the Nash Stream Restoration Project within the Nash Stream State Forest.

APPROVE PERMIT:

Fill approximately 1,000 square feet within the bed and banks of Johnson Brook along 1,300 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat for native brook trout, part of the Nash Stream Restoration Project within the Nash Stream State Forest.

With Conditions:

1. All work shall be in accordance with plans by Field Geology Services, as received by DES on March 5, 2009.
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. Work shall be done during low flow conditions.
4. Hardwood trees that are cut for in-stream wood shall be 12" dbh or less per recommendations made by NH DRED's Natural Heritage Bureau.
5. Tree placement locations within Johnson Brook shall be determined in consultation with NH Fish & Game Department's Fishery Biologists.
6. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposed to restore degraded aquatic resources that benefit native brook trout.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-00740 YANKEE FOREST LLC
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 02

2009-00741 BEAVER BROOK ASSOCIATION
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:
Hollis Tax Map 22, Lot# 24

2009-00742 TURCOTT, SHANNON
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Map 1, Lot# 16

EXPEDITED MINIMUM

2009-00061 TYLER, CHARLES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Raise and existing wall and construct a perched beach on an average of 151 ft of frontage on Lake Winnepesaukee in Moultonborough.

DENY PERMIT:

Raise and existing wall and construct a perched beach on an average of 151 ft of frontage on Lake Winnepesaukee in Moultonborough.

With Findings:

1. A request for additional information dated January 28, 2009, 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 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), 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 within the 60 days and therefore the application has been denied.

2009-00340 FRUCCI, RICHARD
MIRROR LAKE Lake Winnepesaukee

Requested Action:

Repair 4 existing tie off piles adjacent to a 6 ft x 38 ft pile supported dock on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 4 existing tie off piles adjacent to a 6 ft x 38 ft pile supported dock on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans dated April 16, 2009, as received by DES on April 20, 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 repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

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

change in size, location or configuration.

2009-00488 A & B REALTY TRUST, HEMENWAY & BARNES LLP
HOLDERNESS Squam Lake

Requested Action:

Install a 6 ft x 40 ft seasonal dock on Squam Lake, in Holderness.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock on Squam Lake, in Holderness.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated March 10, 2009, as received by DES on March 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 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. This shall be the only docking structure 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. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a 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 1162 feet of shoreline frontage along Squam Lake.
6. A maximum of 15 slips may be permitted on this frontage per Rule Env-Wt 402.13, 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 402.13.
8. The existing seasonal dock provides no boat slips as defined per RSA 482-A:2,VIII.

2009-00533 PALYS, MICHELLE
BEDFORD Unnamed Wetland

Requested Action:

Proposal to dredge and fill 1,000 sq. ft. of wetlands for construction of an access/driveway to one lot of a proposed two lot residential subdivision (one lot will contain an existing home). Work in wetlands consists of installation of a 18 in. x 30 ft. culvert with associated grading and filling.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 1,000 sq. ft. of wetlands for construction of an access/driveway to one lot of a proposed two lot residential subdivision (one lot will contain an existing home). Work in wetlands consists of installation of a 18 in. x 30 ft. culvert, associated grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering subdivision plan sheet 1 of 1, dated February 23, 2009 and "Dredge and Fill Impact Plan Michelle A. Palys", as received by DES on March 30, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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 #3 of this approval.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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.
11. 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.
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 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.

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. 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.

2009-00577 MAYNARD, TRACY
NEW BOSTON Unnamed Wetland

Requested Action:

Dredge and fill 9,311 sq. ft. of palustrine forested wetlands for pond construction.

APPROVE PERMIT:

Dredge and fill 9,311 sq. ft. of palustrine forested wetlands for pond construction.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC dated March 15, 2009, as received by the Department on April 06, 2009.
2. The application shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Machinery shall be staged and refueled in upland areas.
5. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
7. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. Pond construction was designed to avoid very poorly drained soils.
3. There are no streams into or out of the proposed pond site.
4. The Conservation Commission signed the Minimum Impact Expedited Application.
5. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2009-00671 SOLINSKY, DENNIS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-00673 GRAHAM, MONTRIVILLE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-00744 **PARADAY, DUANE**
(ALL TOWNS) Unnamed Stream

2009-00746 **TURNER, ELISHA**
(ALL TOWNS) Unnamed Stream

2009-00759 **HOPKINS, GALE**
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

TRAILS NOTIFICATION

2009-00748 **GULLA, JOSEPH**
HOLLIS Unnamed Wetland

COMPLETE NOTIFICATION:
Hollis Tax Map 46, Lot# 27

LAKES-SEASONAL DOCK NOTIF

2009-00688 **SUNSET RANCH CAMP INC, ROLAND DURHAM**
ORFORD Upper Baker Pond

COMPLETE NOTIFICATION:
Orford Tax Map 1-91, Lot# 45

2009-00701 **MOULTONBOROUGH, TOWN OF**
MOULTONBOROUGH Berry Pond

COMPLETE NOTIFICATION:
Moultonboro Tax Map 52, Lot# 1

2009-00728 **PEREZ, ANTHONY**
CANTERBURY New Pond

COMPLETE NOTIFICATION:

Town of Canterbury Tax Map# 102 Lot# 45 New Pond

2009-00729 FOLEY, EDWARD
WHITEFIELD Burns Pond

COMPLETE NOTIFICATION:

Town of Whitefield Tax Map# 22 Lot#2 Burns Pond

2009-00745 HEBB, JANET
WOLFEBORO Crescent Lake

COMPLETE NOTIFICATION:

Wolfeboro Tax Map 191, Lot# 67

ROADWAY MAINTENANCE NOTIF

2009-00732 PIERMONT, TOWN OF
PIERMONT Unnamed Stream

2009-00733 NH DEPT OF TRANSPORTATION, DISTRICT 6
NORTHWOOD Unnamed Stream

2009-00734 NH DEPT OF TRANSPORTATION
COLEBROOK Unnamed Stream

PERMIT BY NOTIFICATION

2009-00706 MARTIN, JOSEPH & OSELIA
MEREDITH Lake Waukewan

Requested Action:

Install a concrete anchor pad and a 6 ft x 30 ft seasonal dock.

Conservation Commission/Staff Comments:

Con Com signed PBN on April 20, 2009

PBN IS COMPLETE:

Install a concrete anchor pad and a 6 ft x 30 ft seasonal dock.

With Findings:

Install a seasonal dock pursuant to Env-Wt 303.04(a) and install a concrete anchor pad pursuant to Env-Wt 506.01(10).

CSPA PERMIT

**2009-00266 NEW ENGLAND COLLEGE, GARY HARPER
HENNIKER Contoocook River**

Requested Action:

Impact 550 sq ft for the purpose of removing an existing parking lot and constructing a natural bark mulch and pea stone trail with 2 sets of granite stone stairways and a recreation area.

APPROVE PERMIT:

Impact 550 sq ft for the purpose of removing an existing parking lot and constructing a natural bark mulch and pea stone trail with 2 sets of granite stone stairways and a recreation area.

With Conditions:

1. All work shall be in accordance with plans by Robert Seaman revised March 2009 and received by the Department of Environmental Services ("DES") on March 10, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Rocks and stumps and their root systems shall be left intact in the ground within the waterfront buffer in order to comply with RSA 483-B:9,V(a)(2)(B).
4. Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/2 of the trees or sapling.
5. Trees within the waterfront buffer may be cut for the installation of the proposed trail system but a tree map score of 50 pts shall be maintained within each 50' segment of the waterfront buffer and the stumps of cut trees and their root systems shall remain.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. No more than 13.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. The project as proposed will leave approximately 90,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 49,500 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).

- 10. 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.

2009-00410 INGALLS, EDWARD
BROOKFIELD Kingswood Lake

Requested Action:

Impact 6000 sq ft for the purpose of reconfiguring an existing driveway and constructing patios, walkways, and bio-retention areas.

APPROVE PERMIT:

Impact 6000 sq ft for the purpose of reconfiguring an existing driveway and constructing patios, walkways, and bio-retention areas.

With Conditions:

- 1. All work shall be in accordance with plans by Pollock Land Planning LLC dated Revised April 6, 2009 and received by the Department of Environmental Services ("DES") on April 13, 2009.
- 2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
- 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, 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 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 8. The project as proposed will leave approximately 8,800 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,718 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00454 CENTER HARBOR, TOWN OF
CENTER HARBOR Squam Lake Canal

Requested Action:

Impact 24,200 sq ft for the purpose of replacing an existing concrete bridge with a new single span precast 24' bridge.

APPROVE PERMIT:

Impact 24,200 sq ft for the purpose of replacing an existing concrete bridge with a new single span precast 24' bridge.

With Conditions:

- 1. All work shall be in accordance with plans by Quantum Construction Consultants LLC dated March 13, 2009 and received by the

Department of Environmental Services ("DES") on March 18, 2009.

2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain.
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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. 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.

**2009-00457 SNOWFLAKE REAL ESTATE TRUST, DANIEL PRAWDZIK
NELSON Lake Nubanusit**

Requested Action:

Impact 1435 sq. ft. to construct a 10' wide gravel connecting road with a 36" culvert and a recreational turnaround.

APPROVE PERMIT:

Impact 1435 sq. ft. to construct a 10' wide gravel connecting road with a 36" culvert and a recreational turnaround.

With Conditions:

1. All work shall be in accordance with plans by Sharon Monahan dated March 12, 2009 and received by the Department of Environmental Services ("DES") on April 9, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
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. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 21,100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,268 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00492 PUBLIC SERVICE OF NH
CONCORD Merrimack River**

Requested Action:

Impact 4,494 sq ft for the purpose of filling in pits dug by looters within an archeological site.

APPROVE PERMIT:

Impact 4,494 sq ft for the purpose of filling in pits dug by looters within an archeological site.

With Conditions:

1. All work shall be in accordance with plans by Tighe and Bond dated January 26, 2009 and received by the Department of Environmental Services ("DES") on March 23, 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, 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 0.0% 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 128,258 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 66,376 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.

2009-00541 SMITH, WAYNE & EUNI
NASHUA Nashua River

Requested Action:

Impact 2000 sq ft for the purpose of constructing an addition and deck onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 2000 sq ft for the purpose of constructing an addition and deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc dated March 25, 2009 and received by the Department of Environmental Services ("DES") on March 30, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. A storm water management system in the form of 2 dry wells shall be installed within 6 months of initiation of construction.
4. 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).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 21% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00622 CAMP BERE A INC
HEBRON Newfound Lake

Requested Action:

Impact 11,325 sq ft for the purpose of removing 7 camp buildings and constructing a new camp building with associated access ways.

APPROVE PERMIT:

Impact 11,325 sq ft for the purpose of removing 7 camp buildings and constructing a new camp building with associated access ways.

With Conditions:

1. All work shall be in accordance with plans by James Ingram dated April 1, 2009 and received by the Department of Environmental Services ("DES") on April 9, 2009.
2. The area within the waterfront buffer where existing structures are to be removed according to plans by James Ingram shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
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. No more than 28.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 40,742 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 40,742 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00625 LAFRENIERE, LAWRENCE & LISA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 16,600 sq ft for the purpose of removing an existing, non-conforming, single-family dwelling with detached garage and constructing a single-family dwelling with garage, reconfiguring the existing parking area, repairing existing foundation drain and relocating an existing culvert and drainage ditch.

APPROVE PERMIT:

Impact 16,600 sq ft for the purpose of removing an existing, non-conforming, single-family dwelling with detached garage and constructing a single-family dwelling with garage, reconfiguring the existing parking area, repairing existing foundation drain and relocating an existing culvert and drainage ditch.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated April 1, 2009 and received by the Department of Environmental Services ("DES") on April 10, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any wetlands impacts will require a Wetlands Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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 more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 7,205 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,605 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).
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00626 BROWN TRUST, MARGARET
ALTON Lake Winnepesaukee**

Requested Action:

Impact 793 sq ft for the temporary impacts associated with the installation of a dug well.

APPROVE PERMIT:

Impact 793 sq ft for the temporary impacts associated with the installation of a dug well.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated March 27, 2009 and received by the Department of Environmental Services ("DES") on April 10, 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 12.0% 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 8,731 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,688 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.

**2009-00628 HALEY REVOC TRUST, THOMAS & JEAN
BELMONT Silver Lake**

Requested Action:

Impact 4,051 sq ft for the purpose of removing an existing deck and constructing an addition onto an exiting single-family dwelling with driveway, and installing 2 bio-retention gardens, 2 dry wells and drip line trenches.

APPROVE PERMIT:

Impact 4,051 sq ft for the purpose of removing an existing deck and constructing an addition onto an exiting single-family dwelling with driveway, and installing 2 bio-retention gardens, 2 dry wells and drip line trenches.

With Conditions:

1. All work shall be in accordance with plans by Steve Luger dated March 11, 2009 and received by the Department of Environmental Services ("DES") on April 12, 2009.
2. 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).
3. Storm water runoff management in the form of 2 dry wells, 2 rain gardens, and drip line trenches shall be install within 6 months of completion of the foundation.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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 more than 24.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00629 JASINSKAS, FRANCIS
LACONIA Opechee Lake

Requested Action:

Impact 2,443 sq ft for the purpose of constructing a garden with stepping stones and a patio.

APPROVE PERMIT:

Impact 2,433 sq ft for the purpose of constructing a garden with stepping stones and a patio.

With Conditions:

1. All work shall be in accordance with plans by Judy Rice dated April 10, 2009 and received by the Department of Environmental Services ("DES") on April 13, 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, 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 14.0% 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.

2009-00630 IMMELT, STEPHEN
NEW LONDON Lake Sunapee

Requested Action:

Impact 686 sq ft for the purpose of creating a 4' to 6' wide foot path to the water front using bark mulch, wood chips and field stones.

APPROVE PERMIT:

Impact 686 sq ft for the purpose of creating a 4' to 6' wide foot path to the water front using bark mulch, wood chips and field stones.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates Inc revised April 6, 2009 and received by the Department of Environmental Services ("DES") on April 13, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. The proposed foot path must be designed in such a way as not to concentrate storm water runoff or contribute to erosion.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes

steeper than 3:1.

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 more than 0.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 5.5 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1.4 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).
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00666 **AMES, DALE**
NORTHWOOD **Harvey Lake**

Requested Action:

Impact 1,128 sq ft for the purpose of constructing a garage.

APPROVE PERMIT:

Impact 1,128 sq ft for the purpose of constructing a garage.

With Conditions:

1. All work shall be in accordance with plans by Charles Eber dated April 11, 2009 and received by the Department of Environmental Services ("DES") on April 14, 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, 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 16.4% 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 6,527 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,103 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.

2009-00676 **FARMINGTON, TOWN OF**
FARMINGTON **Coheco River**

Requested Action:

Impact 82,300 sq ft for the purpose of augmenting an existing waster water treatment facility.

APPROVE PERMIT:

Impact 82,300 sq ft for the purpose of augmenting an existing waster water treatment facility.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce Engineering dated April 15, 2009 and received by the Department of Environmental Services ("DES") on April 17, 2009.
2. No more than 7.46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 165,212 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 92,210 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-00677 BARNARD, DEBORAH
MELVIN VILLAGE Lake Winnepesaukee

Requested Action:

Impact 6140 sq ft for the purpose of replacing an existing 3 bedroom single-family dwelling with a four bedroom single-family dwelling with garage and installing a septic tank.

APPROVE PERMIT:

Impact 6140 sq ft for the purpose of replacing an existing 3 bedroom single-family dwelling with a four bedroom single-family dwelling with garage and installing a septic tank.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp dated February 2009 and received by the Department of Environmental Services ("DES") on April 17, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas

to remain unaltered.

5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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 more than 17.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00681 LEBANON, CITY OF
LEBANON Connecticut River

Requested Action:

Impact 300 sq ft for the purpose of connecting a previously installed water main along Route 10 to the city's water main network.

APPROVE PERMIT:

Impact 300 sq ft for the purpose of connecting a previously installed water main along Route 10 to the city's water main network.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC dated March 13, 2009 and received by the Department of Environmental Services ("DES") on April 17, 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. All impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. 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.

CSPA PERMIT W/WAIVER

2008-02802 HOLLINGER REV TRUST, JOHN & ROBERTA
NEW LONDON Pleasant Lake

Requested Action:

Impact 1450 sq ft for the purpose of constructing a covered porch and mudroom addition onto an existing single family dwelling, reducing and reconfiguring the existing driveway, removing a set of wooden steps and a brick walkway, removing and reconstructing an existing garage and constructing a rain garden bioretention area.

APPROVE PERMIT:

Impact 1450 sq ft for the purpose of constructing a covered porch and mudroom addition onto an existing single family dwelling, reducing and reconfiguring the existing driveway, removing a set of wooden steps and a brick walkway, removing and reconstructing an existing garage and constructing a rain garden bioretention area.

WAVIER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering Inc. revised April 16, 2009 and received by the Department of Environmental Services ("DES") on April 16, 2009.
2. The proposed bio-retention rain garden shall be completed within 6 months of the initiation of construction.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. No more than 18.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 3,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,500 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).
10. 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.
11. 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.
12. 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 a 296 sq ft increase in the existing non-conforming structure.
4. The applicant has proposed to reduce the onsite impervious area to 18.9% and install a bio-retention rain garden to improve stormwater control and nutrient attenuation and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00316 DAVIS, STEVEN & DEBORAH
GILFORD Lake Winnepesaukee

Requested Action:

Impact 56 sq ft for the purpose of replacing an existing 12 ft x 14 ft bathroom and storage room with a two story 14'x 16' addition onto an existing non-conforming primary structure.

APPROVE PERMIT:

Impact 56 sq ft for the purpose of replacing an existing 12 ft x 14 ft bathroom and storage room with a two story 14'x 16' addition onto an existing non-conforming primary structure.

WAVIER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be in accordance with plans by Steve Davis dated January 16, 2009 and received by the Department of Environmental Services ("DES") on April 6, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Drip edges shall be installed around all roof edges to collect and infiltrate stormwater runoff.
4. A French drain shall be installed to collect and infiltrate stormwater runoff.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
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. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 8.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 10,809 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,809 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).
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 the addition of 56 sq ft of impervious surface area.
4. The applicant has proposed to install drip edges around the entire primary structure and construct a french drain to manage stormwater and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00519 RUGGLES, ROBERT
NEW LONDON Pleasant Lake

Requested Action:

Impact 7,680 sq ft to build an addition to an existing non-conforming structure, reconfigure driveway, and install a new septic system.

APPROVE PERMIT:

Impact 7,680 sq ft to build an addition to an existing non-conforming structure, reconfigure driveway, and install a new septic system.

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

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates dated March 23, 2009 and received by the Department of Environmental Services ("DES") on March 27, 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 Merrimack County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 17.15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 7,935 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,648 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Pleasant Lake, and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the expansion of a nonconforming structure. No impacted areas are within the waterfront buffer.
4. The applicant has proposed to install a new septic system, included a storm water management plan, and will replant with native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.