

Wetlands Bureau Decision Report

Decisions Taken
10/05/2009 to 10/11/2009

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

**2008-00072 NH DEPT OF TRANSPORTATION
LEBANON Tributary To Connecticut River**

Requested Action:

Reconstruct 30 ft. of a 60 in. culvert, redirect a 48 in culvert from the 60 in. culvert to a new headwall and construct a splash pool as a requirement of the driveway culvert issued to Home Depot impacting 1,893 sq. ft of riverine wetlands.

Conservation Commission/Staff Comments:

- Staff- 72 in. culvert extends from previous development permit 1995-01844
- Cons. Comm. - no objection assuming no increase in flow
- Upper Valley River Subcomm. - strongly supports and notes incised channel affected by trash, snow pushed over banks and settling ponds just above be maintained.

Inspection Date: 11/04/2008 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct 30 ft. of a 60 in. culvert, redirect a 48 in culvert from the 60 in. culvert to a new headwall and construct a splash pool as a requirement of the driveway culvert issued to Home Depot impacting 1,893 sq. ft of riverine wetlands. NHDOT project #13007.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated 04/20/09 as received by the Department on June 2, 2009.
2. Any 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 New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
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. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 linear feet of stream channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on Nov. 4, 2008. Field inspection determined that the stream has become incised from development runoff and stabilization should reduce sediment into the downstream river system.
6. Although there was a NH Natural Heritage Bureau record, they do not expect that it will be impacted by the project.
7. A review of the project, relative to impaired waters, finds that most of the work is essentially stabilization, does not add stormwater flows as stated by the applicant, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2009-01127 THE HOME DEPOT
LEBANON Tributary To Connecticut River**

Requested Action:

Stabilize 858 linear feet of streambanks and channel impacting 8,333 sq. ft. of riverine wetlands.

Conservation Commission/Staff Comments:

- Staff- proposed work area is downstream of 2008-00072.
- Cons. Comm. approves of project
- Upper Valley River Subcomm. - noted on original application 2008-00072 strongly supports and notes incised channel affected by trash, snow pushed over banks and settling ponds just above be maintained.

Inspection Date: 11/04/2008 by Gino E Infascelli

APPROVE PERMIT:

Stabilize 858 linear feet of streambanks and channel impacting 8,333 sq. ft. of riverine wetlands.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated May 29, 2009 as received by the Department on August 27, 2009.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
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. 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. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. 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 prior to entering surface waters or wetlands.

12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Vegetative clearing shall be limited to that necessary to stabilize channel and embankments while stumps and root systems are to remain in place unless authorized by the project engineer.
16. There shall be no disposal of snow, trash or debris on or beyond any banks.
17. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
18. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each stabilization site.
19. Stabilization areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until the area is stabilized/ replicated in a manner satisfactory to the DES Wetlands Bureau.
20. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
21. 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 stabilization areas during construction and during the early stages of vegetative establishment.
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
23. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 linear feet of stream channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on Nov. 4, 2008. Field inspection determined that the stream has become incised from development runoff and stabilization should reduce sediment into the downstream river system.
6. Although there was a NH Natural Heritage Bureau record, they do not expect that it will be impacted by the project.
7. A review of the project, relative to impaired waters, finds that most of the work is essentially stabilization, does not add stormwater flows as stated by the applicant, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.
8. 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.

MINOR IMPACT PROJECT

2005-00009 DAC INVESTMENT CORP, ATTN: BOB LAMONTAGNE
BEDFORD Riddle Brook

Requested Action:

Approve name change to: DAC Investment Corp., 317 South River Rd., Bedford, NH 03110 per request received 10/1/09. Previous owner: Greenfield Farms Development Group

Conservation Commission/Staff Comments:

Conservation Commission recommends approval.

APPROVE NAME CHANGE:

Dredge and fill a total of 8,230 sq. ft. of wetlands including 2,234 sq. ft. of impact to install a 54'L x 7'W x 3'H box culvert; and 5,991 sq. ft. of impact to install a 54'L x 6'W x 3'H box culvert, to construct road crossings for a 21-lot subdivision on 28.3 acres.

With Conditions:

1. All work shall be in accordance with plans by True Engineering dated 9/30/2004, as received by the Department on 1/3/2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
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 permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2007-01497 CARL, HENRY C & STEPHANIE J
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Applicant request to add a 3 pile ice cluster to the docking structure.

APPROVE AMENDMENT:

Amend permit to read: Construct a 6 ft x 59 ft permanent dock with a 6 ft x 25 ft finger pier accessed by a 6 ft x 13 ft walkway over wetlands, and a 3 pile ice cluster to the south of the dock, on 244 ft of frontage in Wolfeboro on Melody Island on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated June 25, 2007 as received by the Department on July 2, 2007, and amendment request by Winnepesaukee Marine Construction dated August 24, 2009, as received by the Department on August 25, 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. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting

property lines or the imaginary extension of those lines into the water.

4. No portion of the docking facility shall extend more than 59 feet from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for dredging or rock removal for any purpose.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. No more than 250 square ft of wetlands shall be disturbed to access docking structure.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent docking system.
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 proposed non-standard configuration allows for a net reduction of bank impacts for a 3 boat slip docking facility.
6. This location has been determined as the least impacting alternative as it requires the least amount of wetland crossing impacts and ledge/boulder/navigational hazard removal.
7. This property is located on an island and is only accessible by boat.
8. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-00219 PSNH
SWANZEY Unnamed Wetland**

Requested Action:

Approve amendment request to temporarily impact an additional 540 square feet and permanently impact an additional 60 square feet of palustrine scrub-shrub wetlands in a utility right-of-way easement for the replacement of the 4.9 mile A-152 electrical transmission line in Swanzezy.

APPROVE AMENDMENT:

Temporarily impact 35,554 square feet and permanently impact 621 square feet of palustrine emergent/scrub-shrub wetlands and intermittent stream in a utility right-of-way easement for the replacement of the 4.9 mile A-152 electrical transmission line in Keene and Swanzezy.

With Conditions:

1. All work shall be in accordance with plans by Public Services of New Hampshire (PSNH) dated December 21, 2007, as received by the DES Wetlands Bureau on February 13, 2008; and plans dated December 21, 2007, and revised though June 06, 2008, and plans dated July 28, 2008, as received by the DES Wetlands Bureau on August 04, 2008; and plans dated December 21, 2007, as received by the DES Wetlands Bureau on August 29, 2008; and plans dated March 20, 2009, as received by the DES Wetlands Bureau on March 24, 2009; and plans dated August 20, 2009, as received by the DES Wetlands Bureau on September 08, 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. All activity shall be in accordance with the current Comprehensive Shoreland Protection Act.
4. Work shall be completed in frozen or dry conditions or with the use of swamp mats or temporary construction bridges.
5. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
6. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
7. Prior to installation, new wood-pole structures; and upon removal, old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. 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.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
17. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
18. There shall be no excavation or operation of construction equipment in flowing water.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.
20. Faulty equipment shall be repaired prior to entering wetlands.
21. 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.
22. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.
23. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to kpulkkinen@des.state.nh.us.
24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
25. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
26. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
27. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
28. Mulch within the restoration areas shall be straw or seedless hay.
29. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
30. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of

the wetland surface, and changing the hydrologic regime.

31. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

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

33. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.

34. Recreated stream channel beds must maintain the natural stream bed elevation.

35. Stream banks shall be restored to their original grades and to a stable condition within 5 days of completion of construction.

36. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

With Findings:

The DES Wetlands Bureau reaffirms finding no.'s 1 & 4 - 13 and amended finding no. 15 added August, 29, 2008:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters.
2. Project construction is not proposed within 50 feet of the Ashuelot River reference line and the proposed project is maintenance of an existing transmission utility line.
3. In correspondence dated February 27, 2008, the Ashuelot River Local Advisory Committee deferred action to the Swanzey and Keene Conservation Commissions given best management practices are implemented and the proposal is the least impacting alternative.
4. The Swanzey Conservation Commission signed the Minimum Impact Expedited Application.
5. In email correspondence dated January 28, 2008, the NHBG Nongame and Endangered Species Program stated it does not anticipate impacts to rare, threatened or endangered wildlife species as a result of the project (NHB07-2063).
6. Application materials state none of the species identified by NHB, except the Dwarf Wedge Mussel, have been identified along the project right-of-way.
7. Application materials state the Dwarf Wedge Mussel has been identified along portions of the Ashuelot River and no construction activities are proposed in or within 50 feet of the Ashuelot River.
8. Project completion in low-flow or frozen conditions may not be possible, and therefore, the project does not meet the minimum impact criteria of Env-Wt 303.04(af) and is minor impact in accordance with Env-Wt 303.03(h).
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. 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.
11. 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.
12. This permit approves impacts in the Town of Swanzey. Impacts in the Town of Keene were approved by Wetlands and Non-Site Specific Permit # 2008-00373.

The DES Wetlands Bureau also makes the following findings:

13. Two amendment requests were received by the DES Wetlands Bureau on August 04, 2008 and August 29, 2008, requesting an additional 30 square feet of permanent wetland impact and 2,554 square feet of temporary impact in the Town of Swanzey only. These amendments were approved on August 29, 2008.

14. A third amendment request was received on March 26, 2009 for an additional 40 square feet of permanent wetland impact and 750 square feet of temporarily wetlands impact in the Town of Swanzey only. This amendment was approved on April 23, 2009.

15. A fourth amendment request was received on September 08, 2009, for an additional 60 square feet of permanent wetland impact and 540 square feet of temporary wetland impact in the Town of Swanzey only. This additional impacts are approved by this permit amendment.

16. Total project impacts for both Swanzey and Keene include 621 square feet of permanent wetland impact and 35,554 square feet of temporary wetland impact.
17. Project impacts proposed in Swanzey include 478 square feet of permanent impact and 28,904 square feet of temporary impacts and impacts proposed in Keene include 143 square feet of permanent impact and 6,640 square feet of temporary impact.

2008-00690 RUGGIERO, ROCCO & MARY
WASHINGTON Lake Ashuelot

Requested Action:

Retain ± 17,810 sq. ft. of palustrine forested wetlands fill including an existing shared driveway providing access to two (2) existing single family lots of record and construct a single family residence, driveway extension, septic system and install two 12-inch x 20-foot HDPE driveway culverts in existing fill. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund and the waterfront buffer plantings as the forms of compensatory mitigation.

APPROVE PERMIT:

Retain ± 17,810 sq. ft. of palustrine forested wetlands fill including an existing shared driveway providing access to two (2) existing single family lots of record and construct a single family residence, driveway extension, septic system and install two 12-inch x 20-foot HDPE driveway culverts in existing fill. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund and the waterfront buffer plantings as the forms of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated March 11, 2008, and revised through January 09, 2009, as received by the Department on January 20, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. 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.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit is contingent on approval by the DES Shoreland Program.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
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. 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.
15. This permit is contingent upon waterfront buffer plantings in accordance with plans by Meridian Land Services, Inc. dated March 11, 2008, and revised through January 09, 2009, as received by the Department on January 20, 2009.
16. 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.
17. The schedule for waterfront buffer plantings shall occur prior to/coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
16. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the planting area is constructed in accordance with the planting plan. Monitoring shall be accomplished in a timely fashion and remedial measures

taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

17. Plantings shall have 100% successful establishment after two (2) growing seasons, or shall be replanted and re-established until a 100% successful establishment of vegetation is reached or established in a manner satisfactory to the DES Wetlands Bureau.

18. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

19. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion. 19. This approval is contingent on receipt by DES of a one time payment of \$30,000.00 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

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, nontidal surface waters, or banks adjacent to nontidal surface waters.
2. In correspondence dated June 06, 2008, the Ashuelot River Local Advisory Committee (ARLAC) expressed concerns regarding the project. Concerns included suitability of the lot for development, stating the site appears to be sandy fill and is located in a floodplain. The ARLAC submitted photographs of the project area under flood conditions and questioned placing a leach field in a flood prone area. The ARLAC also questioned if approval was obtained for the existing fill on-site.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Shoreland Program.
5. The subject lot was created in 1969.
6. A Section F delineation was completed and concluded all uplands on the subject parcel were historic fill (\pm 17,810 sq. ft.), estimated to have been placed in the late 1970's.
7. The existing driveway is located on the subject parcel and abutting lot tax map/lot no. 14/19 and provides access to the two lots.
8. The Applicant has obtained signatures of the owner of abutting tax map/lot 14/19 on the application, therefore owners of both parcels on which after-the-fact driveway impacts exist have signed the application.
9. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund and restoration of the waterfront buffer.
10. The payment calculated for the proposed wetland loss equals \$30,000.
11. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
12. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River from Ashuelot River, Vernon Dam to Millers River watershed per RSA 482-A:29.
13. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
14. 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.
15. 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.

2009-00411 INGALLS, EDWARD
BROOKFIELD Kingswood Lake

Requested Action:

Install two 6 ft x 20 ft seasonal docks to extend from an existing 12 ft x 20 ft deck over public waters and construct a 228 sq ft perched beach on Kingswood Lake, in Brookfield.

DENY PERMIT:

Install two 6 ft x 20 ft seasonal docks to extend from an existing 12 ft x 20 ft deck over public waters and construct a 228 sq ft perched beach on Kingswood Lake, in Brookfield.

With Findings:
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), construction or modification of a docking system that provides 3 to 4 boat slips.
3. In accordance with RSA 483-B:3, I, Consistency Required, state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter.
4. In accordance with RSA 483-B:4, II, "Accessory structure" means a structure on the same lot and customarily incidental and subordinate to the primary structure or use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings."
5. In accordance with Env-Wq 1405.05 "Slope Limitation for Accessory Structures" no accessory structure shall be built on or into land having greater than 25% slope.
6. In accordance with RSA 482-A:3, XIII (a), all boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters
7. In accordance with RSA 482-A:11, II "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."
8. Pursuant to Env-Wt 402.21, Modification of Existing Structures, non-conforming structure shall only be modified if the change will reduce the environmental impact of the structure or will reduce both the square footage of construction surface area and number of slips proved by the structure.

Findings of Fact

1. On March 12, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Brookfield tax map 26, lot 15, to install attach two seasonal docks to an existing 12 ft x 20 ft deck over the water, and construct a perched beach on Kingswood Lake, in Brookfield.
2. The 12 ft x 20 ft deck exceeds the current dimensions allowed and is considered to be a non-conforming structure.
3. Plan L-01 submitted with the application states it is drawn to a scale of 1"=10', but has a scale bar of a different scale. Using the stated 1"=10' scale, this plan indicates the rear retaining wall of the proposed beach would be 13 feet from the reference line. The cross sectional plan indicates 4 feet of elevation from the reference line to the landward portion of the proposed beach. These measurements would be indicative of a slope of approximately 30%.
4. Wetlands Permit 1997-00294 was issued to the applicant on July 03, 1997, to install a 6 ft x 24 ft seasonal dock. Specific Condition #4 of this permit states "This shall be the only structure on this water frontage and all portions of the dock shall be at least 20' from abutting property lines or the imaginary extension of those lines into the water."
5. The plan submitted in support of the current application indicates a docking structure already having 2 finger piers, of a different configuration and location than that which was permitted under Wetlands Permit 1997-00294.
6. The plan submitted in support of the application indicates the docking system is located within the abutting property setback and extending over the extension of the property line.
7. On June 02, 2009, the Department sent a Request for More Information letter stating the Department could find no permits for the existing structures as shown on the plan. The letter further stated that RSA 482-A:3,XIII required all docking structures to be located at least 20 ft from the extension of the property line and prohibited their extension over the line. The letter requested a revised plan with a docking structure located at least 20 ft from the property line or the property line extension over public waters.
8. The request for more information also requested revised plans that would meet the criteria of Env-Wt 402.21.
9. The request for more information noted that pursuant to Env-Wq 1405.05, the construction of a beach in slopes in excess of 25% would not be approvable and request revised plans for a proposed perched beach in slopes less than 25% or plans with no proposed perched beach."
10. On July 17, 2009, the Department received a response from the applicant. The response did not address the issues related to the distance of the dock from the property line or the criteria for the modification of the non-conforming deck.
11. On September 11, 2009, the Department received a second response intended to address the issues related to the property line setback and the criteria for the modification of the non-conforming deck.
The plan included in this response failed to address either issue.

Rulings in Support of Denial

1. Pursuant to RSA 483-B:3, "Consistency Required" and Env-Ws 1405.05, "Slope limitations for Accessory Structures" the construction of a beach in slopes in excess of 25% is not approvable, therefore the application is denied.
2. Pursuant to RSA 482-A:3, XIII, no dock shall be located within the abutters setback, therefore the application is denied.
3. The location of a dock within the abutters setback infringes on the abutters property rights, therefore pursuant to RSA 482-A:11, II the application is denied.
4. The proposal to modify a non-conforming deck over public waters fails to meet the requirements of Env-Wt 402.21, and therefore the application is denied.

2009-00452 KELLEY, RICK
PITTSBURG First Connecticut Lake

Requested Action:

Cut back and stabilize 145 linear feet of eroding slope with coconut roll and loam, seed and plant 172 dormant live stakes on First Connecticut Lake, in Pittsburg.

APPROVE PERMIT:

Cut back and stabilize 145 linear feet of eroding slope with coconut roll and loam, seed and plant 172 dormant live stakes on First Connecticut Lake, in Pittsburg.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated September, 2009, as received by DES on September 08, 2009.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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(k), projects that disturb between 50 and 200 linear feet along the shoreline.
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.

2009-01027 FRANCESTOWN, TOWN OF
FRANCESTOWN Tributary To Collins Brook

Requested Action:

Dredge and fill ± 336 sq. ft. of Dinsmore Brook to replace of an existing 72-inch x 50-foot CMP culvert with a 77-inch x 121-inch x 56-foot embedded concrete elliptical pipe.

APPROVE PERMIT:

Dredge and fill ± 336 sq. ft. of Dinsmore Brook to replace of an existing 72-inch x 50-foot CMP culvert with a 77-inch x 121-inch x 56-foot embedded concrete elliptical pipe.

With Conditions:

1. All work shall be in accordance with plans by TFM dated December 23, 2008, and revised through September 17, 2009, as received by the NHDES Wetlands Bureau on September 18, 2009 (sheet OS1 refer to plan view only for correct invert elevations).
2. The applicant shall notify the NHDES Wetlands Bureau 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.
3. Work shall be done during low flow conditions.
4. This permit is contingent on review and approval, by the NHDES 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.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the NHDES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. 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.
18. The channel at the culvert inlet and outlet must maintain a consistent streambed elevation and not impede stream flow.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
22. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. The applicant shall notify the NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the NHDES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. In email correspondence dated September 17, 2009, the NHFG Fisheries Division requested the proposal was revised to lower the culvert elevation.

3. The proposed culvert is approximately 1.2 times the bankfull width and can pass the 100-year storm.
4. The Agent has confirmed additional site development will not result in further impacts to areas under the jurisdiction of the NHDES Wetlands Bureau.
5. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
6. In correspondence received May 21, 2009, the NH Division of Historic Resource (DHR) confirmed that no historic proper will be affected by the project.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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 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.

2009-01187 NH DEPT OF TRANSPORTATION
HARRISVILLE Silver Lake

Requested Action:

Replace a 22 ft x 40 ft boat ramp with a 16 ft x 38 ft boat ramp, stabilize 4 areas of bank erosion with bio-engineered products and plantings, and construct two stone pathways to the waterbody on Silver Lake, Harrisville.

Conservation Commission/Staff Comments:

No Con Com comments by Aug 27, 2009

APPROVE PERMIT:

Replace a 22 ft x 40 ft boat ramp with a 16 ft x 38 ft boat ramp, stabilize 4 areas of bank erosion with bio-engineered products and plantings, and construct two stone pathways to the waterbody on Silver Lake, Harrisville.

With Conditions:

1. All work shall be in accordance with plans by Geosyntec Consultants dated May 2008, as received by DES on August 18, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during draw down.
4. 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.
5. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
6. The boat ramp shall be utilized indefinitely as a public access to Silver Lake and shall not change in use.
7. 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(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2009-02087 PERSAN REVOC LIVING TRUST, HERBERT
ALTON Lake Winnepesaukee

Requested Action:

Repair 71 linear ft of retaining wall remove two 7 ft x 31 ft cribs, and convert two 8 ft x 32 ft permanent piers to seasonal piers attached to a 34'x 6' walkway forming a "U" shaped docking structure with 15 ft and a seasonal boatlift between the piers on 100' of

frontage on Lake Winnepesaukee in Alton.

APPROVE PERMIT:

Repair 71 linear ft of retaining wall remove two 7 ft x 31 ft cribs, and convert two 8 ft x 32 ft permanent piers to seasonal piers attached to a 34'x 6' walkway forming a "U" shaped docking structure with 15 ft and a seasonal boatlift between the piers on 100' of frontage on Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 8, 2009, as received by DES on September 14, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris, including removed crib materials, shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All seasonal structures shall be removed from the lake for the non-boating season.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of a docking facility provide 3 to 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project as proposed will not increase the nubmer of slips provided on the frontage.

MINIMUM IMPACT PROJECT

**2006-03150 DORR, EBEN
FARMINGTON Tributary To Colbath Pond**

Requested Action:

Fill a total of 2,800 sq. ft. of wetland to widen an existing 10 ft. wide woods road to 15 ft. wide including installation of four (4) 24 in. x 15 ft. culverts within an intermittent stream. Wetland restoration of 3,000 sq. ft. is addressed under separate cover. Install a temporary logging bridge over the intermittent stream within the same footprint described above in order to transport slash from the wetland restoration areas.

APPROVE AMENDMENT:

Fill a total of 2,800 sq. ft. of wetland to widen an existing 10 ft. wide woods road to 15 ft. wide including installation of four (4) 24 in. x 15 ft. culverts within an intermittent stream. Wetland restoration of 3,000 sq. ft. is addressed under separate cover. Install a temporary logging bridge over the intermittent stream within the same footprint described above in order to transport slash from the wetland restoration areas.

With Conditions:

1. **AMENDED:** All work shall be in accordance with revised plans by Round Pond Soil Survey dated January 2009, as received by the Department on February 6, 2009 and narrative dated August 24, 2009, as received by the Department on August 26, 2009.
2. This permit is contingent upon completion of wetland restoration on the property addressed under separate cover.
3. Work within surface waters shall be done in the dry or during low flow.
4. Construction equipment shall not be located within surface waters.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. 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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. 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.
9. The DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon completion.
10. **ADDITIONAL CONDITION:** The temporary bridge shall be removed immediately upon completion of the transport of slash from the wetland restoration areas.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.01(b) by demonstrating that the proposal must cross wetlands at some locations on this property to access buildable uplands on the property.
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 by designing the access roadway within the same general footprint as an existing woods road.
4. The applicant will restore 3,000 sq. ft. of unauthorized work in wetlands on the property and is addressed under separate cover.
5. The applicant has addressed the concerns of Natural Heritage Bureau ("NHB") relative to the medium level fen system within the vicinity of the project. Round Pond Soil Survey determined that the medium level fen system is over 600 ft. to the southwest of the project area and has no direct hydrologic connection. NHB sent an e-mail to Round Pond Soil Survey on April 16, 2009 stating that NHB concerns were adequately addressed.
6. The applicant submitted a request for a waiver of Env-Wt 304.04, as received by DES on February 6, 2009. DES waives Env-Wt 304.04 requiring projects to be setback 20 ft. from abutter's property lines. The property has an existing roadway with a 50 ft. wide access strip to Ten Rod Road. The existing 10 ft. wide access road will be widened to 15 ft. which would make it impossible to meet Env-Wt 304.04. The existing access road is not centered on the 50 ft. wide access strip and in many locations is currently less than 20 ft. to the abutting property lines. The proposal will center the 15 ft. widening as much as possible while minimizing impacts to wetlands.

**2008-01777 ACWORTH, TOWN OF
ACWORTH Cold River**

Requested Action:

Confirm emergency authorization issued September 04, 2008, to replace the Cold River/Grout Hill Road Bridge (No. 147/067) stone

abutment protection relocated by floods.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued September 04, 2008, to replace the Cold River/Grout Hill Road Bridge (No. 147/067) stone abutment protection relocated by floods.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x), Maintenance, repair, or replacement of a nondocking structure such as a bridge.
2. The project was necessary to prevent further damage to damage the Grout Hill Road bridge.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on September 04, 2008.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2008-02447 SCARPETTI, KENNETH
PORTSMOUTH Tidal Buffer Zone**

Requested Action:

Impact 286 sq. ft. in the developed upland tidal buffer zone to construct a sunroom on an existing structure.

APPROVE PERMIT:

Impact 286 sq. ft. in the developed upland tidal buffer zone to construct a sunroom on an existing structure.

With Conditions:

1. All work shall be in accordance with revised plans by Schauer Environmental Consultants dated 6/4/2009, as received by DES on 6/22/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously-developed upland areas within 100 feet of the highest observable tide line that are not major or minor, per Env-Wt 303.02 or 303.03, respectively.
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 proposal conforms to the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Fish and Game Department has commented that the proposal is not expected to peregrine falcons reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
6. The Portsmouth Conservation Commission recommended denial of the unauthorized wall and associated fill. This violation is being resolved pursuant to Letter of Deficiency LRM 09-012 dated 5/15/2009 and Restoration Plan Approval dated 6/26/2009.

**2009-01241 BASSI REVOC TRUST, MARSHA
MEREDITH Lake Winnepesaukee**

Requested Action:

Install a seasonal boatlift with a 10 ft x 30 ft seasonal canopy in the center slip and a seasonal boatlift in the southern boatslip of a "U" shaped docking structure consisting of a 6 ft x 32 ft permanent dock and a 10 ft x 30 ft permanent dock connected by a 4 ft x 13 ft walkway on an average of 125 feet of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a seasonal boatlift with a 10 ft x 30 ft seasonal canopy in the center slip and a seasonal boatlift in the southern boatslip of a "U" shaped docking structure consisting of a 6 ft x 32 ft permanent dock and a 10 ft x 30 ft permanent dock connected by a 4 ft x 13 ft walkway on an average of 125 feet of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated August 10, 2009, as received by DES on August 17, 2009.
2. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
3. The seasonal boatlifts shall be removed for the non-boating season.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boatlift.
2. The applicant has an average of 125 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing docking facility provides 3 slips as defined per RSA 482-A:2.

2009-01736 SOUTHARD, DOUGLAS
SUTTON Blaisdell Lake

Requested Action:

Retain 36 linear feet of concrete footings and rebuild an existing single story, flat-roofed, 12 ft x 16 ft 3 in partially dug-in boathouse in kind on an average of 93 ft of frontage on Lake Blaisdell, in Sutton.

Conservation Commission/Staff Comments:

No Con Com comments by October 07, 2009

APPROVE PERMIT:

Retain 36 linear feet of concrete footings and rebuild an existing single story, flat-roofed, 12 ft x 16 ft 3 in partially dug-in boathouse in kind on an average of 93 ft of frontage on Lake Blaisdell, in Sutton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on August 15, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation, erosion, and 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. The repairs shall maintain the size, location and configuration of the pre-existing structures.

5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

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

2009-01854 BOSHAR, MARK & MICHELE
HEBRON Newfound Lake

Requested Action:

Regrade a 663 sq ft existing beach to reduce runoff and construct 25 linear feet of retaining wall on an average of 49.5 ft of frontage on Newfound Lake, in Hebron.

Conservation Commission/Staff Comments:

No comments from Con Com by October 05, 2009

APPROVE PERMIT:

Regrade a 663 sq ft existing beach to reduce runoff and construct 25 linear feet of retaining wall on an average of 49.5 ft of frontage on Newfound Lake, in Hebron.

With Conditions:

1. All work shall be in accordance with plans by French Land Services Inc, as received by DES on August 14, 2009.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
7. 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.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

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

2009-01972 **NEW DURHAM, TOWN OF**
NEW DURHAM **Merrymeeting Lake**

Requested Action:

Perch an previously permitted sloped beach by constructing 47 linear feet of retaining wall, removing a failed rock wall along the shoreline, add 10 cubic yards of sand on Merrymeeting Lake, New Durham.

Conservation Commission/Staff Comments:

No comments from Con Com by October 8, 2009

APPROVE PERMIT:

Perch an previously permitted sloped beach by constructing 47 linear feet of retaining wall, removing a failed rock wall along the shoreline, add 10 cubic yards of sand on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Ronald Gehl revision dated June 25, 2009, as received by DES on August 25, 2009.
2. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. 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.
4. 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.
5. Silt fencing must be removed once the area is stabilized.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 648.44).
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. 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.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of sand on an existing beach provided no more than 10 cubic yards of sand shall be used.
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.

OTHER BUSINESS

**2009-00811 ATKINSON - MULTI OWNERS, TOWN OF
ATKINSON Prime Wetlands**

Requested Action:

Request review and approval of four (4) Prime Wetland designations for the Town of Atkinson.

Conservation Commission/Staff Comments:

The Atkinson Conservation Commission is the sponsor for these prime wetlands designations.

APPROVE PERMIT:

Accept four (4) Prime Wetland designations for the Town of Atkinson to include, by name and map number: a) Hall Farm Pond [Map 7]; b) Hog Hill Brook [Map 12]; c) Stewart Farm Pond [Map 20]; and d) Bryant Brook [Map 40] per Rule Env-Wt 702.03.

EXPEDITED MINIMUM

**2008-01627 LADD, PETER
WARNER Warner River**

Requested Action:

Deny permit request to repair a spillway on an existing Warner River Dam (NHDES Dam No. 243.08).

Inspection Date: 05/26/2009 by Kirsten Pulkkinen

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to repair a spillway on an existing Warner River Dam (NHDES Dam No. 243.08).

With Findings:

1. A request for additional information dated September 25, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. DES received an insufficient response to the September 25, 2008, Request for More Information on January 2008.
3. On February 11, 2009, a timeframe review extension by mutual agreement was signed extending the applicants deadline to respond to till July 01, 2009. In the extension DES agreed to inspect the site and provide follow-up comment by June 01, 2009.
4. The DES Wetlands Bureau and the NH Fish and Game Department completed a site inspection on May 26, 2009.
5. DES issued a letter dated June 01, 2009, outlining required information.
6. On June 30, 2009, DES issued a second timeframe review extension by mutual agreement to allow additional time for the applicant to response to the June 01, 2009, letter.
7. The June 30, 2009, extension agreement required submittal of outstanding items by September 28, 2009.
8. DES did not receive the requested additional information prior to the timeframe review extension deadline and therefore the application has been denied.

**2009-01619 PLAISTOW, TOWN OF
PLAISTOW Unnamed Pond**

Requested Action:

Impact approximately 10 linear feet within the bank of an unnamed pond to install a dry hydrant to provide a water supply for fire protection to nearby residential dwellings and commercial properties.

APPROVE PERMIT:

Impact approximately 10 linear feet within the bank of an unnamed pond to install a dry hydrant to provide a water supply for fire protection to nearby residential dwellings and commercial properties.

With Conditions:

1. All work shall be in accordance with plans by the Town of Plaistow received by DES on July 29, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
5. Work shall be done in low water conditions.
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
9. Machinery shall be staged and refueled in upland areas.
10. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands, lined with hay bales or other acceptable sediment trapping liners, or set back as far as possible from wetlands and surface waters --in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.

With Findings:

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

2009-01799 FINN, JOHN
MEREDITH Lake Winnepesaukee

Requested Action:

Regrade and replenish an existing 270 sq ft sloped beach with 10 cubic yards of sand, in kind repair an existing 23 linear ft of retaining wall, repair 51 linear ft of wood retaining wall with 42 linear feet of stone wall, on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application and submitted comments requesting the beach be perched.

APPROVE PERMIT:

Regrade and replenish an existing 270 sq ft sloped beach with 10 cubic yards of sand, in kind repair an existing 23 linear ft of retaining wall, repair 51 linear ft of wood retaining wall with 42 linear feet of stone wall, on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated August 07, 2009, as received by DES on August 14, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
4. 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.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Repair shall maintain existing size, location and configuration.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed work is the repair of existing structures, the applicant submitted information re-affirming the repair of existing structures, thus addressing the local Conservation Commission comments.

**2009-01873 SCOTT 2002 TRUST, LYDIA
DOVER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1,010 sq. ft. of wetland, including 275 sq. ft. of impact and installation of a 15" x 30' culvert and 735 sq. ft. of impact and installation of a 15" x 30' culvert for construction of a shared driveway for two lots of a 4-lot subdivision.

APPROVE PERMIT:

Dredge and fill a total of 1,010 sq. ft. of wetland, including 275 sq. ft. of impact and installation of a 15" x 30' culvert and 735 sq. ft. of impact and installation of a 15" x 30' culvert for construction of a shared driveway for two lots of a 4-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by McEaney Survey Association dated 07/06/2009, as received by DES on 08/20/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
4. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. 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. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some point to access buildable uplands on the property.
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, per email dated 09/21/2009, NH Fish and Game Department does not expect impacts to either New England Cottontails or Bald Eagles, as a result of the project.
5. The Dover Conservation Commission signed the expedited application.

2009-01971 BIELINSKY, DONALD
WINDHAM Cobbetts Pond

Requested Action:

Replace in kind, an existing 48 linear feet of retaining wall on Cobbetts Pond, Windham.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace in kind, an existing 48 linear feet of retaining wall on Cobbetts Pond, Windham.

With Conditions:

1. All work shall be in accordance with plans as received by DES on August 31, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

2009-02048 MOOSE MOUNTAIN LLC
BROOKFIELD Unnamed Wetland

Requested Action:

Dredge 7,830 sq. ft. of wetlands for construction of a fire/water supply pond.

APPROVE PERMIT:

Dredge 7,830 sq. ft. of wetlands for construction of a fire/water supply pond.

With Conditions:

1. All work shall be in accordance with plans by Fraggie Rock Environmental Services dated July 2009, as received by DES on 9/9/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond that meet the criteria of Env-Wt 303.04(p)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The pond will provide fire protection and water supply.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Brookfield Conservation Commission signed the expedited application.

2009-02162 CLARK, A JAMES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair two access steps from a perched beach to the waterbody on Lake Winnepesaukee, Moultonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair two access steps from a perched beach to the waterbody on Lake Winnepesaukee, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company dated September 17, 2009, as received by DES on September 22, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
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.

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, provided: (1) No change in location, configuration, construction type, or dimensions is proposed; and (2) The applicant certifies in writing that the structure, in its current location, configuration, construction type and dimensions: a. Was previously permitted by the department and has not been abandoned; or b. Would be considered grandfathered under Env-Wt 101.43 and has not been abandoned.

**2009-02163 SOUNDINGS AT KONA COVE, ROGER ORTEL
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Replace in kind a previously permitted major docking facility consisting of 22 slip docking facility with 19 finger docks accessed by a 6 ft x 92 ft walkway on an average of 50 ft of frontage on Lake Winnepesaukee, Moultonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Applicaiton

APPROVE PERMIT:

Replace in kind a previously permitted major docking facility consisting of 22 slip docking facility with 19 finger docks accessed by a 6 ft x 92 ft walkway on an average of 50 ft of frontage on Lake Winnepesaukee, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 14, 2009, as received by DES on September 22, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the

applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

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

With Findings:

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

ROADWAY MAINTENANCE NOTIF

**2009-02291 NH DEPT OF TRANSPORTATION, BUREAU OF RAIL & TRANSI
CANTERBURY Unnamed Wetland**

**2009-02292 WHITEFIELD DPW, TOWN OF
WHITEFIELD Unnamed Stream**

PERMIT BY NOTIFICATION

**2009-02142 CASTALDO, MARY
ANTRIM Franklin Pierce Lake**

Requested Action:
Repair existing retaining walls pursuant to Env-Wt 303.04(c).

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

PBN IS COMPLETE:
Repair existing retaining walls pursuant to Env-Wt 303.04(c).

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

**2009-02216 AUBURN, TOWN OF
AUBURN Maple Falls Brook**

Requested Action:

Temporarily impact 1,000 sq. ft. of wetlands for the in-kind replacement of the deck of the bridge over Maple Falls Brook on Old Candia Road for safe vehicular passage.

Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 1,000 sq. ft. of wetlands for the in-kind replacement of the deck of the bridge over Maple Falls Brook on Old Candia Road for safe vehicular passage.

2009-02225 MCNEIL, PATRICK
BARNSTEAD Unnamed Wetland

Requested Action:

Temporarily impact 318 sq. ft. of wetlands to install a residential sewer line.

Conservation Commission/Staff Comments:

Conservation Commission signed PBN.

PBN IS COMPLETE:

Temporarily impact 318 sq. ft. of wetlands to install a residential sewer line.

2009-02254 KEARSARGE REGIONAL SCHOOL
SUTTON Unnamed Wetland

Requested Action:

Remove 2,314 sq. ft. of siltation from an existing level spreader.

PBN IS COMPLETE:

Remove 2,314 sq. ft. of siltation from an existing level spreader.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. The level spreader is depicted on plans approved in file no. 1993-01635 by Sheerr & McCrystal, Inc.; Stevens Engineering and Pellettieri Associates, Page 1 of 2, dated June 01, 1996, as received by the NHDES Wetlands Bureau on June 24, 1996.
4. NHDES Wetlands Bureau NHB review indicated a negative result for records of exemplary natural community or community with occurrences of state or federally listed Endangered or Threatened species.

2009-02257 BAIER, ROBERT & LILIAN
SANBORNTON Lake Winnisquam

2009-02268 SMITH, BERNARD
ALSTEAD Unnamed Stream

Requested Action:

In-kind replacement of a 12-inch x 16.5-foot culvert for right-of-way access to a landlocked parcel.

PBN IS COMPLETE:

In-kind replacement of a 12-inch x 16.5-foot culvert for right-of-way access to a landlocked parcel.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. The applicant has received written consent from the owners of lot 13 (tax map 29), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
4. In a phone conversation with the Agent on October 06, 2009, the Agent confirmed the right-of-way provides access to the landlocked parcel and has been used in the past for forestry activity access. The access will not be used to subdivision or driveway access.

CSPA PERMIT

2009-01525 DEMERS, ARTHUR
SUCCESS Success Pond

Requested Action:

No impacts. Place a 8'x 20' cargo container for storage.

APPROVE PERMIT:

No impacts. Place a 8'x 20' cargo container for storage.

With Conditions:

1. 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.
2. 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.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-01840 HIGGINS, LISA
ELKINS Pleasant Lake

Requested Action:

Impact 557 sq ft for the purpose of upgrading an existing perimeter drain and installing a new drywell.

Conservation Commission/Staff Comments:

Spoke with 9/22/09, will e-mail PDF of materials requested within MIR.

APPROVE PERMIT:

Impact 557 sq ft for the purpose of upgrading an existing perimeter drain and installing a new drywell.

With Conditions:

1. All work shall be in accordance with plans by Matthew McClay, Pleasant Acres Property Maintenance, LLC. received by the Department of Environmental Services ("DES") on September 23, 2009.
2. No more than 3.91% 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 proposed dry well shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
4. The project as proposed will leave approximately 6,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
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.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

2009-01843 EMERSON COTTAGE TRUST
NEWBURY Lake Sunapee

Requested Action:

Impact 2,866 sq ft to move an existing house away from the reference line and reconfigure parking and driveway to more nearly conform to RSA 483-B.

APPROVE PERMIT:

Impact 2,866 sq ft to move an existing house away from the reference line and reconfigure parking and driveway to more nearly conform to RSA 483-B.

With Conditions:

1. All work shall be in accordance with plans by Riverside Ecological Designs, LLC dated August 3, 2009 and received by the Department of Environmental Services ("DES") on August 18, 2009.
2. No more than 14% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,493 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 1,799 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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-01968 MCDONNELL, MICHAEL / IDA
MILTON Northeast Pond

Requested Action:

Impact 192 sq ft for the purpose of constructing a new, three season porch.

APPROVE PERMIT:

Impact 192 sq ft for the purpose of constructing a new, three season porch.

With Conditions:

1. All work shall be in accordance with plans submitted by Ida McDonald and received by the Department of Environmental Services ("DES") on August 28, 2009.
2. No more than 15.0% 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 9,034 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,075 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. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Silt fencing must be removed once the area is stabilized.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-01975 MARDEN, FRANK
SANBORNTON Hermit Lake

Requested Action:

Impact 256 sq ft for the purpose of constructing a new porch.

APPROVE PERMIT:

Impact 256 sq ft for the purpose of constructing a new porch.

With Conditions:

1. All work shall be in accordance with plans by L.J. Marcello Builders received by the Department of Environmental Services ("DES") on August 31, 2009 and October 5, 2009.
2. No more than 5.70% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

**2009-02058 SCARPETTI, KENNETH
PORTSMOUTH**

Requested Action:

Impact 324 sq. ft. for construction of a deck attached to an existing dwelling.

Inspection Date: 05/12/2009 by Dori A Wiggin

APPROVE PERMIT:

Impact 324 sq. ft. for construction of a deck attached to an existing dwelling.

With Conditions:

1. All work shall be in accordance with revised plans by Schauer Environmental Consultants dated 6/4/2009, as received by DES on 6/22/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau or Comprehensive Shoreland Protection Act will require a new application and further permitting by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas of the protected shoreland beyond those permitted herein, permitted under wetlands permit 2008-2447, or required to be restored pursuant to Letter of Deficiency LRM 09-012 and Restoration Plan Approval dated 6/26/2009.
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. 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.

With Findings:

1. Construction activities exclusive of the deck have been permitted under wetlands permit 2008-2447 for impacts to the developed upland tidal buffer zone.
2. Unauthorized fill and wall construction work conducted on the property has been addressed pursuant to Letter of Deficiency LRM 09-012 issued 5/15/2009, and Restoration Plan Approval dated 6/26/2009.

2009-02068 PAWLUK, WILLIAM
WAKEFIELD Belleau Lake

Requested Action:

Impact 5,580 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a septic system.

APPROVE PERMIT:

Impact 5,580 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Fox Survey Company dated August 24, 2009, and received by the Department of Environmental Services ("DES") on September 10, 2009.
2. No more than 13.0% 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 7,300 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,727 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-02088 COGLIANO, DONALD/MAUD
ANTRIM North Branch River

Requested Action:

Impact 1,368 sq ft for the purpose of expanding an existing porch and constructing a new car port and shed.

APPROVE PERMIT:

Impact 1,368 sq ft for the purpose of expanding an existing porch and constructing a new car port and shed.

With Conditions:

1. All work shall be in accordance with plans submitted by Cogliano Construction received by the Department of Environmental Services ("DES") on September 14, 2009.
2. No more than 9.87% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

2009-02089 SPATHAROS FAMILY TRUST
WINDHAM Cobbetts Pond

Requested Action:

Impact 7,000 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 7,000 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Joseph Maynard dated June 24, 2009 and received by the Department of Environmental Services ("DES") on September 14, 2009 and October 6, 2009.
2. No more than 20.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

4. Upon completion of the proposed project, all impacts within the waterfront buffer necessary for installing a well, will be completely restored with natural, native vegetation.
5. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V(a).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2009-02093 F & P VACATION PROPERTIES, B FORTIN & T PHILBRICK
SANBORNTON Lake Winnisquam**

Requested Action:

Impact 836 sq ft for the purpose of constructing a new garage and trenching associated with connecting existing residential unit to public sewer.

APPROVE PERMIT:

Impact 836 sq ft for the purpose of constructing a new garage and trenching associated with connecting existing residential unit to public sewer.

With Conditions:

1. All work shall be in accordance with plans submitted by Brian Fortin and received by the Department of Environmental Services ("DES") on September 14, 2009.
2. No more than 2.06% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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

**2009-02115 GOODWIN 2002 REVOC TRUST, MARILYN
LACONIA Lake Winnepesaukee**

Requested Action:

Impact 326 to install sewer system connection.

APPROVE PERMIT:

Impact 326 to install sewer system connection.

With Conditions:

1. All work shall be in accordance with plans by Watermark Planning & Permits dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,041 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,041 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2)
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02119 MELODY PINES DAY CAMP INC
MANCHESTER Crystal Lake**

Requested Action:

Impact 5,000 sq ft to construct a vehicle pull-off area along Corning Road.

APPROVE PERMIT:

Impact 5,000 sq ft to construct a vehicle pull-off area along Corning Road.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants, Inc. dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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.

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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02120 BURNS, JAY/JANET
WOLFEBORO Lake Wentworth

Requested Action:

Impact 9,942 sq ft to replace foundation and install septic system.

APPROVE PERMIT:

Impact 9,942 sq ft to replace foundation and install septic system.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated September 16, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,879 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,879 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02122 GOTTESMAN REVOC TRUST, JEAN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 3,185 sq ft to construct guest house with an attached patio.

APPROVE PERMIT:

Impact 3,185 sq ft to construct guest house with an attached patio.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated September 9, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. The owner shall be responsible for obtaining any necessary subsurface system permits prior to the construction of any new structure.
3. No more than 14.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 13,185 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,185 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02140 BRUNAUT, DAVID
COLUMBIA Simms Stream**

Requested Action:

Impact 2,297 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 2,297 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Karen L. Dickson dated August 10, 2009 and received by the Department of Environmental Services ("DES") on September 18, 2009.
2. No more than 9.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 21,818 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 19,382 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 12. Silt fencing must be removed once the area is stabilized.
- 13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-02149 CAMPBELL, DAVID/MARCIA
TUFTONBORO Mirror Lake

Requested Action:

Impact 5,070 sq ft for the construction of a new barn with a 1,759 sq ft driveway.

APPROVE PERMIT:

Impact 5,070 sq ft for the construction of a new barn with a 1,759 sq ft driveway.

With Conditions:

- 1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 21, 2009.
- 2. No more than 10% 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 35,749 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 35,749 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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02159 JOHNSON, BARBARA
ENFIELD Crystal Lake

Requested Action:

Impact 1,116 sq ft for the purpose of replacing an existing retaining wall.

APPROVE PERMIT:

Impact 1,116 sq ft for the purpose of replacing an existing retaining wall.

With Conditions:

- 1. All work shall be in accordance with plans by Charles Hirshberg, CLD Consulting Engineers received by the Department of

Environmental Services ("DES") on September 22, 2009.

2. No more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,857 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,581 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

2009-02187 MCDONOUGH, LISA
LITTLETON Partridge Lake

Requested Action:

Impact 3,236 sq ft to remove a bunk house, expand a primary structure, and expand a driveway and parking areas.

Conservation Commission/Staff Comments:

9/28/09-Albert House /neighbor called. Just stated to be cautious because applicants have history for bending rules. -SPH

APPROVE PERMIT:

Impact 3,236 sq ft to remove a bunk house, expand a primary structure, and expand a driveway and parking areas.

With Conditions:

1. All work shall be in accordance with plans by Steve Schaefer dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 23, 2009.
2. No more than 20.66% 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 10,123 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,600 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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02188 AMHERST DPW, TOWN OF
AMHERST Baboosic Lake**

Requested Action:

Impact 5,315 sq ft for the construction of a septic/pump tanks, sewer, gravity & force main lines.

APPROVE PERMIT:

Impact 5,315 sq ft for the construction of a septic/pump tanks, sewer, gravity & force main lines.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. The project as proposed will not create any increased impervious surface other than sewer manhole covers.
3. 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.
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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. 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.

**2009-02192 MACINNI REALTY LLC
PITTSBURG Back Lake**

Requested Action:

Impact 2,398 sq ft to install a garage with an overhead apartment, gravel driveway, well, and septic system.

APPROVE PERMIT:

Impact 2,398 sq ft to install a garage with an overhead apartment, gravel driveway, well, and septic system.

With Conditions:

1. All work shall be in accordance with plans by North Country Septic Designs dated September 14, 2009 and received by the Department of Environmental Services ("DES") on September 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 16.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 300 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 200 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02193 CHASE, CAROLYN
STRAFFORD Bow Lake**

Requested Action:

Impact 4753 to pour concrete for foundation under existing second floor, add porch on existing deck, and add cover to entrance.

APPROVE PERMIT:

Impact 4753 to pour concrete for foundation under existing second floor, add porch on existing deck, and add cover to entrance.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated September 21, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. No more than 21.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,545 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,545 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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02203 WESTWOOD BAY ASSOC
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Impact 8,936 sq ft in the removal of multiple existing septic systems and construction of a new shared septic system.

APPROVE PERMIT:

Impact 8,936 sq ft in the removal of multiple existing septic systems and construction of a new shared septic system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 25, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 17.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

4. At least 1,172 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. 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. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02205 BERLIN, CITY OF
BERLIN Androscoggin River

Requested Action:

Impact 27,215 sq ft for clearing and regrading related to the construction of a bio-mass power plant with roadway, drainage and utilities.

APPROVE PERMIT:

Impact 27,215 sq ft for clearing and regrading related to the construction of a bio-mass power plant with roadway, drainage and utilities.

With Conditions:

1. All work shall be in accordance with plans by A. C. Engineering & Consulting dated May 30, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. No more than 16.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,779 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,016 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02207 KUCHINOS, JILL/MICHAEL
HANCOCK Lake Nubanusit

Requested Action:

Impact 5,533 sq ft for the construction of a detached garage with carport and expansion of driveway and parking area, add deck/patio to an existing house.

APPROVE PERMIT:

Impact 5,533 sq ft for the construction of a detached garage with carport and expansion of driveway and parking area, add deck/patio to an existing house.

With Conditions:

1. All work shall be in accordance with plans by Sharon Monahan, Site Succor Design LLC dated September 18, 2009 and received by the Department of Environmental Services ("DES") on September 25, 2009.
2. No more than 14.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 15,724 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 15,724 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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

CSPA PERMIT W/VARIANCE

**2009-00878 BUCK III, CHESTER
DEERFIELD Northwood Lake**

Requested Action:

Impact 3,950 sq ft to replace a pre-existing primary structure "in-kind" and install a subsurface system.

Inspection Date: 06/23/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 3,950 sq ft to replace a pre-existing primary structure "in-kind" and install a subsurface system.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Soil Survey as revised September 11, 2009 and received by the Department of Environmental Services ("DES") on September 15, 2009.
2. No more than 19.75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

- 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 shall not preclude 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 2008 this property was impacted by a tornado resulting in the destruction of the primary structure.
- 2. There are no unaltered areas on the property.

CSPA PERMIT W/WAIVER

2009-00305 MOUSTAKIS, CHRISTINA
TUFTONBORO Lower Beech Pond

Requested Action:

Applicant requests amendment of permit to remove prerequisite installation of the subsurface system.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE AMENDMENT:

Impact 1,305 sq ft to construct a State approved septic system and add a 10'x 12' sunroom to an existing non-conforming structure, and remove two outhouses.

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

With Conditions:

Amend conditions to read:

- 1. All work shall be in accordance with plans by Ames Associates dated June 2009 and received by the Department of Environmental Services ("DES") on June 25, 2009.
- 2. This approval includes a Waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
- 3. No more than 9.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. The project as proposed will leave approximately 7,765 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,629 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lower Beech Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 9.6% to 9.8%.
4. The applicant has proposed to install a new State approved septic system, and plant native vegetation in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-01976 HERROLD, JOHN & JANICE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 7,259 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 7,259 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback and RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc., dated August 28, 2009 and received by the Department of Environmental Services ("DES") on August 31, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1), and therefore, shall not be effective until the permit has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 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.
4. The project as proposed will leave approximately 1,345 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,891 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the 1,345 sq ft of area currently existing in an unaltered state.
6. No additional impacts shall occur to areas identified as existing in an unaltered state within the natural woodland buffer.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. 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).

13. 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.
14. Silt fencing must be removed once the area is stabilized.
15. This permit is contingent upon all necessary approvals from the NH DES Subsurface Systems Bureau.
16. All stormwater controls, specifically, proposed infiltration trenches, shall be designed and maintained to effectively absorb and infiltrate stormwater.
17. All pervious technologies shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to remove approximately 147 sq ft of impervious surface within the waterfront buffer of the protected shoreland.
5. The applicant has proposed to install stormwater controls consisting of infiltration trenches.
6. The applicant has proposed to remove pre-existing impervious coverage and convert an existing driveway to a pervious material.
7. The applicant has proposed to decrease the overall percentage of impervious surface coverage by 2.0%
8. The applicant has proposed to enhance the waterfront buffer, install stormwater controls, and reduce the total quantity of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.