

# Wetlands Bureau Decision Report

Decisions Taken  
05/28/2007 to 06/03/2007

## **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**

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**2002-00867                    KLEINMANN REV TRUST, RALPH A & ELISABETH G  
DURHAM Little Bay**

Requested Action:

Approve name change to: Ralph A & Elisabeth G Kleinmann Joint Rev. Trust, 273 Durham Point Rd., Durham, NH 03824 per request received via e-mail 5/24/2007. Previous owner: Peter & Susan Lamb.

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Inspection Date: 07/17/2002 by David A Price

APPROVE NAME CHANGE:

Construct a 6 ft. x 10 ft. permanent pier to a 3 ft. x 30 ft. ramp to a 8 ft. x 20 ft. float, total dock length 57 ft., providing one slip on 100 ft. of frontage.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated April 15, 2002, as received by the Department on May 1, 2002.
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. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. 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.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The ramp of the dock shall have a minimum of 3 ft. clearance from the surface of the tidal marsh.
9. The float of this structure shall be constructed with rails to prevent it from sitting directly on the mud at low tide.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.
2. Send to Governor & Council.

-Send to Governor and Executive Council-

**2006-02321                    BOW LAKE ESTATES PROPERTY MGMT CORP  
STRAFFORD Bow Lake**

Requested Action:

Permanently remove all existing docking structures on the frontage and construct one seasonal docking structure consisting of four, 4 ft x 30 ft seasonal docks connected by a 4 ft x 46 ft seasonal walkway accessed by a 4 ft x 6 ft walkway from the shore on an average of 329 ft of frontage on Bow Lake, Strafford.

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Conservation Commission/Staff Comments:

No comments by Con Com by 11/14/06

**APPROVE PERMIT:**

Permanently remove all existing docking structures on the frontage and construct one seasonal docking structure consisting of four, 4 ft x 30 ft seasonal docks connected by a 4 ft x 46 ft seasonal walkway accessed by a 4 ft x 6 ft walkway from the shore on an average of 329 ft of frontage on Bow Lake, Strafford.

**With Conditions:**

1. All work shall be in accordance with plans as received by the Department on May 25, 2007 and phone note May 25, 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. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the docking structures shall extend more than 40 feet from the shoreline at full lake elevation.
6. 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 classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 329 feet of frontage along Bow Lake.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on January 03, 2007, with the finding that the project impacts will not significantly impair the resources of Bow Lake.

-Send to Governor and Executive Council-

**2007-00144                      DUPRE, THOMAS & P LALIBERTY**  
**ALTON    Lake Winnepesaukee**

**Requested Action:**

Applicant requests amendment to allow for a larger landing and two personal watercraft lifts.

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Inspection Date: 03/21/0007 by Chris T Brison

**APPROVE AMENDMENT:**

Amend permit to read: Remove a nonconforming deck and fill 513 sq ft of lakebed to construct 40 linear ft of breakwater with a 6 ft gap at the shoreline, a 4 ft x 40 ft cantilevered pier and a 6 ft x 40 ft piling supported pier connected by a 6 ft x 12 ft walkway in a "U" configuration, accessed by a 6 ft x 16 ft walkway with 6 ft wide stairs, and install two personal watercraft lifts on an average of 100 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 May 31, 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 registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

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

- 7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
- 8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
- 9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
- 10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
- 11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
- 12. The breakwater shall have an irregular face to dissipate wave energy.
- 13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
- 14. Seasonal personal watercraft lifts shall be removed from the lakebed for five months during the non-boating season.
- 15. 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 classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
- 2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
- 3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
- 4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
- 5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
- 6. Public hearing is waived based on field inspection, by NH DES staff, on March 21, 2007, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
- 7. Field inspection on March 21, 2007 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**2007-00441                      SEDLAR, VANCE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Permanently remove a non-conforming breakwater and docking structure and fill 750 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier connected to a 6 ft x 40 ft permanent piling supported dock by a 6 ft x 12 ft permanent walkway on an average of 101 ft of frontage on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com requested 40 day hold on March 07, 2007, no follow up report by May 25, 2007

APPROVE PERMIT:

Permanently remove a non-conforming breakwater and docking structure and fill 750 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier connected to a 6 ft x 40 ft permanent piling supported dock by a 6 ft x 12 ft permanent walkway on an average of 101 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

- 1. All work shall be in accordance with plans dated February 22, 2007, as received by the Department on March 07, 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
- 3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be

- avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
- 8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
- 9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
- 10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
- 11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
- 12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
- 13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
- 14. 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 classified as a major project per Rule Wt 303.02(j), construction of a Breakwater.
- 2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
- 3. The applicant has an average of 101 feet of frontage along Lake Winnepesaukee, Alton.
- 4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
- 5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and, therefore, meets Rule Wt 402.12.
- 6. Public hearing is waived based on field inspection, by NH DES staff, on March 2007, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
- 7. The removal of a non-conforming docking structure and construction of a conforming docking structure is the least impacting alternative and meets the rules of the Department.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2002-01138                      HOSMER, PETER**  
**HAMPTON Drakes River**

Requested Action:

Approve name change to: Peter Hosmer, PO Box 696, North Hampton, NH 03862 per request received 5/25/2007. Previous owner: Pamela Kopka

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APPROVE NAME CHANGE:

Impact a total of 3,437 square feet of wetlands (1,035 square feet of temporary impact, 2,402 square feet of permanent impact) for the removal of an existing single residence and leachfield that currently exist within the 50 ft. wetlands buffer, and replace with a 2-unit duplex to be located behind the 50 ft. buffer.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 7/24/2002, as received by the Department on 8/19/2002.
2. 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.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
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. Materials from the existing structure are to be removed, and residual material from the proposed construction, shall be hauled off site for appropriate disposal.
8. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.

With Findings:

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

**2002-01856**

**JAMES POWERS INC**

**BETHLEHEM**

Requested Action:

Applicant requests a change to the mitigation proposal to reduce the number of lots protected by a conservation deed restriction and provide payment into the Aquatic Resource Mitigation fund.

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Conservation Commission/Staff Comments:

\*In a letter dated 8/8/02, the Bethlehem Conservation Commission stated that they do not wish to intervene.

\*In a letter dated 7/4/02, NHI stated that there are no known occurrences of sensitive species near the project area.

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 14,800 square feet of palustrine forested/scrub shrub wetlands to construct an access road and install associated culverts to service a 10-lot subdivision on 75.24 acres of land. Mitigate by placing a conservation deed restriction on lot 407-6.7 and provide payment into the DES Aquatic Resource Mitigation (ARM) fund as the balance of the compensatory mitigation.

With Conditions:

With amended conditions:

1. This approval eliminates the requirement to place a conservation deed restriction on lots 407-6.6, 407-6.8, and 407-6.9.
2. This amended permit is contingent on receipt by DES of a one time payment of \$14,904.44 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of this letter or the amendment request will be denied.
3. All work shall be in accordance with revised plans by Kellogg Surveying & Mapping, Inc. dated February 2002 and June 2002, as received by the Department on November 22, 2002 except for items noted in the condition above.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. This permit is contingent upon the execution of a deed restriction on lot 407-6.7 acres of undeveloped land as depicted on the subdivision plan.
9. The deed restriction that is placed on the conservation area on lot 407-6.7 shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions.
10. The plan noting the conservation area with a copy of the final deed restriction language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
11. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the conservation area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring.
12. The conservation deed restriction area shall be surveyed by a licensed surveyor, and marked by monuments [stakes].
13. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
14. There shall be no removal of the existing vegetative undergrowth within the conservation area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
15. Activities in contravention of the conservation area shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
16. 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.
17. 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.
18. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
19. Work shall be done during low flow.
20. Proper headwalls shall be installed over the culvert ends within five (5) days of culvert installation
21. Culvert outlets shall be properly rip rapped.
22. 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.
23. 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.
24. 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.
25. 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 project is considered a Minor Project per NH Administrative Rule Wt 303.03(1), as impacts are less than 20,000 square feet of wetlands.
2. The amended mitigation proposal retains protection on lot 407-6.7 to offset wetland impacts.
3. The elimination of a deed restriction on lots 407-6.6, 6.8, and 6.9 is being replaced by a payment into the DES Aquatic Resource Mitigation fund to offset the total loss of wetland functions and values for this project.
4. The Department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
5. The payment calculated for the proposed wetland loss in Bethlehem equals \$14,904.44.
6. 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).
7. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River-Johns River to Waits River per RSA 482-A:29.

Requested Action:

Approve permit amendment to remove permit conditions #4 and #7.

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APPROVE AMENDMENT:

Dredge and fill 900 square feet of wetlands along 30 linear feet of intermittent stream to install a 36-inch x 30-foot embedded corrugated culvert for driveway access to one (1) lot of a 7-lot subdivision on 86.26 acres; and restore 14,250 square feet of forested wetlands and 100 linear feet of intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering PLLC. dated October 2005, and revised through July 13, 2006, as received by the Department on August 21, 2006, and Subdivision Plans by Kellogg Surveying and Mapping, Inc. dated August 2005, as received by the Department on August 21, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on the receipt of evidence of the transfer of ownership of the remaining 47.86 acres from the applicant to the White Mountain National Forest.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for lots 1, 2, 3, 4, 5, & 7 shall contain condition # 4 of this approval.
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. No work within jurisdiction shall occur within 20-feet of abutting property lines.
8. Work shall be done during dry conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. 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.
11. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
15. 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).
16. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
17. 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:

18. This permit is contingent upon the restoration of 14,250 square feet of wetlands and 100 linear feet of intermittent stream channel in accordance with plans by Lobdell Associates, Inc. as received by the Department on April 18, 2006, and August 21, 2006, and plans by Kellogg Surveying and Mapping, Inc. dated August 2005, as received by the Department on August 21, 2006.
19. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
20. Wetland and stream restoration areas shall be properly constructed, landscaped, monitored, and remedial actions taken that may be necessary to create a functioning wetland area and a healthy riverine system similar to those of the wetlands and surface waters 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, changing the hydrologic regime, and changing stream sinuosity.
21. Materials used to emulate a natural channel bottom must be rounded and smooth stones similar to the natural stream substrate

and shall not include angular rip-rap or gravel.

22. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration 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. Only native wetland species appropriate to the area shall be planted and utilized to renegotiate the stream bank.
24. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES.
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 DES within 10 days of application.
26. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
27. The permittee shall monitor the initial construction of the restoration area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water, and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
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. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
30. The permittee shall designate a New Hampshire Certified Wetland Scientist ("CWS") who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The 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.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted by the CWS to the Wetlands Bureau within 60 days of the completion of construction.
32. The designated CWS shall conduct a follow-up inspection after the first growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of restoration site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands and Env-Wt 303.03(k), alteration or disturbance of less than 200 linear feet of an intermittent stream channel or its banks.
2. This permit is contingent on the receipt of evidence of the transfer of ownership of the remaining 47.86 acres from the applicant to the White Mountain National Forest.
3. The permit amendment removed the condition that any development of the remaining 47.86 acres will require full wetland delineation by a Certified Wetland Scientist and survey by a Licensed Land Surveyor, because this requirement was preventing the closing of the transaction of the 47.86 acre parcel from the applicant to the White Mountain National Forest.
4. Development of the 47.86 acre parcel is limited due steep topography.
5. This permit is contingent upon the restoration of 14,250 square feet of wetlands and 100 linear feet of intermittent stream.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 7. 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.
8. 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.

**2006-01623                      TEICH, ANDREW & LAURIE**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Remove an existing 27 ft 4 in x 25 ft 3 in dug-in boathouse, dredge 19.6 cu yd from 519 sq ft of lakebed, and excavate 75 sq ft along 7 linear ft of shoreline to construct an 18 ft x 38 ft dug-in boathouse on an average of 287 ft of frontage in Ash Cove, on Lake

Winnepesaukee.

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**APPROVE PERMIT:**

Remove an existing 27 ft 4 in x 25 ft 3 in dug-in boathouse, dredge 19.6 cu yd from 519 sq ft of lakebed, and excavate 75 sq ft along 7 linear ft of shoreline to construct an 18 ft x 38 ft dug-in boathouse on an average of 287 ft of frontage in Ash Cove, on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction as revised on December 22, 2006, as received by DES on December 28, 2006 and cross section by Watermark Marine Construction dated April 5, 2006, as received by DES on June 27, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 18 ft in height (Elev. 522.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. No work is authorized to the existing beach and existing 6 ft x 40 ft seasonal pier.
14. 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), modification of docking facilities providing 3 slips.
2. The applicant has 254 feet of shoreline frontage along Lake Winnepesaukee as measured in a straight line pin to pin at the shoreline.
3. A maximum of 4 slips may be permitted on 254 ft of frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facilities will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-01982                      G & K DESIGN LLC**  
**LEMPSTER   Tributary To Dodge Pond**

**Requested Action:**

Dredge and fill 6,048 square feet of palustrine forested wetlands, including 1,938 square feet of impact associated with an intermittent stream for road and driveway access to a 41-lot subdivision on ± 133 acres, further described as follows:

- Wetland impact #1) dredge and fill 305 square feet of palustrine forested wetlands to install a 4-foot x 3-foot x 20-foot embedded box culvert for driveway access;
- Wetland impact #2) dredge and fill 1,717 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 41-foot embedded box culvert for road access;
- Wetland impact #3) dredge and fill 1,509 square feet of palustrine forested wetlands associated with 50 linear feet of intermittent stream impact to install a 6-foot x 4-foot x 50-foot embedded box culvert for road access;
- Wetland impacts #4&5) dredge and fill 22 square feet of palustrine forested wetlands to install an 18-inch x 18-foot CPP for driveway access;
- Wetland impact #6) dredge and fill 526 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 18-foot embedded box culvert for driveway access;
- Wetland impact #7) dredge and fill 969 square feet of palustrine forested wetlands associated with 54 linear feet of intermittent stream impact to install a 6-foot x 4-foot x 54-foot embedded box culvert for road access;
- Wetland impact #8) dredge and fill 432 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 45-foot embedded box culvert for road access; and
- Wetland impact #9) dredge and fill 1,109 square feet of palustrine forested wetlands to install a 30-inch x 45-foot HDPE culvert for road access.

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**APPROVE PERMIT:**

- Dredge and fill 6,048 square feet of palustrine forested wetlands, including 1,938 square feet of impact associated with an intermittent stream for road and driveway access to a 41-lot subdivision on ± 133 acres, further described as follows:
- Wetland impact #1) dredge and fill 305 square feet of palustrine forested wetlands to install a 4-foot x 3-foot x 20-foot embedded box culvert for driveway access;
  - Wetland impact #2) dredge and fill 1,717 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 41-foot embedded box culvert for road access;
  - Wetland impact #3) dredge and fill 1,509 square feet of palustrine forested wetlands associated with 50 linear feet of intermittent stream impact to install a 6-foot x 4-foot x 50-foot embedded box culvert for road access;
  - Wetland impacts #4&5) dredge and fill 22 square feet of palustrine forested wetlands to install an 18-inch x 18-foot CPP for driveway access;
  - Wetland impact #6) dredge and fill 526 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 18-foot embedded box culvert for driveway access;
  - Wetland impact #7) dredge and fill 969 square feet of palustrine forested wetlands associated with 54 linear feet of intermittent stream impact to install a 6-foot x 4-foot x 54-foot embedded box culvert for road access;
  - Wetland impact #8) dredge and fill 432 square feet of palustrine forested wetlands to install a 6-foot x 4-foot x 45-foot embedded box culvert for road access; and
  - Wetland impact #9) dredge and fill 1,109 square feet of palustrine forested wetlands to install a 30-inch x 45-foot HDPE culvert for road access.

**With Conditions:**

1. All work shall be in accordance with plans by True Engineering dated June 05, 2006, and revised through October 27, 2006, December 08, 2006, February 26, 2007 (excluding sheet 24), and April 21, 2007, as received by the DES Wetlands Bureau on April 30, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. This permit is contingent on approval by the DES Alteration of Terrain Program.

8. Work shall be done during annual low flow conditions.
9. 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.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
14. Proper headwalls shall be constructed within seven (7) days of culvert installation.
15. 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).
16. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular riprap.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
18. 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.
19. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
20. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
21. Post-construction photographs documenting the status of the completed construction at wetland and stream crossings shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The applicant has provided a waiver request per Env-Wq 1410, to waive the information required with applications as required by Env-Wq 1409.03(a)&(b).
3. Proposed activity within the protected shoreland is limited to the upgrade of an existing road.
4. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the rule.
5. The waiver is granted in accordance with Env-Wq 1410.04(2)(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.
6. Project revisions have provided embedded natural bottom structures at both intermittent stream crossings and an additional four (4) wetlands crossings.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02636**

**ROCHESTER PINWOOD REAL ESTATE DEVELOPMENT LLC**

**ROCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,575 sq. ft. of wetlands, including a total of 148 linear ft. of intermittent streams, to construct 6 road crossings for a 58-lot subdivision on 59 acres, including 3,150 sq. ft. of impact for roadway bed fill; 1,170 sq. ft. of impact and installation of a 24" x 50' culvert; 1,265 sq. ft. of impact and installation of a 36" x 50' culvert; 1,965 sq. ft. of impact and installation of a 24" x 50' culvert; 1,025 sq. ft. of impact and installation of a 36" x 55' culvert; and 1,000 sq. ft. of impact and installation of a 24" x 50' culvert.

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APPROVE PERMIT:

Dredge and fill a total of 9,575 sq. ft. of wetlands, including a total of 148 linear ft. of intermittent streams, to construct 6 road crossings for a 58-lot subdivision on 59 acres, including 3,150 sq. ft. of impact for roadway bed fill; 1,170 sq. ft. of impact and installation of a 24" x 50' culvert; 1,265 sq. ft. of impact and installation of a 36" x 50' culvert; 1,965 sq. ft. of impact and installation of a 24" x 50' culvert; 1,025 sq. ft. of impact and installation of a 36" x 55' culvert; and 1,000 sq. ft. of impact and installation of a 24" x 50' culvert.

With Conditions:

1. All work shall be in accordance with revised plans by Norway Plains, Inc. dated 4/16/2007, as received by the Department on 5/2/2007.
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. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent upon submission of and approval by DES of a plan depicting detail of a means of providing continued hydrology to the downstream side of wetland impact area "A" so that the portion of the wetland area not designated for impact is sustained and not lost by the change in flow.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. 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.
12. Silt fencing must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. 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.
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. Proper headwalls shall be constructed within seven days of culvert installation.
19. 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).
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Work shall be done during low flow.

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 of non-tidal wetlands; and per Env-Wt 303.03 (1) projects that disturb less than 200 linear ft. of intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross various wetland areas on this site to reach usable uplands.
  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 has confined impacts to narrow stream & wetland crossing locations.
  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. In response to EPA comments, the applicant has conducted an updated vernal pool survey during spring conditions and provided details of the observed functions of the various vernal pools. The applicant has further provided 50' buffers around the vernal pools to the greatest extent practicable. The applicant has revised the crossing device designs to provide greater natural stream channel protection or re-creation by using oversized imbedded culverts where appropriate, and has reduced the linear footage of intermittent stream impact. No species of concern were reported by the NH Heritage Bureau or by NH Fish & Game Department.
  5. The Rochester Conservation Commission did not report on this project.
  6. Restoration for the logging impact shall be processed under separate cover.

**2006-03236                      SKIFFINGTON HOMES INC**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's April 17, 2007 decision to deny a request to construct a U-shaped permanent pier with a boatlift and seasonal canopy on the basis that the wave prediction model used to develop Rule Wt 402.05 supports the need for a permanent pier at this location.

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Conservation Commission/Staff Comments:

Reconsideration Request received from Watermark Marine Construction on 4/24/07 -np

**APPROVE RECONSIDERATION:**

Reconsider and approve permit to: Remove an existing 4 ft x 28 ft seasonal pier, 4 ft x 48 ft seasonal pier, and a 4 ft x 12 ft connecting walkway and construct a 4 ft x 30 ft piling pier connected to a 6 ft x 49 ft piling pier by a 6 ft x 12 ft walkway in an "h" configuration with a piling supported boatlift and seasonal canopy in the center slip and 1 tie off piling, all protected by two 3 piling ice clusters and install 2 seasonal personal watercraft lifts adjacent to an existing perched beach on an average of 208 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 25, 2006, as received by DES on December 29, 2006.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal watercraft lifts shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 49 feet from the shoreline at full lake elevation.
6. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
7. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
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 permanent 3-slip docking facility.
2. The Applicant has provided evidence that the site is exposed to an average design fetch for which a 1 foot high wave could be predicted using the Saville Model upon which Rule 402.05, Permanent Docks, was based.
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 208 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.

**2007-00067                      HAYES, WILLIAM**  
**SUTTON   Unnamed Wetland**

Requested Action:

Dredge and fill 9,961 square feet of palustrine forested wetlands to install an 18-inch x 24-foot PEP culvert and a 4-foot x 22-foot CMP embedded culvert (wetland crossing #1); an 18-inch x 28-foot PEP culvert (wetland crossing #2); and a 4-foot x 15-foot embedded PEP culvert (wetland crossing #3) for driveway access to a single family residence.

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APPROVE PERMIT:

Dredge and fill 9,961 square feet of palustrine forested wetlands to install an 18-inch x 24-foot PEP culvert and a 4-foot x 22-foot CMP embedded culvert (wetland crossing #1); an 18-inch x 28-foot PEP culvert (wetland crossing #2); and a 4-foot x 15-foot embedded PEP culvert (wetland crossing #3) for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated November 07, 2006, as received by the DES Wetlands Bureau on January 05, 2007, and plans dated November 04, 2006, and revised through April 02, 2007, as received by the Department on May 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Post-construction photographs documenting the status of the completed crossings construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The subject parcel is a lot of record that was subdivided in the 1980's.
3. The NHFG Nongame and Endangered Wildlife Program indicated riprap should not be used and the 4-foot culvert should not be

set nearly halfway, due to the reduction of the openness ratio.

4. The proposed 4-foot culvert maintains a 2-foot opening, as specified by NRCS.
5. The applicant has received written consent from the owners of Lot 648,398 (Tax Map 9), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. 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.
8. 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.

**2007-00157                      CUTILLO REVOC TRUST, SUSAN**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove existing 6 ft x 50 ft seasonal dock and a 6 ft x 25 ft seasonal dock and install a "U-shaped" dock consisting of two 6 ft x 45 ft docks connected by a 6 ft x 12 ft walkway and two concrete anchoring pads, install a "T-shaped" dock consisting of a 6 ft x 23 ft seasonal walkway accessing a 6 ft x 25 ft seasonal dock paralleling the shoreline with a 4 ft x 6 ft concrete anchoring pad with a seasonal boatlift, construct a 20 ft x 30 ft perched beach with 6 ft wide lake access steps, and repair existing 12 ft x 12 ft "Sea-Plane" ramp on 488.5 ft of frontage in Moultonborough on Lake Winnepesaukee.

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APPROVE PERMIT:

Permanently remove existing 6 ft x 50 ft seasonal dock and a 6 ft x 25 ft seasonal dock and install a "U-shaped" dock consisting of two 6 ft x 45 ft docks connected by a 6 ft x 12 ft walkway and two concrete anchoring pads, install a "T-shaped" dock consisting of a 6 ft x 23 ft seasonal walkway accessing a 6 ft x 25 ft seasonal dock paralleling the shoreline with a 4 ft x 6 ft concrete anchoring pad with a seasonal boatlift, construct a 20 ft x 30 ft perched beach with 6 ft wide lake access steps, and repair existing 12 ft x 12 ft "Sea-Plane" ramp on 488.5 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as received by DES on January 23, 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 construction.
3. Repair of existing nonconforming 12 ft x 12 ft "sea-plane" ramp shall maintain existing size, location, and configuration.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All seasonal docking structures shall be removed from Wetlands jurisdiction for 5 months during the non-boating season.
9. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. 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 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. Based on the cross sections submitted the average slope through the area to be impacted by the perched beach is calculated to be approximately 18.8%.
6. The applicant has an average of 489 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 7 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.

**2007-00496                      LACONIA, CITY OF**  
**LACONIA   Wet Meadow**

Requested Action:

Fill 9500 square feet of previously impacted isolated wet meadow for construction of ball fields and to correct existing drainage issues.

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APPROVE PERMIT:

Fill 9500 square feet of previously impacted isolated wet meadow for construction of ball fields and to correct existing drainage issues.

With Conditions:

1. All work shall be in accordance with plans by Rist-Frost-Shumway Engineering PC dated February 23, 2007 as received by the Department on March 12, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. 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.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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
2. The proposed construction is to replace fields that will be lost as a result of the expansion of the middle school.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The proposal will impact an isolated mowed wetland.
5. The existing wetland has no functions or values.
6. 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.
7. 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.
8. The Laconia Conservation Commission is in support of the project.

**2007-00634                      GPS PROPERTIES INC**  
**DUNBARTON   Unnamed Wetland**

Requested Action:

Dredge and fill 6135 square feet including installation of a 24-inch x 65 foot culvert in a wet meadow for driveway access to a proposed 28-unit condominium development.

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APPROVE PERMIT:

Dredge and fill 6135 square feet including installation of a 24-inch x 65 foot culvert in a wet meadow for driveway access to a proposed 28-unit condominium development.

With Conditions:

1. All work shall be in accordance with plans by Robert G Rook dated March 23, 2007, and revised through April 23, 2007, as received by the Department on May 3, 2007 and Subdivision Plans by Dahlberg Land Services dated February 2, 2007, as received by the Department on May 3, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
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 recorded permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
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. 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).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. 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 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The applicant has applied for a variance to Section 9 of the Dunbarton Zoning Ordinance, this request was denied on November 13, 2006.
3. The wetland area bisects the lot and this is the only available access to the buildable uplands.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The Department of Transportation has granted a driveway permit for access from Route 13.
6. The area of the proposed wetland impact has been historicly disturbed and is currently used as a pasture.
7. 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.
8. 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.

**2007-00706 HOOKSETT, TOWN OF  
HOOKSETT Dalton Brook**

Requested Action:

Confirm Authorization to impact 200 square feet of the banks of Dalton Brook to install a temporary 36-inch x 30 foot culvert to alleviate upstream flooding.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Impact 200 square feet of the banks of Dalton Brook to install a temporary 36-inch x 30 foot culvert to alleviate upstream flooding.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. The applicant shall file a follow up application by July 1, 2007, addressing all of the requirements of Administrative Rules Env-Wt 100-800.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The project was necessary to alleviate upstream flooding of roads and businesses.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 16, 2007.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. The project is approximately 500 feet from the downstream prime wetland.
6. The project simply increased flows during a peak discharge event in order to alleviate upstream flooding of structures and roads.
7. The applicant will be following up with a full application to replace the existing structures with an open bottom bridge structure.

**MINIMUM IMPACT PROJECT**

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**2005-02910 BELVISO, JOHN  
MEREDITH Unnamed Wetland Lake Winnisquam**

Requested Action:

Overlap a 6 foot x 30 foot seasonal dock above the existing 7 foot x 6 foot concrete pad within the lake bed having no portion of the structure reaching 30 feet from the high waterline into the lake and dredge and fill 2 square feet of wetland to replace existing failed culvert with a 15-inch x 43 foot culvert and construct a 40 foot swale for treatment prior to discharge on 105 feet of frontage on Lake Winnisquam, Meredith.

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APPROVE PERMIT:

Overlap a 6 foot x 30 foot seasonal dock above the existing 7 foot x 6 foot concrete pad within the lake bed having no portion of the structure reaching 30 feet from the high waterline into the lake and dredge and fill 2 square feet of wetland to replace existing failed culvert with a 15-inch x 43 foot culvert and construct a 40 foot swale for treatment prior to discharge on 105 feet of frontage on Lake Winnisquam, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Services dated October 20, 2005 and revised through May 31, 2007, as received by the Department on May 31, 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 recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit is contingent on compliance with Shoreland Waiver 2006-02626.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be conducted during low water conditions.
6. 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.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
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 or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. 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.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

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

Requested Action:

Underlying property owner of deeded Right-of-Way requests permit name change into his name, John Murphy and Leigh Carleton, 20 Riverview Rd., Durham, 03824, from that of dock association, and clarification of permit description language relative to deeded right-of-way being for access purposes only.

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

APPROVE AMENDMENT:

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 frontage related to a deeded right-of-way which provides access to the Oyster River.

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.
10. AMENDED: This dock shall be intended for the use of those who hold deeded right-of-way access to the dock. Any change or abandonment of the right-of-way shall require re-evaluation of the number of docks on the frontage by DES.

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. 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.
7. The abutter upon whose 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.
8. On 5/24/2007, DES received a request from underlying property owners John Murphy and Leigh Carleton to change the permit to their names from the Riverview Road Dock Association, and to clarify the permit and findings language related to any perceived property ownership rights of the Riverview Road Dock Association. DES finds that while that certain individual properties on Riverview Road have a deeded right to access the Oyster River through a right-of-way across the Murphy/Leighton property, the actual property owners are Murphy and Leighton.
9. Pursuant to Administrative Rule Env-Wt 502.02(b), permits shall be issued to land owners on whose land the project is located or attached, therefore DES approves the name change and associated permit and findings revisions. The findings revised herein shall supercede the findings made in support of the original approval dated 2/5/2007.

**2006-02633                      BLUEFIN DEVELOPMENT**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Dredge and fill 2,200 sq. ft. of wetlands and install a 4' x 8' box culvert affecting 50 linear ft. of an unnamed perennial stream, for a driveway crossing to an 11+ acre single family house lot.

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APPROVE PERMIT:

Dredge and fill 2,200 sq. ft. of wetlands and install a 4' x 8' box culvert affecting 50 linear ft. of an unnamed perennial stream, for a driveway crossing to an 11+ acre single family house lot.

With Conditions:

1. All work shall be in accordance with revised plans by RSL Layout & Design dated 5/1/2007, as received by the Department on 5/4/2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent upon receipt of and approval by DES of stream diversion/dewatering methods for installation of culvert in the perennial stream.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface

Systems Bureau rules.

5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. 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.
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.
10. Culvert outlets shall be properly rip rapped.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill for access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross the stream at some location to access the usable upland.
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 has revised the location of the crossing to an area of the stream where a box culvert will maintain stream flow and not result in placement of fill in a flow path. The revised location also makes use of the previously disturbed path of an existing woods road crossing.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the site. The project has been redesigned to satisfy the concerns of the Nottingham Conservation Commission regarding placing fill in a flow path of the stream.

**2006-02898                      STRAFFORD COUNTY COMMISSIONERS, KEN ROBICHAUD**  
**DOVER   Unnamed Wetland**

Requested Action:

Retain 160 sq. ft. of jurisdictional impacts for the replacement of an existing 12 inch concrete culvert with a 12 inch corrugated plastic culvert in the same location for an existing access road within the Stafford County Complex. The proposal includes installation of headwalls and outlet protection. Restoration of unauthorized wetland impacts is addressed under separate cover.

If you have any questions regarding the intent of this approval do not hesitate to contact me at (603) 559-1514 or by e-mail at [dprice@des.state.nh.us](mailto:dprice@des.state.nh.us).

Sincerely,

David Price  
East Region Compliance Investigator  
DES Wetlands/Alteration of Terrain  
DAP/dap

cc: Dover Conservation Commission

Alan Dews, City of Dover  
Tracy Tarr, NHSC, Inc.  
Sara Callaghan, Society for the Protection of NH Forests

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Conservation Commission/Staff Comments:  
Con. Com. did not report.

**APPROVE AFTER THE FACT:**

Retain 160 sq. ft. of jurisdictional impacts for the replacement of an existing 12 inch concrete culvert with a 12 inch corrugated plastic culvert in the same location for an existing access road within the Stafford County Complex. The proposal includes installation of headwalls and outlet protection. Restoration of unauthorized wetland impacts is addressed under separate cover.

**With Conditions:**

1. The work shall be in accordance with plans and all descriptive details by NHSC, Inc. dated April 4, 2007, as received by the Department on May 11, 2007.
2. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. This after-the-fact approval is contingent upon restoration of unauthorized wetland impacts addressed under separate cover.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of surface waters/wetlands.
2. 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.
3. Restoration of unauthorized wetland impact on this property is a condition of approval and is addressed under separate cover.
4. The NH Natural Heritage Bureau has record of the State Threatened Osprey (*Pandion haliaetus*) and the State Endangered Upland Sandpiper (*Bartramia longicauda*) within the vicinity of the project. NHSC, Inc. consulted with the NH Fish and Game Department ("NHFG") relative to the known locations of the State listed species and NHFG did not have any concerns or comments relative to these species. NHFG does have concern that the new culvert walls will not provide a rough climbing surface with good moisture-holding characteristics and the size of the new culvert may restrict passage by invertebrates and amphibians. A Certified Wildlife Biologist with NHSC, Inc. has stated that the new plastic culvert is corrugated and will likely retain moisture, the crossing does not represent an important travel corridor, the culvert does not connect the Cocheco River to important wetland habitats, and the wetland complex does not contain an intermittent or perennial stream. Instead, the wetland east of the access road is a small isolated drainage area that extends behind the previous sewage lagoons and below a paved parking area associated with the county complex. The appropriate size of the culvert was determined by a licensed engineer and remained the same size as the previous culvert.
5. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.

**2006-03039                      DEMASI, ANDREW**  
**GILSUM   Unnamed Stream**

**Requested Action:**

Disturb 100 sq ft of wetlands to install a 18 in x 20 ft long culvert with adequate headwalls to cross an intermittent stream for access

to a single family residence.

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Conservation Commission/Staff Comments:

Originally sent in as a PBN, was disqualified. C. Adams gave permission to send Standard application as replacement with no \$.

APPROVE PERMIT:

Disturb 100 sq ft of wetlands to install a 18 in x 20 ft long culvert with adequate headwalls to cross an intermittent stream for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans as received by DES on March 12, 2007.
2. 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.
3. Culvert outlet 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).
4. Proper headwalls shall be constructed within seven days of culvert installation.
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.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines there are any jurisdictional violations on the property.
9. This permit does not authorize work within wetlands jurisdiction other than the proposed 18 in x 20 ft culvert, headwall and adequate outlet installation.
10. Slash, construction materials and/or debris, garbage, etc. will be not deposited within wetlands jurisdiction temporarily or permanently.
11. Any unauthorized existing materials placed within wetlands jurisdiction shall be removed prior to authorized culvert installation.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to permit vehicular access to a piece of property for a single family building lot.
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.

**2006-03116  
WEBSTER**

**PILLSBURY LAKE WATER DISTRICT**

Requested Action:

Confirm Emergency Authorization to temporarily impact 2250 square feet to protect 650 linear feet of water line in the exposed lake bed of Pillsbury Lake.

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CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact 2250 square feet to protect 650 linear feet of water line in the exposed lake bed of Pillsbury Lake.

With Conditions:

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project was necessary to insulate a potable water line over the winter months that services year round residences while the dam was in a state of disrepair.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on December 11, 2007.
4. Review of the follow up report submitted pursuant the emergency authorization indicates that work has been completed and the area was restored per the requirements of the authorization.

**2007-00180                    BUITENHUYTS /BOURQUE, ELIZABETH /R M**  
**BRISTOL   Unnamed Stream**

Requested Action:

Dredge and fill 34 square feet of intermittent stream to remove existing culvert and retain exiting 30-inch x 20 foot culvert impacting 50 square feet of intermittent stream for access to a proposed single family residence.

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APPROVE PERMIT:

Dredge and fill 34 square feet of intermittent stream to remove existing culvert and retain exiting 30-inch x 20 foot culvert impacting 50 square feet of intermittent stream for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated May 5, 2007, as received by DES on May 7, 2007.
2. 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.
3. Work shall be done under no-flow conditions.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. No equipment shall enter jurisdictional areas.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
8. Mulch within the restoration area shall be straw.
9. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau file 2007-00180 within 30 days of the completion of construction.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. 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(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.

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

**2007-00491                      LACONIA, CITY OF**  
**LACONIA   Unnamed Wetland Lake Opechee**

Requested Action:

Dredge and fill 1250 square feet within the bank of Lake Opechee to reconstruct an outfall structure and stabilize with vegetation.  
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APPROVE PERMIT:

Dredge and fill 1250 square feet within the bank of Lake Opechee to reconstruct an outfall structure and stabilize with vegetation.

With Conditions:

1. All work shall be in accordance with plans by Rist-Frost-Shumway dated February 23, 2007, as received by the Department on March 12, 2007.
2. The vegetated outfall shall be planted in accordance with the approved plans with the following exceptions: *Comptonia peregrina*, and *Spirea latifolia* shall be planted 2 feet on center; *Amelanchier canadensis*, *Cephalanthus occidentalis*, and *Spirea tomentosa* shall be planted 4 feet on center.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. 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.
6. Appropriate siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction such that no siltation or turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All work shall be done from the top of the bank.
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.
10. All work and grading shall be located landward of the shoreline at the normal high water, and shall not extend lake ward of that line at any point.
11. Mulch within the work area shall be straw.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 3 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 3 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the 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).
16. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

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, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The applicant's agent/engineer agreed to condition #2 during a phone conversation on June 1, 2007.
- 6. The conservation commission has no concerns regarding this proposed project.

**2007-00888                      SLATTERY, WAYNE & PAULA**  
**HAMPTON    Atlantic Ocean**

Requested Action:

In-kind repair to an existing rip rap sea wall on the Atlantic Ocean with approximately 50' of shoreline frontage.

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Conservation Commission/Staff Comments:

The Hampton Conservation Commission (HCC) did not sign the Minimum Impact Expedited Application. However, the submitted comments.

APPROVE PERMIT:

In-kind repair to an existing rip rap sea wall on the Atlantic Ocean with approximately 50' of shoreline frontage.

With Conditions:

- 1. All work shall be in accordance with plans received by DES on May 3, 2007.
- 2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
- 3. Work shall be done during low tide only.
- 4. Repair shall maintain existing size, location and configuration.
- 5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- 6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 9. Access to the beach for the heavy equipment will be from the end of Ancient Highway.
- 10. Every precaution will be taken to protect the dunes in their original condition. If damage is done to the dunes or the beach from equipment, the applicant shall repair the said dunes and/or beach to its original condition.
- 11. The seawall will remain on its original footprint and not encroach any further onto the beach.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
- 2. Over the course of the last two years this particular wall has been compromised. During the Storm of April 17, 2007, this wall was heavily damaged, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The repairs will be in-kind, thereby 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.

**FORESTRY NOTIFICATION**

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**2007-00120**                    **MORGARDO, TONY**  
**HAMPTON FALLS** Unnamed Stream

COMPLETE NOTIFICATION:  
Hampton Falls Tax Map 5, Lot# 8

**2007-00805**                    **BROAD RIDGE INVESTMENTS, LLC**  
**WESTMORELAND** Unnamed Stream

COMPLETE NOTIFICATION:  
Westmoreland Tax Map R13, Lot# 8C

**2007-01100**                    **FADDEN, THOMAS**  
**OSSIPEE** Unnamed Stream

COMPLETE NOTIFICATION:  
Ossipee Tax Map 15, Lot# 27

**2007-01118**                    **CERSOSIMO LUMBER COMPANY INC**  
**ROXBURY** Unnamed Stream

COMPLETE NOTIFICATION:  
Roxbury Tax Map 1, Lot# 1

**2007-01119**                    **CERSOSIMO LUMBER COMPANY INC**  
**WESTMORELAND** Unnamed Stream

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

**2007-01120**                    **CERSOSIMO LUMBER COMPANY INC**  
**GILSUM** Unnamed Stream

COMPLETE NOTIFICATION:  
Gilsum Tax Map 402, Lot# 25

**2007-01131**                    **DRED**  
**NOTTINGHAM** Unnamed Stream

COMPLETE NOTIFICATION:  
Raymond Tax Map 76, Lot# 2 Pawtuckaway State Park

**2007-01132**                    **MCKERLEY, SHIRLEY**  
**BOSCAWEN** Unnamed Stream

COMPLETE NOTIFICATION:  
Boscawen Tax Map 47, Lot# 6

**2007-01133                    13 MILE WOODS ASSOCIATION INC**  
**ERROL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Errol Tax Map R4, Lot# 15

**2007-01135                    BURT, ANSON & BILL CLEARY**  
**WESTMORELAND   Unnamed Stream**

COMPLETE NOTIFICATION:  
Westmoreland Tax Map R11, Lot# 34

**2007-01158                    ARCHERTOWN ROAD REALKTY TRUST, DAVID ROBY**  
**ORFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Orford Tax Map 8, Lot# 91

**EXPEDITED MINIMUM**

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**2003-02357                    CANDAGE, ANTHONY & NICOLE**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:  
Amend permit to show a different configuration of the proposed perched beach.  
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APPROVE AMENDMENT:  
Construct a 740 sq ft perched beach with 10 cy of sand in the same location as an existing sloped beach on 505 ft of frontage on Lake Winnepesaukee, Meredith.

- With Conditions:
1. All work shall be in accordance with plans by Pellettieri Associates, dated January 12, 2007, as received by the Department on February 01, 2007, and cross sectional plans by Pellettieri Associates, dated April 25, 2007, as received by the Department via email on April 26, 2007.
  2. 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.
  3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
  4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
  5. The steps installed for access to the water shall be located completely landward of the normal high water line.
  6. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.

7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
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 Wt 303.04(d).
2. Based on the plans and cross section submitted the average slope of the shoreline to be impacted by the perched beach construction is less than 20%.

**2005-01241 EASTMILL DEVELOPMENT INC**  
**JAFFREY Conttocook River**

Requested Action:

Approve name change to: Eastmill Development Inc., PO Box 58, Jaffrey NH 03452 per request received 5/29/2007. Previous owner: Susan Hewitt

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Jaffrey Conservation Commission signed the Minimum Impact Expedited Application.  
No Comments were received by the LAC.

APPROVE NAME CHANGE:

Impact 800 square feet of an existing drainage swale to extend a storm drain 35-feet for the construction of travel and parking surfaces.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated October 10, 2004 and revised through March 21, 2005, as received by the Department on June 7, 2005.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during low flow conditions.
4. 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.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. 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 permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2005-02913 POTTER, DAVID  
GILFORD Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's June 5, 2006 decision to deny a request for perched beach beach construction as untimely on the basis that the information was unfairly requested by the Department.

\*\*\*\*\*

DENY RECONSIDERATION:

Reconsider and reaffirm the denial of the request to construct a 20 ft x 30 ft perched beach behind an existing retaining wall and construct lake access steps on 157.5 ft of frontage in Gilford on Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The Applicant maintains that the Wetlands Bureau as approved other projects in the past without the requested tree inventory.
2. The Applicant questions the Departments authority to adopt Rule Env-Wq 1409.03, Information Required with Application.

Standards of Approval

3. In accordance with RSA 482-A:3,XIV. "In processing an application for permits under this chapter, except for a permit by notification, the department shall:... request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application."
4. In accordance with RSA 483-B:3, Consistency Required, state and local permits for work within the protected shoreland shall be issued only when consistent with the policies of this chapter.
5. In accordance with RSA 483-B:17, Rulemaking, "[t]he commissioner shall adopt rules, pursuant to RSA 541-A, relative to: I. The content and structure of all forms, applications, and permits to be received or issued by the department under this chapter, including information and materials to be submitted by an applicant."
6. In accordance with Administrative Rule Env-Wq 1409.03(a), Information Required with Application, applications for shoreland projects, shall include the number, location, basal area, and distribution of trees existing within the natural woodland buffer on the property prior to the proposed project.
7. In accordance with RSA 483-B:4, XI, the Natural woodland buffer consists of the distance between the reference line to 150 ft from the reference line.

Findings of Fact:

8. On November 30, 2005 the Department received and application to construct a perched beach within the protected shoreland zone.
9. On December 27, 2005 the Department sent a Request for More Information Letter asking for an inventory of the trees within the protected natural woodland buffer on the property as required per Rule Env-Wq 1409.03.
10. On April 13, 2006 the Department received a request for a 30 day time extension to the April 26, 2006, deadline for response to the on the Request for More Information Letter.
11. On May 15, 2006 the Department received a response to the December 27, 2005 Request for More Information Letter that failed to show the required tree inventory.
12. On June 6, 2005, the Department denied the application on the basis that the Applicant had failed to submit the requested tree inventory in a timely manner.
13. On June 9, 2006, the Applicant submitted a Request for Reconsideration of the denial based on the grounds listed above.

14. The required tree inventory was not submitted with the Request for Reconsideration.

Rulings in Support of the Decision

15. The proposed project will occur within the protected shoreland and is subject to the requirements of RSA 483-B and the rules adopted in accordance RSA 483-B:17.

16. The authority to adopt rules requiring the submittal of a tree inventory is given to the Department in RSA 483-B:17, I, which authorizes the adoption of rules pertaining to the content of applications "including information and materials to be submitted by an applicant."

17. The applicant has failed to submit a tree inventory of the natural woodland buffer as required per Rule Env-Wq 1409.03 as requested on December 27, 2005 and, therefore, the application is denied in accordance with RSA 482-A:3, XIV.

**2006-02594                      AIKEN, DONALD & MARTHA**  
**WAKEFIELD    Great East Lake**

Requested Action:

Rip-rap 30 linear ft of shoreline and install 6 ft wide lake access steps on 147 ft of frontage in Wakefield on Great East Lake.

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APPROVE PERMIT:

Rip-rap 30 linear ft of shoreline and install 6 ft wide lake access steps on 147 ft of frontage in Wakefield on Great East Lake.

With Conditions:

1. All work shall be in accordance with revised plans by Land Tech as received by DES on May 29, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Rip-rap and proposed stairs shall be located landward of the shoreline at the normal high water mark elevation.
7. Seasonal pier shall be removed from the lake for five months during the non-boating season.
8. No portion of the pier shall extend more than 31.5 ft from the shoreline at full lake elevation.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. Stabilization method fail within a 6 year period from date of completion, the landowner shall file a new application for shoreline restoration with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
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(m) projects that disturb less than 50 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
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.

**2007-00900                      HAND, JOHN**  
**MEREDITH    Lake Winnepesaukee**

Requested Action:

Repair two existing 2 ft x 16 ft seasonal docks attached to a 10 ft x 14 ft full crib supported dock accessed by an 2 ft x 8 ft walkway, repair an existing 25 ft retaining wall on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair two existing 2 ft x 16 ft seasonal docks attached to a 10 ft x 14 ft full crib supported dock accessed by an 2 ft x 8 ft walkway, repair an existing 25 ft retaining wall on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 20, 2007, as received by DES on May 03, 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 construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow for maintenance dredging.
9. Work shall be done during drawdown.
10. 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 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.

**2007-00953                      DUNBAR, BONNIE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Replace one tie off pile adjacent to an existing 8 ft x 71 ft permanent dock on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Replace one tie off pile adjacent to an existing 8 ft x 71 ft permanent dock on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on May 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 construction.

3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This permit does not allow for maintenance dredging.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. 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 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.

**GOLD DREDGE**

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**2007-01136                    LASKOSKI, STEPHEN**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2007-01137                    LASKOSKI, BARBARA**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2007-01182                    MEYERROSE, KYLE**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2007-01162                    MYNARSKI, THOMAS & JACQUELINE**  
**SALEM    Arlington Pond**

COMPLETE NOTIFICATION:  
Salem, NH Tax map 34 lot 5273  
Arlington Pond

**2007-01163                    DUERR, JEAN**  
**WINDHAM    Canobie Lake**

COMPLETE NOTIFICATION:  
Windham, NH Tax map 22 Lot 300 Block A  
Canobie Lake

**2007-01164                    REUPER, RICHARD**  
**EATON    Conway Lake**

COMPLETE NOTIFICATION:  
Eaton, NH Tax map R01 Lot 9  
Conway Lake

**2007-01166                    LEVASSEUR, RAYMOND & PATRICIA**  
**TILTON    Silver Lake**

COMPLETE NOTIFICATION:  
Tilton, NH Tax map R22 Lot 34  
Silver Lake

**2007-01178                    WRIGHT, WILLIAM**  
**NEW LONDON    Little Sunapee Lake**

COMPLETE NOTIFICATION:  
New London NH Tax Map# 46 Lot# 21 Little Sunapee Lake

**ROADWAY MAINTENANCE NOTIF**

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**2007-01107                    TOWN OF WARNER**  
**WARNER    Unnamed Stream**

COMPLETE NOTIFICATION:  
replacing 18" culvert that over flows and rotted out with 24" x 40' plastic. In the 3 rod right of way 49'6"

**PERMIT BY NOTIFICATION**

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**2007-00809                    BENNINGTON, TOWN OF  
BENNINGTON    Contoocook River**

Requested Action:

Dredge and fill approximately 100 square feet of forested wetlands to install a 15-inch x 40-foot plastic culvert above an existing failing french drain along Bennington Road and adjacent to the Contoocook River.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill approximately 100 square feet of forested wetlands to install a 15-inch x 40-foot plastic culvert above an existing failing french drain along Bennington Road and adjacent to the Contoocook River.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, and replacement of an existing structure.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, the Bennington Conservation Commission, or the Contoocook River LAC.
3. The existing french drain is a grandfathered structure.
4. The french drain is buried below the elevation of the natural flow of the wetland; removing the french drain and replacing with a culvert may cause the wetland to drain.
5. The proposed culvert installation will reduce impacts to areas under the jurisdiction of the DES Wetlands Bureau.
6. The proposed culvert will alleviate flooding of the adjacent properties.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-00980                    CLARK, DONALD  
EAST KINGSTON    Unnamed Stream**

Requested Action:

Dredge and fill 168 square feet within the bed and banks of an intermittent stream to install two (2) 18-inch culverts for access.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The East Kingston Conservation Commission signed the PBN.

PBN IS COMPLETE:

Dredge and fill 168 square feet within the bed and banks of an intermittent stream to install two (2) 18-inch culverts for access.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

**2007-01001                    OROURKE, RICHARD & ELIZABETH  
TUFTONBORO    Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock hinged to a concrete anchoring pad on 99 ft of frontage in Tuftonboro on Lake Winnepesaukee.

\*\*\*\*\*

PBN IS COMPLETE:

Install a 6 ft x 40 ft seasonal dock hinged to a concrete anchoring pad on 99 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Findings:

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

**2007-01044                      PREMIO, KEN**  
**BROOKFIELD   Unnamed Wetland**

Requested Action:

Install 6 ft x 30 ft seasonal docking structure.

\*\*\*\*\*

PBN IS COMPLETE:

Install 6 ft x 30 ft seasonal docking structure.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), install 6 ft x 30 ft seasonal docking structure.