

# Wetlands Bureau Decision Report

Decisions Taken  
08/03/2009 to 08/09/2009

## **DISCLAIMER:**

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

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

## **APPEAL:**

- I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:
  - 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
  - 2) provide new evidence or information to support the requested action;
  - 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
  - 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.
  
- II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:
  - 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
  - 2) contain a detailed description of the land involved in the department's decision; and
  - 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

**MAJOR IMPACT PROJECT**

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**2009-00327                      WOLFEBORO DPW, TOWN OF  
WOLFEBORO   Tributary To Lake Wentworth / Fernald Brook**

Requested Action:

Stabilize approximately 220 linear feet (2800 sq. ft.) of stream bank (Fernald Brook) along North Line Road. Work in wetlands/stream consists of construction of a new bank toe and rip-rap stream bank and roadway side slope, extend the existing 7 foot wide x 4 ft high concrete box culvert by 6 feet, replace an existing 14 in. CMP culvert with a 15 in. x 30.5 ft. CMP culvert and replace an existing 16 in. RCP culvert with a 18 in. x 38 ft. RCP culvert and associated inlet and outlet protection.

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APPROVE PERMIT:

Stabilize approximately 220 linear feet (2800 sq. ft.) of stream bank (Fernald Brook) along North Line Road. Work in wetlands/stream consists of construction of a new bank toe and rip-rap stream bank and roadway side slope, extend the existing 7 foot wide x 4 ft high concrete box culvert by 6 feet, replace an existing 14 in. CMP culvert with a 15 in. x 30.5 ft. CMP culvert and replace an existing 16 in. RCP culvert with a 18 in. x 38 ft. RCP culvert and associated inlet and outlet protection.

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson plan sheets C-1 and C-3, revision dated July 2009 and "Existing Conditions Plan of North Line Road" by Gerard Land Surveying Co., as received by DES on July 10, 2009 and plans by Weston & Sampson plan sheets G-1 and C-2 signature date February 9, 2009, as received by DES on February 23, 2009.
2. 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.
3. Work shall be done during low flow.
4. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
5. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
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. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. 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 Wetlands Bureau.
15. There shall be no excavation or operation of construction equipment in flowing water.
16. 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.
17. 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.
18. 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.

19. 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).

20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. 21. Faulty equipment shall be repaired immediately.

22. 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.

23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

24. 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 major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The work is needed to stabilize the side slope of North Line Road and provide safe and stable passage for 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 applicant has investigated other lesser impacting alternatives, however, due to the close proximity of the road surface, rip-rap and stone toe was the chosen design.

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

7. The applicant has received permission from the two landowners along the section of the brook to be impacted.

8. The New Hampshire Natural Heritage Bureau has indicated they do not expect impacts to an identified sandy pond shore system as long as the proposed erosion control measure are used.

9. The department has received no comments in objection to the proposed project.

10. The project does not require compensatory mitigation per Administrative Rule Env-Wt 302.03(c)(2)c.

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

**2009-00480                      REMINGTON, JOHN**  
**LACONIA    Lake Winnepesaukee**

Requested Action:

Amend Condition #17 pertaining to seasonal canopy design and maintenance.

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APPROVE AMENDMENT:

Fill 580 sq ft to construct 42 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and drive 4 tie-off piles, two 3-piling ice clusters, and construct a 6 ft x 39 ft piling pier and a 6 ft x 37 ft 4 in piling pier connected by a 6 ft x 12 ft walkway in a "U" configuration with a piling supported boatlift and a 14 ft x 30 ft seasonal canopy in the center slip, and install 2 seasonal personal watercraft lifts on an average of 212 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 24, 2009, as received by the Department on March 18, 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 and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. Seasonal watercraft lifts shall be removed for the non-boating season.
17. The canopy shall be designed to be removable in accordance with the cross section by Watermark Marine Construction dated and received August 5, 2009 and shall have a flexible fabric cover. The flexible fabric cover shall be removed during all seasons of non-use.
18. The proposed footbridge shall be installed in a manner that does not impact wetlands.
19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 212 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII, and therefore, meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The Applicant has submitted an analysis of the potential for sand migration in the area of the proposed structure which indicates that the proposed structure will not adversely affect the movement of sand or sediment along this section of the shoreline.

-Send to Governor and Executive Council-

**2009-00700                      KATZ, ERIC**  
**NEW CASTLE    Piscataqua River**

Requested Action:

Construct a 6 ft. X 73 ft. extension of the existing permanent pier with a 3 ft. x 30 ft. extension of the existing 3 ft. x 20 ft. ramp landing on a 8 ft. x 20 ft. extension of the existing 8 ft. x 30 ft. seasonal float to provide all-tide water access on 182 linear feet of shoreline frontage on the Piscataqua River.

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Conservation Commission/Staff Comments:

The New Castle Conservation Commission "... voted to recommend approval of the Katz application... to construct an extension to an existing dock."

Inspection Date: 08/03/2009 by Eben M Lewis

**APPROVE PERMIT:**

Construct a 6 ft. X 73 ft. extension of the existing permanent pier with a 3 ft. x 30 ft. extension of the existing 3 ft. x 20 ft. ramp landing on a 8 ft. x 20 ft. extension of the existing 8 ft. x 30 ft. seasonal float to provide all-tide water access on 182 linear feet of shoreline frontage on the Piscataqua River.

**With Conditions:**

1. All work shall be in accordance with plans by Pickering Marine Corporation dated March 26, 2009, as received by DES on April 17, 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. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
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. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)and(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 3, 2009. Field inspection determined the pier extension will be constructed from the existing pier location in an effort to extend the ramp and float system into deeper water. There is no fringe salt marsh at this location. The beachfront is a coarse sand/ gravel strand.
6. This structure will have no adverse impact on the marine resources in the area.
7. The NH PDA Division of Ports and Harbors, Chief Harbor Master has determined that "...the project would have no negative effect on navigation in the channel."

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2008-02650                      REMINGTON, JOHN  
LACONIA   Lake Winnepesaukee**

**Requested Action:**

Amend Condition #3 relative to the construction and maintenance of the seasonal canopy.

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**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 121 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 May 10, 2009, and received by DES on May 14, 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. The canopy shall be designed to be removable in accordance with the cross section by Watermark Marine Construction dated and received August 5, 2009 and shall have a flexible fabric cover. 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 121 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.
6. There is no tree removal associated with the construction of the docking facilities and, therefore, this project should have no adverse impact on the use of the area by Bald eagle.

**2008-02651                      REMINGTON, JOHN**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Amend permit Condition # 3 relative to canopy design and maintenance.

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**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. The canopy shall be designed to be removable in accordance with the cross section by Watermark Marine Construction dated and received August 5, 2009 and shall have a flexible fabric cover. 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.

**2008-02724 HANEY, RUSSELL  
BATH Unnamed Stream**

Requested Action:

Request to retain 1800 square feet of wetland impacts and 120 linear feet of intermittent stream impact for access. Work in wetlands consists of two wetlands crossing, including an intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

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APPROVE AFTER THE FACT:

Approve after-the-fact request to retain 1800 square feet of wetland impacts and 120 linear feet of intermittent stream impact for access. Work in wetlands consists of two wetlands crossing, including an intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with the plans by Harry J. Burgess as follows: Subdivision Plan Land of Russell Haney and Michelle Haney and Detail of Subdivision Plan Land of Russell Haney and Michelle Haney revised June 2009 as received by DES

June 14, 2009.

2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Exposed soil areas in the wet meadow and adjacent to the stream shall be stabilized by seeding with a wetland seed mix appropriate to the area.
6. Work shall be done during periods of non-flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Extreme precautions shall be taken to prevent sediment from entering the Connecticut River.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. 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. 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 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant will no longer be using the stream area to pasture elk or deer.
6. All work is complete except the installation of culvert headwalls.
7. The construction of headwalls may improve water quality
8. The applicant has provided plans that meet the requirements of Env-Wt 304.09 (a).
9. NHF&G commented that as long as sediment does not enter the Connecticut River as a result of the intallation of the culverts they do not expect impacts to dwarf wedgemussel.
10. No comments were submitted from the Natural Heritage Bureau, Bath Conservation Commission, or the Connecticut River Joint Commissions.

**2009-00075                      LAFRENIERE, LAWRENCE & LISA**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Amend Condition #10 pertaining to the design and maintenance of the seasonal canopy.

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Conservation Commission/Staff Comments:

No comments from Con Com by 03/13/09

**APPROVE AMENDMENT:**

Remove an existing 3 ft 10 in x 48 ft seasonal pier and construct a 6 ft x 31 ft piling pier and a 6 ft x 44 ft piling pier connected by a 6 ft x 12 ft walkway in an "h" configuration accessed by 6 ft wide steps constructed in the bank, drive two 3-piling ice clusters, 2 tie-off pilings, and 4 pilings to support a permanent boatlift, and install 2 personal watercraft lifts, and a 14 ft x 30 ft seasonal canopy along an average of 210 ft of frontage on Lake Winnepesaukee, in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction revised March 30, 2009, as received by DES on April 2, 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. All portions of the pre-existing seasonal pier shall be completely removed from the frontage prior to the installation of the new docking facility.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. All seasonal structures shall be removed from the lake for the non-boating season.
10. The canopy shall be designed to be removable in accordance with the cross section by Watermark Marine Construction dated and received August 5, 2009 and shall have a flexible fabric cover. The flexible fabric cover shall be removed during all seasons of non-use.
11. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
12. 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.
13. Pier support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 4 slip permanent docking facility.
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 210 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2009-00176                      GLOVER, WILLIAM  
CONWAY   Unnamed Stream**

**Requested Action:**

Propose to impact 1181 sq. ft. of wetlands and 62 linear feet of associated intermittent stream for construction of an access drive to

5-lot subdivision. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with an 18" diameter by 60' length HDPE culvert and associated filling and grading.

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APPROVE PERMIT:

Impact 1181 sq. ft. of wetlands and 62 linear feet of associated intermittent stream for construction of an access drive to 5-lot subdivision. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with an 18" diameter by 60' length HDPE culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys Inc. entitled: Property of William Glover III Standard Dredge and Fill Minor Project Application with Wetland and Upland Restoration revised through July 01, 2009 as received by the Department on July 06, 2009; Property of William Glover III Wetland Delineation, Street Trees, Soils and Test Pit/Percolation Test Data revised through May 01, 2009 as received by the Department on June 11, 2009; William Glover Subdivision Construction Sequence, Erosion Control Notes and Details dated December 2008 as received by the Department on February 03, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Alteration of Terrain.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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.
8. Work shall be done during periods of non-flow.
9. 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).
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. 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.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. All material removed during work activities shall be placed out of DES's jurisdiction.
15. 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.
16. 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.
17. 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.
18. Silt fencing must be removed once the area is stabilized.
19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
20. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided plans that meet the requirements of Env-Wt 304.09 (a).
6. Project revisions added the restoration of a previously disturbed area.
7. Monitoring will continue to insure the site is stable and the restoration area is successfully re-established.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conway Conservation Commission.

**2009-00890                      LONDONDERRY DPW, TOWN OF  
LONDONDERRY   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 17,150 sq. ft. of palustrine forested/scrub-shrub wetlands (30 sq. ft. of permanent impacts and 17,120 sq. ft. of temporary impacts) for work associated with the construction of a new municipal interceptor sewer line and pump station.

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Conservation Commission/Staff Comments:

The Londonderry Conservation Commission voted to recommend approval of the application.

APPROVE AMENDMENT:

Dredge and fill a total of 17,150 sq. ft. of palustrine forested/scrub-shrub wetlands (30 sq. ft. of permanent impacts and 17,120 sq. ft. of temporary impacts) for work associated with the construction of a new municipal interceptor sewer line and pump station.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated 05/01/2009, as received by DES on June 03, 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. All areas of temporary wetlands impact shall be regraded to original contours and reestablished to preexisting wetlands conditions following completion of work.
4. Wetland replication/ reestablishment areas of temporary impact shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Work shall be done during low flow.
11. The permit holder and their agents shall coordinate with the Department of Resources and Economic Development – Natural Heritage Bureau and the Fish and Game Department to ensure that impact to sensitive and protected species are avoided or mitigated for prior to construction.

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.

**2009-00998 HALL REVOC TRUST, BRADFORD  
GILFORD Lake Winnepesaukee**

Requested Action:

Construct a 360 sq ft perched beach on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com has no concerns

DENY PERMIT:

Construct a 360 sq ft perched beach on Lake Winnepesaukee, Gilford.

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(g), "removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters."
3. 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".
4. In accordance with RSA 483-B:3, Consistency Required, "State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter" and to be consistent with the requirement of RSA 483-B:2, that the minimum standard shall serve to "preserve the state's lakes... in their natural state."
5. In accordance with Rule Env-Wq 1405.05, "no accessory structure or water dependent structure shall be built on or into land having greater than 25% slope."

Findings of Fact

1. On May 19, 2009, the Wetlands Bureau received an application for impacts, on the lot identified as Gilford tax map 219, lot 006, block 007, (the "Lot") to construct a 360 sq ft perched beach on Lake Winnepesaukee, Gilford.
2. The plan submitted in support of the application indicates the proposed beach will be constructed in slopes which exceed 34% grade.
3. Review of plans on file with the Department in support of the subdivision and Subsurface approval, CA2007089774 and SA2005006215, indicate the entire frontage has slopes in excess of 34%.

Rulings in Support of Denial

1. The proposed construction is not the least impacting alternative, therefore the application is denied.
2. The issuance of a permit to construct a beach within a slope steeper than 25% would not be consistent with Rules Env-Wq 1405.05 and the intent of RSA 483-B, and therefore is prohibited per RSA 483-B:3, I.

**2009-01449                    MCCORMICK, LAWRENCE**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Repair an existing 6 ft x 35 ft dock connected to a 6 ft x 35 ft dock by a 10 ft 6 in x 11 ft permanent walkway, supported by 4 6 ft x 6 ft cribs and a 5 ft x 5 ft crib, install a 3 pile ice cluster, on an average of 299 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 6 ft x 35 ft dock connected to a 6 ft x 35 ft dock by a 10 ft 6 in x 11 ft permanent walkway, supported by 4 6 ft x 6 ft cribs and a 5 ft x 5 ft crib, install a 3 pile ice cluster, on an average of 299 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated August 03, 2009, as received by DES on August 04, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The 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, 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(m), installation of new ice cluster.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant is proposing to reduce the square feet of impact of the non-conforming docking structure to install the ice cluster, therefore there is no square feet increase impact.
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 299 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The existing docking facility will provides 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**MINIMUM IMPACT PROJECT**

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**2008-01794 SVENDSEN, DANA  
LEMPSTER Long Pond**

Requested Action:

Permanently remove an existing docking structure and install a 6 ft x 20 ft seasonal wharf on an average of 174 ft of frontage on Long Pond, Lempster.

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Conservation Commission/Staff Comments:

No comments by Con Com by November 18, 2008

APPROVE PERMIT:

Permanently remove an existing docking structure and install a 6 ft x 20 ft seasonal wharf on an average of 174 ft of frontage on Long Pond, Lempster.

With Conditions:

1. All work shall be in accordance with plans as received by DES on August 05, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. The existing docking structure shall be completely removed from the waterbody prior to the installation of the permitted docking structure.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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 or wharf.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 174 feet of shoreline frontage along Long Pond.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2009-00235 WALKER, ROBERT & MICHELLE  
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock, remove an un-permitted stair in the bank and construct a 6 ft x 6 ft concrete pad, restore 102 sq ft of previously impacted wetland and retain a 15" culvert replacement, dredge 156 sq ft of an abandoned crib previously approved under Wetland permit 1998-1597, on an average of 103 ft of frontage on Lake Winnepesaukee, Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by April 09, 2009

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock, remove an un-permitted stair in the bank and construct a 6 ft x 6 ft concrete pad, restore 102 sq ft of previously impacted wetland and retain a 15" culvert replacement, dredge 156 sq ft of an abandoned crib previously approved under Wetland permit 1998-1597, on an average of 103 ft of frontage on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by NHSC revision dated July 06, 2009, and restoration plan by NHSC dated July 06, 2009, as received by DES on July 13, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The wetland impact area shall be restored prior to the installation of the docking structure or anchor pad.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete anchor pad shall be located completely landward of full lake elevation 504.32 and behind the natural undisturbed shoreline.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. All dredged material and construction related debris shall be disposed out of any areas of the Departments jurisdiction.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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 or modification 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 103 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 2 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.

**2009-01048                      65 LAFAYETTE ROAD LLC, STEVEN ROSS MGR  
HAMPTON Tidal Buffer**

Requested Action:

Perform demolition and construction activities on 3,000 sq. ft. of previously developed upland tidal buffer zone to raze the existing structure and remove impervious pavement and construct a new 175' X 75' building with appurtenant pervious pavement and rain gardens. The new building will be located more than 50 feet from the highest observable tide line (CSPA reference line).

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Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for the demolition of the existing structure and construction of a new 175' x 75' structure. The Conservation Commission was very pleased with the applicant's plan especially the use of rain gardens and pervious parking area."

APPROVE PERMIT:

Perform demolition and construction activities on 3,000 sq. ft. of previously developed upland tidal buffer zone to raze the existing structure and remove impervious pavement and construct a new 175' X 75' building with appurtenant pervious pavement and rain gardens. The new building will be located more than 50 feet from the highest observable tide line (CSPA reference line).

With Conditions:

1. All work shall be in accordance with plans by John Karp @ Brayton Energy, LLC dated 5/05/2009, as received by DES on June 16, 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
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. None of the species of concern or natural communities reported by NHB are found on this previously developed site.

**2009-01577                      EXETER DPW, TOWN OF  
EXETER    Watson Brook**

Requested Action:

Dredge and fill 596 sq. ft. within the embankments and flow channel to install a 54 foot long X 10 ft. wide X 3 ft. high precast concrete box culvert, with stone aprons, to replace the existing undersized CMP culverts currently carrying Industrial Drive over Watson Brook.

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Conservation Commission/Staff Comments:

Town of Exeter requested and received approval for an expedited review of this project under SOP No. 201 which is using ARRA funding in conjunction with a State Revolving Fund loan.

APPROVE PERMIT:

Dredge and fill 596 sq. ft. within the embankments and flow channel to install a 54 foot long X 10 ft. wide X 3 ft. high precast concrete box culvert, with stone aprons, to replace the existing undersized CMP culverts currently carrying Industrial Drive over Watson Brook.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated July 2009, as received by DES on July 21, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. 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).
6. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

8. 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.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. 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.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The Town of Exeter requested and received approval for an expedited review of this project under SOP No. 201 which is using ARRA funding in conjunction with a State Revolving Fund loan.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01634 LEHMANN LIVING TRUST, RUBY  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 5 ft x 24 ft 6 in seasonal pier and an 4 ft x 24 ft 3 in seasonal pier, and install a 6 ft x 40 ft seasonal pier with a 3 ft x 7 ft concrete pad on an average of 196 feet of frontage on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com signed PBN form on July 28, 2009.

APPROVE PERMIT:

Permanently remove an existing 5 ft x 24 ft 6 in seasonal pier and an 4 ft x 24 ft 3 in seasonal pier, and install a 6 ft x 40 ft seasonal pier with a 3 ft x 7 ft concrete pad on an average of 196 feet of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated July 01, 2009, as received by DES on July 30, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The existing docks shall be completely removed prior to the installation of the new docking facility and anchor pad.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pad shall be installed landward of full lake elevation of 504.32 and completely behind the natural undisturbed shoreline.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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 proposal to replace a minor impact docking facility with a minimum impact docking facility is deemed minimum per Administrative Rule Env-Wt 303.04(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 196 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**FORESTRY NOTIFICATION**

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**2009-01654                      KRINSKY, MICHAEL**  
**MARLBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Marlborough Tax Map 6, Lot# 5

**2009-01655                      CERSOSIMO LUMBER COMPANY INC**  
**WESTMORELAND   Unnamed Stream**

COMPLETE NOTIFICATION:  
Westmoreland Tax Map R2, Lot# 17 & 18

**2009-01657                      BUNTING FAMILY V FORESTRY LLC**  
**GRAFTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Grafton Tax Map 2, Lot# 0174, 0652, 1124, 1125, 1126

**2009-01658                      DUNHAM, WILLIAM**  
**BRENTWOOD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Brentwood Tax Map 215, Lot# 80

**2009-01660                      WATTERS, KEVIN**  
**NORTHFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Northfield Tax Map R14, Lot# 5

**2009-01661                      WEBSTER LAND CORP., C/O WAGNER FOREST MGMT**  
**HOLDERNESS   Unnamed Stream**

COMPLETE NOTIFICATION:  
Holderness Tax Map 208, Lot# 1

**EXPEDITED MINIMUM**

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**2008-00284 DONAHUE BUILDERS INC**  
**DOVER Unnamed Wetland**

Requested Action:

Approve name change to: Donahue Builders, Inc., 1501 Main St. Unit 23, Tewksbury, MA 01876 per request received 8/3/09.  
Previous owner: Carla Fritz.

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APPROVE NAME CHANGE:

Dredge and fill 770 sq. ft. of forested wetlands to construct a driveway to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Atlantic Survey Co. dated 6/16/2008, as received by the Department on 7/30/2008.
2. 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.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. No fill shall take place in Atlantic white cedar swamps.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Work shall be done during low flow.
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

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

**2009-01056 HEBERT, KELLY**  
**LACONIA Lake Opechee**

Requested Action:

Permanently remove an existing 6 ft x 14 ft wharf with a 4 ft section in a "T" configuration and install a 4 ft x 28 ft seasonal dock on Lake Opechee, Laconia.

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Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**DENY PERMIT:**

Permanently remove an existing 6 ft x 14 ft wharf with a 4 ft section in a "T" configuration and install a 4 ft x 28 ft seasonal dock on Lake Opechee, Laconia.

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 minimum impact per Rule Env-Wt 303.04(g), construction or modification of a seasonal pier or wharf in no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.
3. In accordance with RSA 482-A:3,(2) "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."
4. In accordance with RSA 482-A:3,(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve or deny the application, in whole or in part."
5. In accordance with RSA 482-A:11,II "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."

**Findings of Fact**

1. On June 01, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Laconia tax map 393, lot 68/3, to permanently remove an existing 6 ft x 14 ft wharf with a 4 ft section in a "T" configuration and install a 4 ft x 28 ft seasonal dock on Lake Opechee, Laconia.
2. The tax map submitted in support of the application indicates tax map 393, lot 68/3 does not include frontage on a waterbody.
3. On June 30, 2009, the Department sent a Request for More Information letter requesting evidence of ownership of the frontage such as a deed and a tax map which indicate the applicant is the owner of the frontage."
4. On July 09, 2009, the Department received a response from the applicant. The response include a copy of a deed for property and a letter to a representative of the town. The deed did not indicate the ownership of frontage on Opechee Lake.

**Rulings in Support of Denial**

1. The applicant did not submit proof of ownership of frontage on a waterbody, therefore, pursuant to RSA 482-A:3, and RSA 482-A:11, the application is denied.

**2009-01527                      FRANCONIA, TOWN OF  
FRANCONIA   Unnamed Stream**

**Requested Action:**

Propose to impact 140 square feet of wetlands and 49 linear feet of an associated intermittent stream for the construction of an access road to a town water tank. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 18" culvert and associated filling and grading.

\*\*\*\*\*

APPROVE PERMIT:

Impact 140 square feet of wetlands and 49 linear feet of an associated intermittent stream for the construction of an access road to a town water tank. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 18" culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services Inc., entitled Town of Franconia: Water System Improvements Project (Sheets 1-4 of 4) as received by DES on July 20, 2009.
2. Work shall be done during periods of non-flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The culvert shall be set at (match) original stream grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. 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).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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. 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 minimum impact project per 303.04 (n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow;
2. The 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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

**2009-01528                      WENTWORTH, DAVID & JANICE**  
**ROLLINSFORD   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1,558 sq. ft. of wetlands over 3 general areas to upgrade and relocate a portion of an existing town road for access to a new industrial building site.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 1,558 sq. ft. of wetlands over 3 general areas to upgrade and relocate a portion of an existing town road for access to a new industrial building site.

With Conditions:

1. All work shall be in accordance with plans by McEneaney Survey Associates dated 04/23/2009, as received by DES on 07/20/2009.
2. 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.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. No fill shall be done for lot development.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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. Proper headwalls shall be constructed within seven days of culvert installation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), involving alteration of less than 3,000 sq. ft. in swamps or wet meadows.
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. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rollinsford Conservation Commission signed the expedited application.

**2009-01555                      SHOHL CAMP TRUST, C/O JOHN SCOTT  
TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Replace one piling supporting a 18 ft x 2 ft piling supported finger pier attached to a 6 ft x 60 ft 4 in pier with six 18 ft x 2 ft finger piers, repair 30 feet of cribbing supporting a 12 ft x 61 ft dock, reset an 8 ft x 14 ft rock supported section of dock. Also existing on the frontage is a 101' breakwater with a 34' "L" section and 5' wide cantilevered pier, a 24'5"x 32'6" one slip boathouse and a 13'7"x 21'9" one slip boathouse with associated decking, on 1048' of frontage, Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace one piling supporting a 18 ft x 2 ft piling supported finger pier attached to a 6 ft x 60 ft 4 in pier with six 18 ft x 2 ft finger piers, repair 30 feet of cribbing supporting a 12 ft x 61 ft dock, reset an 8 ft x 14 ft rock supported section of dock. Also existing on the frontage is a 101' breakwater with a 34' "L" section and 5' wide cantilevered pier, a 24'5"x 32'6" one slip boathouse and a 13'7"x 21'9" one slip boathouse with associated decking, on 1048' of frontage, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 07, 2009, as received by DES on

July 22, 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, 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.

**2009-01637                      624 GRANITE LAKE GETAWAY LLC**  
**NELSON Granite Lake**

Requested Action:

Excavate 252 sq ft of bank to remove 3 stumps and repair 39.3 linear ft of timber retaining wall in-kind on 110 ft of frontage on Granite Lake in Nelson.

\*\*\*\*\*

APPROVE PERMIT:

Excavate 252 sq ft of bank to remove 3 stumps and repair 39.3 linear ft of timber retaining wall in-kind on 110 ft of frontage on Granite Lake in Nelson.

With Conditions:

1. All work shall be in accordance with the plans, construction sequence, and construction details received by DES on July 30, 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. All construction related debris and excavated material not used as backfill shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The repairs shall maintain the pre-existing size, location and configuration of the structures.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. 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. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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(v), repair of existing structures, in-kind.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**GOLD DREDGE**

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**2009-01692                    CLUKEY, RICHARD**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Conservation Commission

**TRAILS NOTIFICATION**

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**2009-00102                    BOSTON & MAINE RAILROAD**  
**BENNINGTON Contoocook Rover**

COMPLETE NOTIFICATION:  
Bennington Tax Map DOT, Lot# ROW

**LAKES-SEASONAL DOCK NOTIF**

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**2009-01586                    TRANSCANDA, US NORTHEAST HYDRO REGION**  
**PITTSBURG 1st Connecticut Lake**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map C6, Lot# 524

**2009-01587                    TRANSCANDA, US NORTHEAST HYDRO REGION**  
**PITTSBURG 1st Connecticut Lake**

COMPLETE NOTIFICATION:

Pittsburg Tax Map C6, Lot# 448

**2009-01663                    KIRK, BRUCE**  
**PITTSBURG   First Connecticut Lake**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map U12, Lot# 31A 1st Conn Lake

**PERMIT BY NOTIFICATION**

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**2009-01510                    DEMOULAS, ARTHUR**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:  
Install a seasonal boatlift.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed PBN form

PBN IS COMPLETE:  
Install a seasonal boatlift.

With Findings:  
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boatlift.

**CSPA PERMIT**

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**2009-00072                    1992 MARTIN MEADOW POND IRREVOCABLE TRUST, C/O EMI**  
**LANCASTER   Martin Meadow Pond**

Requested Action:  
The Applicant requests that the permit be amended for the purpose of adding a set of stairs to the proposed retaining wall.  
\*\*\*\*\*

APPROVE AMENDMENT:  
AMENDMENT TO READ: Impact 462 sq ft for the purpose of extending an existing parking area, adding a retaining wall with stairs and installing an electrical conduit to the existing single family dwelling.

With Conditions:  
1. All work shall be in accordance with plans by Emilie Burack revised July 21, 2009 and received by the Department of Environmental Services ("DES") on July 22, 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 16.2% 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 7,988 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,202 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.

**2009-00124                      AYLWARD, DAVID & MARY**  
**THORNTON   Pemigewasset River**

Requested Action:

Impact 5,823 sq ft for the purpose of constructing a 2 bedroom, single-family dwelling, reconfiguring an existing driveway and installing a state approved septic system.

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APPROVE PERMIT:

Impact 5,823 sq ft for the purpose of constructing a 2 bedroom, single-family dwelling, reconfiguring an existing driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Sabourn Surveying Inc. dated January 14, 2009 and received by the Department of Environmental Services ("DES") on January 23, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 11.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 8,462 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,041 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. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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.

With Findings:

**FINDINGS OF FACT:**

1. On January 23, 2009 DES received an application for 1 Robins Nest Rd, Thornton, NH 03251, more specifically Thornton Tax Map 10 Lot 6-2. The project proposed the construction of a second dwelling unit on a property containing approximately 88 linear feet of shoreland frontage.
2. According to RSA 483-B: 9, V (e) (2) (A) for lots dependent on on-site septic systems, the total number of residential units in the protected shoreland shall not exceed one unit per 150' of shoreland frontage.
3. On July 21, 2009 SB 134 was signed by Governor John Lynch. A provision of SB 134 is the removal of RSA 483-B: 9, V (e) (2) (A) from RSA 483-B thereby effectively removing the dwelling density limitation.
4. The Department finds that the project is consistent with the provisions of RSA 483-B and is therefore approved

**2009-00294 UNITED CONSTRUCTION CORPORATION  
NEWPORT Lily Pond**

Requested Action:

Impact 10,316 sq ft for the purpose of implementing an approved NRCS site restoration plan and removing the existing structures from the protected shoreland.

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**APPROVE PERMIT:**

Impact 10,316 sq ft for the purpose of implementing an approved NRCS site restoration plan and removing the existing structures from the protected shoreland.

With Conditions:

1. All work shall be in accordance with plan sheet 5 by GeoInsight dated December 3, 2008 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. Any impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
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 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. 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).
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. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00523 TUCK REALTY CORPORATION**  
**EXETER Little River**

Requested Action:

Impact 53,000 sq ft for the purpose of constructing 4 single-family dwellings with driveways.

\*\*\*\*\*

APPROVE PERMIT:

Impact 53,000 sq ft for the purpose of constructing 4 single-family dwellings with driveways.

With Conditions:

1. All work shall be in accordance with plan sheet SP1 by Jones and Beach Engineers Inc. dated March 16, 2009 and received by the Department of Environmental Services ("DES") on March 26, 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. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
5. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
7. 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.
8. 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.
9. 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.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. Silt fencing must be removed once the area is stabilized.
13. No more than 4.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
14. 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).
15. 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.
16. 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.
17. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01128 AINSLIE, MARGARET**  
**BRADFORD Lake Massasecum**

Requested Action:

Impact 9537 sq ft for the purpose of constructing a single-family dwelling with driveway, parking area, retaining wall, state approved

septic system and a well.

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**APPROVE PERMIT:**

Impact 9537 sq ft for the purpose of constructing a single-family dwelling with driveway, parking area, retaining wall, state approved septic system and a well.

**With Conditions:**

1. All work shall be in accordance with plans by RCS Designs dated April 11, 2009 and received by the Department of Environmental Services ("DES") on June 10, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any impacts within wetlands, surface waters, and their banks shall require a Wetland 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, 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 12% 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 4,720 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,720 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. 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.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01155                      HERSEY, TODD & THOMAS  
LEBANON   Mascoma Lake**

**Requested Action:**

Impact 1650 sq ft for the purpose of installing a "french drain" and an outlet pipe onto an existing single-family dwelling.

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**APPROVE PERMIT:**

Impact 1650 sq ft for the purpose of installing a "french drain" and an outlet pipe onto an existing single-family dwelling.

**With Conditions:**

1. All work shall be in accordance with plans by Pathways Consulting, LLC revised July 13, 2009 and received by the Department of Environmental Services ("DES") on July 20, 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), (i).
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 11.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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. 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.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01182                      DAHL, ROBERT**  
**CENTER HARBOR Squam Lake**

Requested Action:

Impact 630 sq ft for the purpose of constructing an addition onto an existing single-family dwelling.

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APPROVE PERMIT:

Impact 630 sq ft for the purpose of constructing an addition onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans S-1, S-2, S-3, and S-4 by Dennis Moran dated July 15, 2009 and received by the Department of Environmental Services ("DES") on July 16, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 9.8% 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 64,889 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 34,982 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. 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 or conditions depicted as "existing" on the plans submitted by the

applicant were not previously permitted or grandfathered.  
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01412 PRUDHOMME, DONALD  
ALTON Lake Winnepesaukee**

Requested Action:

Impact 28,000 sq ft for the purpose of constructing a new, 5 bedroom, residential dwelling and associated accessory structures.  
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DENY PERMIT:

Impact 28,000 sq ft for the purpose of constructing a new, 5 bedroom, residential dwelling and associated accessory structures.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:9(V)(b)(2)(ii), Maintenance of the Natural Woodland Buffer, "For lots with greater than one-half acre of land within the natural woodland buffer, the vegetation within at least 50 percent of the area outside the waterfront buffer, exclusive of impervious surfaces, shall be maintained in an unaltered state."

Findings of Fact

1. The applicant is the owner of a lot partially located within the protected shoreland of Lake Winnepesaukee, more particularly identified as Alton tax map 58, lot 5-25 (the Property).
2. On July 7, 2009 the Department of Environmental Services received an application to impact 28,000 square feet of the protected shorelands to construct a single family dwelling and associated structures on the property.
3. The area of the lot, specifically, Alton tax map 58, lot 5-25, located within the natural woodland buffer, exceeds one-half acre and, therefore must meet the unaltered space requirement established in RSA 483-B:9(V)(b)(2)(ii).
4. The applicant is proposing impacts to the natural woodland buffer that exceed the limitation established by RSA 483-B:9(V)(b)(2)(ii).

Ruling in Support of the Decision

1. The project as proposed would alter an area of the natural woodland buffer greater than that permissible under RSA 483-B:9(V)(b)(2)(ii) and, therefore, pursuant to RSA 483-B:3, the application is denied.

**2009-01413 PRUDHOMME, PATRICIA  
ALTON Lake Winnepesaukee**

Requested Action:

Impact 28,000 sq ft for the purpose of constructing a new, 5 bedroom residential dwelling and associated accessory structures.  
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DENY PERMIT:

Impact 28,000 sq ft for the purpose of constructing a new, 5 bedroom residential dwelling and associated accessory structures.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies

of this chapter."

2. Pursuant to RSA 483-B:9(V)(b)(2)(ii), Maintenance of the Natural Woodland Buffer, "For lots with greater than one-half acre of land within the natural woodland buffer, the vegetation within at least 50 percent of the area outside the waterfront buffer, exclusive of impervious surfaces, shall be maintained in an unaltered state.
3. In accordance with Administrative Rule Env-C 209.02, Grounds for Denying a License Application, if an applicant has failed to comply with an administrative order issued by the department, it shall constitute good cause to deny a license application.

Findings of Fact

1. The Applicant is the owner of a lot located, in part, within the protected shorelands of Lake Winnepesaukee, more particularly identified as Alton tax map 58, lot 5-26 (the Property).
2. On July 7, 2009 the Department of Environmental Services received an application to impact 28,000 square feet of the protected shorelands to construct a single family dwelling and associated structures on the property.
3. The area of the lot located within the natural woodland buffer, exceeds one-half acre and, therefore must meet the unaltered space requirement established in RSA 483-B:9(V)(b)(2)(ii).
4. The Applicant is proposing impacts to the natural woodland buffer that exceed the limitation established by RSA 483-B:9(V)(b)(2)(ii).
5. On April 15, 2008, Administrative Order # 08-015 WD was issued by the Department to the Applicant for violating RSA 483-B:9, (V)(a)(1) by failing to maintain the existing natural woodland buffer on the property and violating RSA 483-B:9, (V)(a)(2)(A) by failing to maintain 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings on the property.
6. The Applicant has failed to comply with the Administrative Order # 08-015 WD.

Ruling in Support of the Decision

1. The project as proposed would alter an area of the natural woodland buffer greater than that permissible under RSA 483-B:9(V)(b)(2)(ii) and, therefore, pursuant to RSA 483-B:3, the application is denied.
2. The Property has not been brought into compliance with Administrative Order # 08-015 WD issued on April 15, 2008. Therefore, in accordance with Rule Env-C 209.02, the request for a permit is denied.

**2009-01423                      BARY, DAVID**  
**RAYMOND    Governors Pond**

Requested Action:

Impact 2650 sq. ft. to jack up an exiting non conforming structure, place a foundation under it, and rotate the non conforming strucutre to be more inline with the shoreline.

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APPROVE PERMIT:

Impact 2650 sq. ft. to jack up an exiting non conforming structure, place a foundation under it, and rotate the non conforming strucutre to be more inline with the shoreline.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associats Inc. dated May 2009 and received by the Department of Environmental Services ("DES") on July 8, 2009.
2. No more than 24.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,112 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,112 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. 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.

**2009-01456                      SPIESS, PAUL & SUE**  
**NEWBURY Lake Sunapee**

Requested Action:

Impact 2100 sq ft for landscape improvements including plantings, the removal and replacement of retaining walls, construction of walking paths, stairs, and a bioretention area.

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APPROVE PERMIT:

Impact 2100 sq ft for landscape improvements including plantings, the removal and replacement of retaining walls, construction of walking paths, stairs, and a bioretention area.

With Conditions:

1. All work shall be in accordance with plans by Pollock Land Planning LLC dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 13, 2009.
2. No more than 23.9% 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 5,710 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,710 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. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. On July 13, 2009 DES received a Shoreland application for 245 Bay Point Road in Newbury New Hampshire, more specifically Newbury Tax Map 006 Lot 80. The project will involve landscaping and storm water management improvements including a bioretention area.
2. In accordance with RSA 483-B:9, V(a)(2)(C), as amended by SB 134 of the 2009 Legislative Session "No natural ground cover shall be removed except as necessary for a foot path to water as provided under RSA 483-B:9, V(a)(2)(D)(viii), cutting those portions that have grown over 3 feet in height for the purpose of providing a view, or as specifically approved by the department, pursuant to RSA 482-A or [483-B:11, II] RSA 483-B."
3. The Department finds that the project is consistent with the provisions of RSA 483-B and is therefore approved.

**2009-01482                    HOUSTON, KENNETH & CECILY**  
**FRANCESTOWN Pleasant Pond**

Requested Action:

Impact 280 sq ft for the purpose of constructing a 30' segment of an access road.

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APPROVE PERMIT:

Impact 280 sq ft for the purpose of constructing a 30' segment of an access road.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC. dated July 10, 2009 and received by the Department of Environmental Services ("DES") on July 15, 2009.
2. Any impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. There shall be no impacts within the waterfront buffer for the completion of the proposed project.
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 15.1% 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 7,167 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,167 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. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01483                    TRUE, CAROL/GARY**  
**CANTERBURY Rocky Pond**

Requested Action:

Impact 8,434 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

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APPROVE PERMIT:

Impact 8,434 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans submitted by Steven Lewis, Inc. dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009 and edited August 6, 2009.
2. No more than 26.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 300.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Areas previously covered by impervious surfaces within the waterfront buffer must be revegetated with native, non-invasive vegetation upon completion of the proposed project.

**2009-01507                      BECHT, RAYLENE**  
**RYE Sagamore Creek & Little Harbor**

Requested Action:

Impact 3,145 sq ft for the purpose of constructing an addition onto an existing single-family dwelling, reducing the footprint of the existing driveway, and replacing the existing septic system with a state approved septic system.

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APPROVE PERMIT:

Impact 3,145 sq ft for the purpose of constructing an addition onto an existing single-family dwelling, reducing the footprint of the existing driveway, and replacing the existing septic system with a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by NHSC Environmental Consultants dated May 2009 and received by the Department of Environmental Services ("DES") on July 12, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All proposed impacts within the Tidal Buffer Zone shall require a Wetland Permit under RSA 482-A.
4. No new impervious surfaces shall be constructed until the existing driveway has been reduce in accordance with the approved plans.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. 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).

8. 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.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. 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.
13. 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.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01509                      ROGERS, RICHARD**  
**KINGSTON   Country Pond**

Requested Action:

Impact 5,925 sq ft for the purpose of installing an upgraded sewerage disposal system.

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APPROVE PERMIT:

Impact 5,925 sq ft for the purpose of installing an upgraded sewerage disposal system.

With Conditions:

1. All work shall be in accordance with plans submitted by Dennis Quintal dated December 30, 2008 and received by the Department of Environmental Services ("DES") on July 17, 2009.
2. No more than 4.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 17,159 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,159 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.

**2009-01511                      BOILARD, DIANE**  
**GREENFIELD   Zephyr Lake**

Requested Action:

Impact 3,143 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

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APPROVE PERMIT:

Impact 3,143 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design, LLC. dated June 10, 2009, and received by the Department of Environmental Services ("DES") on July 16, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The area within the waterfront buffer where the temporary impacts associated with the proposed project will occur shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. The project as proposed will leave approximately 6,462 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. 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).
8. No more than 9.6% 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. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. 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 or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/VARIANCE**

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**2009-00483                      FRANKLIN, CITY OF**  
**FRANKLIN   Winnepesaukee River**

Requested Action:

Impact 39,250 sq ft for the purpose of constructing a new recreational trail, water access paths and installation of a stormwater

infiltration trench.

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APPROVE PERMIT:

Impact 39,250 sq ft for the purpose of constructing a new recreational trail, water access paths and installation of a stormwater infiltration trench.

VARIANCE APPROVED: RSA 483-B:9,(g)(2) is varied to allow existing, deficient waterfront buffer grid segments to remain as such and not require replanting to achieve the 50 point minimum tree and sapling score per grid segment for this project.

With Conditions:

1. All work shall be conducted in accordance with plans by K V Partners LLC, last revised July 2, 2009 and received by DES on July 9, 2009.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the recorded approval shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 20.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. 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. All impacts associated with the construction and installation of proposed pedestrian water overlooks are contingent on approval from the DES Wetlands Bureau under RSA 482-A.

With Findings:

1. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
2. The proposed project will not injure the public or private rights of others.
3. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property rights while upholding the spirit of the CSPA and preserving the private rights and interests of the public.
4. The proposed structure will be located within the 20 ft accessory structure setback to public waters and will exceed 1.5 sq ft per length of shoreline and, therefore, fails to conform to the setback restriction set forth in Rule Env-Wq 1405.04 and the size limitation set forth in Env-Wq 1405.03 (c)(1).
5. The proposed recreational trail will constructed no closer than 5 ft from the reference line.
6. Granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
7. Granting the request will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
8. Granting the request is consistent with the intent and purpose of the rule being waived.

- 9. The Applicant's proposal will decrease the likelihood of adverse environmental impacts from continued foottraffic on unimproved surfaces and will allow for a higher degree of public safety.
- 10. The Applicant has provided documentation that the requirements for waiver of administrative rules established in Rule Env-Wq 1413.04, Criteria, have been met. Therefore, the request for a waiver of Rule Env-Wq 1405.04 and Rule Env-Wq 1405.03 (c)(1).

**CSPA PERMIT W/WAIVER**

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**2009-01196                      MERRIMACK VALLEY YOUNG MENS ASSOCIATION OF NH INC**  
**MEREDITH   Bear Island**

**Requested Action:**

Impact 1,800 sq ft to raze an existing non-conforming structure and replace it with a larger structure.

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**APPROVE PERMIT:**

Impact 1,800 sq ft to raze an existing non-conforming structure and replace it with a larger structure.

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

**With Conditions:**

- 1. All work shall be in accordance with plans by Bryant S. Lehr dated June 17, 2009 and received by the Department of Environmental Services ("DES") on July 20, 2009.
- 2. This approval includes a Waiver of RSA 483-B:9 (II)(b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
- 3. No more than 1.55% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. The project as proposed will leave approximately 674,360 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 337,655 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. This permit is contingent on DES Subsurface Systems Bureau's Groundwater Discharge Permit number 1999907040.
- 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 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.

**With Findings:**

- 1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9(II) of the CSPA.
- 2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The project as proposed would result in an increase in impervious surfaces from 1.53% to 1.55%.

4. The applicant has proposed to install drip edges, a drywell to infiltrate stormwater, and plant thirty low bush blueberry shrubs, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.