

Wetlands Bureau Decision Report

Decisions Taken
08/17/2009 to 08/23/2009

DISCLAIMER:

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

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

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2007-02327 LUDINGTON, HOWARD
EAST WAKEFIELD Pine River Pond**

Requested Action:

Construct two parallel seasonal docks measuring 4 feet wide by 18 feet long connected by a 4 foot wide by 20 foot long walkway in a U shaped configuration, all connected to shore by a 4 foot wide ramp. Install a seasonal lift system within the U shaped docking structure. The entire docking and lift structures to extend no more than 30 feet from the shoreline, on an average of 458 feet of frontage on Pine River Pond in Wakefield, NH.

Conservation Commission/Staff Comments:

No Con Com comments by December 26, 2007

APPROVE RECONSIDERATION:

Construct two parallel seasonal docks measuring 4 feet wide by 18 feet long connected by a 4 foot wide by 20 foot long walkway in a U shaped configuration, all connected to shore by a 4 foot wide ramp. Install a seasonal lift system within the U shaped docking structure. The entire docking and lift structures to extend no more than 30 feet from the shoreline, on an average of 458 feet of frontage on Pine River Pond in Wakefield, NH.

With Conditions:

1. All work shall be in accordance with plans by Land Tech Service Corp as revised through 5/6/09 and as received by DES on July 1, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
2. All portions of the docking structure shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
3. These seasonal docks shall be removed from the lake for the non-boating season.
4. No portion of the docks shall extend more than 30 feet from the shoreline at full lake elevation.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
6. 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.
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. In accordance with rule Env-Wt 101.85 the applicant has an average of 458 feet of shoreline frontage along Pine River Pond.
2. A maximum of 7 slips may be permitted on this frontage in accordance with rule Env-Wt 402.13, Frontage Over 75'.
3. The proposed docking structure combined with existing docking structures on this frontage will provide a total of 9 slips, as defined per RSA 482-A:2, VIII.
4. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
5. DES staff conducted a site inspection of this property on June 10, 2008.
6. In accordance with Env-Wt 204 the department waives Administrative Rule Env-Wt 402.13 with the following findings, and as based upon a plan prepared by Land Technical Service Corp. entitled "Attachment to NHDES Wetlands Permit Application for Howard & Nellita Ludington" dated February 2008 and as revised through 5/6/09:
 - a. The applicant owns all of the shoreline frontage on a deeply incised cove with very limited direct exposure to the pond proper.
 - b. Because of this unique shoreline configuration the actual property shoreline exposure to the lake proper is approximately 120 feet.

- c. The structures along this frontage, including the proposed structures, would only be visible by the general public from the pond proper over a very narrow range of directions.
- d. Issuance of this permit will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
- e. Issuance of this permit is consistent with the intent and purpose of the rule being waived.
- f. Strict compliance with Env-Wt 402.13 will not serve to lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, or provide adequate area for boat maneuvering on Pine River Pond.

2009-00482 NH SPEEDWAY INC
LOUDON Unnamed Wetland

Requested Action:

Amend permit to include an additional 1,265 square feet of impacts for realignments to Tilcon Road and modifications to the hospitality area.

Original mitigation is sufficient to accommodate the additional impacts.

APPROVE AMENDMENT:

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

Amend the permit to include an additional 1,265 square feet of impacts for safety and operational considerations. Original mitigation is sufficient to accommodate the additional impacts.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated March 2009, and revised through April 24, 2009, as received by the Department on April 24, 2009 and narrative by Stoney Ridge Environmental as received via e-mail April 27, 2009. Also in accordance with plans from Nobis Engineering (Sheets W-4B and W-5B) revised through 8/13/09, and as received by the Department on Aug 13 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the construction is in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. At least 48 hours prior to the start of construction of each phase, a pre-construction meeting shall be held with NHDES Water Division permitting staff, NH Fish and Game Easement Monitoring Staff (flood plain creation area phase only) at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the

permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

9. The applicant shall notify in writing the DES Wetlands Bureau, and the Loudon Conservation Commission of their intention to commence construction on each phase no less than five (5) business days prior to the commencement of construction.
10. The applicant shall notify in writing NH Fish and Game Easement Monitoring Staff of their intention to commence construction on the flood storage compensation area no less than five (5) business days prior to the commencement of construction.
11. Work to areas utilized by birds for breeding and nesting shall be carried out in a time and manner such that disturbance is minimized.
12. Work shall be done during low flow.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. The crossing device at impact area R shall be an open bottom structure.
16. No equipment shall enter any surface water at any time.
17. All work shall be done from the top of the bank.
18. Where cofferdams are in place stream flows shall be maintained at all times utilizing proper stream diversion practices.
19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. Prior to commencing work on a area or structure located within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
22. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
23. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
24. Temporary cofferdams shall be entirely removed immediately following construction.
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. The existing conservation easement line shall be surveyed and clearly marked utilizing orange construction fencing prior to the construction of the flood storage area.
27. Extreme precautions shall be taken adjacent to the conservation easement area to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
28. No work shall occur within the conservation easement no materials shall be stockpiled within that area, even temporarily.
29. No vegetation including vegetative under growth shall be removed from the conservation easement area. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
31. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
32. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
33. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
34. Silt fencing must be removed once the area is stabilized.
35. This permit is contingent upon the execution of a conservation easement on 54.59 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received April 16, 2009.
36. This permit is contingent upon the execution of a deed restriction on 5.73 acres as depicted on plans by Richard Bartlett and Associates dated February 2, 2009 as received March 19, 2009.
37. Plans stamped by a licensed land surveyor of both the easement area and the deed restriction shall be submitted to DES prior to

the start of construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With Findings:

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

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c). Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. DES Staff conducted a field inspection of the proposed project on June 11, 2008. Field inspection found that the stream within the infield is subject to pollution. The area south of the track is subject to flooding due to the presence of the weir but otherwise is a functioning system therefore agencies recommended avoiding impacts to this area. The area of the proposed hospitality expansion was the higher quality stream area viewed and impacts to this area should be avoided and minimized further. DES further stated that

- the upgrading of the downstream road crossings should be open bottom and in accordance with the new stream rules.
3. No vernal pools were identified in or near the proposed impact areas.
 4. The project area includes eight wetland systems for a total of 11.26 acres. 1.9 acres of wetland are proposed to be impacted. The large majority of wetlands are fragmented sections of Gues Meadow Brook located on the track property.
 5. All of the proposed impacts are required for increased access, safety compliance and compliance with FAA regulations, decrease flooding potential within the infield and eliminate a bottleneck of traffic at the main entry road and enhanced water quality.
 6. The proposal focuses the impacts on previously disturbed wetland areas, man-created wetland areas and proposes to mitigate for all impacted functions and values.
 7. The proposal is to upgrade an existing commercial enterprise to relocate the enterprise would not be practicable.
 8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
 9. The current stream channel was constructed artificially less than 35 years ago without the benefit of current fluvial geomorphic information. The channel has been straightened and the cobble bottom lost.
 10. The proposal will separate brook flows from the existing infield drainage and from the existing created gravel bed that the current stream runs on.
 11. The proposal will separate the storm water from the infield area from Gues Meadow Brook and allow for a higher level of treatment compared to the existing system.
 12. The proposed upgrades in the existing pipes within the infield area will remove a 90 degree angle in the current pipe network which prohibits aquatic passage.
 13. The wetland impacts within the infield are to previously constructed detention basins which were created as part of a previous permit.
 14. The proposed project will improve the flooding potential within and around the track and will address water quality issues associated with the high iron oxide levels through the area.
 15. The upstream impact areas of Gues Meadow Brook are highly fragmented and altered and represent a low quality habitat.
 16. The project will provide water quality monitoring, within Gues Meadow Brook of specific chemical, physical and biological parameters in order to monitor the overall stream health and to ensure that further degradation does not occur as a result of this project.

Mitigation

17. The current mitigation package mitigates for the functions and values impacted by the project, improves the water quality on site and permanently protects important water resources in the larger watershed where the impacts are proposed.
18. The applicant is proposing a floodplain creation area to compensate for lost flood storage functions on site
19. The floodplain mitigation area has been designed on the new drainage analysis and will mitigate the lost flood low function from the proposed impacts to the impacts to Gues Meadow Brook.
20. The applicant is mitigating for the proposed impacts by placing 54.94 acres into conservation easement and a further 5.73 acres into deed restriction.
21. The total land areas to be protected by the proposed easement and deed restriction is 60.67 acres, which includes 34.13 acres of upland and 26.52 acres of wetland
22. The preserved lands contain or are adjacent to Bumfagon Brook, Canterbury River, and the Soucook River.
23. The proposed conservation easement will permanently protect and prevent future degradation to 6,031 linear feet of stream/river by permanently providing 9,816 linear feet of upland buffer along these riverine systems located in the same watershed.
24. The proposed mitigation package will protect upland buffer along 2,715 linear feet of upland buffer along Bumfagon Brook, 897 linear feet of the Canterbury River channel, 556 linear feet of unnamed stream and 1,863 linear feet of the Soucook River.
25. The proposed easement area will protect the convergence of Bumfagon Brook and the Canterbury River, where the Suncook River begins.
26. Bumfagon Brook, Canterbury River and Soucook River all provide high quality migratory fish and wildlife habitat.
27. The proposed easement will permanently protect existing wildlife corridors and a large unfragmented block of land near existing conservation easements.
28. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

Additional findings on amendment:

- 29. Impacts associated with the realignment of Tilcon Road are necessary for safety reasons.
- 30. Impacts associated with the hospitality area are necessary for operational improvements to the facility.
- 31. The original mitigation easement is sufficient to accomodated the additional impacts.

2009-00738 HILL, KEVIN
DOVER Bellamy River

Requested Action:

Construct a tidal dock structure, including a 4' x 75' permanent pier, connecting to a 3' x 35' ramp, connecting to a 20' x 10' float with float stops, over all structure length 118', providing one slip on 236' of frontage on the Bellamy River.

APPROVE PERMIT:

Construct a tidal dock structure, including a 4' x 75' permanent pier, connecting to a 3' x 35' ramp, connecting to a 20' x 10' float with float stops, over all structure length 118', providing one slip on 236' of frontage on the Bellamy River.

With Conditions:

- 1. All work shall be in accordance with plans by Pickering Marine dated 4/15/2009, as received by the Department on 4/22/2009.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
- 3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Construction of this tidal dock structure, including a 4' x 75' permanent pier, connecting to a 3' x 35' ramp, connecting to a 20' x 10' float with float stops, over all structure length 118', providing one slip on 236' of frontage on the Bellamy River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
- 7. Work shall be done during low tide.
- 8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
- 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 Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Bellamy River at this location and is consistent with docks approved in the vicinity.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), 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 for the project vicinity. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 5/12/2009; and the dock is located greater than 20 feet off the abutting property lines.
- 5. The Dover Conservation Commission inspected and reported that they had no further comments.
- 6. This dock is consistent with other tidal dock approvals in the seacoast.

7. DES staff field inspection on 7/30/2009 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

2009-00739 EICHORN REV TRUST, DALE
DURHAM Little Bay

Requested Action:

Construct a tidal dock structure, including a landing and steps from the upland, to a 6' x 50' permanent pier, connecting to a 3' x 30' ramp, connecting to a 20' x 10' float with float stops, over all structure length 88', providing one slip on 280' of frontage on Little Bay.

Inspection Date: 07/30/2009 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal dock structure, including a landing and steps from the upland, to a 6' x 50' permanent pier, connecting to a 3' x 30' ramp, connecting to a 20' x 10' float with float stops, over all structure length 88', providing one slip on 280' of frontage on Little Bay.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 7/30/2009, as received by the Department on 7/31/2009.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. There shall be no removal of trees greater than 8" dbh that could represent eagle habitat according to the recommendation of NH Fish and Game Department.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction of this tidal docking structure consisting of a landing and steps from the upland, to a 6' x 50' permanent pier, connecting to a 3' x 30' ramp, connecting to a 20' x 10' float with float stops, over all structure length 88', providing one slip on 280' of frontage on Little Bay shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
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 Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on Little Bay at this location and is consistent with docks approved in the vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Fish and Game Department has commented that the

species of concern reported by the NH Natural Heritage Bureau for the project vicinity will not be impacted by the project, and the permit is conditioned to protect potential the bald eagle roosting on this property's shoreline. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 5/12/2009; and the dock is located greater than 20 feet off the abutting property lines.

- 5. The Durham Conservation Commission inspected and reported that they had no further comments.
- 6. This dock is consistent with other tidal dock approvals in the seacoast.
- 7. DES staff field inspection on 7/30/2009 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2008-01939 NH DEPT OF TRANSPORTATION
EPSOM Leighton Brook

Requested Action:

Request amendment to change the proposed 3 ft. x 7 ft. x 42 ft. open bottom box culvert to a 4 ft. x 8 ft. x 42 ft. open bottom arch pipe.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment on original application

NH Fish and Game concerned with secondary impacts to endangered species on original application.

APPROVE AMENDMENT:

Amendment to: Replace a 37 in. x 57 in. x 42 ft. metal culvert with a 4 ft. x 8 ft. x 42 ft. open bottom arch pipe, construct headwalls and stabilize northerly embankment at the outlet temporarily impacting 599 sq. ft. of stream and banks. NHDOT project #2008-M503-2.

With Conditions:

- 1. All work shall be in accordance with plans by NHDOT Maintenance District 5 dated 8/25/08 and revised 7/25/09 and as received by the Department on Aug. 12, 2009.
- 2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 4. Construction equipment shall not be located within surface waters.
- 5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. 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).
- 7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
- 8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
- 9. Proper headwalls shall be constructed within seven days of culvert installation.
- 10. Work shall be done during low flow.
- 11. The use of proper erosion and sediment control methods shall prevent impacts on water quality.

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 stream channel and banks.
2. The design as approved should result in more connectivity than the existing culvert.
3. The amended design results in a wider culvert and larger capacity.

**2009-00459 DELUCA, MARION
WINDHAM Cobbetts Pond**

Requested Action:

Stabilize an existing travel way by installing 95 linear feet of turfstone grid pavers and planting the area between the paved paths with grass, install 15 linear feet of rip rap at the toe of slope on 304 ft of frontage on Cobbetts Pond, in Windham.

Conservation Commission/Staff Comments:

No comments from Con Com by May 28, 2009

Inspection Date: 06/11/2009 by Raymond M Reimold

APPROVE PERMIT:

Stabilize an existing travel way by installing 95 linear feet of turfstone grid pavers and planting the area between the paved paths with grass, install 15 linear feet of rip rap at the toe of slope on 304 ft of frontage on Cobbetts Pond, in Windham.

With Conditions:

1. All work shall be in accordance with plans by Edward Herbert Associates revision dated July 09, 2009, as received by DES on July 24, 2009.
2. Work under this permit shall not be conducted until the existing docking structures are completely removed from the water body.
3. No docking structures or watercraft lifts shall be re-installed on this frontage until a separate permit has been issued for those structures.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No rip rap shall extend lakeward of the shoreline as defined by full lake elevation of 177 feet.
7. This permit does not allow for any dredge or modification of the lake bed. The existing lakebed shall be left in it's existing condition.
8. Work shall be done during drawdown.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), "projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05."
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 Staff conducted a field inspection of the proposed project on June 11, 2009. Field inspection found evidence of an existing area where vehicles have driven over the bank. Inspection also documented an major docking facility installed on the frontage.

**2009-00816 NH FISH & GAME DEPARTMENT
NORTHFIELD Tributary To Winnepesaukee River**

Requested Action:

Upgrade and repair an existing boat ramp by installing a 12 ft x 70 ft concrete ramp in the same location on the Winnepesaukee River to provide access to the Winnepesaukee River and Silver Lake, in Northfield.

Conservation Commission/Staff Comments:

No comments from local Con Com by July 15, 2009

APPROVE PERMIT:

Upgrade and repair an existing boat ramp by installing a 12 ft x 70 ft concrete ramp in the same location on the Winnepesaukee River to provide access to the Winnepesaukee River and Silver Lake, in Northfield.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike revision dated June 19, 2008, as received by DES on May 04, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee.
3. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during low water conditions.
6. Appropriate siltation, erosion, and turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Winnepesaukee River.
8. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
9. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
10. The permittee shall be responsible for the following:
 - a. providing a kiosk where state and local agencies can post notices, or rules and restrictions regarding responsible boating and environmental practices.
11. The boat ramp shall be utilized indefinitely as a public access to the Winnepesaukee River and shall not change in use.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), "projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05."
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 proposal is to upgrade an existing public access area to the Winnepesaukee River and Silver Lake in the same location and will not result in increased impact.

2009-00874 WARNER, TOWN OF
WARNER Unnamed Stream

Requested Action:

Dredge and fill ± 615 sq. ft. of a Slaughter Brook to replace a 5-ft. x 40-ft. CMP with an 8-ft. x 65-ft. pre-cast open bottom box culvert.

APPROVE PERMIT:

Dredge and fill ± 615 sq. ft. of a Slaughter Brook to replace a 5-ft. x 40-ft. CMP with an 8-ft. x 65-ft. pre-cast open bottom box culvert.

With Conditions:

1. All work shall be in accordance with plans by Provan and Lorber, Inc. dated April 2009, as received by DES on May 08, 2009.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. 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.
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 twenty (20) feet of undisturbed vegetated buffer.
9. 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.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. 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).
14. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
15. The recreated stream channel bed (and box culvert) must maintain the natural and a consistent streambed elevation and not impede stream flow.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
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. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. 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.
23. The applicant shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction. The estimated length of construction time shall be provided in this notification.
24. A post-construction report documenting the status of the completed project 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), Projects that alter the course of or disturb less than 200 linear feet of a perennial nontidal stream channel or its banks.
2. The proposed structure can freely pass the 50-year storm.
3. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has 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.

**2009-01809 US ARMY CORPS OF ENGINEERS
ROXBURY Unnamed Wetland Otter Brook Lake**

Requested Action:

Dredge and fill ± 4,500 sq. ft. of palustrine emergent and scrub-shrub wetlands for road construction for access to an existing terraced borrow area to complete stabilization of eroding areas degrading vernal pool water quality.

APPROVE PERMIT:

Dredge and fill ± 4,500 sq. ft. of palustrine emergent and scrub-shrub wetlands for road construction for access to an existing terraced borrow area to complete stabilization of eroding areas degrading vernal pool water quality.

With Conditions:

1. All work shall be in accordance with plans by the US Army Corps of Engineers, New England District dated June 2009 and plot date February 26, 2007, as received by the Department on August 10, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With 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.
2. No comments of concern regarding the project were submitted.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2009-0097 PAPROCKI, DAVID
CANDIA Unnamed Wetland

Requested Action:

Motion for Reconsideration filed seeking to reverse the Department's decision in granting Wetlands and Non-Site Specific Permit 2009-0097 on the grounds that an abutter was not notified of the application.

Conservation Commission/Staff Comments:

The Candia Conservation Commission signed the Minimum Impact Expedited Application.

DENY RECONSIDERATION:

Deny reconsideration and re-affirm decision to fill 2,984 square feet of limited function forested wetland for access and lot development to construct a single-family residential dwelling.

With Findings:

Statutes and Rules At Issue:

1. Pursuant to RSA 482-A, DES regulates dredging, filling, and construction in or on any bank, flat, marsh, wetland, or swamp in and adjacent to the waters of the state. Pursuant to RSA 482-A:11, I, the Commissioner of DES has adopted NH Code Admin. Rules Env-Wt 100 et. seq. to implement this program.
2. RSA 482-A:3, I, states that "[no] person shall excavate, remove, fill, dredge or construct any structures in or any bank, flat marsh, or swamp in and adjacent to any waters of the state without a permit from [DES]."
3. Pursuant to RSA 482-A:3, I, ". . . the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail."
4. RSA 482-A:10, I states "Any person aggrieved by a decision made by the department under RSA 482-A:3 may apply for reconsideration by the department, and then may appeal to the wetlands council and to the supreme court as provided in this section. A person aggrieved under this section shall mean the applicant and any person required to be noticed by mail in accordance with RSA 482-A:8 and RSA 482-A:9."
5. RSA 482-A:10, II states "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
6. NH Admin. Rule Env-Wt 101.02 defines "abutter" as ". . . any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area by which its configuration would cause the project to affect non-contiguous properties, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one-quarter mile from the limits of the proposed project."

Findings of Fact:

1. On January 22, 2009, DES received a minimum expedited application (the "Application") proposing to impact 2,894 square feet of wetland to create a residential building site on Fieldstone Lane, Candia, more specifically referenced as Lot 138-7 on Candia Tax Map 410 (the Property").
2. The Application was prepared by Eric C. Mitchell, Inc., on behalf of David Paprocki ("Applicant").
3. The Application included the following list of abutters:

Tax Map 410, Lot 138-6
Jeanne A. Cole
39 Fieldstone Lane
Candia, NH 03034

Tax Map 410, Lot 138-7
David Paprocki
Gwen Paprocki
64 Pine Ridge Road
Candia, NH 03034

Tax Map 410, Lot 142
Patrick Gilman
Laura Gilman
1 Fieldstone Lane
Candia, NH 0304

Tax Map 410, Lot 143
Community Golf Corp.
313 South Road
Candia, NH 0304

4. The Application included a copy of a letter issued to Tax Map 410, Lot 138-7, dated October 28, 2008, which, in part, states:

"Dear Abutter,

You may have already received notification of proposed wetland impacts that are part of a wetland permit application process, the NHDES requires that abutters to proposed wetland impacts be notified, pursuant to RSA 482-A. Because the status of the permit application has changed, this letter is to inform you of a proposed wetland impact that will result from filling 2,984 sq. ft. of wetland needed to prepare a single family home site. You are further informed that a Minimum Wetland Expedited application has been filed with the NHDES. A copy of the application is available for review at the CandiaTown Offices and the N.H.D.E.S. at 6 Hazen Drive Concord."

5. The Application included copies of postal receipts to the above-referenced parties bearing a stamp by the US Postal Service dated November 6, 2009.

6. On January 23, 2009, DES issued a Notice of Administrative Completeness and assigned file number 2009-0097 to the Application.

7. On February 18, 2009, DES issued Wetlands and Non-Site Specific Permit 2009-00097 ("the Permit") to "Fill 2,984 square feet of 2,984 square feet of limited function forested wetland for access and lot development to construct a single-family residential dwelling."

8. On March 19, 2009, DES received a Wetlands Bureau Complaint filed by John Cole. The complaint alleged that information on the Application was false; specifically, "A review of the subdivision plan (see Figure 1) indicates that all of the wetlands had not been mapped on the 26 acre track and a portion of this unmapped wetland has been found to bisect Lot 138-7. This site characteristic was not discovered until plans to site a single family home discovered the omission of delineated wetland boundaries." Figure 1 was a photocopy from the 1998 subdivision approval for the Property. The Wetlands Bureau Complaint sought a reversal of the permitting decision rendered by DES.

9. Because the complaint was filed within 30 days of the permit decision and sought to reverse a decision issued by DES, pursuant to RSA 482-A:10, the complaint was treated as a Motion for Reconsideration although the complaint did not specifically state as such.

10. By letter dated April 20, 2009, DES denied Mr. Cole's request to reverse its decision in granting the permit to the Applicant.

11. On April 23, 2009, DES received a letter dated April 23, 2009, from Rath, Young and Pignatelli, P.C., on behalf of John Cole and Scott Komisarek. The letter sought to supplement the Wetlands Bureau Complaint filed by John Cole and requested that DES reverse its decision based on the grounds that the application was inaccurate, contained knowingly false information, and that disturbance of wetlands was not required in order to site a house on the Property.

12. On April 30, 2009, DES received a subsequent letter dated April 29, 2009, from Rath, Young and Pignatelli, P.C., on behalf of

Scott Komisarek. This letter sought to supplement the first letter dated April 23, 2009, on the grounds that Scott Komisarek, despite being an abutter, was not notified of the January 22, 2009 Application, nor did he receive notice of a previously-filed Permit-by-Notification Application for the Property, filed in October 2008. The April 29, 2009 letter requested DES rescind the permit.

13. Town of Candia tax records indicate that Scott Komisarek is the owner of Lot 138 on Candia Tax Map 410.

14. Town of Candia tax records indicate that Tax Map 410, Lot 138 is not immediately adjacent and contiguous to the Property.

Conclusions:

1. John Cole is an abutter to the Property, as defined in Env-Wt 101.02. DES records indicate that Mr. Cole was given appropriate notice of the Application pursuant to RSA 482-A:3, I. After the Permit was issued, Mr. Cole sought to reverse the issuance of the Permit by filing a complaint to DES within 30 days of the date of the Permit decision. DES issued its Decision on Reconsideration in which it denied Mr. Cole's request to reverse the issuance of the Permit. Pursuant to RSA 482-A:10, Mr. Cole's next avenue of appeal would be to the New Hampshire Wetlands Council. Therefore, Mr. Cole's second request for reconsideration, filed by Rath, Young, and Pignatelli, P.C. by letter to DES dated April 23, 2009 is hereby denied.

2. Pursuant to Env-Wt 101.02, the property identified as Tax Map 410, Lot 138, owned by Scott Komisarek, is not considered "immediately adjacent and contiguous to the property on which the project will take place." Further, the rule specifically exempts property owners who own property across a public road as being defined as abutters. The Applicant, therefore, had no duty to notify Mr. Komisarek of the Application. Accordingly, Mr. Komisarek's request for reconsideration, filed by Rath, Young, and Pignatelli, P.C. by letter dated to DES dated April 29, 2009, is hereby denied.

FORESTRY NOTIFICATION

2009-01752 NH FISH & GAME DEPARTMENT
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 237, Lot# 5

2009-01753 GIUDA, J BRANDON
CHICHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chichester Tax Map 9, Lot# 9 & 9A

2009-01755 KLEIN, AMANDA, MATHEW & JOSHUA
NEWBURY Unnamed Stream

COMPLETE NOTIFICATION:
Newbury Tax Map 49, Lot# 416/95

2009-01756 MACMULLEN, PRISCILLA
BRENTWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Brentwood Tax Map 215, Lot# 82

**2009-01757 METCALE, RICHARD & ROBERT
SANBORNTON Unnamed Stream**

COMPLETE NOTIFICATION:
Sanbornton Tax Map 20, Lot# 17

**2009-01758 CLARK, DONALD
EAST KINGSTON Unnamed Stream**

COMPLETE NOTIFICATION:
East Kingston Tax Map 7, Lot# 8

**2009-01759 PHILLIPS, RODNEY
LOUDON Unnamed Stream**

COMPLETE NOTIFICATION:
Loudon Tax Map 51, Lot# 32

**2009-01760 HORNOR, BUCKNER & BONNIE
HOPKINTON Unnamed Stream**

COMPLETE NOTIFICATION:
Hopkinton Tax Map 236, Lot# 33

**2009-01761 BROOKS, PHILIP
LYNDEBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 240, Lot# 10 & 11

**2009-01762 GALLE, KAREN
TAMWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Tamworth Tax MAp 215, Lot# 9

**2009-01763 ROBERTS, JUDY
NORTHWOOD Unnamed Stream**

COMPLETE NOTIFICATION:
Northwood Tax Map 234, Lot# 48

**2009-01766 SCHWAEGLER, BRUCE
ORFORD Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 7-34, Lot# 3

COMPLIANCE

2009-01827 MELLEEN, ROBERT
WASHINGTON Island Pond

COMPLETE NOTIFICATION:
Washington Tax Map 12, Lot# 153-1 Island Pond

EXPEDITED MINIMUM

2009-00061 TYLER, CHARLES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

The Appellant requests reconsideration by submitting information to address the More Information Request letter that had not been responded to in a timely manner.

DENY RECONSIDERATION:

Reconsideration of the proposal to raise an existing wall and construct a perched beach on an average of 151 ft of frontage on Lake Winnepesaukee, in Moultonborough is denied.

With Findings:

Grounds for Reconsideration

1. The Applicant's response to the Department's January 28, 2009 written request that the unauthorized wall be removed maintains that the rock faced wall is "a purely cosmetic accessory that does not support the existing deck" and that "there is no impact to this type of installation".

Standards for Approval

1. Pursuant to RSA 482-A:3, I, (a), Excavating and Dredging Permit; Certain Exemptions, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department "
2. In accordance with RSA 482-A:3 XIV, (2), "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact"... the Department may "request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary." ... "Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."
3. In accordance with RSA 482-A:10, III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."... "However,

- if the basis for denial includes failure by the applicant to submit all requested information and the applicant submits all of the requested information with the request for reconsideration, the department shall act on the request within 75 days from the date of the department's receipt of the request for projects where the applicant proposes under one acre of jurisdictional impact."
4. Pursuant to Rule Env-Wt 302.03, (a), Avoidance, Minimization, and Mitigation, the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that potential impacts have been avoided to the maximum extent practicable and any unavoidable impacts have been minimized.
 5. In accordance with Rule Env-Wt 302.04, (a), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example the need for the proposed impact.
 6. Pursuant to Rule Env-Wt 302.04, (d), Requirements for Application Evaluation, the Department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction;

Findings of Fact

1. On January 14, 2009 the Department received an application requesting a permit to increase the height of a retaining wall along the front of an existing beach and replenish the beach with sand on property identified as Moultonborough tax map 278, lot number 02.
2. Review of the materials submitted found that a stone wall had been constructed within the bank, under the lakeward edge of a pre-existing deck. Photographs of the pre-existing structure from Wetlands File 2004-2052 indicate that prior to the addition of the stone wall the structure had lattice along the side that allowed sufficient light penetration for continued vegetation growth.
3. The new, solid wall precludes the growth of vegetation in the bank under the deck.
4. A request for additional information dated January 28, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit photographs showing that the unauthorized wall in the bank had been removed within 60 days in order to avoid the denial of the application.
5. DES did not receive the requested additional information within the 60 days and therefore the application was denied on April 27, 2009.
6. On May 12, 2009 the Department received a Request for Reconsideration from the Applicant.
7. The Request for Reconsideration did not include the photographs documenting the removal of the wall as originally requested on January 28, 2009.
8. The Applicant instead stated that the wall was "purely cosmetic" and that it had no impact. 9. The wall prevents the growth of vegetation under the deck and thus has a negative environmental impact.

Rulings in Support of the Decision

1. The wall is within the bank and is thus subject to the permitting requirement established in RSA 482-A:3.
2. The wall has an adverse impact to wildlife habitat and soil stability as it prevents the natural growth of vegetation along the shoreline.
3. The Applicant has failed to provide evidence of the need for the wall as required per Rule Env-Wt 302.04, (a) and Rule Env-Wt 302.03, (a). To the contrary the Applicant has described it as purely cosmetic. The request is denied because the project fails to meet the requirements of Rule Env-Wt 302.04, (a) and Rule Env-Wt 302.03, (a).
4. Complete removal of the wall or the restoration of the lattice which allowed sufficient light penetration for vegetation to grow would be less adverse to environments within the jurisdiction of the Wetlands Bureau than the retention of the wall and, therefore, the project is denied in accordance with Rule Env-Wt 302.04, (d).
5. The Applicant have failed to provide the photographs originally requested on January 28, 2009 and therefore, is denied in accordance with RSA 482-A:3, XIV, (2).

2009-00893 **CLARK, WILLIAM**
PEMBROKE Meetinghouse Brook

Requested Action:

Proposal to stabilize approximately 20 linear feet of brook bank lost to erosion from a heavy rain events. Stabilization is proposed with repair and re-placement of existing rip-rap and addition concrete waste blocks (outside of jurisdiction).

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Stabilize approximately 20 linear feet of brook bank lost to erosion from heavy rain events. Stabilization consists of re-placement of a rip-rap/stone toe, bio-engineering slope and plantings, stream bank buffer and concrete waste blocks (if used, outside of jurisdiction).

With Conditions:

1. All work shall be in accordance with plans by William Clark dated June 6, 2008, as received by DES on May 15, 2009 and revised narrative by William Clark and revised "Typical Cross Section" plan by Certified Erosion Control NH, LLC, as received by DES on June 22, 2009.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. There shall be no excavation or operation of construction equipment in flowing water (equipment shall work from bank or adjacent uplands).
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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior immediately.
10. 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.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The impact area was previously permitted in 1986 under file #C-1301.
6. The project will repair previously permitted rip-rap and add bio-engineering techniques and plantings, which is an environmental improvement to the previous impacts.

2009-00912
MONT VERNON

GILBERT, EDWARD

Requested Action:

Install one (1) 2-foot culvert and three (3) 12-inch culverts within the abutments and stabilize the banks with riprap on an existing bridge for improved flow of Beaver Brook during storm events, to prevent the bridge from washing out, and to allow safe access/egress of emergency vehicles to the single-family residential dwelling and Beaver Brook Farm and Transportation Museum.

CONFIRM EMERGENCY AUTHORIZATION:

Install one (1) 2-foot culvert and three (3) 12-inch culverts within the abutments and stabilize the banks with riprap on an existing bridge for improved flow of Beaver Brook during storm events, to prevent the bridge from washing out, and to allow safe access/egress of emergency vehicles to the single-family residential dwelling and Beaver Brook Farm and Transportation Museum.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. Excessive buildup of downed limbs, branches, and other debris beneath the bridge during storm events had compromised the structural integrity and safety of the banks of the abutments; therefore, the project was necessary to stabilize the banks of Beaver Brook in order to prevent damage to the bridge abutments.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 19, 2009.
4. DES personnel inspected the site on May 18, 2009. Inspection found that the proposed culverts will be the best means to enable improved flow of Beaver Brook under high water conditions while protecting the abutments to allow safe vehicular passage over the bridge.

2009-01152 TTD, LLC & C&D REALTY TRUST
EPSOM Unnamed Wetland Little Bear Brook

Requested Action:

Proposal to impact 1590 sq. ft. of wetlands for the construction of 2 driveways for a proposed 3-lot residential subdivision. Work in wetlands consists of installation of one 24 in. x 24 ft. RCP culvert and associated grading, filling and stone headwalls impacting 500 sq. ft. of wetlands and installation of a 24 in. x 30 ft. RCP culvert associated grading, filling and stone headwalls impacting 1,090 sq. ft. of wetlands.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Dredge and fill 1590 sq. ft. of wetlands for the construction of 2 driveways for a proposed 3-lot residential subdivision. Work in wetlands consists of installation of one 24 in. x 24 ft. RCP culvert and associated grading, filling and stone headwalls impacting 500 sq. ft. of wetlands and installation of a 24 in. x 30 ft. RCP culvert associated grading, filling and stone headwalls impacting 1,090 sq. ft. of wetlands.

With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert LLS, Inc., subdivision plan revision dated April 23, 2009 and driveway grading dated March 25, 2009, as received by DES on June 12, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

4. Work shall be done during low flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant and Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received comments in opposition to the project from an abutter through the New Hampshire Fish and Game Department ("NHFGD").
6. The proposed impacts are for two separate driveways for a 3-lot subdivision.
7. If the applicant combined the proposed driveways it would likely only reduce the wetlands impacts by approximately 400-500 square feet.
8. The NHFGD had no identified threatened, endangered or special concern species or their habitats in the vicinity of the proposed project.
9. The submitted access design was approved by the Epsom Conservation Commission and Planning Board.
10. It is reasonable to allow two minimum wetlands impacts in order to provide separate access to build-able lots.

2009-01189 DERRY DPW, TOWN OF
DERRY Unnamed Stream

Requested Action:

Replacement of the failing 3' x 4.5' arch culvert with two (2) 36-inch reinforced concrete pipes beneath Windham Road for safe vehicular passage.

CONFIRM EMERGENCY AUTHORIZATION:

Replacement of the failing 3' x 4.5' arch culvert with two (2) 36-inch reinforced concrete pipes beneath Windham Road for safe vehicular passage.

With Conditions:

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

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(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. The project was necessary to replace the failing arch culvert beneath Windham Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on June 18, 2009.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2009-01431 ANDORA FOREST, PAUL CROSBY
STODDARD Unnamed Wetland**

Requested Action:

Dredge and fill ± 1,200 sq. ft. of palustrine forested wetlands to install an 18-inch x 20-foot CPP culvert for emergency road access to an elementary school.

APPROVE PERMIT:

Dredge and fill ± 1,200 sq. ft. of palustrine forested wetlands to install an 18-inch x 20-foot CPP culvert for emergency road access to an elementary school.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated June 24, 2009, as received by the Department on July 08, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. 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.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2009-01806 TETREAULT, DARRELL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2009-01808 SIBLEY, PETER
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2009-01810 TETREAULT, NORMAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2009-01811 TETREAULT, SCOTT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2009-01870 GARGAN, MAUREEN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2009-01871 DAVIS, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

TRAILS NOTIFICATION

2009-01764 KENNEDY, RICHARD & KAREN
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Ta Map 203, Lot# 8

2009-01765 PELHAM FORESTRY COMMITTEE
PELHAM Unnamed Wetland

COMPLETE NOTIFICATION:
Pelham Tax Map 39, Lot# 1-50 & 1-159 Merriam Town Forest

2009-01860 NH DRED, SANDY YOUNG
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

LAKES-SEASONAL DOCK NOTIF

2009-01828 BALL, JOAN
MILTON Unnamed Stream Townhouse Pond

COMPLETE NOTIFICATION:
Milton Tax Map 38, Lot# 35 Townhouse Pond

ROADWAY MAINTENANCE NOTIF

2009-01821 NH DEPT OF TRANSPORTATION
BARTLETT Unnamed Wetland

COMPLETE NOTIFICATION:
Replace 8' of a 24" RCP at the outlet with stone protection

2009-01822 NH DEPT OF TRANSPORTATION
CARROLL Unnamed Wetland

COMPLETE NOTIFICATION:

Maintenance dredge 295' of an existing ditch

2009-01823 **NH DEPT OF TRANSPORTATION**
JACKSON **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace temporary headwall and replace 36"x 70' culvert with a 36"x 80' culvert

2009-01824 **DERRY, TOWN OF**
DERRY **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace culvert, headwalls and wing

2009-01825 **NEW HAMPTON, TOWN OF**
NEW HAMPTON **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace culverts and maintenance dredge ditch

2009-01826 **NH DEPT OF TRANSPORTATION, DISTRICT 5**
CANDIA **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace failed culvert and clean inlet & outlet

2009-01835 **NEW HAMPTON, TOWN OF**
NEW HAMPTON **Unnamed Stream**

COMPLETE NOTIFICATION:

Culvert replacements

2009-01857 **NH DEPT OF TRANSPORTATION**
JACKSON **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace a 24"x 60' culvert

2009-01867 **NH DEPT OF TRANSPORTATION, DISTRICT 2**
GOSHEN **Unnamed Wetland**

PERMIT BY NOTIFICATION

**2009-01560 KING, JAMES
BRIDGEWATER Newfound Lake**

Requested Action:

Repair existing retaining wall

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing retaining wall

**2009-01562 LEVINE, SUSAN
SALEM Arlington Lake**

Requested Action:

Installation of a seasonal boatlift.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Installation of a seasonal boatlift.

**2009-01694 SOULE, CAROLE
LOUDON Unnamed Stream Wetland**

Requested Action:

Propose to impact approximately 200 sq. ft. of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

COMPLETE NOTIFICATION:

Impact approximately 200 sq. ft. of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 18" diameter culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by U.S. Department of Agriculture: Natural Resources Conservation Service entitled Miles Smith, Loudon as received by DES on August 06, 2009.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
2. 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).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-01782 NEW ENGLAND POWER
MARLBOROUGH Unnamed Wetland**

Requested Action:

Temporarily impact 2,160 sq. ft. of palustrine scrub-shrub wetlands for construction access to an existing beacon for replacement.

PBN IS COMPLETE:

Temporarily impact 2,160 sq. ft. of palustrine scrub-shrub wetlands for construction access to an existing beacon for replacement.

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)(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).

**2009-01789 WENDT, ROBERTO
HEBRON Unnamed Stream**

Requested Action:

Proposal to dredge and fill 600 sq. ft. of wetlands for access. Work in wetlands includes installation of an 18 in. x 16 ft. plastic culvert with stone headwalls and associated grading and filling.

PBN IS COMPLETE:

Approval to dredge and fill 600 sq. ft. of wetlands for access. Work in wetlands includes installation of an 18 in. x 16 ft. plastic culvert with stone headwalls and associated grading and filling.

With Findings:

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

**2009-01815 WINNIPESAUKEE FLAGSHIP CORP
CENTER HARBOR Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures.

With Findings:

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

**2009-01858 WOODWINDS HILL BEACH ASSOCIATION
LACONIA Lake Winnepesaukee**

Requested Action:

Applicant requests to install 4 PWC lifts along frontage.

Conservation Commission/Staff Comments:

No Con Com signature

PBN DISQUALIFIED:

Applicant requests to install 4 PWC lifts along frontage.

With Findings:

1. The proposed project exceeds the requirements of Env-Wt 506.01(a)(12) and Env-Wt 302.04(ad).

CSPA PERMIT

**2008-01822 GOODWIN, BRUCE & CINDY
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Approve name change to: Bruce & Cindy Goodwin, 168 Litchfield Rd, Londonderry, NH 03053per request received 8/18/09.

Previous owner: James Jr. and Joyce Greenwood.

APPROVE NAME CHANGE:

Impact 2,320 sq ft to construct a temporary access road, a single family cottage, and install a septic system on property having 295 ft on frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by T. F. Bernier, Inc. dated August 2008 and received by the Department of Environmental Services ("DES") on September 3, 2008.
2. No more than 13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,800 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,480 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. The temporary access road shall be restored and replanted with native vegetation with the exception of a 6 ft wide footpath to the water in accordance with RSA 483-B:9, V, (a)(2)(D) (viii).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. This permit is contingent on approval of the subsurface system by the DES Subsurface Systems Bureau.

With Findings:

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

**2009-00987 N & M WINCHESTER PROPERTIES LLC, PETER GASKILL
WINCHESTER Ashuelot River**

Requested Action:

Impact 95000 sq ft for the purpose of constructing an entranceway to a small industrial park with associated utility line and driveways.

APPROVE PERMIT:

Impact 95000 sq ft for the purpose of constructing an entranceway to a small industrial park with associated utility line and driveways.

With Conditions:

1. All work shall be in accordance with plan sets D-3 and D-4A by Stevens and Associates dated April 14, 2009 and received by the Department of Environmental Services ("DES") on May 22, 2009.
2. There shall be no establishment or expansion of salt storage yards, automobile junk yards, and solid or hazardous waste facilities within the Protected Shoreland in order to comply with RSA 483-B:9,II(a).
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
6. The area within the waterfront buffer impacted for purposes of construction shall be revegetated with native trees, shrubs and ground covers within completion of project installation.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. 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. No more than 15.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
12. The project as proposed will leave approximately 21,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
13. 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.
14. 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.
15. 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.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

THIS DECISION IS BASED ON THE FOLLOWING FINDS OF FACT:

1. On May 22, 2009 the Department received a Shoreland Impact Application from N&M Winchester Properties LLC. for the purpose of creating an access road, utility lines, and stormwater management systems to an industrial park with the Protected Shoreland.
2. On June 19, 2009 the Department received a letter from the Ashuelot River Local Advisory Committee stating that they believed that the project is to create a solid waste recovery facility within the Protected Shoreland. Additionally, they believe that the steep slopes on the project site would preclude the proposed development.
3. The separate project narrative by Stevens Associates clearly states that the project is an industrial park and also states that a Materials Recovery Facility would require amending the local zoning laws. The Shoreland Impact Permit is conditioned that no solid or hazardous waste facilities be constructed within the Protected Shoreland.
4. As no portion of the proposed entranceway is located between the primary building setback and the reference in accordance with RSA 483-B:17,IV the Department has no limitation which would preclude an accessory structure from being placed in or on a slope of greater than 25%.

2009-00992 COBURN, RONALD
SPOFFORD Spofford Lake

Requested Action:

Impact 410 sq ft for the purpose of constructing a deck onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 410 sq ft for the purpose of constructing a deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Ronald Coburn dated July 28, 2009 and received by the Department of Environmental Services ("DES") on July 28, 2009.
2. 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.
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 more than 14.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. 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.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01168 PASQUARELLO, FRANK
LACONIA Lake Winnepesaukee

Requested Action:

Impact 80 sq ft for the purpose of expanding an existing deck over an existing asphalt walkway.

APPROVE PERMIT:

Impact 80 sq ft for the purpose of expanding an existing deck over an existing asphalt walkway.

With Conditions:

1. All work shall be in accordance with plans by Frank Pasquarello dated July 17, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009.
2. No portion of the proposed deck may be constructed further than 12 feet from the most lakeward foundation wall of the existing structure in order to comply with RSA 483-B:11.
3. There shall be no additional impervious surface area constructed for the completion of the proposed project. The proposed deck is to be built entirely over existing impervious surfaces.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. No more than 50% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01179 ERNST, DOROTHY/PATRICK
CONWAY Conway Lake**

Requested Action:

Impact 9,195 sq ft for the purpose of constructing a new, 3 bedroom residential dwelling, accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 9,195 sq ft for the purpose of constructing a new, 3 bedroom residential dwelling, accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Thaddeua Thorne Surveys Inc. dated April 4, 2009 and last revised August 12, 2009, received by the Department of Environmental Services ("DES") on August 12, 2009.
2. No more than 1.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 73,180 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 37,608 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.

2009-01321 FORTIER, JOSEPH & ALYSSA
CHESTERFIELD Connecticut River

Requested Action:

Impact 576 sq ft for purpose of constructing a 24'x 24' storage shed.

APPROVE PERMIT:

Impact 576 sq ft for purpose of constructing a 24'x 24' storage shed.

With Conditions:

1. All work shall be in accordance with plans by Joseph Fortier dated June 19, 2009 and received by the Department of Environmental Services ("DES") on June 26, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 5.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 19,820 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 19,820 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. 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. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01395 HARRINGTON, EDWARD/JANE
MOULTONBOROUGH Lees Pond**

Requested Action:

Impact 10735 sq ft for the purpose of removing an existing primary structure and constructing a new single-family dwelling with a garage, reconfiguring an existing driveway, and installing a state approved septic system.

APPROVE PERMIT:

Impact 10735 sq ft for the purpose of removing an existing primary structure and constructing a new single-family dwelling with a garage, reconfiguring an existing driveway, and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 6, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. The project as proposed will leave approximately 5,200 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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01508 WESSLING, BERNARD
NEW DURHAM Merrymeeting Lake**

Requested Action:

Impact 2,560 sq ft for the purpose of replacing existing retaining walls, expanding existing driveway, constructing new access ramp, and installing stormwater controls.

APPROVE PERMIT:

Impact 2,560 sq ft for the purpose of replacing existing retaining walls, expanding existing driveway, constructing new access ramp, and installing stormwater controls.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC., dated June 30, 2009 and received by the Department of Environmental Services ("DES") on August 17, 2009.
2. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,738 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,738 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.
14. All stormwater controls will be installed in accordance with plans recieved by the department and maintained to effectively absorb and infiltrate stormwater.

2009-01599 MCCLURE, TAMARA
HILLSBOROUGH Contention Pond

Requested Action:

Impact 9643 sq ft for purpose of constructing a 4 bedroom single-family dwelling with a deck, a porch, and a driveway and installing a state approved septic system.

APPROVE PERMIT:

Impact 9643 sq ft for purpose of constructing a 4 bedroom single-family dwelling with a deck, a porch, and a driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated June 22, 2009 and received by the Department of

Environmental Services ("DES") on July 27, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. No more than 5.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 22,649 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 22,649 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01610 WEST COVE A CONDOMINIUM ASSN
GRANTHAM Eastman Lake**

Requested Action:

Impact 4,000 sq ft for the purpose of renovating existing pump station and installing new septic systems.

APPROVE PERMIT:

Impact 4,000 sq ft for the purpose of renovating existing pump station and installing new septic systems.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated July, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009.
2. No more than 23.7% 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 102,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 51,500 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).
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.

**2009-01612 ANSIN, KENNETH
NEWBURY Lake Sunapee**

Requested Action:

Impact 4,267 square feet for the purpose of constructing new accessory structures and landscaping.

APPROVE PERMIT:

Impact 4,267 square feet for the purpose of constructing new accessory structures and landscaping.

With Conditions:

1. All work shall be in accordance with plans by db Landscaping, LLC., dated July 17, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009.
2. No more than 19.0% 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 10,740 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,202 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01614 HANSCOM, GERALD
LEE Wheelwright Pond

Requested Action:

Impact 4,080 sq ft for the purpose of constructing a new residential dwelling.

APPROVE PERMIT:

Impact 4,080 sq ft for the purpose of constructing a new residential dwelling.

With Conditions:

1. All work shall be in accordance with plans submitted by Gerald Hanscom dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009.
2. No more than 19.0% 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 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,718 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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.

2009-01621 HUME TRUST, JAMES
DEERFIELD Pleasant Lake

Requested Action:

Impact 1341 sq ft for the purpose of replacing an existing single-family dwelling and a garage within the same footprint and adding a concrete foundation under both structures.

APPROVE PERMIT:

Impact 1341 sq ft for the purpose of replacing an existing single-family dwelling and a garage within the same footprint and adding a concrete foundation under both structures.

With Conditions:

1. All work shall be in accordance with plans by John Hume dated July 25, 2009 and received by the Department of Environmental Services ("DES") on July 29, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no expansion in footprint of the existing, non-conforming primary structure for the purposes of the completing the

proposed project.

4. All temporary impacts within the waterfront buffer shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 9.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 3,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,825 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. 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.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01643 HOWARD, JOHN
PORTSMOUTH North Mill Pond

Requested Action:

Impact 450 sq ft for the purpose of adding a deck to an existing, conforming primary structure.

APPROVE PERMIT:

Impact 450 sq ft for the purpose of adding a deck to an existing, conforming primary structure.

With Conditions:

1. All work shall be in accordance with plans by John Howard and received by the Department of Environmental Services ("DES") on July 28, 2009.
2. No more than 18.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,897 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).

2009-01646 PARADIS, RAY
NEWMARKET Lamprey River

Requested Action:

Impact 17,704 sq ft for the purpose of constructing a new residential dwelling, accessory structures and installation of a new septic system.

APPROVE PERMIT:

Impact 17,704 sq ft for the purpose of constructing a new residential dwelling, accessory structures and installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Gary Flaherty dated June 16, 2009 and received by the Department of Environmental Services ("DES") on July 30, 2009.
2. No more than 10.7% 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 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,207 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.

2009-01647 FRANKLIN, MICHAEL
WARNER Pleasant Lake

Requested Action:

Impact 250 sq ft for the purpose of expanding an existing residential dwelling.

APPROVE PERMIT:

Impact 250 sq ft for the purpose of expanding an existing residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by Micheal Franklin and received by the Department of Environmental Services ("DES") on July 30, 2009.
2. No more than 4.38% 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 21,780 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,780 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. This permit is contingent on approval by the DES Subsurface Systems Bureau.

CSPA PERMIT W/WAIVER

2009-00415 MARTIN, JOSEPH & ROSELIA
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 2,500 sq ft for the purpose of constructing a 364 sq ft attached garage, an entryway, and a screened porch over an existing deck, expanding an existing driveway, and installing drip edges and infiltration trenches.

Inspection Date: 08/14/2009 by Grant E Mecozzi

APPROVE PERMIT:

Impact 2,500 sq ft for the purpose of constructing a 364 sq ft attached garage, an entryway, and a screened porch over an existing deck, expanding an existing driveway, and installing drip edges and infiltration trenches.

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

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors revised July 13, 2009 and received by the Department of Environmental Services ("DES") on July 21, 2009.
2. This approval includes a waiver of RSA 483-B:9,II and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. The proposed screened porch shall be constructed in such a manner that no portion of the porch may be enclosed in whole or in part with glass or any other material designed or intended to provide a weather-proof barrier. Additionally, no deck or porch located between the primary building line and the reference line shall be converted to become part of the primary living space.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. No more than 30.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. No new impervious surfaces shall be constructed until the proposed plantings and stormwater management has been completed as shown on the approved plans.
8. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. 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.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. 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 condition depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Waukewan and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the expansion of a non-conforming structure.
4. The applicant has proposed to enhance the waterfront buffer beyond the minimum standards by planting native vegetation, install drip line trenches around the existing and proposed structures, and install infiltration trenches to infiltrate stormwater runoff from the existing driveway and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-01068 BROOKS, DAVID
LEBANON Great Brook

Requested Action:

Impact 205 sq ft for the purpose of constructing a 55 sq ft addition onto existing deck and reducing an existing driveway by 102 sq ft.

APPROVE PERMIT:

Impact 205 sq ft for the purpose of constructing a 55 sq ft addition onto existing deck and reducing an existing driveway by 102 sq ft.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,V(g)(1) is hereby waived to allow construction of the proposed project.

With Conditions:

1. All work shall be in accordance with plans by David Brooks dated June 2, 2009 and received by the Department of Environmental Services ("DES") on June 2, 2009.
2. This approval includes a Waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the Grafton County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. No more than 30.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing conditions, 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."
2. The project as proposed would result in 30.9% of the Lot of Record within the Protected Shoreland consisting of impervious material.
3. The applicant has proposed to reduce the area of the Lot of Record within the Protected Shoreland covered by impervious surfaces below current levels conditions and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.