

Wetlands Bureau Decision Report

Decisions Taken
02/05/2007 to 02/11/2007

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 20 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 Brian Fowler, 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

**2001-00146 LOON MOUNTAIN RECREATION CORP.
LINCOLN East Branch Pemigewasset River**

Requested Action:

Amend permit to include an additional 600 square feet of temporary disturbance within a small perennial stream that was not identified in the original application.

Conservation Commission/Staff Comments:

*Revised plans for Phase I received on 12/10/01 and revised project summary received on 12/12/01 and on 1/28/02. *Note that the revised plans indicate no work occurring within the White Mountain National Forest.

Inspection Date: 08/17/2001 by Craig D Rennie

APPROVE AMENDMENT:

Amend permit to read: Temporarily impact 47,470 square feet of wetlands and surface waters to construct a water intake structure within Connector Pond and to install a 24-inch water main from Connector Pond to the existing Loon Mountain Recreation Corporation (LMRC) pump station for snow making purposes. Temporary impacts include 16,800 square feet within the bed of Connector Pond, 1,450 square feet within unnamed perennial streams (100 linear feet), 1,090 square feet within a palustrine forested wetland, 2,000 square feet within an intermittent stream (50 linear feet), and 26,130 square feet within the bed and banks of the East Branch of the Pemigewasset River (300 linear feet). Mitigate by restoring and stabilizing all jurisdictional areas to a pre-construction condition.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated December 2006, as received by the Department on January 29, 2007.
2. This permit is contingent on the receipt of an approved individual 401 Water Quality Certificate, as issued by the DES Watershed Management Bureau, for this phase of the project.
3. 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.
4. The applicant shall notify in writing NHDES Wetlands Bureau, the Woodstock Conservation Commission and the Lincoln Conservation Commissions of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
6. Construction in rivers/streams supporting cold-water fisheries shall not occur between October 1 and May 31 to minimize impacts to the fishery resource during spawning season.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented and shall be consistent with all wetlands permit conditions.
8. All in-stream work within the bed of the East Branch of the Pemigewasset River shall be conducted behind a temporary cofferdam in accordance with plans received on 12/10/01.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
12. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau pursuant to the final construction sequence required by Condition 7 above.
12. The bed of all rivers and streams shall be restored to a pre-construction condition, including restoration of original grades,

within 5 days of backfill.

13. Stream bed and banks shall be restored to a stable condition and shall be restored to pre-construction conditions using stone salvaged from the work area. No new stone rip-rap is authorized by this permit.
14. Dredged material shall be stockpiled outside of any area that is within the jurisdiction of the DES Wetlands Bureau.
15. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
16. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure 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. 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.
18. 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.
19. 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.
20. Construction workspace shall be limited to the 30 ft. construction right-of-way as depicted on the approved plans, unless further authorization is received pursuant to condition #20 below.
21. All additional temporary workspace outside of the approved construction right-of-way shall be located at least 20 ft. from any wetland or watercourse or the further approval of the NHDES Wetlands Bureau shall be obtained prior to use of the workspace.
22. 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.
23. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
24. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
25. A post-construction report documenting the status of wetland and stream bank/bed restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
26. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
27. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
28. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
29. 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).
30. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is considered a Major Project per New Hampshire Administrative Rule Wt 303.02 (i), as the temporary impacts to rivers and streams are greater than 200 linear feet.
2. The proposed impacts are to construct the first phase of the snow making water storage needs for Loon Mountain ski area. This phase proposes to construct a water intake structure in Connector Pond and to install a 24-inch water main from Connector Pond to LMRC's existing pump station.
3. The snowmaking water storage is proposed to eliminate the need for water withdrawals from the top four feet of Loon Pond and to reduce withdrawals from Boyle Brook and the East Branch of the Pemigewasset River.
4. Directional drilling and hanging the water mains off the existing South Mountain Bridge were investigated prior to submitting the current proposal. These alternatives were eliminated because: a) The large river cobbles are too hard for the drilling mechanism, and b) The bridge was not designed to carry the weight of pipes filled with water in addition to a full traffic load and

because of freezing concerns.

5. DES Staff inspected the site on 8/17/01 and reviewed all temporary impact areas as proposed in the application.
6. A public hearing was held on 1/23/02 because of the major project status and because of past public concerns with the development of South Mountain.
7. A full Environmental Impact Statement (EIS) was completed for the development and expansion of Loon Mountain ski resort into the White Mountain National Forest. On 2/26/02, the USDA Forest Service released a Record of Decision (ROD) for the EIS, which documents their recommendation to implement Alternative B for the proposed development.
8. The impacts associated with the first phase of construction meet the recommendations listed under Alternative B of the EIS.
9. The permit amendment of February 8, 2007 is to include an additional 600 square feet of temporary disturbance within a small perennial stream that was not identified in the original application.

**2005-01795 MAURAI, PAUL & MONIQUE
HOOKSETT Unnamed Wetland**

Requested Action:

Deny request to fill 7052 square feet along 264 linear feet of stream for access in a residential subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 7052 square feet along 264 linear feet of stream for access in a residential subdivision.

With Findings:

1. A request for additional information dated October 21, 2005, addressed to the applicant and copied to the 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-02242 GUAY, ALBERT & MARY
BERLIN Unnamed Wetland**

Requested Action:

Dredge and fill approximately 5,875 square feet of palustrine forested/scrub-shrub wetlands and retain approximately 400 linear feet of intermittent stream impact to construct a \pm 380,000 square foot tractor-trailer commercial development and associated access ways and parking facilities. Restore approximately 11,680 square feet of forested/scrub-shrub wetlands and establish a 25-foot vegetated buffer along Jericho Brook.

Inspection Date: 07/11/2006 by Kirsten Pulkkinen

APPROVE PERMIT:

Dredge and fill approximately 5,875 square feet of palustrine forested/scrub-shrub wetlands and retain approximately 400 linear feet of intermittent stream impact to construct a \pm 380,000 square foot tractor-trailer commercial development and associated access ways and parking facilities. Restore approximately 11,680 square feet of forested/scrub-shrub wetlands and establish a 25-foot vegetated buffer along Jericho Brook.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated April 2006, and revised through December 15, 2006, as received by the Department on January 11, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

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 prior to construction.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. 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.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be properly rip rapped.
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.

RESTORATION:

14. This permit is contingent upon the restoration of 11,680 square feet of wetlands in accordance with plans received January 11, 2007.
15. This permit is contingent upon the establishment of a 25-foot vegetated buffer along Jericho Brook in accordance with plans received January 11, 2007, and Buffer Enhancement Sequence and Tasks received September 12, 2006.
16. The schedule for construction of the restoration area and vegetated buffer shall occur prior to or coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
17. The permittee shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction.
18. The permittee shall designate a New Hampshire Certified Wetland Scientist who will be responsible for monitoring and ensuring that the restoration area and Jericho Brook vegetated buffer are constructed in accordance with the restoration and buffer enhancement 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.
19. The restoration and vegetated buffer area shall be properly constructed, landscaped, monitored, and managed in accordance with approved restoration and final buffer enhancement plans.
20. Wetland restoration area 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.
21. All material removed during work activities shall be removed down to the level of the original hydric soils.
22. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration or vegetated buffer 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.
23. The restoration area shall be regraded to original contours following completion of work.
24. Native wetland species appropriate to the area shall be planted.
25. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications and shall contain no reed canary grass (*Phalaris arundinacea*). The receipt and contents of the wetland mix shall be supplied to the DES Wetlands Bureau within 10 days of application.
26. Mulch used within the wetland restoration and vegetated buffer areas shall be natural straw or equivalent.
27. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
28. 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.

29. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands DES within 60 days of the completion of construction.
30. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and vegetated buffer 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 year following the completion of the restoration site.
31. The permittee shall delineate the wetlands within the restoration site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least two growing seasons.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration or disturbance of 200 or more linear feet of intermittent stream.
2. The wetlands onsite were delineated according to the 1987 Federal Manual for Jurisdictional Wetlands, Section F, and as a result of the significant disturbance of the site the wetland delineation is based on professional judgment of a certified wetland scientist and wetland boundaries on the adjoining lot.
3. The flow draining from the small remaining forested wetland (PFO1/4B) on the eastern portion of the lot was delineated as an intermittent stream (R4SB4x), as a result of slope and a slight channel on the abutting lot to which the flow drains. The upstream established wetlands indicate this area may have been jurisdictional wetlands, without channelized flow and there is no established channel upstream in undisturbed areas.
4. DES Staff conducted a field inspection of the proposed project on July 11, 2006. Field inspection determined a) the site had been significantly altered, prohibiting accurate wetland delineation; b) additional work had occurred since the previous enforcement inspection on August 15, 2005; c) alternative layouts that incorporate an increased square footage of restoration should be accessed.
5. Alternative layouts are restricted by access requirements of the various trucks that will be serviced by the proposed facility.
6. Four hundred (400) linear feet was provided as the intermittent stream impact total, by a certified wetland scientist.
7. This permit is contingent upon restoration of 11,680 square feet of forested/scrub-shrub wetlands.
8. This permit is contingent upon a 25-foot vegetative buffer along Jericho Brook.
9. The applicant has agreed to relocate the existing ATV crossing out of Jericho Brook.
10. As a result of the significant alteration of the site prior to wetland delineation, this permit is conditioned that there shall be no further alteration of wetlands or surface waters for lot development, driveways, culverts, or for septic setback.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
12. The applicant has made numerous attempts to contact the abutting property owner, tax map/lot 407/2, including letters sent via certified mail.
13. The DES Site-Specific Bureau approved the proposed project (WPS-7591), determining that post-development flows to the abutting property (tax map/lot 407/2) will not increase; flows will be directed to Jericho Brook.
14. The impact area within 20-foot setback consists of an unstable area that has been previously impacted by excavation. The proposal will stabilize this area and reduce excessive runoff.
15. Relocating the impacts to meet the 20-foot setback would increase the overall wetland impacts and would impact a more valuable wetland/riverine system.
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
17. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
18. The City of Berlin does not have a conservation commission.
19. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
20. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
21. 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.
22. 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.

Requested Action:

Approve name change request to: Dover Retirement, LLC, 2250 McGilchrist Street S.E., Salem, OR 97302 per request received February 7, 2007.

Conservation Commission/Staff Comments:

Conservation Commission recommends approval contingent upon receipt of restoration plan for temp. impact area.

APPROVE NAME CHANGE:

Dredge and fill 24,009 sq. ft. (700 linear ft.) of freshwater wetlands as temporary impact associated with installation of a municipal sewer line.

With Conditions:

1. All work shall be in accordance with revised plans and materials by Trittech Engineering Corp. dated 3/9/2006 as received by the Department on 3/9/2006.
2. This permit is contingent on approval by the DES Site Specific Program.
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 and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Construction and restoration shall be according to the recommendations made Leonard Lord, CWS, of Carex Ecosystems in the report entitled "Wetland Delineation & Impact Assessment, Dover Retirement Residence" dated 11/18/2005 as received by DES on 11/22/2005, and shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure 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.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. 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.
10. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
11. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
12. Area shall be regraded to original contours following completion of work.
13. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
14. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
15. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
16. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
17. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
18. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
19. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.

20. 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.
21. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
22. 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 the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
23. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of non-tidal wetlands in excess of 20,000 sq. ft. in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The City of Dover has requested this particular gravity-feed sewer line and looping waterline connection for service to the 115 unit apartment complex.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. Of the 700 linear feet to be impacted, 300 linear feet are located in the path of previous utility line disturbance, and 400 linear feet goes through forested wetlands, crossing in the narrowest locations.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. This project represents temporary impact only, and is conditioned to include a restoration plan.
5. No compensatory mitigation is required for temporary impacts.
6. The crossing on the abutting property is in an existing utility easement and that property owner has given the project his written consent.

2005-03055 BROOKS HOLDINGS LLC
TILTON Unnamed Wetland Ice House Pond

Requested Action:

Dredge and fill 25850 square feet of disturbed scrub shrub wetland for access and construction of a car dealership with associated parking, and inventory storage.

APPROVE PERMIT:

Dredge and fill 25850 square feet of disturbed scrub shrub wetland for access and construction of a car dealership with associated parking, and inventory storage.

With Conditions:

1. All work shall be in accordance with plans by Opechee Construction Corporation dated December 21, 2005, and revised through December 28, 2006, as received by the Department on December 29, 2006.
2. This permit is contingent on receipt by DES of a one time payment of \$85,108.00 dollars 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.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval of the NH Department of Transportation Driveway permit.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. 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.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division

permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

8. There shall be a no cut zone adjacent to Ice House Pond.

9. All work shall be conducted during low water conditions.

10. The wetland impacts associated with phase 2 of this project shall not occur until the financing has been secured and construction is imminent.

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

12. 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.

13. Proper headwalls shall be constructed within seven days of culvert installation.

14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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

16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

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

19. 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).

With Findings:

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

2. In accordance with the function and value assessment submitted by the applicant's agent, the wetlands to be filled as a result of this project are isolated wetlands, that have been previously disturbed or partially created by previous site disturbance with low functions and values due to the surrounding development.

3. Functions performed by the wetlands proposed for impact include groundwater discharge, stormwater detention and sediment/toxicant retention.

4. The proposed project will incorporate a no cut zone adjacent to the highest value wetland, Ice House Pond.

5. The project incorporates additional water quality treatment to protect the water quality of Ice House Pond.

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

7. The total land disturbance of the proposed project is approximately 10.7 acres. The project consists of developing 22,960 square feet of retail space, with associated parking, access, inventory storage and stormwater treatment. This use is consistent with Regional Commercial Zoning district within the Town of Tilton.

8. The Tilton Conservation commission provided a comment letter dated January 20, 2006. All of their concerns have been addressed.

9. The applicant has provided information illustrating that the phase 2 parking area will be constructed immediately following the construction of phase 1.

10. The applicant has utilized retaining walls and 2:1 side slopes to reduce overall impacts to the wetlands.

11. The applicant has provided information illustrating that the proposal is the least impacting to jurisdictional wetlands and still meets project goals.

12. 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.

13. The payment calculated for the proposed wetland loss in Tilton equals \$85,108.00.

14. 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).

15. The payment into the ARM fund shall be deposited in the DES fund for the Winnepesaukee River watershed per RSA 482-A:29.

2006-00362 WOLFEBORO CONSERVATION COMMISSION
WOLFEBORO Ryefield Marsh

Requested Action:

Deny permit request to dredge and fill 630 square feet to maintain and repair the existing trail network through prime wetland #39.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 630 square feet to maintain and repair the existing trail network through prime wetland #39.

With Findings:

1. A request for additional information dated May 11, 2006, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-00850 THOMPSON, SHERRI
HOOKSETT Unnamed Pond

Requested Action:

Deny permit request to retain 230 linear feet of rip-rap along the shore of an unnamed pond.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain 230 linear feet of rip-rap along the shore of an unnamed pond.

With Findings:

1. A request for additional information dated June 27, 2006, addressed to the applicant 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-01714 SCHULZ, JAMES & ANN
BARRINGTON Unnamed Wetland

Requested Action:

Dredge and fill 3,571 sq. ft. of wetlands to upgrade an existing, previously unpermitted, woods road including installation of two 30" x 16' culverts, to serve as a driveway to a single 44.6 acre house lot.

Inspection Date: 11/28/2006 by Dori A Wiggin

Inspection Date: 01/04/2007 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 3,571 sq. ft. of wetlands to upgrade an existing, previously unpermitted, woods road including installation of two 30" x 16' culverts, to serve as a driveway to a single 44.6 acre house lot.

With Conditions:

1. All work shall be in accordance with revised plans by Berry Surveying & Engineering dated 11/15/2006, as received by the Department on 11/27/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Work shall be done during low flow in coordination with the lowering of the associated beaver impoundment, without impact to the downstream Barrington designated prime wetland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal surface waters, which exceed the criteria of Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing road was constructed by a previous owner and not authorized, has eroded and undermined due to inadequate culvert size and beaver impoundment, and is inadequate to serve as a driveway. The upgrade will bring the construction up to current design and legally permitted, standards.
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. The design uses the existing road as a base, which avoids the impact which would be associated with its removal, and confines the footprint of the upgraded driveway to the minimum necessary for structural soundness.
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. The project culverts have been designed in coordination with the comments from the NH Fish and Game Non-game and Endangered Wildlife Program to address Blanding's Turtle and other aquatic species passage. The project is located sufficiently upstream and above a beaver dam, so as to not be considered "adjacent" to Barrington designated prime wetlands; the Barrington Conservation Commission's questions have been answered satisfactorily and they state in a letter received by DES on 8/11/2006 that they feel that this is the best access to the lot.
5. DES Staff conducted a field inspection of the proposed project on 11/28/2006 and on 1/4/2007. Field inspection meeting with applicant's consultant and engineer clarified extent of use of existing road as base; lowering of water level by lowering beaver dam; and confirmed that culvert design meets Blanding's turtle concerns.

2006-01876 GILMANTON, TOWN OF
GILMANTON Drainage Swale

Requested Action:

Remove and reposition an existing culvert and add 16 linear ft of rip rap at the outlet, remove sand from 120 sq ft in area of old location on Shellcamp Pond, Gilmanton.

Inspection Date: 10/12/2006 by Dale R Keirstead

APPROVE PERMIT:

Remove and reposition an existing culvert and add 16 linear ft of rip rap at the outlet, remove sand from 120 sq ft in area of old location on Shellcamp Pond, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on October 26, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
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. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work shall be done during drawdown.
7. This permit does not allow for the placement of rip rap below full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet of shoreline along the shore of a lake.

2006-03030 DERRY, TOWN OF
DERRY Unnamed Stream Wetland

Requested Action:

Impact 80 square feet of Derry Prime Wetland No. 8B for installation of a 20'x4' board walk to span two (2) intermittent streams for access to the Cargill Mill monument.

Conservation Commission/Staff Comments:

No comments were received by the Derry Conservation Commission.

Inspection Date: 11/22/2006 by Eben M Lewis

APPROVE PERMIT:

Impact 80 square feet of Derry Prime Wetland No. 8B for installation of a 20'x4' board walk to span two (2) intermittent streams for access to the Cargill Mill monument.

With Conditions:

1. All work shall be in accordance with plans by Judy Buttarro, as received by the Department on November 21, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions.
5. This permit is contingent upon the removal of approximately 90 square feet of fill located immediately adjacent to Beaver Lake Rd.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01, as the applicant wishes to create a board walk to span two (2) intermittent stream for recreational purposes.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative

with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03, as the construction of this boardwalk will not impair the resource by allowing pedestrians safe passage without disturbing the soil.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed plans accurately locate the boundary of the wetlands and prime wetlands.
6. DES personnel conducted an inspection on November 14, 2006. DES finds the project impacts will not significantly impair the resources of 7. Based on findings #6 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
8. A public hearing was held on January 22, 2007, at the Pease Field Office, Portsmouth.
9. On January 27, 2007, DES received correspondence from Russell R. Marcou, Derry Town Administrator, relative to Env-Wt 704.01 and Env-Wt 704.02 and hereby waives the Town's ability to intervene within 20-days.
10. The agent, Peter Buttarro, has developed and is coordinating the construction of this project, fulfilling his service project requirement to attain the rank of Eagle Scout with the Boy Scouts of America.

MINOR IMPACT PROJECT

**2005-01868 FECTEAU, MARK
ALTON Lake Winnepesaukee**

Requested Action:

Applicant requests to amend permit to allow for the maximum standard seasonal dock size.

Inspection Date: 10/24/2005 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Construct a seasonal "W-shaped" docking facility consisting of three 6 ft x 36 ft piers connected by a 4 ft x 42 ft walkway accessed by 4 ft wide stairs connected to a 6 ft x 6 ft platform on 412 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Winnepesaukee Marine Construction, as received by the Department on January 18, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons, breeding and nesting areas shall be avoided.
5. The seasonal piers shall be removed from the lake for five months during the non-boating season.
6. No portion of the docking structure shall extend more than 40 ft from the shoreline at full lake elevation.
7. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
8. All activity on this property shall be conducted 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 4 boat slip docking facility.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 24, 2005, the inspection determined that the site does not meet the requirements for a permanent docking facility as originally proposed.
6. The applicant has an average of 412 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2005-02394 DALTON, EDWARD & EUNICE
BOW Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 6100 square feet of palustrine forested wetland for access in the subdivision of 20 acres into 5 single family residential lots.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 6100 square feet of palustrine forested wetland for access in the subdivision of 20 acres into 5 single family residential lots.

With Findings:

1. A request for additional information dated December 23, 2005, addressed to the applicant and copied to the 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-02656 KAMM, KATHRYN/KEVIN
RINDGE Tributary To Rugg Pond

Requested Action:

Retain 2,730 sq. ft. (60 linear feet) of forested wetlands and perennial stream impact resulting from the installation of a 36 in. x 20 ft. plastic culvert, associated headwalls fill and grading for driveway access to a single family residence.

Conservation Commission/Staff Comments:

Please see file 2005-1529

APPROVE AFTER THE FACT:

Retain 2,730 sq. ft. (60 linear feet) of forested wetlands and perennial stream impact resulting from the installation of a 36 in. x 20 ft. plastic culvert, associated headwalls fill and grading for driveway access to a single family residence.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. At any time should it be determined that the existing culvert needs replacement or the crossing needs to be upgraded the proposed crossing will at a minimum be an open bottom structure 1.2 times the bank full width or meet the current stream crossing standards if they are more stringent.

- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. This after the fact approval shall supercede the previous Permit By Notification, Wetlands Bureau File #2005-1529
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of intermittent or perennial stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance is measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbance to the channel and the banks.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. DES Wetlands Enforcement Section staff conducted a field inspection of the proposed project on February 23, 2006. It was determined through the field inspection that the impact areas and delineation were incorrectly marked/calculated. Additionally, it was determined that the fill area was excessive and would need to be reduced.
- 5. The Wetlands Enforcement Section has reviewed photographic documentation provided by the applicant's agent and has determined the site is now in compliance with their request.

2006-01200 CHICHESTER, TOWN OF
CHICHESTER Marsh Pond

Requested Action:

Deny request to dredge 480 square feet within the bed and bank of Marsh Pond and unnamed perennial stream to remove existing dam.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 480 square feet within the bed and bank of Marsh Pond and unnamed perennial stream to remove existing dam.

With Findings:

- 1. A request for additional information dated July 31, 2006, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-01507 RYDSTROM, NANCI
CENTER HARBOR Squam Lake

Requested Action:

Construct an "F-shaped" permanent crib supported docking facility consisting of one 6 ft x 24 ft finger pier, one 6 ft x 20 ft finger pier connected to a 6 ft x 47 ft walkway on 305 ft of frontage on Squam Lake in Center Harbor.

APPROVE AMENDMENT:

Construct an "F-shaped" permanent crib supported docking facility consisting of one 6 ft x 24 ft finger pier, one 6 ft x 20 ft finger pier connected to a 6 ft x 47 ft walkway on 305 ft of frontage on Squam Lake in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants revised December 14, 2006, as received by the Department on January 22, 2007.
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 46 feet from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for maintenance dredging.
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 Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. 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.
10. 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.
11. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
12. The minimum clear spacing between cribs shall be 12 feet.
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 docking system that provide for 4 boatslips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and Env-Wt 402.05 (h) and (k) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Applicant has been unable drive piling as originally proposed due to lakebed conditions.

2006-02613 KIRYLO, JAMES
HAMPTON Hampton River

Requested Action:

Installation of an 8"x4'x40' concrete retaining wall adjacent to the Hampton River tidal marsh with 40 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission does not oppose the project with conditions noted in the permit.

APPROVE PERMIT:

Installation of an 8"x4'x40' concrete retaining wall adjacent to the Hampton River tidal marsh with 40 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by C. Kirylo dated September 29, 2006, as received by the Department on October 3, 2006.
2. DES staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Work shall be done during low tide only.
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. The siltation fence shall be installed immediately adjacent to proposed footing of the wall.
6. All work shall be done from the top of bank.
7. No machinery shall enter the water or encroach on the marsh.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
10. 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.
11. The owner shall plant smooth cordgrass(*Spartina alterniflora*) after the wall is constructed in accordance with condition no.12.
12. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03((b) Projects that involve work within 50 feet of a salt marsh that do not meet the criteria of Env-Wt 303.02.
2. Currently, this property is the only frontage without a retaining wall. Both properties which abut the applicant's property have the protection of retaining walls, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Continued erosion of the frontage on the property will not only affect the property and the marsh, but the erosion will also scour the adjacent walls as tidal action will erode the exposed ends of the adjacent properties. No action would be a no impact alternative, thereby causing further erosion. Construction of this will enable better protection of the shoreline. Therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Hampton Conservation Commission (HCC) does not oppose the granting of the permit. However, the HCC would like the owner to plant smooth cordgrass (*Spartina alterniflora*) after the wall is constructed.
6. NH Natural Heritage Bureau (NHNHB) has identified High salt marsh and related communities as an exemplary natural communities. DES review of this application and field inspection finds that the NHNHB identified communities will not be impacted as a result of this project.

2006-02685 TFS PROPERTIES LLC
MERRIMACK Unnamed Wetland

Requested Action:

Dredge and fill 9,850 sq. ft. of palustrine emergent and scrub-shrub wetlands for two access/exit roads, stormwater management area and associated landscaping for construction of commercial building containing a convenience store, coffee shop and gas station.

Inspection Date: 01/03/2007 by William A Thomas

APPROVE PERMIT:

Dredge and fill 9,850 sq. ft. of palustrine emergent and scrub-shrub wetlands for two access/exit roads, stormwater management area and associated landscaping for construction of commercial building containing a convenience store, coffee shop and gas station.

With Conditions:

1. All work shall be in accordance with plans by TFMoran Inc., dated September 29, 2006, as received by the Department on October 12, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Waste Management, Underground Storage Tank Program.

4. This permit is contingent on approval by the New Hampshire Department of Transportation.
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. The proposed stormwater management area shall be replanted with native wetland plant species as proposed in narratives prepared by TFMoran Inc., dated October 5, 2006, as received by the Department on October 12, 2006.
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. 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.
12. 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.
13. 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.
14. 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).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 sq. ft. of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant provided a Wetland Function and Value Evaluation which identified the main function as floodflow alteration and to a minor extent nutrient removal. Additionally, the applicant stated the stormwater management area will be planted with wetlands plant species and replicate the water quality function of the existing wetland.
6. DES Staff conducted a field inspection of the proposed project on January 3, 2007. Field inspection determined that the wetlands impact area appears to serve as a stormwater runoff area/drainage swale area along US Route 3/Daniel Webster Highway ("DWH"). The wetlands impact area and portion of the project site is located between (DWH) and a section discontinued paved highway.
7. The New Hampshire Fish & Game Department, Non-game and Endangered Wildlife Program did not submit comments regarding the proposed project and the animal species identified in the vicinity of the project.
8. The New Hampshire Natural Heritage Bureau identified a red maple floodplain forest in the vicinity of the proposed project.
9. The proposed project is south of the identified forest and there are no proposed impacts to red maple flood plain forest.

2006-02747 FARRELL, STEPHEN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Construct a 425 sq ft perched beach with 6 ft wide lake access steps, install a 6 ft x 40 ft seasonal dock hinged to a 4 ft x 6 ft concrete pad, connected to an existing 6 ft x 40 ft seasonal pier accessed by a new 6 ft x 12 ft walkway in a "U-shaped" configuration, install a 14 ft x 30 ft seasonal canopy over the center slip with a seasonal boatlift, and install two seasonal PWC lifts on 403 ft of frontage in Tuftonboro on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 425 sq ft perched beach with 6 ft wide lake access steps, install a 6 ft x 40 ft seasonal dock hinged to a 4 ft x 6 ft concrete pad, connected to an existing 6 ft x 40 ft seasonal pier accessed by a new 6 ft x 12 ft walkway in a "U-shaped" configuration, install a 14 ft x 30 ft seasonal canopy over the center slip with a seasonal boatlift, and install two seasonal PWC lifts on 403 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as received by the Department on January 23, 2007.
2. The retaining wall associated with the proposed perched beach shall be constructed completely landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. 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 (Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.)
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. These shall be the only structures on this water frontage and all portions of the docking facility shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
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) installation of a 3 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 403 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-03028 LAKE & LODGE REALTY LLC
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 6 ft x 40 ft seasonal dock and construct two 6 ft by 30 ft seasonal docks connected by a 6 ft x 24 ft seasonal walkway accessed by a 6 ft x 39 ft seasonal dock in a "Y" shaped configuration on an average of 207 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comments by Con Com by 02/07/07

APPROVE PERMIT:

Permanently remove an existing 6 ft x 40 ft seasonal dock and construct two 6 ft by 30 ft seasonal docks connected by a 6 ft x 24 ft seasonal walkway accessed by a 6 ft x 39 ft seasonal dock in a "Y" shaped configuration on an average of 207 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated August 28, 2001, as received by the Department on November 20, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 75 feet from the shoreline at full lake elevation.
7. The existing dock shall be completely removed prior to the installation of the permitted dock.
8. The dock shall be installed in a manner that does not impede navigation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the criteria for minimum impact docks under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the projects.
5. The applicant has an average of 207 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. The Loon Preservation Committee has no concerns about the proposed project.

MINIMUM IMPACT PROJECT

2005-01633 HERTEL, FREDERICK
MIDDLETON Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,250 sq. ft. of wetland for the installation of twin 30 in. x 20 ft. culverts, remove existing twin 15 in. culverts, and restore an existing woods road within the same footprint that has eroded due to flooding. Wetland restoration of the area is addressed under separate cover.

APPROVE PERMIT:

Dredge and fill a total of 1,250 sq. ft. of wetland for the installation of twin 30 in. x 20 ft. culverts, remove existing twin 15 in. culverts, and restore an existing woods road within the same footprint that has eroded due to flooding. Wetland restoration of the area is addressed under separate cover.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated November 22, 2006, as received by the Department on December 14, 2006.
2. This permit is contingent upon Department of Environmental Services ("DES") Wetlands Bureau Restoration Plan Approval conditions. The DES Restoration Plan Approval is addressed under separate cover.
3. Wetland restoration shall be conducted prior to or concurrent with roadway work.
4. Any further alteration of wetlands on this property will require a new application and further permitting by DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.

2005-02457 FREUDENBERG-NOK, JOHN BUCKLIN
BRISTOL Tributary To Newfound Lake

Requested Action:

Deny permit request to dredge and fill 1720 square feet to replace previously existing culvert for access and construct retention basin.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 1720 square feet to replace previously existing culvert for access and construct retention basin.

With Findings:

1. A request for additional information dated February 15, 2006, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-02732 KELLER, ROBERT & CONNIE
GILFORD Unnamed Wetland Lake Winnepesaukee

Requested Action:

Deny request to fill 968 square feet of palustrine forested wetland for home and driveway construction.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 968 square feet of palustrine forested wetland for home and driveway construction.

With Findings:

1. A request for additional information dated ,January 26, 2006. addressed to the applicant and copied to the 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-01709 RIVERVIEW ROAD DOCK ASSOCIATION, PETER WOLFE
DURHAM Oyster River**

Requested Action:

Replace in-kind an existing grandfathered dock structure including a 4' x 102' permanent dock to a 3' x 20' ramp to a 21' x 8' seasonal float, providing one under-sized slip on 40' of right-of-way frontage deeded to Riverview Road Dock Association.

Inspection Date: 01/31/2007 by Dori A Wiggin

APPROVE PERMIT:

Replace in-kind an existing grandfathered dock structure including a 4' x 102' permanent dock to a 3' x 20' ramp to a 21' x 8' seasonal float, providing one under-sized slip on 40' of right-of-way frontage deeded to Riverview Road Dock Association.

With Conditions:

1. All work shall be in accordance with revised plans by MJS Engineering dated 6/30/2006, as received by the Department on 7/6/2006.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Repair shall maintain existing size, location and configuration of existing grandfathered docking structure.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance, repair, or replacement in-kind, of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing dock is deteriorated and needs replacment.
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. Replacement in kind will result in no greater impact than the current structure represents.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission did not report on this application.
6. Per materials received by DES on 10/13/2006 from Riverview Road Dock Association president Peter Y. Wolfe, and from MJS Engineering on 11/22/2006, respectively, the dock is located on 40' of frontage of a right-of-way that is recorded at the Strafford County Registry of Deeds on Plan 31, Pocket 4; and further recorded in the deeds of the owners of interior lots located on Riverview Road.
7. Minutes of the Riverview Road Dock Association meeting dated June 7, 2006, received by DES on 11/22/2006 indicate unanimous support by the Association of the proposal to reconstruct the Association's dock.
8. On 2/2/2007 DES received a completed Certification For Grandfathered Shoreline Structures dated 2/2/2007 certifying that the dock was constructed in 1962.
9. The abutter upon who's property line the dock had been immediately adjacent for approximately 40 years was duly notified by

certified mail of the proposal to reconstruct the dock in-kind in its existing place, and provided no comment in response to notification. The grandfathered location of the dock pre-dates the jurisdiction of RSA 482-A with respect to the 20' abutter side line setback.

2006-03078 KISCH, GLENN & SALLY
NEW CASTLE Piscataqua River & Aylantic Ocean

Requested Action:

Impact a total of 4,644 square feet within the 100-foot tidal buffer zone to include 2,323 square feet of permanent impact and 2,319 square feet of temporary impact for the construction of two additions, a 3'x9' concrete slab adjacent to the dwelling, permeable patio, 36'28' carriage house, associate permeable paved drive, and the removal of 243 square feet of existing impermeable surface on a single family residential lot of 0.725 acres with approximately 250 linear feet of shoreline of the Piscataqua River.

Conservation Commission/Staff Comments:

No comments were received by the New Castle Conservation Commission.

APPROVE PERMIT:

Impact a total of 4,644 square feet within the 100-foot tidal buffer zone to include 2,323 square feet of permanent impact and 2,319 square feet of temporary impact for the construction of two additions, a 3'x9' concrete slab adjacent to the dwelling, permeable patio, 36'28' carriage house, associate permeable paved drive, and the removal of 243 square feet of existing impermeable surface on a single family residential lot of 0.725 acres with approximately 250 linear feet of shoreline of the Piscataqua River.

With Conditions:

1. All work shall be in accordance with the following plans received by the Department on January 22, 2007:
 - a.) The Site Plan (S-1) by James Verra and Associates, Inc. dated October 25, 2006;
 - b.) The Mitigation Planting and Driveway Layout Plans by Green Art, Inc. dated January 17, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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 in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects within the previously disturbed 100-foot tidal buffer zone. Although the site is within 50-feet of salt marsh, DES finds that this project will not impair the estuarine resource as the site and salt marsh are bisected by Portsmouth Avenue.
2. The impacts are necessary for construction on the lot, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant proposes to remove 243 square feet of existing structures on the lot to decrease impermeable surface, will be constructing a permeable drive way, and proposes to plant a buffer planting in the northeast corner of the lot, therefore the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Env-Wt 304.04(a), the applicant obtain written concurrence from the abutter identified as New Castle Tax Map 14 Lot 09 for those impacts with 20-feet of the property line.
6. The NH Natural Heritage Bureau (NHNHB) identified the Marsh Elder (*Iva frutescent.ssp. oraria*) as a State threatened species within the vicinity of the proposed project.

- 7. The NH Fish and Game Dept., Nongame and Endangered Wildlife Program (NHFG) identified the Common Tern (*Sterna hirundo*) as a State endangered species within the vicinity of the proposed project.
- 8. DES finds that the aforementioned species identified by the NHNH and NHFG will not be adversely impacted as the site is previously developed tidal buffer zone and the site does not support either of these species.

FORESTRY NOTIFICATION

2007-00189 GEORGE, CHARLES
LONDONDERRY Unnamed Stream

COMPLETE NOTIFICATION:
Londonderry Tax Map 6, Lot# 84

2007-00190 CANTRELL, WILLIAM
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 408, Lot# 73

2007-00198 PROPERTIES, INC
DANVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Danville Tax Map 1, Lot# 24

2007-00200 MENZEL, CHRISTA & GERHART
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 2, Lot# 8

2007-00214 BALDWIN, LEE
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 124, Lot# 1

2007-00221 FORD, DAN AND SALLY
DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
Durham Tax Map 20, Lot# 8-4

**2007-00222 SAWYER, MARK,VINCENT,WENDELL
WOODSTOCK Unnamed Stream**

COMPLETE NOTIFICATION:
Woodstock Tax Map 212, Lot# 55

**2007-00223 NH FISH AND GAME DEPT
WEARE Unnamed Stream**

COMPLETE NOTIFICATION:
Weare Tax Map 407, Lot# 141

EXPEDITED MINIMUM

**2005-02509 BARTON, BENJAMIN
NEW LONDON Unnamed Wetland**

Requested Action:
Deny permit request to remove existing 30-inch culvert.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Remove existing 30-inch culvert.

With Findings:
1. A request for additional information dated December 8, 2005, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2005-02986 DIBUONO, DONALD
CONCORD Unnamed Wetland**

Requested Action:
Deny request to dredge and fill 1200 square feet for access to a proposed single family residence.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Dredge and fill 1200 square feet for access to a proposed single family residence.

With Findings:
1. A request for additional information dated January 20, 2006, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request,

DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-00670 SENECA, RONALD & KAREN
ALTON BAY Lake Winnepesaukee

Requested Action:

Permanently remove an existing 3 ft 6 in x 21 ft permanent dock and all supporting structures and a 6 ft x 30 ft permanent dock and all supporting structures and install a 6 ft x 40 ft seasonal dock on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 3 ft 6 in x 21 ft permanent dock and all supporting structures and a 6 ft x 30 ft permanent dock and all supporting structures and install a 6 ft x 40 ft seasonal dock on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 09, 2007, as received by the Department on January 09, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only docking structure on this water frontage.
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. Dock material removed shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Both existing docks and supporting structures shall be completely removed prior to the installation of the new 6 ft x 40 ft seasonal dock.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed work will bring the frontage into compliance with current permitting rules.
4. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2006-01799 GERSHUN, ELIZABETH
MEREDITH Lake Waukegan

Requested Action:

Perch an existing 300 sq ft sloped beach and add 10 cubic yards of sand on Lake Waukegan, Meredith.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Perch an existing 300 sq ft sloped beach and add 10 cubic yards of sand on Lake Waukegan, Meredith.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on December 04, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. 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. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. Converting the existing sloped beach to a perched design is least impacting than only replenishing the existing sloped beach.

**2006-02344 NOLAN, LEONARD
NEW DURHAM Meerymeeting Lake**

Requested Action:

Repair 104 linear ft of existing retaining wall in-kind on 104 ft of frontage in New Durham on Merrymeeting Lake.

APPROVE PERMIT:

Repair 104 linear ft of existing retaining wall in-kind on 104 ft of frontage in New Durham on Merrymeeting Lake.

With Conditions:

1. All work shall be in accordance with plans by Paul F. Zuzgo, L.L.S. as received by the Department on January 23, 2007.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. 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.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. The new repair shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a

structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.

11. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.

12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2006-02879 ELLIOT, CHRISTIAN
CENTER OSSIPEE Ossipee Lake

Requested Action:

Replace 123 linear ft of retaining wall along 100 ft of frontage on Ossipee Lake in Center Ossipee.

APPROVE PERMIT:

Replace 123 linear ft of retaining wall along 100 ft of frontage on Ossipee Lake in Center Ossipee.

With Conditions:

1. All work shall be in accordance with plans by Chris Elliot as received by the Department on December 26, 2006.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. 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.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
11. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that result in no change in height, length, location, or configuration.
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.

2006-02880 LEVITSKY JR, WALTER
CENTER OSSIPEE Lake Ossipee

Requested Action:

Replace existing retaining wall "in-kind" along 100 ft of frontage on Ossipee Lake in Center Ossipee.

APPROVE PERMIT:

Replace existing retaining wall "in-kind" along 100 ft of frontage on Ossipee Lake in Center Ossipee.

With Conditions:

1. All work shall be in accordance with plans by Walter Levitsky as received by the Department on January 24, 2007.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. 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.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. The new replacement wall shall be maintained such that the structure shall conform to reasonable safety standards. Failure to maintain a structure in a safe condition shall be considered a violation as per Administrative Rule Env-Wt 402.10.
11. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that result in no change in height, length, location, or configuration.
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.

2007-00038 MACLENNAN, DOUGLAS & SUSAN
DURHAM Oyster River

Requested Action:

Temporarily impact 7,820 sq. ft. in the developed upland tidal buffer zone greater than 50' from the highest observable tide line, by machine grading soil surface (without changing contours) to scrape away invasive Japanese Knotweed, and stabilize with grass seed and hay mulch.

APPROVE PERMIT:

Temporarily impact 7,820 sq. ft. in the developed upland tidal buffer zone greater than 50' from the highest observable tide line, by machine grading soil surface (without changing contours) to scrape away invasive Japanese Knotweed, and stabilize with grass seed and hay mulch.

With Conditions:

1. All work shall be in accordance with plans by Douglas A. MacLennan dated 1/3/2007, as received by the Department on 1/10/2007.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
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. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), work within previously developed areas within 100 feet of the highest observable tide line that are not minor or major per Env-Wt 303.02 or Env-Wt 303.03.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The area is heavily vegetated by an invasive species.
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. The applicant is proposing to scrape the knotweed down to stubble with a machine, stabilize with vegetation and mow to eliminate regrow. No root excavation or chemical application is proposed.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission signed the expedited application.

**2007-00072 CORMIER REV TRUST, STEPHEN
PEMBROKE Unnamed Wetland**

Requested Action:

Dredge and fill 2938 square feet of forested wetland and man made drainage ditch for access in the subdivision of 49.3 acres into 11 single family residential lots and a single 30 acre common lot.

APPROVE PERMIT:

Dredge and fill 2938 square feet of forested wetland and man made drainage ditch for access in the subdivision of 49.3 acres into 11 single family residential lots and a single 30 acre common lot.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering LLC dated November 2006, and revised through February 4, 2007(sic), as received by the Department on January 16, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.

6. 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, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during periods of non-flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading 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. Silt fencing must be removed once the area is stabilized.
17. 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).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

AGRICULTURE MINIMUM

**2006-00288 NEW ENGLAND FLOWER FARMS LLC, PLEASANT VIEW FARM
LOUDON Unnamed Wetland**

Requested Action:

Deny request to fill 9025 square feet for a proposed structure.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 9025 square feet for a proposed structure.

With Findings:

1. A request for additional information dated May 5, 2006, 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. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

SHORELAND VARIANCE / WAIV

2006-01339 PELTON, PAUL & ARDYCE
MEREDITH Lake Winnepesaukee

Requested Action:

Request a waiver from RSA 483-B:9, II(b) to allow the construction of an addition to an existing non-conforming structure within the primary building setback on property having approximatly 97 feet of frontage on Lake Winnepesaukee in Meredith, NH.

APPROVE CSPA WAIVER:

Request a waiver from RSA 483-B:9, II(b) to allow the construction of an addition to an existing non-conforming structure within the primary building setback on property having approximatly 97 feet of frontage on Lake Winnepesaukee in Meredith, NH.

With Conditions:

- 1. All work shall be conducted in accordance with plans designed by the Peltons dated October 13, 2006 and received by the department on October 19, 2006.
- 2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
- 3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
- 4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
- 5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
- 6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
- 7. This approval does not allow lakeward expansion of the primary structure.
- 8. The contractor/owner 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. The existing non-conforming structure, as identified on the Town of Meredith Tax Map U-31 Lot 27-2, is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
- 2. The existing non-conforming structure is located approximately 40 feet from the reference line. The existing deck is located 30 feet from the reference line.
- 3. The expansion of the existing non-conforming structure consists of an addition occupying 798 square feet adjacent to the

existing structure.

4. The primary structure footprint will be increased by 798 square feet.
5. 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." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
6. The applicant has proposed to install a 3 foot wide pea stone buffer around the existing and proposed structures to accept storm water runoff from the roof.
7. The applicant has proposed to install foundation drains around the existing structure.
8. The applicant has proposed to add landscape berms planted with native vegetation around the beach area to divert stormwater.
9. The applicant has proposed to add a 4 foot wide vegetated buffer strip of juniper along 13 feet of shoreline to provide better erosion and stabilization control.
10. The applicant has proposed to remove approximately 280 square feet of gravel on the lakeward side of the house and reseed with grass mix.
11. The applicant's proposal provides at least the same degree of protection to the public waters.
12. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

**2006-02313 BROWN, KENNETH
SUTTON**

Requested Action:

Request a waiver from RSA 483-B:11, I to allow a 746 square foot expansion of a non-conforming structure within the primary building setback on property having approximately 6,025 feet of frontage on Loch Lyndon Reservoir.

Inspection Date: 11/28/2006 by Thomas Gilbert

APPROVE CSPA WAIVER:

Request a waiver from RSA 483-B:11, I to allow a 746 square foot expansion of a non-conforming structure within the primary building setback on property having approximately 6,025 feet of frontage on Loch Lyndon Reservoir.

With Conditions:

1. All work shall be conducted in accordance with plans designed by Bristol, Sweet & Assoc., Inc. dated December 19, 2006 and received by the department on December 22, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The existing sheds will be relocated outside of the 50 foot primary structure building setback from the reference line.
8. This approval does not allow lakeward expansion of the primary structure.
10. The contractor/owner 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. 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.
12. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.

- 13. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 14. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. The existing non-conforming structure, as identified on the Town of Sutton Tax Map 4 Lot 683-345 is located within the 50 foot primary building setback to public waters and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act (CSPA).
- 2. The existing non-conforming primary structure is located approximately 19.5 feet from the reference line. Existing shed #1 is located approximately 34 feet from the reference line and existing shed #2 is located approximately 24 feet from the reference line.
- 3. Approximately 910 square feet of the primary structure is within the primary building setback. Approximately 280 square feet of shed #1 and 120 square feet of shed #2 are within the primary building setback.
- 4. The expansion of the existing non-conforming primary structure consists of constructing an addition with 746 square feet within the primary building setback.
- 5. 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." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 6. The applicant has proposed to relocate existing shed #1 and shed #2 outside of the 50 foot primary structure setback.
- 7. The applicant has proposed to add more vegetation to the shoreline. A mix of 15 Blueberry, 11 Sweet Fern and 9 Bracken Fern are proposed along the shoreline to provide better erosion and stabilization control.
- 8. The applicant has proposed stormwater control measures including gutters around the existing and proposed primary structures that will direct water to detention basin 2 on the west side of the structure or detention basin 1 on the south side of the structure. A hipped roof will be installed on the north end of the structure, where gutters are not installed, to divert stormwater evenly into an infiltrator trench that is 2 feet wide and 2 feet deep.
- 9. The applicant has proposed to construct a ridge between the driveway parking area and the existing beach to direct water runoff into detention basin 2 and down a stone lined gutter which emptys into the lake.
- 10. The applicant proposes to remove approximately 254 square feet of impervious surface.
- 11. The applicant has proposed to upgrade existing dry well type sewer system to an enviro septic system.
- 9. The applicant's proposal provides at least the same degree of protection to the public waters.
- 10. The applicant's proposal is more nearly conforming and meets RSA 483-b:11, II, therefore the waiver is approved.

2006-02835 CIAK, CARL & BARBARA
MEREDITH Winnepesaukee Lake

Requested Action:

Request a waiver from RSA 483-B9, II(b) to allow the ridgeline height of an existing non-conforming structure within the primary building setback to be raised 8 feet on property having approximately 73 feet of frontage on Lake Winnepesaukee in Meredith, NH.

Inspection Date: 11/21/2006 by Thomas Gilbert

APPROVE CSPA WAIVER:

Request a waiver from RSA 483-B9, II(b) to allow the ridgeline height of an existing non-conforming structure within the primary building setback to be raised 8 feet on property having approximately 73 feet of frontage on Lake Winnepesaukee in Meredith, NH.

With Conditions:

- 1. All work shall be conducted in accordance with plans designed by Duvarney Builders, LLC received by the department on October 24, 2006 and revised with supplemental information received on November 21, 2006.

2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1, 2007. Plantings shall have a 90% survival success rate by October 31, 2007. An initial monitoring report shall be submitted by November 15, 2007 documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. This approval does not allow lakeward expansion of the primary structure.
8. The footprint of the structure will not be changed.
9. The contractor/owner 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. 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. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
12. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
13. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft. primary building setback therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. The existing non-conforming structure is located approximately 19 feet from the reference line. The existing deck is located approximately 10 feet from the reference line.
3. The expansion of the existing non-conforming structure consists of raising the ridgeline height from 16 feet to 24 feet, increasing the rideline height by 8 feet.
4. The primary structure footprint will not be altered.
5. 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." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
6. The applicant has proposed to remove the existing shed and propane tank enclosure from property located behind the 65 foot setback.
7. The applicant has proposed stormwater control measures including gutters that will direct water to the driveway and into 1 of 2 catch basins and dripstone where gutters are not installed.
8. The applicant has proposed to remove the existing stone patio.
9. The applicant has proposed to add more vegetation to the northeast side of the house and along the shoreline to provide better erosion and stabilization control.
10. The applicants proposal provides at least the same degree of protection to the public waters.
11. The applicants proposal is more nearly conforming and meets RSA483-B:11,II, therefore the waiver is approved.

PERMIT BY NOTIFICATION

**2007-00103 APOVIAN, SELMA
BARNSTEAD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 405 sq. ft. of wetlands to install twin 12" x 16' culverts, and a one 12" x 21' culvert, for two crossings for the construction of one driveway to a single family dwelling.

PBN IS COMPLETE:

Dredge and fill a total of 405 sq. ft. of wetlands to install twin 12" x 16' culverts, and a one 12" x 21' culvert, for two crossings for the construction of one driveway to a single family dwelling.

**2007-00178 LOVERUD-WOLFEBORO REALTY TRUST
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair/replace boathouse in-kind.

PBN IS COMPLETE:

Repair/replace boathouse in-kind.

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.

**2007-00179 AUTUMN ACRES INC, ANNE GROTH
MOULTONBOROUGH Squam Lake**

Requested Action:

Repair/replace boathouse in-kind.

PBN IS COMPLETE:

Repair/replace boathouse in-kind.

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.

**2007-00206 WEBER, JOHN
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Repair/replace existig 6 ft x 32 ft crib supported dock "in kind" on 89 ft of frontage in Moultonborough on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair/replace existig 6 ft x 32 ft crib supported dock "in kind" on 89 ft of frontage in Moultonborough on Lake Winnepesaukee.

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.