

# Wetlands Bureau Decision Report

Decisions Taken  
08/10/2009 to 08/16/2009

## **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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**2004-00377                      MOTORSPORTS HOLDINGS LLC, JOHN GHIRINGHELLI  
TAMWORTH   Unnamed Wetland**

Requested Action:

Deny reconsideration of request for waiver

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Conservation Commission/Staff Comments:

The Tamworth Conservation Commission intervened on the application and has submitted several letters and emails outlining concerns about the proposed project. See file for specific details.

Inspection Date: 11/14/2003 by Craig D Rennie

Inspection Date: 05/04/2004 by Craig D Rennie

DENY RECONSIDERATION:

Deny reconsideration and request for waiver

With Findings:

Grounds for Reconsideration

1. The appellant alleges that the DES findings are not correct in its statement that the construction delays are due to Focus: Tamworth 's legal challenges.
2. The appellant states that the primary reasons for the construction delays are because (a) the applicant failed to file an application for an Special use Permit (SUP) as required by the Town of Tamworth's wetlands ordinance.
3. Instead the appellant alleges that the reasons for the construction delays are because (1) the applicant failed to file an application for an SUP until almost 2 1/2 years after it filed its joint federal and state wetlands permit on March 4, 2004 and (2) the Town of Tamworth denied the applicant's SUP application. This denial is currently on appeal.
4. The appellant alleges that the applicant's decision to delay its filing for an SUP, despite a specific request to the contrary by the Town of Tamworth Conservation Commission.
5. DES must find that the criteria set forth in Env Wt 204.04 are satisfied.
6. The appellant alleges that DES did not make sufficient findings in accordance with Env Wt 204.04.
7. The appellant alleges that the applicant could not meet the criteria of Env Wt 204.04 as it did not suffer an operational or economic hardship just by encountering legal challenges to its permits.

Reaffirm Original Findings of Fact:

1. The Department of Environmental Services (DES) held pre-application meetings with the applicant and their agents on October 15, 2003, December 17, 2003, December 30, 2003, January 9, 2004 and on January 30, 2004 to provide regulatory guidance on ways to minimize overall project impacts associated with the preliminary design of a private motorsports country club. This preliminary design included additional condos, garages, and road crossings through intermittent streams, which have been eliminated from the final design.
2. DES staff inspected the site on November 14, 2003 to investigate resource impacts associated with the preliminary design. This inspection revealed that the majority of the property is steep with several intermittent streams and drainages. The northern end of the property (adjacent to Route 25) has several forested wetlands that are proposed to be crossed.
3. On March 5, 2004, DES received a Standard Dredge and Fill application requesting 16,578 square feet of wetland impacts and 13,999 square feet (2,077 linear feet) of stream impacts associated with the construction of the project.
4. On March 8, 2004, DES received a letter from the Tamworth Conservation Commission (TCC) seeking to intervene on the wetlands application pursuant to RSA 482-A:11.
5. In a letter dated March 11, 2004, DES issued a "Notice of Administrative Completeness" explaining that the application had been found to contain the basic items necessary to be considered administratively complete.
6. In a letter dated April 2, 2004, DES issued a notice that the Wetlands Bureau would hold a public hearing in Tamworth on Tuesday, April 27, 2004 at 6:30 pm.

7. On April 26, 2004, DES received written comments from the TCC in accordance with RSA 482-A:11, III.(a), that expressed a number of concerns and issues as well as a recommendation that DES should not grant a permit "as it now stands".
8. On April 27, 2004, DES held a public hearing in Tamworth which was attended by approximately 300 people. Several hours of public testimony for and against the project, as well as a number of written comments were received and made a part of the file.
9. DES staff inspected the site again on May 5, 2004 with Army Corps of Engineers (ACOE) staff, TCC members, and the applicant's agents to determine the accuracy of delineated wetlands on the entire property. Several additional areas of wetlands and seasonal drainages were found during the field inspection. These areas have been incorporated through revisions to the original plan set.
10. On May 17, 2004, DES received a letter from the TCC providing additional comments to their earlier comment letter which was received by DES on April 26, 2004.
11. On May 21, 2004, the DES issued a "Request for More Information" letter to the applicant formerly requesting nine (9) specific items that needed additional technical information and clarification. This request was based upon review of all the information in the file and incorporated the comments provided by the TCC and the local community, and was limited to those issues that were germane to the statutory authority of DES as set forth in RSA 482-A.
12. On June 15, 2004, DES received revised plans and a partial response from the applicant to the DES "Request for More Information" letter.
13. On June 29, 2004, DES received the remaining additional information from the applicant which completed their reply to the DES "Request for More Information" letter.

#### FINDINGS RELATIVE TO THE TAMWORTH CONSERVATION COMMISSION (TCC) COMMENTS:

14. In comment letters from the TCC (received April 26, 2004 and May 17, 2004), several "Overarching Recommendations" were made to DES for consideration. The list below summarizes each TCC recommendation (in italics) followed by the DES finding:
  - a) The permit should not be granted until all the recommendations are addressed and additional information is provided. DES requested additional information from the applicant on May 21, 2004. This request incorporated the comments from the TCC and the local community. The applicant provided the required additional information on June 15 and June 29, 2004.
  - b) Further work is needed to properly and completely delineate all of the existing wetlands. During an inspection on May 5, 2004, several additional wetlands and intermittent drainages were identified and agreed to by DES, ACOE, TCC, and the applicant's agents. Revised plans provided by the applicant on June 15, 2004 included all the additional wetland areas.
  - c) DES staff should carefully review the stormwater management plans and their impacts to wetlands from runoff discharges and volumes. DES Site Specific Program staff are responsible for reviewing the alteration of terrain permit application which evaluates post-development stormwater treatment and detention methods, as well as any potential impacts to abutting properties.
  - d) DES should require the applicant to develop off-site and on-site alternatives that further reduce wetland impacts. Based on the DES request for additional information, the applicant has reduced the scope of the overall project to decrease wetland impacts. Several garages and condos were removed, the hotel and associated parking was reduced, a wetland crossing was removed, the track layout was modified to avoid vernal pool buffer impacts, and several crossings were redesigned with span arch culverts to reduce impacts to intermittent streams.
  - e) DES should require the applicant to submit any modifications to the TCC for review. In the May 21, 2004 "Request for More Information" letter, DES required that the applicant provide revised plans to the local conservation commission for review. The applicant has provided revised plans to the TCC.
  - f) Given that there is no limit on the amount of noise the applicant is allowed to produce, DES should require additional details regarding the noise levels. DES Wetlands Bureau does not have the jurisdictional authority over noise pollution issues; however, the applicant did provide a noise study to address local concerns, relative to this issue.
15. Comment letters from the TCC (received April 26, 2004 and May 17, 2004), several "Specific Issues and Recommendations" were made to DES for consideration based on NH Administrative Rule Wt 302.04(a) Requirements for Application Evaluation. The list below summarizes each TCC recommendation (italics) followed by the DES finding:
  - a) TCC finds that the need for the racetrack and some of the components of the development are not sufficiently demonstrated. DES should require the applicant to submit a revised application with plans to reduce impacts to wetlands, provide increased buffers, and to address other recommendations made by the TCC. The need for the wetland impacts is the construction of a motorsports country club that includes a 3.1 mile long European-style road course with associated support services for repair, servicing and garaging of vehicles, as well as a hotel/restaurant with associated access road and parking all located on 251 acres of land. Based on the DES request for additional information, revised plans were submitted by the applicant that reduced the scope of the overall project so as to decrease wetland impacts, avoid vernal pool buffer impacts, and address other recommendations suggested by the TCC.
  - b) DES should require the applicant to reconsider alternatives that further minimize wetland impacts. Based on the DES request for

additional information, the applicant has reduced the scope of the overall project to decrease wetland impacts. Several garages and condos were removed, the hotel and parking was reduced, a wetland crossing was removed, the track layout was modified to avoid vernal pool buffer impacts, and several existing crossings were redesigned with span arch culverts to reduce impacts to intermittent streams.

- c) Particular attention should be paid to refining the wetlands delineations and the wetland classifications were not found on the plans. DES staff inspected the site on May 5, 2004 and found several additional areas of wetlands and seasonal drainages, which have been incorporated through revisions to the original plan set. The revised plans submitted on June 15, 2004 depict all wetland boundaries as agreed to by DES, ACOE, TCC and the applicant's agents, and indicate the classification of the wetland types.
- d) The TCC finds that there is a potential for increased flow volumes, sedimentation, and trace pollutants to impact the water quality of wetlands and surface waters downstream. As required by federal law, the applicant has submitted an application for a 401 Water Quality Certificate through the DES Watershed Management Bureau to review potential impacts to surface water quality. The DES Site Specific Program is responsible for ensuring that stormwater runoff is properly treated, post-development flows are adequately detained, and that all erosion controls and construction sequencing meet state standards.
- e) Vernal pools should be provided with the additional protection needed to ensure its functions are not destroyed and should take into account unlimited noise, dust, light and glare. Based on the DES request for additional information, the applicant has modified the design to maximize upland buffer areas adjacent to the existing vernal pool to the greatest extent possible.
- f) DES should require the applicant to accurately portray the surface area of wetlands to be impacted. Based on the DES request for additional information, the applicant provided revised wetland boundaries and impact area plans, detailed information about potential indirect impacts from arch spans, as well as the locations of all proposed fencing. Wetland impacts associated with the construction of any required noise barriers are not proposed as part of this project.
- g) DES should require the applicant to minimize potential impacts to the vernal pool, review the potential for threatened and endangered species to occur on this site, review and protect species at the extremities of their ranges, evaluate migratory patterns of wildlife utilizing the site, and to conduct a more thorough field assessment of the potential presence of exemplary natural communities. Revised plans submitted to DES show that the design has been modified to maximize upland buffer areas adjacent to the existing vernal pool to the greatest extent possible. DES communications with NH Fish & Game Department biologists confirm that there are no threatened or endangered species known to occur within the project area. Although black birch (*Betula lenta*) may be at the extremities of their known range, no state law requires protection of this tree species. On June 29, 2004, the applicant provided a detailed wildlife movement report which concluded that a 200' undeveloped wildlife corridor should be provided between the hotel and steep ledge on the southern end of the property, and that significant impacts to wildlife movement patterns will not occur as a result of this project. In addition, on July 22, 2004, the applicant provided a detailed rare plant survey that concluded no exemplary natural communities occur in the project area, and that no rare or endangered species were observed.
- h) Off-site impacts are not sufficiently addressed by the applicant, especially noise and visual impacts on recreation based tourism. The project has been designed to incorporate existing physical and landscape features to maintain a low visual profile relative to the surrounding land. Overall, the application and supporting materials demonstrate that the project will not significantly impair the existing recreation based tourism.
- i) DES should require the applicant to provide plans and provisions for mitigating noise and light pollution, viewshed degradation, and for all aesthetic impacts. The application and supporting materials demonstrate that the project will not significantly impact the aesthetic interest of the public.
- j) DES should require the applicant to further address impacts from runoff upon abutting owners pursuant to RSA 482-A:11, II. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts to abutting properties as a result of stormwater runoff.
- k) DES should require the applicant to formally commit to, in writing, specific benefits to be provided to the Town and should demonstrate that the proposed facility will not be injurious, noxious, or offensive to the community. The application stated that community enhanced benefits (i.e. driving training for local police and fire department, driver education, emergency response rescue service) will be available to the Town of Tamworth. The proposal incorporates emergency spill response plans and rescue services to ensure that public safety are not threatened by the project.
- l) DES should require the applicant to provide further details regarding stormwater runoff impacts, determine the recharge rate of the aquifer and the transmissivity rate of the soils, and provide detailed provisions for spill avoidance, containment, and clean-up. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. The proposal incorporates emergency spill response plans to ensure that spill avoidance, containment, and clean-up are adhered to in accordance with state and federal regulations.
- m) The TCC feels that the applicant should provide measures for decreasing post-development stormwater runoff and provide adequate erosion and sedimentation controls during construction. DES Site Specific Program are responsible for reviewing the

alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. In addition, the contractor responsible for completion of the work is required to 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).

n) DES should require the applicant to address the impact on existing stream banks from a greater volume of water channeled into these streams. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts to wetlands, streams and abutting properties as a result of stormwater runoff.

o) DES should require the applicant to address impacts to all affected abutters. Pre and post-construction flow rates at known discharge points near the property boundaries are evaluated by the DES Site Specific Program to ensure that abutters are not adversely affected by the proposed project.

p) TCC recommends a more detailed analysis of impacts to groundwater and wetlands, including recharge/discharge impacts, contamination issues, water withdrawal impacts, sediment/toxicant retention, nutrient removal, and flood flow alteration. The application and supporting materials demonstrate that the project will not significantly impair the existing wetlands, surface waters, and groundwater resources.

q) DES should establish, as a condition of the permit, a noise limit to ensure the protection of remaining wetlands and wildlife resources, and should require the applicant to address noise impacts on nearby conservation lands and Natural Landmarks. DES Wetlands Bureau does not have the jurisdictional authority to issue noise conditions/restrictions on the wetlands permit. The noise study submitted by the applicant concluded that "the project would have a relatively benign effect on the existing acoustic environment".

r) DES should carefully review and investigate the plans for stormwater management during and after construction. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. In addition, a pre-construction meeting and construction monitoring will be required by various DES permit conditions.

#### FINDINGS FOR APPROVAL:

16. This project is classified as a Major Project per NH Administrative Rule Wt 303.02(i), as impacts to intermittent streams are greater than 200 linear feet.

17. The need for the proposed impacts has been demonstrated by the applicant per NH Administrative Rule Wt 302.01.

18. 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 NH Administrative Rule Wt 302.03.

19. In accordance with NH Administrative Rules - Chapter Wt 800, the applicant is proposing to mitigate impacts by restoring 450 square feet (25 linear feet) of an on-site intermittent stream/wetland through the removal an existing logging road crossing, and by placing a conservation easement on 107 acres of undeveloped land in Sandwich, NH (within the Bearcamp River watershed) that is comprised of 53 acres of wetlands/streams and 54 acres of uplands.

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

21. On March 9, 2009, the applicant's agent requested a rule waiver of the 5 year permit duration per Rule Env-Wt 502.01 so that the permit could be extended for an additional 4 years.

22. DES finds that the request for rule waiver meets the Procedures of Rule Env-Wt 204.02, and the request also meets the Content and Format of Requests of Rule Env-Wt 204.03.

23. The waiver is being requested due to the project construction delays resulting from ongoing legal challenges made by the opposition group Focus:Tamworth.

24. After review of the waiver request, DES finds that the strict compliance with the rule will cause an operational or economic hardship to the applicant; therefore, DES approves the waiver of Rule Env-Wt 502.01, so that the permit can be extended by 4 years and will expire on July 29, 2013.

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The following additional findings to address the Motion for reconsideration:

25. Motorsports Holdings, LLC (aka CMI) disputes Focus' claim that the delay in implementation of the CMI State wetlands permit is due to CMI decision to delay filing for a local Special Use Permit (SUP) under the Tamworth Wetlands Ordinance (TWO) as CMI

had good reason to apply for its State and federal wetlands permits prior to applying for an SUP. First, CMI felt that the Town would benefit from its participation in both the experience and expertise of the state and federal review process. Second, it was not clear that a local permit was even required. As stated in the affidavit attached to Focus' April 8, 2009 letter, prior to 2004, when CMI first announced its motorsports park project, the Town had never required state wetland permit applicants to apply for review under the TWO.

26. Env Wt 204.04(a) provides that a request for a waiver shall be granted if:

(1) Granting the request will not result in:

- a. An adverse effect to the environment or natural resources of the state, public health, or public safety; or
- b. An impact on abutting properties that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

- a. Granting the request is consistent with the intent and purpose of the rule being waived;
- b. Strict compliance with the rule will provide no benefit to the public and will cause an operation or economic hardship to the applicant; ...

Env Wt 204.04(b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement.

26. DES finds that granting this waiver will not result in:

a. An adverse effect to the environment or natural resources of the state, public health, or public safety as the proposed impacts in this application addressed the requirements in the rules today if the applicant were required to reapply.

27. The plans as designed and the significant mitigation proposal ensures that the project meets the requirements of the mitigation rules Chapter Env Wt 800 , and that there are no adverse effects to the environment as the result of granting the waiver.

Rulings of Law:

- 1. The waiver of the permit time length rule Env Wt 502.01 is justified as the applicant's request will not result in an adverse effect to the environment or natural resources of the state.
- 2. The applicant's reliance on state and federal expertise in the wetlands permit process was reasonable.

**2006-00926                      OLDE PORT DEVELOPMENT GROUP LLC**  
**PORTSMOUTH   North Mill Pond**

Requested Action:

Amend permit to reflect receipt by DES of utility location plan.

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Inspection Date: 11/13/2006 by Dori A Wiggin

APPROVE AMENDMENT:

Impact a total of 29,578 sq. ft. of undeveloped upland tidal buffer zone, including 17,806 sq. ft. of permanent impact over two abutting lots totalling 2.6 acres, for construction of two 4-unit condominiums, one 2-car garage, one 6-car garage, associated driveways, walkways, and 11,772 sq. ft. of temporary impact for utility installation and construction staging.

With Conditions:

- 1. AMENDED: All work shall be in accordance with revised plans by Ambit Engineering Inc. dated 12/28/2006, as received by the Department on 1/2/2007, which address and thereby supercede original permit conditions 1a., 1b., 2., and 3, and utility location plan dated 7/8/09, as received by the Department on 7/13/09.
- 2. The permittee shall coordinate with DES Site Specific Program on stormwater treatment relative to the required use of the standard "Green Book" versus the use of technologies such as gravel wetlands, rain gardens, etc. available through the direction of the UNH Stormwater Center. Where practicable, the most effective technology shall be applied, to increase protection to the North Mill Pond tidal estuary.
- 3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease District Office in Portsmouth, N.H. to review the conditions of this

wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. 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 in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Area shall be regraded to original contours following completion of work.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. The materials submitted fulfill the requirements of original permit conditions 1a., 1b., 2., and 3., relative to relocating treatment swale behind 50 ft. primary building setback, addition of plan notes specifying that the applicant shall coordinate with DES on-site to determine selection of trees to be removed, and specifies the total area of site disturbance at 43,538 sq. ft. in the protected shoreland (in and out of wetlands tidal buffer zone jurisdiction) to demonstrate that an Alteration of Terrain permit is not required.
2. There is no corresponding increase or decrease in the permitted square footage, nor any other substantive change in the amended plans.
3. This amendment represents minimal change to reflect additional utility installation.

**2008-02307 IANNAZZI, WILLIAM  
GILFORD Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's April 13, 2009 decision to deny the project on the grounds that the revised plans submitted on June 26, 2009 address the outstanding deficiencies.

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APPROVE RECONSIDERATION:

Reconsider and approve permit to: (1.) Remove an existing "L" shaped breakwater and "E" shaped docking facility constructed in excess of originally permitted dimensions. (2.) Construct 70 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 2 ft 6 in x 29 ft cantilevered pier accessed by a 6 ft x 40 ft cantilevered walkway with a 3 ft x 29 ft finger pier and 3 tie-off pilings. (3.) Install a permanent boatlift and a 28 ft x 30 ft seasonal canopy. (4.) Dredge 12 cu yd from 300 sq ft of lakebed. All work is proposed on property having an average of 160 ft of frontage on Governor's Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised June 25, 2009, as received by the Department on June 26, 2009 with the exception that the seasonal canopy shall be constructed and maintained in accordance with Condition #3 below.
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. The canopy shall be designed to be removable in accordance with the cross section by Watermark Marine Construction dated and received August 6, 2009 and shall have a flexible fabric cover. The flexible fabric cover shall be removed during all seasons of non-use.
4. No new structure shall be constructed until all portions of those structures to be removed, with the exception of stone to be reused in the breakwater, have been completely removed from the frontage.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. 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.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. 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.
12. 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.
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. Both support pilings and tie-off pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. 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), modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 160 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 Rule Env-Wt 101.09 Boat slip, 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. There is no obvious evidence of sand migration along this shoreline.
8. This approval in no way indicates that the Department accepts the existing beach, patio, and retaining walls constructed on the frontage without permits as legal structures.
9. The decision to reconsider and approve this proposal is based upon the revised plans submitted on June 26, 2009 and shall not be interpreted as any indication that the Department finds merit in the arguments or other grounds for reconsideration put forth by the Applicant.

-Send to Governor and Executive Council-

**2009-01029 GUNSTOCK MOUNTAIN RESORT, C/O JP DOUGLAS IRVING  
GILFORD Unnamed Wetland**

Requested Action:

Proposal to impact approximately 3446 sq. ft. of wetlands (includes 96 linear ft. of intermittent stream impacts and 237 linear ft. of perennial stream impacts) for construction of a beginners ski lift and additional beginners trail terrain. Compensatory Mitigation for stream impacts consists of creation of 65 linear ft. of intermittent stream, creation of intermittent drainages/water bars, replanting a wetland grading area and request to waive mitigation requirements.

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APPROVE PERMIT:

Dredge and fill approximately 3629 sq. ft. of wetlands (includes approximately 139 linear ft. of intermittent stream impacts and 237 linear ft. of perennial stream impacts, 1,397 sq. ft. of associated man-made wetlands and regrading 1,112 sq. ft. of forested wetlands for construction of a beginners ski lift and additional beginners trail terrain. Work in wetlands and streams consists of the installation of 79 linear ft. of 36 in. culvert within a previously impacted perennial stream and man-made sediment pond, re-location of approximately 139 linear ft. of intermittent stream channel and regrading of an existing 1,112 sq. ft. wetland area. Compensatory Mitigation for stream impacts consists of re-creating the impacted intermittent stream and removal of an existing 18 in. x 60 ft. culvert within the existing stream for a total of 238 linear ft. of re-created and restored intermittent stream channel, and restoration of approximately 180 linear feet of perennial stream bed and banks by removal of existing twin 36 in. x 20 ft. CMP culverts and creating an adjacent snow removal/storage area to prevent ongoing erosion of sediment into the adjacent stream.

With Conditions:

1. All work shall be in accordance with plans and narratives by Natural Resources Consulting Services, dated May 15, 2009, Water Pollution Protection Plan by SE Group, dated April 2009, as received by DES on May 21, 2009 and updated with revised plans and narratives by Holden Engineering & Surveying, Inc., plans dated July 13, 2009 and revision and mitigation plans dated August 6, 2009 and narratives dated August 7, 2009, as received by DES on August 7, 2009.
2. This permit is contingent submission of a final detail plan for the culvert extension for review and approval by DES before the start of construction.
3. This permit is contingent on approval by the DES Alteration of Terrain Program (if applicable).
4. Work shall be done during low flow.
5. A qualified professional shall monitor the project during construction to assure the project is constructed in accordance with the approved plans and narratives.
6. Unconfined work within the streams, 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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. 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.
14. There shall be no excavation or operation of construction equipment in flowing water.
15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. 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.
17. 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.
18. 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).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Compensatory Mitigation consisting of stream creation and restoration:

22. This permit is contingent upon the creation and restoration of 238 linear feet of intermittent stream creation and 180 linear feet

of perennial stream restoration in accordance with plans received August 7, 2009.

23. This permit is contingent submission of a copy of the stream restoration plan stamped by a New Hampshire Certified Wetland Scientist.
24. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
25. The mitigation areas shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
26. Wetland/stream creation and restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
27. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
29. Restoration area plantings shall have at least 75% successful establishment of planted vegetation after two (2) growing seasons, or shall be replanted and re-established until it is replicated in a manner satisfactory to the DES Wetlands Bureau.
30. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
31. A post-construction report documenting the status of the restoration areas with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of 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. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project site on April 8, 2009.
6. The proposed perennial stream culvert will impact a previously constructed wetland and connects to an existing approximately 550 linear ft. culvert that carries existing flows from an upslope sediment pond to the large snowmaking pond down slope of the base lodge.
7. The conservation commission approved of the proposed project with the use of normal siltation devices in place before construction.
8. DES has received no comments in objection to the proposed project.
9. The applicant submitted a waiver request for the project being considered a major impact, which would require compensatory mitigation for the proposed stream impacts.
10. The waiver request was not approved by DES because the applicant investigated and identified potential mitigation sites and designs that would provide adequate mitigation for the proposed stream impacts. The final proposal consists of approximately 376 linear feet of stream impact. The applicant has proposed creating 238 linear feet of re-located/re-created intermittent stream channel, removal of 60 linear feet of culvert within the intermittent stream, restoration of approximately 180 linear feet of onsite perennial stream bed and bank impact and providing an additional snow removal/storage site to prevent ongoing erosion of sediment into the proposed stream restoration area.
11. The department determined that the mitigation is appropriate for the type and location of the proposed stream impacts.
12. 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.

**MINOR IMPACT PROJECT**

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**2007-01718 CARON REVOC TRUST, DONALD  
EXETER Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 17,140 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings and appurtenant drainage structures to access a 25-lot open space residential subdivision, serviced by municipal water and sewer, on a 43.35 acre parcel of land of which 21.59 acres will be held in a conservation easement.

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**Conservation Commission/Staff Comments:**

The Exeter Conservation Commission recommends approval of the project as represented on plans with the last revision date of 3/16/09, with project specific conditions, and has agreed to hold the conservation easement pending final approval.

Inspection Date: 10/25/2007 by Frank D Richardson

**APPROVE PERMIT:**

Dredge and fill a total of 17,140 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings and appurtenant drainage structures to access a 25-lot open space residential subdivision, serviced by municipal water and sewer, on a 43.35 acre parcel of land of which 21.59 acres will be held in a conservation easement.

**With Conditions:**

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 5/30/07 (last revised 3/16/09), as received by DES on April 08, 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. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. 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.
5. 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.
6. NH DES Wetlands Bureau Southeast Region staff and the Exeter Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NH DES Wetlands Bureau Southeast Region staff and the Exeter Conservation Commission at the project site or at the DES Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. An annual monitoring report documenting site conditions shall be provided to the DES Wetlands Bureau and the Exeter Conservation Commission on or before December 1st of each year for the 5-year duration of this permit.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. 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.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. 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).
13. 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.
14. 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.
15. 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.
16. 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).
17. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau.
18. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau and the Exeter Conservation Commission within 60 days of the completion of construction.
19. 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.

Compensatory Wetlands Mitigation:

1. This permit is contingent upon the execution of a conservation easement on 21.59 acres as depicted on plans by Jones & Beach Engineers, Inc. dated 5/30/07 (last revised 3/16/09)(drawing no. CE1) as received by the DES April 08, 2009.
2. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The permittee shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 25, 2007. Field inspection determined this project avoids impacts to the Little River wetlands complex and impacts are adequately compensated for with the proposed mitigation.

**2008-01724                      LANGLEY, STEPHEN**  
**GOFFSTOWN   Unnamed Wetland**

Requested Action:

Amendment proposal to redesign culvert crossings "B" and "C" and wetland impact changes at impact areas "A", "B" and "C" resulting in an additional 358 sq. ft. of wetlands impacts.

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APPROVE AMENDMENT:

Dredge and fill approximately 9,482 sq. ft of man-made, disturbed wetlands and associated intermittent drainages for construction of an access road to a proposed cellular phone tower site and a future commercial development within 5 lots of a previously approved 6 lot subdivision. Work in wetlands consists of filling 2,518 sq. ft. of recently created man-made wetlands on an existing commercial lot for future development and impacting 6,964 sq. ft. of disturbed, man-made wetlands and associated intermittent drainages and undisturbed wetlands for installation of two wetlands crossings (including embedded box culverts and weep lines), dredging and filling for the new access road and drainage swales.

With Conditions:

1. All work shall be in accordance with plans by Bay State Design, Inc., revision dated November 19, 2008, as received by DES on December 8, 2008 and plan by Keach-Nordstrom Associates, Inc., title "Conceptual Grading Plan" dated August 2008, as received by DES on August 22, 2008 and revision plans by Bay State Design, Inc., dated February 10, 2009, as received by DES on March 30, 2009, plan sheets W-1 and W-2, dated July 14, 2009, as received by DES on July 16, 2009 and revised detail plan sheet C-8 revision dated July 28, 2009, as received by DES on August 13, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program for the work associated with the cellular phone tower access road and construction area. Additionally, a permit shall be obtained from the DES Alteration of Terrain Program before any other land alteration or development is conducted within the remaining 5 subdivision lots.
3. There shall be no further alteration of wetlands or surface waters for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the 5 remaining lots in the subdivision shall contain conditions #2 and #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Hillsborough 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.
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. Proper headwalls shall be constructed within seven days of culvert installation.
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. 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.
11. Work shall be done during low flow.
12. 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.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. 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).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirm findings 1 through 25 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The previous owner of the 6-lot subdivision received a permit (File #2000-01561) from the DES Wetlands Bureau in 2001 for 5,021 sq. ft. of wetlands impact for development of the site. The project permit was conditioned with no further alteration of wetlands for lot development, driveways, and culverts or for other construction activities. After the permit was issued the site was subdivided with a different lot layout and only 4,267 sq. ft. of the approved wetlands impacts were conducted. The current owner purchased the remaining lots in 2006 and was unaware of the previous permit conditions. Additionally, a new wetland area had formed when material was over excavated by the previous owner on one of the approved commercial lots. In addition, a large area of wetlands/intermittent drainages have formed along the existing woods road and steep slopes of the site as a result of heavy stormwater runoff caused by the 2006 Mother's Day Storm event and has been further aggravated by vehicle traffic on the woods road.
6. The current owner had the wetlands on the site re-delineated by a New Hampshire Certified Wetland Scientist ("CWS"). The CWS identified the created wetland areas and additional wetlands on the site that did not exist and/or were not identified during the previous wetlands delineation.
7. Due to the history of the previous project and the changes that have occurred on the site the additional impacts are required to access lot 56-4 and for future development of lot 56-1.
8. The wetlands area proposed to be filled on lot 5, 56-1 is a low function and value wetland that was created when the site was cleared and a small area was over excavated.
9. The wetlands to be impacted for the access road to the proposed cellular phone tower consists of a majority of disturbed wetlands and drainage channels that have been historically impacted by storm events and vehicular traffic.
10. Due to the existing steep slopes and impacts along the woods road the proposed impacts and road design appear to provide the most appropriate access to the lot.
11. The proposal will stabilize the existing erosion along the steep slope and woods road and the approved crossings include embedded box culverts to pass the main drainage flows through the access road.
12. The applicant has provided plans that depict access can be provided to lots 56-3 and 56-4 by the new access road without any further/future wetlands or surface water impacts and that access will be provided to lots 56, and 56-5 through lot 56-1 without any impacts to wetlands or surface waters.
13. The applicant has indicated that due to the steep terrain and restricted access the cell tower would likely be the only feasible development for lot 56-4.
14. DES received comments from the Piscataquog River Local Advisory Committee (PRLAC) regarding concerns of the conceptual plans for the commercial lot, recommending that DES request complete and final plans, recognize the Goffstown Greenway right-of-way, optimal drainage features and maintenance requirements, and concerns with the multiple culverts at each crossing.
15. Due to the past history of the site and the continued requirement for no future wetlands impacts DES suggested that the applicant account for all wetland impacts if they were to submit a new application. The conceptual plans for lots 56, 56-1 and 56-5 demonstrate that future development can be conducted without future wetland impacts and depicts the man-made wetland area that formed on lot 56-1 during the previous commercial development, which will need to be filled for future development of the lot. If the area had not been over excavated no permit would be required from the DES Wetlands Bureau to develop the lot. Additionally, lots 56 and 56-5 could potentially be developed without any impacts to wetlands or surface waters.
16. The permit is conditioned that any future land alteration on the remaining lots will require a permit from the DES Alteration of Terrain Program. The application needed for approval will include plans that depict any development, drainage, stormwater treatment and detention that will occur on the lots.
17. DES received complete plans for the access roadway and cell tower construction area.
18. The lots are existing commercial lots and no information was submitted to DES regarding the specific concerns or location of

the Goffstown Greenway.

19. The permit is contingent on approval by the DES Alteration of Terrain Program which will address the design of the proposed roadway drainage system.

20. The applicant has revised the proposal removing the multiple culvert design and replacing them with single embedded box culverts within the main drainage channels.

21. The applicant provided DES with a copy of the Goffstown Conservation Commission field inspection report which suggests the plan should be approved and that they have no issues or concerns. DES was not informed of what plan was used during the site inspection; however, DES has not received any objection to the project from the Town.

22. DES received correspondence from the US Department of the Army Corps of Engineers (ACOE) stating that the project is ineligible for the NH Programmatic General Permit (PGP) due to question raised by the US Environmental Protection Agency (EPA). The applicant provided a response to the ACOE and EPA.

23. DES received correspondence from the EPA indicating that the project was eligible for the PGP.

24. DES has not received any further correspondence from the ACOE.

25. On August 22, 2008 the department received plans stamped by a New Hampshire Certified Wetland Scientist ("CWS") depicting the existing wetlands adjacent to and associated with the proposed access road and future commercial development. Plan by Bay State Design, Inc. identified as sheet "C-1" revision dated August 14, 2008 and plan by Keach-Nordstrom Associates, Inc., identified as "Conceptual Grading Plan" dated August 2008.

26. On March 30, 2009 DES received a proposed amendment request. The amendment was requested by the applicant to address concerns/requirements from the Town Engineer.

27. The revised culvert and weeping pipe design is being used to maintain pre and post drainage and maintain wetlands hydrology.

**2008-02639                      STRAFFORD, TOWN OF**  
**STRAFFORD Bow Lake**

Requested Action:

Repair and replace an existing retaining wall on a 94 ft x 43 ft existing town dock on Bow Lake, Strafford.

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Conservation Commission/Staff Comments:

No comments from Con Com by Feb 20, 2009

APPROVE PERMIT:

Repair and replace an existing retaining wall on a 94 ft x 43 ft existing town dock on Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers and Land Surveyors revision dated 04/07/09 , as received by DES on 04/10/2009 and wall profile plans by MSC Civil Engineers and Land Surveyors revision, as received by DES on 08/06/2009
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 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. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
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. 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.
2. The applicant submitted information to the file indicating the historic age of the existing structure.

**2008-02703                      COVIELLO JR, ARTHUR**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Construct two 6 ft x 30 ft piling piers 25 ft apart, install a seasonal boat lift in the western slip, drive a three pile ice cluster in front of the western dock, and construct 4 ft wide access stairs in the bank on an average of 153 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns with proposed project

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

APPROVE PERMIT:

Construct two 6 ft x 30 ft piling piers 25 ft apart, install a seasonal boat lift in the western slip, drive a three pile ice cluster in front of the western dock, and construct 4 ft wide access stairs in the bank on an average of 153 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group as revised August 03, 2009 and received by the Department on August 10, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not be effective until the restrictive covenant submitted to the Department on August 10, 2009, has been recorded with the County Registry of Deeds office by the Permittee against both lots. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
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. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain the existing size, location and configuration of the structures.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
10. The minimum clear spacing between piles shall be 12 feet.
11. The seasonal boat lift shall be removed for the non-boating season.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will

occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 22, 2009.
6. The applicant has an average of 153 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore exceeds Rule Env-Wt 402.13.
9. The applicant owns frontage on the adjacent lot to the west, lot 30, and provided a restrictive covenant using the combined frontage of both lot 30 and lot 31 to provide sufficient frontage for the requested slips on lot 31, therefore meeting Rule Env-Wt 402.13.

**2009-00386 KEENE, CITY OF  
KEENE Ashuelot River**

Requested Action:

Dredge and fill 1,810 sq. ft. and temporarily impact 5,900 sq. ft. of the Ashuelot River and palustrine forested wetlands for replacement of the Court St. 116-ft. x 24-ft. two span steel stringer 2-lane bridge (No. 111/116) with a 122-ft. x 51-ft. single span 3-lane bridge. Bridge replacement includes temporary bridge construction.

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APPROVE PERMIT:

Dredge and fill 1,810 sq. ft. and temporarily impact 5,900 sq. ft. of the Ashuelot River and palustrine forested wetlands for replacement of the Court St. 116-ft. x 24-ft. two span steel stringer 2-lane bridge (No. 111/116) with a 122-ft. x 51-ft. single span 3-lane bridge. Bridge replacement includes temporary bridge construction.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated February 09, 2009, June 09, 2009, and June 12, 2009, as received by the DES on July 17, 2009 and General Construction Notes dated July 28, 2009, as received by DES on August 11, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on coordination with the United States Fish and Wildlife Service (USFWS).
4. Work shall be done during annual low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. This permit is contingent upon the restoration of 5,900 square feet of temporary Ashuelot River bed and bank and palustrine forested wetland impact in accordance with plans received July 17, 2009, within 30 days of the completion of each construction phase.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the temporary impact restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. 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.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. 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).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic. Faulty equipment shall be repaired prior to the commencement of construction.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling and maintenance of equipment shall occur at least 150 feet from surface waters or wetlands during construction and in at a location where drainage is directed away from the river.
22. Machinery shall be staged and refueled in upland areas where leaks, spills, waste materials or cleaners will not be introduced to wetlands or surface waters.
23. 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 with native like species within three days of the completion of this project.
23. 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.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. The restoration area shall be regraded to original contours following completion of work.
26. Only native plant species appropriate to the area shall be planted.
27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
28. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
29. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
30. River restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
31. 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.
32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of construction.
33. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

34. A post-construction report documenting the status of the completed project and temporary impact restoration areas shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river.
2. The Keene Conservation Commission submitted a late intent to intervene received March 20, 2009. The intent states the Commission feels that the proposed impact, while necessary to a project that benefits the greater public good, can improve methods for managing erosion and sedimentation. In particular the Commission has concerns regarding removal of the central pier and that the Commission would like pier removal to occur in the dry. Also, given downstream endangered species the Commission encouraged appropriate erosion controls.
3. In correspondence dated March 23, 2009, the Ashuelot River Local Advisory Committee (ARLAC) noted water diversion plans were not included in the application and expressed concern for sedimentation due to the presence of dwarf wedge mussel in the project area. The ARLAC also asked they contractors be aware of wood turtle and take appropriate action if encountered and that appropriate safety precautions are taken for recreational users of the river.
4. The Natural Heritage Bureau Review indicated the presence of the state and federally endangered dwarf wedge mussel and the state listed species of concern, wood turtle.
5. Suggestions of the USFWS were incorporated into project specifications. This permit is contingent on further coordination with the USFWS.
6. In email correspondence dated May 08, 2009, the NHFG Nongame and Endangered Species Program indicated they do not expect impacts to wood turtle or dwarf wedge mussel as a result of the proposed project.
7. In email correspondence dated July 24, 2009, the NHFG Nongame and Endangered Species Program concurred with USFWS recommendations and indicated if those recommendations are met further consultation is not required with NHFG.
8. The existing pier will be removed down to 1-foot below the channel. It is anticipated the contractor will utilize a portadam or sheetpile cofferdam with sandbags and poly for the gaps in the sheets beneath the utility lines.
9. 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.
10. The FEMA Flood Insurance Study for the City of Keene, dated September 17, 1997, includes hydraulic information at the Court Street Bridge. The 500-year flood elevation ( $\pm 481$ ) from this study does not reach the bottom of the existing structure.
11. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
12. This permit is contingent on approval by the DES Shoreland Program.
13. The Town has obtained easements from property owners of parcels on which work will occur.
14. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
15. 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.
16. 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.

**2009-00994                      WALPOLE, TOWN OF**  
**WALPOLE    Unnamed Stream**

Requested Action:

Propose to impact approximately 75 square feet (60 linear feet) of perennial stream banks for the stabilization of a road slope. Work consists of extending an existing culvert by approximately 30 linear feet, with an open-bottom reinforced concrete box culvert with a span of 10.2 feet, and protecting the culvert outlet.

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APPROVE PERMIT:

Impact approximately 75 square feet (60 linear feet) of perennial stream banks for the stabilization of a road slope. Work consists of extending an existing culvert by approximately 30 linear feet, with an open-bottom reinforced concrete box culvert with a span of 10.2 feet, and protecting the culvert outlet.

With Conditions:

1. All work shall be in accordance with March Hill Road Culvert Improvements by Darrow Civil Engineering, Inc. (sheets 1&2 of 2) revised July 23, 2009 as received by DES on August 07, 2009.
2. If work is to occur outside of the road right-of-way, within 20 feet of an abutter's property, or on property not owned by the town, the applicant shall obtain permission/easements from the affected landowners and shall supply copies to DES Wetlands File No. 2009-00994 prior to construction.
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.
5. There shall be no excavation or operation of construction equipment in flowing water. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
6. The stream shall not be diverted without review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans (if work is to be conducted in flowing water or during high flows).
7. Work shall be done during low flow (unless as approved through condition #6).
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Any materials used within the streambed shall be similar to the natural stream substrate and shall not include angular rip-rap
12. 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.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. 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:

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1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. DES Wetlands Bureau Staff granted Emergency authorization to temporarily stabilize the failed culvert headwall and bank in the same location on May 01, 2008 (Wetlands File: 2008-00686).
5. The project will provide safe vehicle passage on March Hill Road.
6. The culvert is greater than 1.2 times bankfull width.
7. Drainage calculations show the culvert will pass a 100 year storm event.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Walpole Conservation Commission.
9. The applicant requested an expedited review on August 5, 2009 due to public safety concerns.
10. The department granted an expedited review in accordance with Department Of Environmental Services Standard Operating Procedure, No. 201-Processing of Permit Applications.

**2009-01098                      BINETTE, CAROL**  
**HAMPTON FALLS   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 4,099 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a common driveway with culvert crossings to provided improved and safer access to three existing home sites.

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Conservation Commission/Staff Comments:

No report or comments were received from the Hampton Falls Conservation Commission regarding this application.

APPROVE PERMIT:

Dredge and fill a total of 4,099 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a common driveway with culvert crossings to provided improved and safer access to three existing home sites.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated May 13, 2009, as received by DES on June 02, 2009.
2. There shall be no further alteration of wetlands for lot development or any other construction activities.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Work shall be done during low flow.

With Findings:

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

**MINIMUM IMPACT PROJECT**

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**2009-01303                      CRICKET BROOK CONDO**  
**DOVER   Detention Pond**

Requested Action:

Maintenance dredge 3,600 sq. ft. of accumulated sediment from an existing detention pond at a condominium complex.

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APPROVE PERMIT:

Maintenance dredge 3,600 sq. ft. of accumulated sediment from an existing detention pond at a condominium complex.

With Conditions:

1. All work shall be in accordance with plans by Cricket Brook Condo Association dated 6/20/2009, as received by DES on 6/22/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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. 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(k), maintenance dredging to provide continued usefulness of man-made ponds.
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 as occurring within the immediate project vicinity.
5. The Dover Conservation Commission recommended approval of the application.

**FORESTRY NOTIFICATION**

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**2009-01665                      LOWRY, JAMES**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 169, Lot# 1

**2009-01666                      MCNAIR FAMILY, JOHN MCNAIR**  
**MADISON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Madison Tax Map 246, Lot# 8

**2009-01667                      ENGELS, DAVID**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R19, Lot# 32

**2009-01668**                    **ORR, KATHLEEN**  
**NORTHWOOD** Unnamed Stream

COMPLETE NOTIFICATION:  
Northwood Tax Map/Lot# 231/44,53 & 232/2

**2009-01670**                    **CHAPIN, WILLIAM**  
**WARNER** Unnamed Stream

COMPLETE NOTIFICATION:  
Warner Tax Map 12, Lot# 59

**2009-01671**                    **THOMPSON, C. BOYEN**  
**STRAFFORD** Unnamed Stream

COMPLETE NOTIFICATION:  
Strafford Tax Map 1, Lot# 30

**2009-01675**                    **GILMORE, THE ESTATE OF ZELDA**  
**CONWAY** Unnamed Stream

COMPLETE NOTIFICATION:  
North Conway Tax Map 214, Lot# 71

**2009-01677**                    **NORTH PACK LODGE INC**  
**TEMPLE** Unnamed Stream

COMPLETE NOTIFICATION:  
Temple Tax Map 9, Lot# 7

**2009-01678**                    **LIPSON, KATHERINE**  
**SUGAR HILL** Unnamed Stream

COMPLETE NOTIFICATION:  
Sugar Hill Tax Map/Lot# 210/7, 215/24.1 & 24.2

**2009-01749**                    **MEREDITH, TOWN OF**  
**MEREDITH** Unnamed Stream

COMPLETE NOTIFICATION:  
Meredith Tax Map/Lot# S3/6 & S4/1& 6

**2009-01750**                    **CASS, MARILYN**  
**SPRINGFIELD** Unnamed Stream

COMPLETE NOTIFICATION:  
Springfield Tax Map 29-468, Lot# 153

**2009-01751 NH FISH & GAME DEPARTMENT  
DURHAM Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 11, Lot# 21

**EXPEDITED MINIMUM**

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**2009-01335 CONSOLIDATED HYDRO NEW HAMPSHIRE INC  
ROLLINSFORD Salmon Falls River**

Requested Action:

Maintenance dredge approximately 1,400 sq. ft. of debris from intake and headgate at existing hydroelectric facility.  
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APPROVE PERMIT:

Maintenance dredge approximately 1,400 sq. ft. of debris from intake and headgate at existing hydroelectric facility.

With Conditions:

1. All work shall be in accordance with plans by Consolidated Hydro New Hampshire, Inc. dated 5/6/2009, as received by DES on 6/29/2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. 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.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. 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.
6. 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.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be done during low flow.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredging of spillways.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant needs to remove accumulated debris and sediment from hydro structure intake and headgate spillway.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau.
5. The Rollinsford Conservation Commission signed the expedited application.

**2009-01343                      BROWN, JONATHAN**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 130 sq. ft. of wetlands for construction of a driveway crossing to a single family dwelling.  
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APPROVE PERMIT:

Dredge and fill 130 sq. ft. of wetlands for construction of a driveway crossing to a single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains dated June 2009, as received by DES on 6/30/2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), construction of a driveway crossing to a single family dwelling.
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 reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rochester Conservation Commission signed the expedited application.

**2009-01480                      SANDOWN HIGHWAY DEPT, TOWN OF**  
**SANDOWN   Unnamed Wetland**

Requested Action:

Impact approximately 1,100 sq. ft. within the bed and banks of an unnamed perennial stream to the Exeter River to remove the existing 18-inch and 24-inch culverts beneath Hale True Road and replace with a 5-foot wide submerged box culvert.  
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Conservation Commission/Staff Comments:

The Sandown Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact approximately 1,100 sq. ft. within the bed and banks of an unnamed perennial stream to the Exeter River to remove the existing 18-inch and 24-inch culverts beneath Hale True Road and replace with a 5-foot wide submerged box culvert.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated June 29, 2009 and revised on August 7, 2009, as received by DES on August 11, 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. DES Southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. 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.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau. during all times of the year.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. 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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. Currently, the existing culverts are unable to accommodate the flow generated from the 200 acre watershed, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Replacing the undersized culverts with a submerged box culvert will not only provide increased flow, but will also enhance wildlife passage, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01553                      DOLLOFF, MARK & CRYSTAL  
NEWFIELDS   Unnamed Pond**

Requested Action:

Dredge and fill 17,675 sq. ft. of wet meadows to construct a farm pond.

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APPROVE PERMIT:

Dredge and fill 17,675 sq. ft. of wet meadows to construct a farm pond.

With Conditions:

1. All work shall be in accordance with plans by Landry Surveying, Inc. dated 07/20/2009, as received by DES on 07/22/2009.
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. 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.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
8. 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. 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.
11. 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(p)(1)-(4), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Newfields Conservation Commission signed the expedited application.

**GOLD DREDGE**

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**2009-01659                      LEMOINE, KEVIN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath ConCom

**TRAILS NOTIFICATION**

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**2009-01669                      CURRIER, BERNARD & EDWARD**  
**MILLSFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Millsfield Tax Map 1623, Lot# 9

**2009-01673**                    **NH DRED, SANDY YOUNG**  
**PITTSBURG**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map 1, Lot# 26 Trail 141

**2009-01674**                    **NH DRED, SANDY YOUNG**  
**PITTSBURG**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map F3, Lot# 26 Malvena Trail

**2009-01747**                    **NH DRED, SANDY YOUNG**  
**PITTSBURG**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map B5, Lot# A

**2009-01774**                    **BOW, TOWN OF**  
**BOW**   **Town Pond**

COMPLETE NOTIFICATION:  
Bow Tax Map/Lot# 15 & 20/147

**LAKES-SEASONAL DOCK NOTIF**

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**2009-01710**                    **WINIECKI, MARC**  
**JAFFREY**   **Thorndike Pond**

COMPLETE NOTIFICATION:  
Jaffrey Tax Map 234, Lot# 21

**2009-01711**                    **ANASTOSOPAULOS, FRANK**  
**CONWAY**   **Pequawket Pond**

COMPLETE NOTIFICATION:  
Conway Tax Map 277, Lot# 102 Pequawket Pond

**2009-01748                    THORNDIKE, CHARLES/KAREN**  
**MEREDITH   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Meredith Tax Map U37, Lot# 8 Lake Winnepesaukee

**2009-01776                    LANDRY, ROBERT**  
**LACONIA   Lake Opechee**

COMPLETE NOTIFICATION:  
Laconia Tax Map 394, Lot# 17 Lake Opechee

**2009-01787                    ABBOTT FAMILY LTD PARTNERSHIP, ARTHUR**  
**WAKEFIELD   Lake Ivanhoe**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 109, Lot# 44 Lake Ivanhoe

**2009-01788                    GREY ROCKS LAND TRUST, DOUGLAS MCLANE**  
**HEBRON   Newfound Lake**

COMPLETE NOTIFICATION:  
Hebron Tax Map 128, Lot# 10 Newfound Lake

**ROADWAY MAINTENANCE NOTIF**

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**2009-01704                    GILMANTON, TOWN OF**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Replace an existing 24" culvert with a 36" culvert

**2009-01705                    NH DEPT OF TRANSPORTATION**  
**HAMPSTEAD   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Replace 15" CMP with a 15" HDPE culvert

**2009-01706                    NEW HAMPTON HWY DEPT, TOWN OF**  
**NEW HAMPTON   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Replace two 15" culverts with 24"

**2009-01707                    NEW HAMPTON HWY DEPT, TOWN OF  
NEW HAMPTON   Unnamed Wetland**

**COMPLETE NOTIFICATION:**

Replace culverts

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2009-00166                    PARSONS, MARCELIS  
LYME   Connecticut River**

Requested Action:

Install a 4'x 32' seasonal docking structure

\*\*\*\*\*

PBN IS COMPLETE:

Install a 4'x 32' seasonal docking structure

**2009-01531                    SHEA, DEB  
BARNSTEAD   Suncook Lake**

Requested Action:

Repair existing retaining wall.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on July 18, 2009

PBN IS COMPLETE:

Repair existing retaining wall.

With Findings:

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

**2009-01561                    NH DOT BUREAU OF RAIL & TRANSIT  
MEREDITH   Unnamed Stream**

Requested Action:

Maintenance dredge approximately 11,980 sq. ft. of wetlands (drainage swales) to restore drainage and address erosion issues along the railway and Meredith sewer interceptor lines.

\*\*\*\*\*

PBN IS COMPLETE:

Maintenance dredge approximately 11,980 sq. ft. of wetlands (drainage swales) to restore drainage and address erosion issues along the railway and Meredith sewer interceptor lines.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

**2009-01724 GOULD 1999 FAMILY TRUST, H RUSSELL & SHIRLEY GOULD  
PIERMONT Unnamed Stream**

Requested Action:

Propose to dredge and fill 832 sq. ft. of wetland and associated intermittent stream for construction of a driveway to a single family lot. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with a 30" diameter by 40' length culvert and associated stone apron, filling, and grading.

\*\*\*\*\*

COMPLETE NOTIFICATION:

Dredge and fill 832 sq. ft. of wetland and associated intermittent stream for construction of a driveway to a single family lot. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with a 30" diameter by 40' length culvert and associated stone apron, filling, and grading.

With Conditions:

1. All work shall be in accordance with plans by C.M. Davidson, Inc., entitled Permit By Notification Type #1 for Gould 1999 Family Trust (sheets 1-6) dated June 20, 2009 and received by DES on August 10, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z).
2. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-01725 MARLBOROUGH  
MARLBOROUGH Unnamed Stream Unnamed Wetland**

Requested Action:

Dredge and fill ± 380 sq. ft. of palustrine forested wetlands and intermittent stream/drainage swale to redirect flow to the natural course and for the relocation of an existing utility pole.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill ± 380 sq. ft. of palustrine forested wetlands and intermittent stream/drainage swale to redirect flow to the natural course and for the relocation of an existing utility pole.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), maintenance dredging that meets the criteria in Env-Wt 303.04(k); and Env-Wt 506.01(a)(14), temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. See related Wetlands and Non-Site Specific Permit 2009-00193.

**2009-01742                    JAFFREY/RINGE SCHOOL DISTRICT SAU-47**  
**JAFFREY   Unnamed Pond**

Requested Action:

In-kind replacement of two (2) damaged 12-foot x 20-foot culverts for pedestrian access between school athletic facilities.

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PBN IS COMPLETE:

In-kind replacement of two (2) damaged 12-foot x 20-foot culverts for pedestrian access between school athletic facilities.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. See related Wetlands and Non-Site Specific Permit 2006-02713.

**CSPA PERMIT**

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**2009-00301                    SOMERSWORTH, CITY OF**  
**SOMERSWORTH   Salmon Falls River**

Requested Action:

Excavate 50 linear feet of an existing sewer main to remove a 30" diameter root from main and replace with a new sewer line and manhole

\*\*\*\*\*

DENY PERMIT:

Excavate 50 linear feet of an existing sewer main to remove a 30" diameter root from main and replace with a new sewer line and manhole

With Findings:

1. Requests for additional information dated March 10, 2009 addressed to the applicant or agent of record, clearly request the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 483-B:5-b, V(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00456                    LITTLETON, TOWN OF**  
**LITTLETON   Ammonoosuc River**

Requested Action:

Impact 21,390 sq ft to construct a riverwalk along the Ammonoosuc River.

\*\*\*\*\*

APPROVE PERMIT:

Impact 21,390 sq ft to construct a riverwalk along the Ammonoosuc River.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers dated August 5, 2009 and received by the Department of Environmental Services ("DES") on August 6, 2009.
2. 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.
3. 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.
4. 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.
5. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The proposed project is located within 250 feet of the Ammonoosuc River.
2. This public access project as proposed would result in better stormwater management through the use of pervious technologies and plantings of native vegetation along the river, and therefore, meets the intent of RSA 483:B.

**2009-01050                      PETERBOROUGH, TOWN OF**  
**PETERBOROUGH   Nubanusit River**

Requested Action:

Impact 196,191 sq ft for improvements to Teixeira Park, Union Street, and Wilder Street in Peterborough New Hampshire.

\*\*\*\*\*

Inspection Date: 08/11/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 196,191 sq ft for improvements to Teixeira Park, Union Street, and Wilder Street in Peterborough New Hampshire.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group dated August 5, 2009 and received by the Department of Environmental Services ("DES") on August 7, 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 Wetlands Program.
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. 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.
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. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing roadway and park is located within 250 feet of the Nubanusit River.
2. This public access project as proposed would result in improved stormwater management and nutrient attenuation through the use of pervious technologies and two bioretention areas, and therefore, meets the intent of RSA 483:B.

**2009-01278                      VANDER HAEGEN, ELEANOR**  
**KEENE   Ashuelot River**

Requested Action:

Impact 900 sq ft for the purpose of removing a screened porch, an entry way, and a flag stone walkway from an existing single-family dwelling and constructing a shed, a gazebo, a front and back deck, and a gravel walkway, and relocating an existing bulkhead.

\*\*\*\*\*

APPROVE PERMIT:

Impact 900 sq ft for the purpose of removing a screened porch, an entry way, and a flag stone walkway from an existing single-family dwelling and constructing a shed, a gazebo, a front and back deck, and a gravel walkway, and relocating an existing bulkhead.

With Conditions:

1. All work shall be in accordance with plans by Duffield Engineering dated June 18, 2009 and received by the Department of Environmental Services ("DES") on June 22, 2009.
2. Any change in the ridgeline of the existing primary structure will require approval by the DES Subsurface Systems Bureau in accordance with Env-Wq 1004.15.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. The project as proposed will leave approximately 4,100 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).
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 8.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. 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.

**2009-01287 MORRISON, JOHN**  
**HEBRON Newfound Lake**

Requested Action:

Impact 12,000 sq ft for the purpose of constructing a residential dwelling, attached garage and associated accessory structures.

\*\*\*\*\*

APPROVE PERMIT:

Impact 12,000 sq ft for the purpose of constructing a residential dwelling, attached garage and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Morrison Construction LLC, dated June, 2009 and received by the Department of Environmental Services ("DES") on June 23, 2009.
2. No more than 17% 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 3,572 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,572 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01369 FRANCONIA, TOWN OF**  
**FRANCONIA Gale River**

Requested Action:

Impact 142,000 sq ft for the purpose of upgrading an existing town water system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 142,000 sq ft for the purpose of upgrading an existing town water system.

With Conditions:

1. All work shall be in accordance with plans by Santec Consulting Services, Inc., dated June, 2009 and received by the Department of Environmental Services ("DES") on July 1, 2009.
2. 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.
3. 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.
4. 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.
5. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Silt fencing must be removed once the area is stabilized.
10. This permit is contingent on approval by the Alteration of Terrain program approval under RSA 485-A:17.

**2009-01397 CLEMENT DAM HYDRO LLC  
TILTON Lake Winnepesaukee**

Requested Action:

Impact 3,200 sq ft for the purpose of installing sewer and water services to an existing facility.

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APPROVE PERMIT:

Impact 3,200 sq ft for the purpose of installing sewer and water services to an existing facility.

With Conditions:

1. All work shall be in accordance with plans submitted by Michael Jean and received by the Department of Environmental Services ("DES") on June 6, 2009.
2. No more than 14.86% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

**2009-01398                      FRANKLIN POWER LLC**  
**FRANKLIN   Winnepesaukee River**

Requested Action:

Impact 400 sq ft for the purpose of renovating an existing hydro electrical facility.

\*\*\*\*\*

APPROVE PERMIT:

Impact 400 sq ft for the purpose of renovating an existing hydro electrical facility.

With Conditions:

1. All work shall be in accordance with plans submitted by Michael and received by the Department of Environmental Services ("DES") on July 6, 2009.
2. No more than 46.65% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.  
483-B:9, V, (b), (2).
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

**2009-01504                      HOOPER, JOHN**  
**GOSHEN   Rand Pond**

Requested Action:

Impact 5,390 sq ft for the purpose of constructing a new, 2 bedroom, residential dwelling, accessory structures and installing a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 5,390 sq ft for the purpose of constructing a new, 2 bedroom, residential dwelling, accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Byron J. Calkins dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009.
2. No more than 12.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,922 sq ft of the Natural Woodland Buffer beyond the primary building

- setback in an unaltered state. At least 2,307 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
  13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01512 REID FAMILY TRUST, CRAIG  
BRISTOL Newfound Lake**

**2009-01513 DUMONT, CLARK & ANN  
SANBORNTON Lake Winnisquam**

Requested Action:

Impact 4,000 sq ft for the purpose of constructing a new barn and installing a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,000 sq ft for the purpose of constructing a new barn and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans submitted by Earl Leighton dated June 6, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009.
2. No more than 14.7% 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. At least 6,025 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01514                      FLYNN, RICHARD**  
**NASHUA   Salmon Brook**

Requested Action:

Impact 84 sq ft for the purpose of expanding an existing deck.

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APPROVE PERMIT:

Impact 84 sq ft for the purpose of expanding an existing deck.

With Conditions:

1. All work shall be in accordance with plans submitted by GSB Home Improvement and received by the Department of Environmental Services ("DES") on July 20, 2009.
2. No more than 16.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

**2009-01515                      PEARSON, MARTHA**  
**PENACOOK   Contoocook River**

Requested Action:

Impact 2,635 sq ft for the purpose of constructing a new, detached garage.

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**APPROVE PERMIT:**

Impact 2,635 sq ft for the purpose of constructing a new, detached garage.

**With Conditions:**

1. All work shall be in accordance with plans by Keyland Enterprises, LLC., dated July 16, 2009 and received by the Department of Environmental Services ("DES") on July 20, 2009.
2. No more than 12.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,392 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,948 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.

**2009-01522                      LAROSE, PAUL & CHERYL  
PITTSBURG   Indian Stream**

**Requested Action:**

Impact 1,269 sq ft for the purpose of constructing a new, 3 bedroom, residential dwelling and installing a new septic system.

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**APPROVE PERMIT:**

Impact 1,269 sq ft for the purpose of constructing a new, 3 bedroom, residential dwelling and installing a new septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Ammonosuc Survey Company, Inc., dated June 6, 2009 and received by the Department of Environmental Services ("DES") on July 20, 2009.
2. No more than .02% 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 156,816 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 78,408 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed adjacent to impacted areas to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01523                      LARSON, KAREN**  
**ALTON    Sunset Lake**

Requested Action:

Impact 8,639 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

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APPROVE PERMIT:

Impact 8,639 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 Varney Engineering, LLC, dated June 15, 2009 and received by the Department of Environmental Services ("DES") on July 20, 2009.
2. No more than 5.1% 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 9,512 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,512 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.

13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state as indicated and clearly delineated on plans dated June 15, 2009 and received by the department on July 20, 2009.

**2009-01530                      BROPHY, JEANETTE/RAYMOND**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 4,834 sq ft for the purpose of constructing a guest cottage and upgrading an existing septic system.

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APPROVE PERMIT:

Impact 4,834 sq ft for the purpose of constructing a guest cottage and upgrading an existing septic system.

With Conditions:

1. All work shall be in accordance with plans by Carl Jones of Associated Surveyors dated June 29, 2009 and received by the Department of Environmental Services ("DES") on July 21, 2009.
2. No more than 22.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,602 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,204 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. Orange construction fencing shall be placed at the limits of proposed temporary impacts to prevent accidental encroachment on areas determined to remain in an unaltered state as indicated and clearly delineated on plans submitted by Associated Surveyors dated June 24, 2009.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**CSPA PERMIT W/WAIVER**

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**2009-00984                      HALL, DOUGLAS**  
**STODDARD Highland Lake**

Requested Action:

Impact 380 sq ft for the expansion of an existing non-conforming structure.

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Inspection Date: 08/11/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 380 sq ft for the expansion of an existing non-conforming 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 Doug Hall dated May 18, 2009 and received by the Department of Environmental Services ("DES") on May 22, 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 Cheshire County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. It is the applicant's responsibility to obtain any necessary approval from the DES Subsurface Systems Bureau prior to initiating any construction on site
4. No more than 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,300 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. This permit 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 existing dock structures were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Highland Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9(II)(b) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in no increase in impervious surfaces.
4. The applicant has proposed to plant native vegetation, install gutters, install an infiltration trench, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01166                      BACASTOW, KATHRYN**  
**WOLFEBORO Lake Wentworth**

Requested Action:

Impact 4182 sq to remove a nonconforming primary structure, privy, and bunkhouse, and replace with a non-conforming primary structure with an addition.

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Inspection Date: 07/16/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 4182 sq to remove a nonconforming primary structure, privy, and bunkhouse, and replace with a non-conforming primary structure with an addition.

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 Kathryn J. Bacastow dated July 11, 2009 and received by the Department of Environmental Services ("DES") on July 13, 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 Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. The new State Approved Septic System must be installed by December 1, 2009.
4. No more than 12.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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 Wentworth and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9(II)(b) of the CSPA.
2. In accordance with RSA 483-B:11(II), the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 11.0% to 12.0%.
4. The applicant has proposed to install a new septic system, plant native vegetation and install a drywell, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11(I).

