

Wetlands Bureau Decision Report

Decisions Taken
07/30/2007 to 08/05/2007

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

**2005-00045 PEASE DEVELOPMENT AUTHORITY, DIV. OF PORTS & HARBO
PORTSMOUTH Portsmouth Harbor / Piscataqua River**

Requested Action:

Request permit amendment to:

- a) Lengthen ramp 8 feet to obtain minimum water depths at extreme low tides.
- b) Add seven (7) timber fender piles along the west face of the barge wharf to assist in launching vessels.
- c) Construct a 50-foot long by 4-foot high retaining wall above MHW adjacent to the barge facility.

Conservation Commission/Staff Comments:

No comments received from the Portsmouth Conservation Commission.

Inspection Date: 02/11/2005 by Frank D Richardson

Inspection Date: 06/12/2007 by Frank D Richardson

APPROVE AMENDMENT:

Perform the following construction activities associated with security upgrades at the Pease Development Authority - Division of Ports and Harbors Market Street Marine Terminal within the DES jurisdiction in the tidal buffer zone (TBZ) and tidal waters:

- a) Install 1,200 linear feet of 8-ft. high perimeter security fence in the TBZ.
- b) Construct a 10 ft. x 80 ft. concrete floating dock with a 4 ft. x 44 ft. aluminum gangway attached to the adjacent bulkhead on the east side of the existing barge wharf.
- c) Construct a 16.5 ft. wide x 161 ft. long boat launch ramp along the western side of the existing barge wharf.
- d) Construct 610 linear feet of Cape Cod Berm and 120 linear feet of gravel filled swale to catch basin #5, as additional work to the Storm Water Pollution Prevention Plan as required by the EPA under the NPDES Storm Water Multi-Sector General Permit.
- e) Add seven (7) timber fender piles along the west face of the barge wharf to assist in launching vessels.
- f) Construct a 50-foot long by 4-foot high retaining wall above MHW adjacent to the barge facility.

With Conditions:

- 1. All work shall be in accordance with plans by Appledore Engineering, Inc. as received by the Department on January 04, 2005.
 - 1a. All work as approved under permit amendment shall be in accordance with plans by Appledore Marine Engineering, Inc. dated 05/14/2007 revised per letter from AME, Inc. dated June 12, 2007 as received by the Department on May 14, 2007 & June 12, 2007.
 - 1b. The soil surface of the Cape Cod Berm shall be loamed and seeded and planted with Salt Spray Rose (*Rosa rugosa*) and Horizontal Juniper (*Juniperus horizontalis*) for soil binding stability and aesthetics.
- 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 4. Work on boat launch ramp shall be done during low tide.
- 5. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a),to: Perform construction activities associated with security upgrades at the Pease Development Authority - Division of Ports and Harbors Market Street Marine Terminal within the DES jurisdiction in the tidal buffer zone (TBZ) and tidal waters.
- 2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) &(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on February 11, 2005. Field inspection determined this project will not adversely affect the marine environment at this location and is in the public interest.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the estuarine ecosystem of the Piscataqua River.

2006-00516 RODRIQUE, GASTON & PAULINE
PITTSBURG Unnamed Wetland

Requested Action:

Retain 43,452 square feet of wetland and stream impacts to allow a previously constructed subdivision road and associated driveways to remain on a 261.8 acre parcel known as the "Barnes Tract" and on an adjacent 59 acre parcel (through a right-of-way) known as the "George Perry Gore" land in Pittsburg. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

Conservation Commission/Staff Comments:

Project qualifies for ARM payment.

Inspection Date: 05/25/2006 by Craig D Rennie

APPROVE PERMIT:

Retain 43,452 square feet of wetland and stream impacts to allow a previously constructed subdivision road and associated driveways to remain on a 261.8 acre parcel known as the "Barnes Tract" and on an adjacent 59 acre parcel (through a right-of-way) known as the "George Perry Gore" land in Pittsburg. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated May 2007, as received by DES on May 17, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies any future sales transaction 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 Coos 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.
5. This approval is contingent on approval by the DES Alteration of Terrain Program.
6. This approval is contingent on receipt by DES of a one time payment of \$103,226.00 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow.
9. 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).
10. Proper headwalls shall be constructed over the culvert ends, and any replaced culverts shall have proper headwalls constructed within seven days of their installation.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

- 13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
- 2. DES Staff conducted a field inspection of the proposed project on May 25, 2006, and determined that further wetland delineation was necessary for the entire parcel and that all lot lines should be shown in accordance with Env-Wt 304.09.
- 3. DES received revised plans on May 17, 2007 to address concerns raised from the Department's inspection and review letters.
- 4. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
- 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
- 6. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
- 8. The payment calculated for the proposed wetland loss equals \$103,226.00.
- 9. 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 Rule Env-Wt 803.08(f).
- 10. The payment into the ARM fund shall be deposited in the DES account for the Upper Connecticut River watershed per RSA 482-A:29.
- 11. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.87

MINOR IMPACT PROJECT

**2002-02529 GREENWOOD ACRES CORP, C/O ROGER FARQUHARSON
LITTLETON Unnamed Wetland**

Requested Action:

Applicant requests a change to the mitigation proposal to forego the proposed land preservation and provide payment into the Aquatic Resource Mitigation fund.

Conservation Commission/Staff Comments:

Conservation Commission has not provided any comments.

APPROVE AMENDMENT:

Amend permit to read:

Dredge and fill 11,898 square feet of palustrine forested wetlands to install an access road serving a 17-lot subdivision (Phase 7) on 118 acres of land.

Mitigate impacts for this phase of development (Phase 7) and subsequent future phases by providing a payment into the DES Aquatic Resource Mitigation (ARM) fund as the form of compensatory mitigation.

With Conditions:

With amended conditions:

1. All work shall be in accordance with revised plans by Kellogg Surveying & Mapping, Inc. dated February, 2004, as received by the Department on March 4, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within the "Phase 7" area of this subdivision.
3. The deed which accompanies the sales transaction for each of the lots within the "Phase 7" area of this subdivision shall contain condition #2 of this approval.
3. This approval is contingent on receipt by DES of a one time payment of \$29,904.23 to the Aquatic Resource Mitigation (ARM) Fund.
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. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. The applicant shall notify DES and the local conservation commission in writing of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
7. 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.
8. Work shall be done during low flow.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the 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 completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

With amended findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
6. The payment calculated for the proposed wetland loss equals \$29,904.23.
7. 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).
8. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River - Johns River to Waits River

watershed per RSA 482-A:29.

2006-02268 SCANNELL PROPERTIES
CHESTERFIELD Unnamed Wetland

Requested Action:

Approve name change to: Scannell Propreties, 800 East 96th St., Ste 175, Indianapolis, IN 46240 per request received 8/01/2007.

Previous owner: Richard Youngman.

Conservation Commission/Staff Comments:

1. The Conservation Commission did not submit comments to DES.
2. The New Hampshire Fish & Game Department did not submit comments to DES.
3. The New Hampshire Natural Heritage Bureau conducted a search of their database and found no recorded occurrences for sensitive species near the project site.

APPROVE NAME CHANGE:

Dredge and fill 9,061 sq. ft. of forested wetlands (includes 146 sq. ft. of temporary wetlands impacts) for construction of a proposed FedEx Distribution Center. Impacts to wetlands includes; construction of an access road wetland crossing consisting of a 24 in. x 52 ft. culvert with associated headwalls, grading and inlet and outlet protection; parking areas; loading dock access; drainage pipe installation and associated site grading.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates plan sheet C-1, dated August 21, 2006, plan sheets C-8, C-9 and C-10, dated August 10, 2006, as received by the Department on August 31, 2006 and plan sheets titled, Two Lot Subdivision, dated September 19, 2006, Supplemental Topographic Plan, dated September 8, 2006 and sheet N-1, dated September 1, 2006 as received by the Department on October 13, 2006.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands and surface waters to prevent accidental encroachment.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Temporary Wetlands impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. 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.

15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.

Faulty equipment shall be repaired immediate.

16. 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.

17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

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

**2007-00433 MILLER, DR ARNOLD & CHERYL
LACONIA Lake Winnisquam**

Requested Action:

Install a 6 ft x 4 ft concrete pad with a 6 ft x 40 ft seasonal dock, amd relocate 2 rocks from within the slips to be provided on an average of 173 ft of frontage on Lake Winnisquam, in Laconia.

Conservation Commission/Staff Comments:

Con Com submitted coments stating there may be less impacting alternatives in several areas of the project

Laconia town planning submitted comments stating the proposed plan does not meet town zoning regulations

APPROVE PERMIT:

Install a 6 ft x 4 ft concrete pad with a 6 ft x 40 ft seasonal dock, amd relocate 2 rocks from within the slips to be provided on an average of 173 ft of frontage on Lake Winnisquam, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revision dated July 03, 2007, as received by DES on July 06, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. Rocks removed from the lake bed shall be placed as located on the approved plan.
8. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
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(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has an average of 172 feet of shoreline frontage along Lake Winnisquam.
4. A maximum of 3 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 RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-00515 CUMINGS, ALLEN
TROY Unnamed Wetland**

Requested Action:

Dredge and fill 5,600 square feet of palustrine forested wetlands for road access to an 11-lot subdivision on 27.5 acres.

APPROVE PERMIT:

Dredge and fill 5,600 square feet of palustrine forested wetlands for road access to an 11-lot subdivision on 27.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Rogers Engineering dated February 12, 2007, as received by the DES Wetlands Bureau on March 15, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/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.
9. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Culverts shall be properly rip rapped.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the 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).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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 proposed entrance location is required to meet the NHDOT sight distances requirement.
3. Vernal pool information for the two (2) on-site wetlands determined these wetlands do not meet the profile of a vernal pool.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00612 **BAILEY, MARGARET**
CHESTERFIELD **Spofford Lake**

Requested Action:

Repair/replace a 90 linear ft of dry stone retaining wall "in-kind" on 90 ft of frontage in Chesterfield on Lake Spofford.

APPROVE PERMIT:

Repair/replace a 90 linear ft of dry stone retaining wall "in-kind" on 90 ft of frontage in Chesterfield on Lake Spofford.

With Conditions:

1. All work shall be in accordance with plans by Bob Riley as received by the Department on June 14, 2007.
2. The new wall shall maintain existing length, height, location and configuration.
3. The replacement retaining wall shall be constructed within the footprint of the existing wall and shall not encroach further into the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. 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(j), replacement of retaining walls requiring work in the water.
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.

2007-00870 DOW, SCOTT & KAREN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove an existing 6 ft x 28 ft piling pier, 3 tie off pilings and a 267 sq ft wooden deck, relocate two 4 sq ft rocks, install two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft walkway in a "U" configuration with a seasonal boatlift, install 2 seasonal personal watercraft lifts and excavate 390 sq ft along 28 linear ft of shoreline to construct a 26 ft x 14 ft perched beach using an existing set of 8 ft wide steps to the water on an average of 174 ft of frontage on Lake Winnepesaukee, in Moultonborough.

APPROVE PERMIT:

Remove an existing 6 ft x 28 ft piling pier, 3 tie off pilings and a 267 sq ft wooden deck, relocate two 4 sq ft rocks, install two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft walkway in a "U" configuration with a seasonal boatlift, install 2 seasonal personal watercraft lifts and excavate 390 sq ft along 28 linear ft of shoreline to construct a 26 ft x 14 ft perched beach using an existing set of 8 ft wide steps to the water on an average of 174 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 13,2007, as received by DES on April 26, 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. All portions of the existing deck, tie off pilings, and piling pier shall be completely removed from the frontage prior to the installation or construction of any new structures on the frontage.
4. These shall be the only structures on this water frontage. All portions of the dock structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the docking structures shall extend more than 40 feet from the shoreline at full lake elevation.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. 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.
9. No more than 8 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. The rocks to be relocated shall be deposited in a similar depth of water along this frontage but not within 20 ft of the extension of the abutting property lines over the water.
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 minor impact project per Rule Env-Wt 303.03(d), construction of a 3 slip docking facility.
2. The applicant has an average of 174 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-01054 RICHARDS, WHITMAN
ELLSWORTH Unnamed Wetland

Requested Action:

Dredge approximately 7,400 sq. ft. of wetlands (previously disturbed) to construct a shallow wildlife and recreation pond and in-kind replacement a 24 in. x 20 ft. roadway culvert.

APPROVE PERMIT:

Dredge approximately 7,400 sq. ft. of wetlands (previously disturbed) to construct a shallow wildlife and recreation pond and in-kind replacement a 24 in. x 20 ft. roadway culvert.

With Conditions:

1. All work shall be in accordance with plans and narratives by Lobdell Associates Inc., as received by DES on May 16, 2007.
2. Work shall be done during low flow.
3. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond and culvert replacement is constructed in accordance with the approved plans and narratives.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. A post-construction report documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

11. Proper headwalls shall be constructed within seven days of culvert installation.
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. 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.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The associated intermittent stream is a historically excavated ditch. There does not appear to be a defined channel in the wetland area.
5. The proposed pond will be a shallow wildlife pond (approximately 1.5 to 2.5 ft. deep) with low slope banks which will encourage herbaceous wetland plants and an aquatic bed wetland for wildlife habitat.
6. The proposed culvert replacement is an old roadway culvert that separated the pond site from an intermittent stream.
7. The project would have qualified as minimum impact project, however, the dredged wetland area now carries intermittent flows through the roadway culvert.
8. The New Hampshire Fish and Game Department did not submit comments.
9. The United Fish & Wildlife Service reviewed the application and did not submit comments or require additional information.

2007-01143 CHAPMAN, GARY
MEREDITH Lake Winnepesaukee

Requested Action:

Remove 137 sq ft of an abandoned crib structure, repair/replace an existing 3 ft x 38 ft walkway, 3 ft 11 in x 22 ft 3 in piling supported dock, and 12 ft 2 in x 25 ft 2 in boathouse, and remove dock areas from the interior of the boathouse to enlarge the inside slip width from 8 ft to 9 ft 7 in on an average of 156 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Remove 137 sq ft of an abandoned crib structure, repair/replace an existing 3 ft x 38 ft walkway, 3 ft 11 in x 22 ft 3 in piling supported dock, and 12 ft 2 in x 25 ft 2 in boathouse, and remove dock areas from the interior of the boathouse to enlarge the inside slip width from 8 ft to 9 ft 7 in on an average of 156 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 28, 2007, as received by DES on May 21, 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/replacement of the boathouse shall maintain the existing outside dimensions, location, and configuration. Interior boathouse modifications shall not increase the boatslip beyond the 9 ft 7 in width.
4. All abandoned crib dock material removed from the lakebed shall be placed completely outside Wetlands Bureau jurisdiction.
5. This permit does not authorize maintenance dredging.
6. 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.
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 disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 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 minor impact project per Administrative Rule Env-Wt 303.03(g) removal of no more than 20 cu yd of rock, gravel, sand, mud, or other materials from public waters.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2005-00866 STAR LAKE PROPERTIES INC
SPRINGFIELD Unnamed Wetland

Requested Action:

Amend permit to remove condition on existing developed lot and add condition for recordation of permit.

APPROVE AMENDMENT:

Dredge and fill 1,350 sq. ft. in a scrub-shrub wetland to install a 24 in. x 30 ft. culvert for access to agricultural land for maple syrup production and forest land.

With Conditions:

- 1. All work shall be in accordance with plans by Pierre Bedard & Associates dated April 12, 2005 and May 31, 2005 as received by the Department on May 2, 2005 and August 8, 2005.
- 2. Future alteration of wetlands or surface water on the remaining 46.76 acre parcel shown as lot #2 will require a full wetlands delineation (based on the Army Corps of Engineers 1987 manual) with the submission of a new application.
- 3. This permit shall not be effective until it has been recorded with the Sullivan 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.
- 4. Work shall be done during low flow.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete or have been temporarily suspended, 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. Contingent on approval from DES Subsurface Systems Bureau.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(o), deemed minimum, as impacts are less than 3,000 square feet.
- 2. The need for the proposed impacts has been demonstrated by the applicant per 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 Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. New condition 3 was discussed with and agreed to by the agent.

2006-02904 DINKIN, FREDERICK
ALTON Lake Winnepesaukee

Requested Action:

The Applicant requests reconsideration of the Department's July 7, 2007, decision to deny the repair of the breakwater and modification of an area of reclaimed land.

Conservation Commission/Staff Comments:

Response time extension for May 15, 2007

APPROVE RECONSIDERATION:

Reconsider and approve request to: Reset three rocks within an existing breakwater and repair an area originally approved as a perched beach currently surfaced with fitted stone with no increase in the surface elevation on 114 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work relative to the area of reclaimed land shall be in accordance with plans and narrative by Fred Dinkin, as received by DES on July 16, 2007.
2. All work relative to the resetting of rocks on the breakwater shall be in accordance with plans as received by DES on June 18, 2007.
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. Only existing rocks which have fallen or been dilodged from the structures shall be used for repair. No additional rocks may be brought onto the frontage.
5. 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.
6. Repairs shall maintain the existing size, height, location, and configuration of the structures.
7. This permit does not allow for maintenance dredging.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
- 12 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 in accordance with Rule Env-Wt 303.04 (v) repair of existing structures.

2007-00500 DOVER, CITY OF
DOVER Cocheco River

Requested Action:

Construct a free span bridge to extend Washington St. over the Cocheco River, including impact of 18,960 sq. ft. of the previously developed upland tidal buffer zone to re-construct street approaches, and impact 2,320 sq. ft. of bank and river bottom to construct new bridge abutments in place of previous concrete/stone wall structures.

APPROVE PERMIT:

Construct a free span bridge to extend Washington St. over the Cocheco River, including impact of 18,960 sq. ft. of the previously developed upland tidal buffer zone to re-construct street approaches, and impact 2,320 sq. ft. of bank and river bottom to construct new bridge abutments in place of previous concrete/stone wall structures.

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group Inc. dated 11/06/2006, as received by DES on 5/13/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. In-river work shall not occur from April 1 through June 30, or from September 1 through October 31, to avoid impacts to anadromous fish runs, as specified by NH Fish and Game Department Marine Division.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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. 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).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

Faulty equipment shall be repaired prior to entering jurisdictional areas.

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.

All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by DES based on the degree of environmental impact. Construction of the bridge abutments will be in place of existing concrete/stone walls; new work in

the river is confined to footings only. Work in the previously developed upland tidal buffer zone is classified as minimum impact per Env-Wt 303.04(b).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The City of Dover needs to reestablish downtown vehicle passage at the location of the previous Washington St. bridge, which was removed in 1982.
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 bridge design is freespan, with new abutments to be constructed where old abutment wall work exists. Only the abutment footings will be in the river bottom. The previously developed upland tidal buffer zone at this location consists of intown urban streets.
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. Species reported by the NH Heritage Bureau are documented as being upstream and downstream from the project area. The permit has been conditioned to limit work during the time frames specified by NH Fish & Game Department Marine Division.
5. The Dover Conservation Commission intervened, but did not report further.

2007-00990 KEHOE, DONNA
LITCHFIELD Unnamed Stream

Requested Action:

Dredge and fill a total of 1,691 sq. ft. of palustrine scrub-shrub wetlands (including 533 sq. ft. of temporary impacts) to upgrade two existing agricultural roadway/ culvert crossings to provide access to a proposed five (5) lot commercial subdivision on a 26.38 acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments received from the Litchfield Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 1,691 sq. ft. of palustrine scrub-shrub wetlands (including 533 sq. ft. of temporary impacts) to upgrade two existing agricultural roadway/ culvert crossings to provide access to a proposed five (5) lot commercial subdivision on a 26.38 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by TRUE Engineering, Inc. dated March 14, 2007, as received by DES on May 09, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. 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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

FORESTRY NOTIFICATION

2007-01738 HAVRDA, RICHARD & NANCY
NORTH STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
North Stratford Tax Map R31, Lot# 1

2007-01742 HOUGHTON, ARTHUR
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Map 9, Lot# 28

2007-01756 DUNBARTON TOWN FOREST COMMITTEE, ED WHITE
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map/Lot# B5/3-1 & 3-2, C5/1-3 & 2-13

EXPEDITED MINIMUM

2007-00367 MARCOTTE, DEBRA/DONALD
BARRINGTON Unnamed Wetland

Requested Action:

Amend original permit to fill a total of 2,231 sq. ft. of wetland in three locations to widen an existing private roadway and construct a shared driveway to serve a four (4) residential lot subdivision on 7.02 acres with the following change: eliminate widening of the existing private roadway and fill a total of 2,289 sq. ft. in two locations to construct two shared driveways to serve a four (4) residential lot subdivision on 7.02 acres.

Conservation Commission/Staff Comments:
Con. Com. signed the expedited application.

APPROVE AMENDMENT:

Amend original permit to fill a total of 2,231 sq. ft. of wetland in three locations to widen an existing private roadway and construct a shared driveway to serve a four (4) residential lot subdivision on 7.02 acres with the following change: eliminate widening of the existing private roadway and fill a total of 2,289 sq. ft. in two locations to construct two shared driveways to serve a four (4) residential lot subdivision on 7.02 acres.

With Conditions:

1. All work shall be in accordance with revised plans by Berry Surveying and Engineering dated July 23, 2007, as received by the Department on July 30, 2007.
2. Work within surface waters shall be done in the dry or during low flow.
3. Construction equipment shall not be located within surface waters.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. 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.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

2007-00769 PAUL, JENNIFER/JON
NEW LONDON Unnamed Wetland

Requested Action:

Dredge and fill 635 square feet intermittent stream and associated palustrine forested wetlands to replace an existing 12-inch x 25-foot culvert with a 15-inch x 25-foot HDPE culvert and relocate the existing Sunset Shores Road.

APPROVE PERMIT:

Dredge and fill 635 square feet intermittent stream and associated palustrine forested wetlands to replace an existing 12-inch x 25-foot culvert with a 15-inch x 25-foot HDPE culvert and relocate the existing Sunset Shores Road.

With Conditions:

1. All work shall be in accordance with plans by Stevens Engineering dated March 16, 2007, as received by the Department on April 20, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the 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.

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 wetlands.
2. The project was approved by the New London Planning Board on April 27, 2007, and is recorded as MCR Plan No. 18429.
3. In the professional opinion of the project's licensed land surveyor, the ownership of the Sunset Shores Road right-of-way rests with the applicant.
4. The applicant has received written consent from the owner of lot 13 (tax map 91), abutter 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).
5. Work is not proposed within the 150-foot natural woodland buffer.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
7. The New London Conservation Commission signed the application.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. 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.
10. 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.

2007-00981 ROHDENBURG, BRAD & JENNIE
MEREDITH Lake Winnepesaukee

Requested Action:

Repair two existing 6 ft x 41 ft docks connected in a "U" shaped configuration supported by two 6 ft x 20 ft cribs on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair two existing 6 ft x 41 ft docks connected in a "U" shaped configuration supported by two 6 ft x 20 ft cribs on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates dated November 04, 1993, as received by DES on May 10, 2007, and dock detail plans as received by DES on July 06, 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. 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.
9. 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.

2007-01015 PETERBOROUGH, TOWN OF
PETERBOROUGH Unnamed Stream

Requested Action:

Temporarily impact 710 square feet of pond for work space and fill 420 square feet of unnamed perennial stream to install a rounded stone outlet apron for the replacement of a deteriorating 49-inch x 70-inch x 51-foot arch culvert and wingwalls with a 4-foot x 7-foot x 51-foot embedded box culvert and wingwalls.

APPROVE PERMIT:

Temporarily impact 710 square feet of pond for work space and fill 420 square feet of unnamed perennial stream to install a rounded stone outlet apron for the replacement of a deteriorating 49-inch x 70-inch x 51-foot arch culvert and wingwalls with a

4-foot x 7-foot x 51-foot embedded box culvert and wingwalls.

With Conditions:

1. All work shall be in accordance with plans by Dufresne & Associates, PC dated June 22, 2007, as received by the Department on July 02, 2007.
2. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2007-01015 prior to construction
3. Work shall be done during low flow conditions.
4. 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.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. 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.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
15. The 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, and replacement in-kind of a non-docking structure, such as a culvert.
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.

2007-01045 SMITH, ALSON
CENTER BARNSTEAD Lower Suncook Lake

Requested Action:

Install a Personal Watercraft Lift adjacent to the existing seasonal docking structure on Lower Suncook Lake, Barnstead.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a Personal Watercraft Lift adjacent to the existing seasonal docking structure on Lower Suncook Lake, Barnstead.

With Conditions:

1. All work shall be in accordance with plans dated March 11, 2003, as received by DES on May 18, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. 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. Seasonal Personal Watercraft Lifts shall be removed from the lake for the non-boating season.
5. The Personal Watercraft Lift shall not extend over the extension of the property.
6. 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(ad), installation of a personal watercraft lift.
2. The applicant submitted a signed notarized letter from the affected abutter for the proposed installation of the personal watercraft lift within the abutters 20 foot setback.

**2007-01328 MOUNTAIN REACH DEV GROUP LLC, RICHARD REEVES
GOSHEN Unnamed Wetland**

Requested Action:

Dredge and fill 2,848 square feet of roadside palustrine emergent wetlands to upgrade 2,300 linear feet of Old Province Road. Upgrades include replacement culverts and roadside ditch construction.

APPROVE PERMIT:

Dredge and fill 2,848 square feet of roadside palustrine emergent wetlands to upgrade 2,300 linear feet of Old Province Road. Upgrades include replacement culverts and roadside ditch construction.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineerin, LLC dated January 25, 2007, as received by the Department on June 14, 2007.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/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.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the 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.

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 wetlands.
2. This permit and Wetlands and Non-Site Specific Permit's 2007-01027 and 2007-01181 are associated with the Mountain Reach Condominium Development.
3. Approval of the Mountain Reach Development is not contingent upon this approval for Old Province Road upgrades.
4. Subdivision materials per Env-Wt 304.09, for the Mountain Reach Development were submitted for Wetlands and Non-Site Specific Permit 2007-01027.
5. All proposed work will occur within the Town of Goshen's Old Province Road right-of-way.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
7. The Goshen Conservation Commission signed the application.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. 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.
10. 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.

2007-01440 NP DOVER LLC
ROLLINSFORD Unnamed Wetland

Requested Action:

Temporarily impact a total of 2,600 sq. ft. of wetlands to perform 4 test borings for a possible commercial development project.

APPROVE PERMIT:

Temporarily impact a total of 2,600 sq. ft. of wetlands to perform 4 test borings for a possible commercial development project.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated 6/26/2007, as received by DES on 6/28/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is necessary to obtain geotechnical data for a possible commercial project.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Heritage Bureau.
5. The Rollinsford Conservation Commission signed the expedited application.

2007-01473 HIGHLAND FARM OF PETERBOROUGH
PETERBOROUGH Unnamed Wetland

Requested Action:

Temporarily impact 670 square feet of forested wetlands to temporarily install swamp mats and poled fords at three (3) wetland crossings for access to uplands for soil testing.

APPROVE PERMIT:

Temporarily impact 670 square feet of forested wetlands to temporarily install swamp mats and poled fords at three (3) wetland crossings for access to uplands for soil testing.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc. dated April 17, 2007, and revised through April 24, 2007, as received by the Department on July 02, 2007.
2. This permit is contingent upon the restoration of 670 square feet of wetlands and with plans received July 02, 2007.
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. All temporary impacts to wetlands shall be regraded to original contours and stabilized within 72 hours following the completion of work and within 30 days of the start of work.
5. 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*).
6. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
7. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

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

2007-01565 JOHN STARK REGIONAL HIGH SCL
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 500 square feet of palustrine forested/scrub-shrub wetlands for construction of a variable height retaining wall, 10-foot culvert extension, and three (3) drainage structures; and restore 1,492 square feet of forested/scrub-shrub wetlands.

APPROVE PERMIT:

Dredge and fill 500 square feet of palustrine forested/scrub-shrub wetlands for construction of a variable height retaining wall, 10-foot culvert extension, and three (3) drainage structures; and restore 1,492 square feet of forested/scrub-shrub wetlands.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 22, 2007, as received by the Department on July 13, 2007.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/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.

5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be properly rip-rapped.
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.

RESTORATION:

11. This permit is contingent upon the restoration of 1,492 square feet of wetlands and in accordance with plans received July 13, 2007.
12. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
13. All material removed during work activities shall be removed down to the level of the original hydric soils.
14. Area shall be regraded to original contours following completion of work.
15. 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*).
16. Mulch used within the wetland (restoration) areas shall be natural straw or equivalent.
17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

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 wetlands.
2. Associated construction previously approved under Wetlands and Non-Site Specific Permit 2002-00228.
3. Slope failure presents a safety hazard for school traffic.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2007-01759 GILCHRIST III, RICHARD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2007-01757 DRED, SANDY YOUNG
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map1, Lot# 26

2007-01758 GREENFIELD, TOWN OF
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R9, Lot# PROW-36

LAKES-SEASONAL DOCK NOTIF

2007-01205 HECKER, JAMES & JACQUELINE
NEWBURY Chalk Pond

COMPLETE NOTIFICATION:
Newbury, NH Tax map 29A Lot 514 Block 70
Chalk Pond

2007-01731 WOLF, ELIZABETH
ANDOVER Highland Lake

COMPLETE NOTIFICATION:
Andover, NH Tax map 10 Lot 305 Block 580
Highland Lake

2007-01732 DEMICHEALIS, MARY
NEW DURHAM Merrymeeting Lake

COMPLETE NOTIFICATION:
New Durham, NH Tax map 38 Lot 3
Merrymeeting Lake

2007-01733 EGGERS, JAMES & BARBARA
CHICHESTER Deer Meadow Pond

COMPLETE NOTIFICATION:
Chichester, NH Tax map 5 Lot 71-6
Deer Meadow Pond

2007-01749 DEMPSEY, TIMOTHY
STRAFFORD Bow Lake

COMPLETE NOTIFICATION:

Strafford, NH Tax map 2 Lot 15 Block 24
Bow Lake

2007-01760 SALTMARSH, FRANCES
EFFINGHAM Province Lake

COMPLETE NOTIFICATION:

Effingham, NH Tax map 103 Lot 8
Province Lake

2007-01761 HAMILL, BRUCE
HARRISVILLE Skatutakee Lake

COMPLETE NOTIFICATION:

Harrisville, NH Tax map 20 Lot 75-3
Skatutakee Lake

2007-01762 CARLISLE, DON
HANCOCK Nubanusit Lake

COMPLETE NOTIFICATION:

Hancock, NH Tax map U16 Lot 10
Nubanusit Lake

SHORELAND VARIANCE / WAIV

2007-00160 FERRETTI, JOSEPH
RYE Atlantic Ocean

Requested Action:

Raise the rideline height of an existing primary structure from approximately 28 ft to approximately 32 ft on a structure with a footprint of approximately 180 sq ft within the primary building setback (the "Setback"), providing approximately 360 sq ft of living space within the Setback on property with approximately 108 ft of frontage on the Atlantic Ocean in Rye.

Inspection Date: 03/08/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raise the rideline height of an existing primary structure from approximately 28 ft to approximately 32 ft on a structure with a footprint of approximately 180 sq ft within the primary building setback (the "Setback"), providing approximately 360 sq ft of living space within the Setback on property with approximately 108 ft of frontage on the Atlantic Ocean in Rye.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by David M.

- Dolan Associates, P.C. dated April 4, 2007 and received by the Department of Environmental Services ("DES") on April 12, 2007.
2. This approval shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to DES by certified mail, return receipt requested.
 3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
 4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
 5. All proposed vegetation shall be planted by July 1 within a year of the projects completion. Plantings shall have a 90% survival success rate by October 31 within a year of the projects completion. An initial monitoring report shall be submitted to DES by November 15 within a year of the projects completion documenting the success of the plantings.
 6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
 7. The Applicant shall file a deed restriction with the Carroll County Registry of deeds prohibiting the construction, expansion or installation of any new structures between the reference line and the primary building setback.
 8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
 10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
 11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
 12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing structure, as identified on the Town of Gilford Tax Map 242A Lot 242-2 is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 29 ft from the reference line, has a ridgeline height of approximately 20 ft and a footprint of approximately 567 sq ft within the Setback, providing approximately 694 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 30 ft from the reference line, have a ridgeline height of approximately 42 ft and a footprint of approximately 517 sq ft within the Setback, providing approximately 1188 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to remove 100 sq ft of wooden patio and 380 sq ft of gravel walkway within the Setback.
6. The Applicant has proposed to install vegetated berms around the existing beach to prevent stormwater from eroding beach sand into the lake.
7. The Applicant has proposed to plant native vegetation including Mountain Laurel and Swamp Azalea along the lake side portion of the proposed structure and within the proposed berms, creating a total of approximately 500 square feet of vegetation.
8. The Applicant proposes to install stormwater controls consisting of a 3 foot wide pea stone buffer around the proposed structure for stormwater infiltration.
9. The Applicant's proposal will reduce the total impervious surface within the Setback by approximately 267 square feet, will increase the setback of the primary structure to the reference line, and improve stormwater management using native plantings and a pea stone buffer around the proposed.
10. The Applicant's proposal provides at least the same degree of protection to the public waters.
11. The Applicant's proposal is more nearly conforming and meets the requirements of RSA 483-B:11, II. Therefore, the waiver is approved.

2007-00629 **HOLMES, PETER**
SANDOWN Phillip's Pond

Requested Action:

Variance to Env-Ws 1403 to exceed the amount of allowable basal area to be removed within 150 feet of the shoreline on property on Phillips Pond in Sandown.

Inspection Date: 04/17/2007 by Thomas Gilbert

DENY CSPA VARIANCE:

Variance to Env-Ws 1403 to exceed the amount of allowable basal area to be removed within 150 feet of the shoreline on property on Phillips Pond in Sandown.

With Conditions:

1. All work shall be conducted in accordance with plans by Land Technical Service Corp., dated February 2007 and received by the department on March 19, 2007.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Systems Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. More than 50% of the basal area within 150 ft of the reference line is proposed to be removed on Phillips Pond in Sandown and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. The septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.
4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intent of the statute.
5. The proposed project will not adversely affect the public or private rights of others.
6. The applicant has proposed to locate the proposed structure 1.7 feet further back from the reference line, bringing it to 50.1 feet from the reference line, outside the primary building setback.
7. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
8. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

2007-00638 **MARTIN, RONALD, & T Y LORENZETTI**
FRANKLIN Webster Lake

Requested Action:

Raze an existing primary structure with a ridgeline height of approximately 20 ft and a footprint of approximately 250 sq ft within the primary building setback (the "Setback"), providing approximately 250 sq ft of living space within the Setback and build a proposed primary structure that shall have a ridgeline height of approximately 25 ft and a footprint of approximately 150 sq ft

within the Setback and shall provide approximately 300 sq ft of living space within the Setback on property with approximately 42 ft of frontage on Webster Lake in Franklin.

Inspection Date: 06/07/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raze an existing primary structure with a ridgeline height of approximately 20 ft and a footprint of approximately 250 sq ft within the primary building setback (the "Setback"), providing approximately 250 sq ft of living space within the Setback and build a proposed primary structure that shall have a ridgeline height of approximately 25 ft and a footprint of approximately 150 sq ft within the Setback and shall provide approximately 300 sq ft of living space within the Setback on property with approximately 42 ft of frontage on Webster Lake in Franklin.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by David M. Dolan Associates, P.C. dated April 4, 2007 and received by the Department of Environmental Services ("DES") on April 12, 2007.
2. This approval shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to DES by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1 of the year of the projects completion. Plantings shall have a 90% survival success rate by October 31 of the year of the projects completion. An initial monitoring report shall be submitted to DES by November 15 of the year of the projects completion documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The Applicant shall file a deed restriction with the Carroll County Registry of deeds prohibiting the construction, expansion or installation of any new structures between the reference line and the primary building setback.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

1. The existing structure, as identified on the Town of Gilford Tax Map 242A Lot 242-2 is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 29 ft from the reference line, has a ridgeline height of approximately 20 ft and a footprint of approximately 567 sq ft within the Setback, providing approximately 694 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 30 ft from the reference line, have a ridgeline height of approximately 42 ft and a footprint of approximately 517 sq ft within the Setback, providing approximately 1188 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

5. The Applicant has proposed to remove 100 sq ft of wooden patio and 380 sq ft of gravel walkway within the Setback.
6. The Applicant has proposed to install vegetated berms around the existing beach to prevent stormwater from eroding beach sand into the lake.
7. The Applicant has proposed to plant native vegetation including Mountain Laurel and Swamp Azalea along the lake side portion of the proposed structure and within the proposed berms, creating a total of approximately 500 square feet of vegetation.
8. The Applicant proposes to install stormwater controls consisting of a 3 foot wide pea stone buffer around the proposed structure for stormwater infiltration.
9. The Applicant's proposal will reduce the total impervious surface within the Setback by approximately 267 square feet, will increase the setback of the primary structure to the reference line, and improve stormwater management using native plantings and a pea stone buffer around the proposed.
10. The Applicant's proposal provides at least the same degree of protection to the public waters.
11. The Applicant's proposal is more nearly conforming and meets the requirements of RSA 483-B:11, II. Therefore, the waiver is approved.

2007-00757 SWEENEY, DANIELLE
BARRINGTON Ayers Lake

Requested Action:

Construct a foundation for an existing primary structure with a ridgeline height of approximately 16 ft that occupies approximately 720 sq ft within the primary building setback (the "Setback") providing approximately 416 sq ft of living space within the Setback creating a proposed structure with a ridgeline height of approximately 20 ft that occupies approximately 720 sq ft within the primary building setback (the "Setback") providing approximately 832 sq ft of living space within the Setback on property with approximately 64 ft of frontage on Ayers Lake in Barrington.

Inspection Date: 06/12/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Construct a foundation for an existing primary structure with a ridgeline height of approximately 16 ft that occupies approximately 720 sq ft within the primary building setback (the "Setback") providing approximately 416 sq ft of living space within the Setback creating a proposed structure with a ridgeline height of approximately 20 ft that occupies approximately 720 sq ft within the primary building setback (the "Setback") providing approximately 832 sq ft of living space within the Setback on property with approximately 64 ft of frontage on Ayers Lake in Barrington.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by David M. Dolan Associates, P.C. dated April 4, 2007 and received by the Department of Environmental Services ("DES") on April 12, 2007.
2. This approval shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to DES by certified mail, return receipt requested.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. All proposed vegetation shall be planted by July 1 of the year of the projects completion. Plantings shall have a 90% survival success rate by October 31 of the year of the projects completion. An initial monitoring report shall be submitted to DES by November 15 of the year of the projects completion documenting the success of the plantings.
6. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
7. The Applicant shall file a deed restriction with the Carroll County Registry of deeds prohibiting the construction or installation of any new structures between the reference line and the primary building setback.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

- 10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
- 11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
- 12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.

With Findings:

- 1. The existing structure, as identified on the Town of Gilford Tax Map 242A Lot 242-2 is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
- 2. The existing structure is located approximately 29 ft from the reference line, has a ridgeline height of approximately 20 ft and a footprint of approximately 567 sq ft within the Setback, providing approximately 694 sq ft of living space within the Setback.
- 3. The proposed structure shall be located approximately 30 ft from the reference line, have a ridgeline height of approximately 42 ft and a footprint of approximately 517 sq ft within the Setback, providing approximately 1188 sq ft of living space within the Setback.
- 4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
- 5. The Applicant has proposed to remove 100 sq ft of wooden patio and 380 sq ft of gravel walkway within the Setback.
- 6. The Applicant has proposed to install vegetated berms around the existing beach to prevent stormwater from eroding beach sand into the lake.
- 7. The Applicant has proposed to plant native vegetation including Mountain Laurel and Swamp Azalea along the lake side portion of the proposed structure and within the proposed berms, creating a total of approximately 500 square feet of vegetation.
- 8. The Applicant proposes to install stormwater controls consisting of a 3 foot wide pea stone buffer around the proposed structure for stormwater infiltration.
- 9. The Applicant's proposal will reduce the total impervious surface within the Setback by approximately 267 square feet, will increase the setback of the primary structure to the reference line, and improve stormwater management using native plantings and a pea stone buffer around the proposed.
- 10. The Applicant's proposal provides at least the same degree of protection to the public waters.
- 11. The Applicant's proposal is more nearly conforming and meets the requirements of RSA 483-B:11, II. Therefore, the waiver is approved.

2007-00807 TRAVIS, CHERYL/SAMUEL
MEREDITH Lake Winnepesaukee

Requested Action:

Replace an existing accessory structure located within the accessory structure setback (the "Setback"), and build a proposed assery structure on property with approximately 155 ft of frontage on Lake Winnepesaukee in Meredith.

Inspection Date: 06/27/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing accessory structure located within the accessory structure setback (the "Setback"), and build a proposed assery structure on property with approximately 155 ft of frontage on Lake Winnepesaukee in Meredith.

With Conditions:

- 1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.

2. This document constitutes a waiver and a deed restriction and shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. This Waiver and Deed Restriction shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
7. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
8. This document prohibits construction, expansion or installation of any new impervious surfaces, other than those shown on the approved plans, between the reference line and the primary building setback on the Subject Property. DES and the Town of Newbury shall have the right to enforce the terms and conditions of this Waiver and Deed Restriction, including collection of their reasonable costs and attorneys' fees in bringing any such action.
9. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. A copy of this recorded waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
14. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,431 sq ft of living space lakeward of the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,776 sq ft of living space lakeward of the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.

9. The Applicant's proposal will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
10. The Applicant's proposal is more nearly conforming with RSA 483-B, The Comprehensive Shoreland Protection Act, provides at least the same degree of protection to the public waters, and meets the requirements of RSA 483-B:11, II.

2007-00978 THIBODEAU, NANCY & LOUIS
WINDHAM Cobbett's Pond

Requested Action:

Replace an existing primary structure located partially within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 110 ft of frontage on Cobbett's Pond in Windham.

Inspection Date: 06/18/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing primary structure located partially within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 110 ft of frontage on Cobbett's Pond in Windham.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This document constitutes a waiver and a deed restriction and shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. This Waiver and Deed Restriction shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
7. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
8. This document prohibits construction, expansion or installation of any new impervious surfaces, other than those shown on the approved plans, between the reference line and the primary building setback on the Subject Property. DES and the Town of Newbury shall have the right to enforce the terms and conditions of this Waiver and Deed Restriction, including collection of their reasonable costs and attorneys' fees in bringing any such action.
9. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. A copy of this recorded waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
14. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,431 sq ft of living space lakeward of the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,776 sq ft of living space lakeward of the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
9. The Applicant's proposal will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
10. The Applicant's proposal is more nearly conforming with RSA 483-B, The Comprehensive Shoreland Protection Act, provides at least the same degree of protection to the public waters, and meets the requirements of RSA 483-B:11, II.

2007-01124 MYRICK, ROBERT & GAIL
MILTON Northeast Pond

Requested Action:

Addition of primary living space within the primary building setback (the "Setback") on property with approximately 232 ft of frontage on Northeast Pond in Milton.

APPROVE CSPA WAIVER:

Addition of primary living space within the primary building setback (the "Setback") on property with approximately 232 ft of frontage on Northeast Pond in Milton.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This document constitutes a waiver and a deed restriction and shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. This Waiver and Deed Restriction shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later

date.

7. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
8. This document prohibits construction, expansion or installation of any new impervious surfaces, other than those shown on the approved plans, between the reference line and the primary building setback on the Subject Property. DES and the Town of Newbury shall have the right to enforce the terms and conditions of this Waiver and Deed Restriction, including collection of their reasonable costs and attorneys' fees in bringing any such action.
9. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. A copy of this recorded waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
14. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,431 sq ft of living space lakeward of the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,776 sq ft of living space lakeward of the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
9. The Applicant's proposal will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
10. The Applicant's proposal is more nearly conforming with RSA 483-B, The Comprehensive Shoreland Protection Act, provides at least the same degree of protection to the public waters, and meets the requirements of RSA 483-B:11, II.

ROADWAY MAINTENANCE NOTIF

**2007-01730 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Stream**

COMPLETE NOTIFICATION:

Ditch maintance on inlet and outlet replace culvert same size, same location use BMP 2-3,5,6,8-10,13

**2007-01734 NH DEPT OF TRANSPORTATION
ERROL Unnamed Stream**

COMPLETE NOTIFICATION:

replace culvert clean out inlet and outlet use BMP # 1,3,7,10,12

**2007-01736 NH DEPT OF TRANSPORTATION
CLAREMONT Unnamed Stream**

COMPLETE NOTIFICATION:

replace culvert, 40' of 15" c.m.p. Under Rte 12A and redefine outlet

**2007-01737 ROCHESTER, TOWN OF
ROCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:

dig out and repair drainage ditches along Quarry Drive and Victoria Circle in Rochester that were filled in by silt that eroded up gradient during the storm of April 16,2007. See description for more details

**2007-01740 PUTNAM, THOMAS
KEENE Unnamed Stream**

Conservation Commission/Staff Comments:
owner of private roadway

COMPLETE NOTIFICATION:

repair bridge headwalls, replace 24" culvert with 30" culvert and restore stream banks at the bridge. Bridge damages in the big storm Oct. 2006

PERMIT BY NOTIFICATION

**2007-01179 HUTTON TRUST 1998, JACK
GILFORD Lake Winnepesaukee**

Requested Action:

Repair existing breakwater in-kind.

PBN IS COMPLETE:
Repair existing breakwater in-kind.

With Findings:
1. Rule Env-Wt 303.04 (v) repair existing docking facilities.

**2007-01472 QUAGLIAROLI, DAVID
MEREDITH Lake Winnepesaukee**

Requested Action:
Repair existing docking facilities.

Conservation Commission/Staff Comments:
Money order # 847175707 for \$100.00 received on 7/7/07 to cover previous check that was insufficient funds.

PBN DISQUALIFIED:
Repair existing docking facilities.

With Findings:
1. The check was returned with insufficient funds.

**2007-01474 SNYDER, JAMES/SUSAN
CANTERBURY Unnamed Stream**

Requested Action:
Installation of an approximately 12 in. x 20 ft. culvert within an intermittent stream to provide a horse riding trail/agriculture crossing. Impacts consists of approximately 140 sq. ft. of intermittent stream and wetlands for the installation of the culvert, associated fill and culvert headwalls.

PBN IS COMPLETE:
Installation of an approximately 12 in. x 20 ft. culvert within an intermittent stream to provide a horse riding trail/agriculture crossing. Impacts consists of approximately 140 sq. ft. of intermittent stream and wetlands for the installation of the culvert, associated fill and culvert headwalls.

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.

SHORELAND RULE WAIVER

**2007-00531 MARSHALL, GORDON L & CAROLYN P
NEWBURY Sunapee Lake**

Requested Action:

Replace an existing primary structure located within the primary building setback (the "Setback"), and build a proposed primary structure on property with approximately 102 ft of frontage on Lake Sunapee in Newbury.

Inspection Date: 05/10/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

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

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the current Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in paragraph 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate paragraph 3. In the event paragraph 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. A copy of this recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Newbury Tax Map 006 Lot 072, is located within the 50-ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 19.5 ft from the reference line, has a ridgeline height of approximately 30.4 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,431 sq ft of living space lakeward of the Setback.
3. The proposed structure shall be located approximately 21 ft from the reference line, have a ridgeline height of approximately 31 ft and a footprint of approximately 1,180 sq ft located lakeward of the Setback, providing approximately 1,776 sq ft of living space

lakeward of the Setback.

4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to plant native vegetation including Swamp Azalea, Lilac, Rhododendron, Mountain Laurel, Oak, Juniper and Low Bush Blueberry around the proposed structure and in disturbed areas.
7. The Applicant proposes to install stormwater controls consisting of a 2 ft wide by 1-2 ft deep stone buffer around the proposed structure for stormwater infiltration and level spreaders on the north and south sides of the proposed structure to evenly disperse stormwater being directed to these areas.
8. The Applicant has proposed to reduce the allowable construction envelope along the shoreline so the existing woodland buffer will not be disturbed.
9. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will increase the setback of the primary structure from the reference line, improve stormwater management and includes native plantings.
10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.