Wetlands Bureau Decision Report

Decisions Taken
08/06/2007 to 08/12/2007

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

****

2004-03052 PUZZO, DEAN
ALTON Lake Winnipesaukee

Requested Action:
Remove an existing curved breakwater and fill 950 sq ft of lakebed to construct 70 linear ft of breakwater, in an "dog-leg" configuration, with a 20 ft gap at the shoreline, a 4 ft x 27 ft cantilevered pier extending from a 4 ft x 42.5 ft cantilevered pier, install 2 boat lifts and drive 3 buumper pilings on an average of
111 ft of frontage on Lake Winnipesaukee in Alton.
****

Inspection Date: 02/17/2005 by Chris T Brison

APPROVE PERMIT:
Remove an existing curved breakwater and fill 950 sq ft of lakebed to construct 70 linear ft of breakwater, in an "dog-leg" configuration, with a 20 ft gap at the shoreline, a 4 ft x 27 ft cantilevered pier extending from a 4 ft x 42.5 ft cantilevered pier, install 2 boat lifts and drive 3 buumper pilings on an average of
111 ft of frontage on Lake Winnipesaukee in Alton.

With Conditions:
1. All work shall be in accordance with plans by Winnipesaukee Marine Construction as revised on March 23, 2007, as received by the Department on April 3, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The existing breakwater shall be completely removed and pilings shall be driven to mark the location of the toe of the new breakwater.
4. Prior to the placement of any material for the new breakwater the Owner shall notify the Wetlands Bureau of the need for a site inspection. Bureau staff shall conduct a site visit to confirm that the footing of the new breakwater shall be no closer than 14 ft to the imaginary extension of the property line over the water as agreed to by the owner of the property identified as Alton Tax map 0064, lot 15 on June 14, 2007. No work may proceed until written confirmation that the breakwater will meet the authorized setback has been received from the Wetlands Bureau.
5. 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.
6. These shall be the only structures on this water frontage.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extention of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:
1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.

2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 111 feet of shoreline frontage along Lake Winnipesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2 VIII, Boatslip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on February 17, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Winnipesaukee.
7. Field inspection on February 17, 2005 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2006-00394 CLARKE, KENNETH
WILMOT Unnamed Wetland

Requested Action:
Dredge and fill 9705 square feet of palustrine forested wetlands and streams for access in the subdivision of 58.15 acres into 8 single family lots.
****

APPROVE PERMIT:
Dredge and fill 9705 square feet of palustrine forested wetlands and streams for access in the subdivision of 58.15 acres into 8 single family lots.

With Conditions:
1. All work shall be in accordance with plans by Blakeman Engineering Inc dated February 14, 2006, and revised through June 18, 2007, as received by the Department on July 10, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work within the perennial stream shall be done during low flow.
9. Work within intermittent streams shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. 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.
12. 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.
13. Native material removed from the streambed during bridge installation, shall be stockpiled separately and reused to emulate a natural channel bottom. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

15. 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.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. 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.
22. 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.
23. Silt fencing must be removed once the area is stabilized.
24. 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).
25. A post-construction report documenting the status of the final stream crossings, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f) and Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 27, 2007. Field inspection determined the intermittent streams are important resources and the one closest to Kimpton Brook supports fish habitat.
6. The applicant has provided open bottom structures on the perennial stream, and two of the intermittent streams.

2006-00552 DEMPSEY, ROBERT & JOANNE
WOLFEBORO Lake Winnipesaukee

Requested Action:
Amend permit to include a 32 ft x 32 ft seasonal canopy over the center slips.
****

Conservation Commission/Staff Comments:
Con Com questions whether a breakwater in this area meets the rules.

APPROVE AMENDMENT:
Amend permit to read: Permanently remove an existing 6 ft by 52 ft permanent piling supported dock and fill 790 sq ft to construct 45 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30t cantilevered pier with two 6 ft by 30 ft piling supported docks in a "W" configuration, install one 3 pile ice cluster and a 32 ft x 32 ft seasonal canopy over the center two slips on an average of 210 ft of frontage on Lake Winnipesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated March 9, 2006, as received by the Department on March 15, 2006 and amendment request plans by Beckwith Builders dated July 10, 2007, as received by the Department on July 13, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The existing dock shall be completely removed prior to the construction of the new docking facility.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
10. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:
1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 210 feet of frontage along Lake Winnipesaukee, Wolfeboro.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff for prior projects, with the finding that the project impacts will not significantly impair the resources of Lake Winnipesaukee.
7. The applicant submitted supporting documentation for the construction of a breakwater in this location due to wind generated waves.
8. The addition of the seasonal canopy will not increase the environmental impact of the docking facility.

-Send to Governor and Executive Council-

2006-02266 STINSON, PAUL
MOULTONBOROUGH Unnamed Wetland

Requested Action:
Permanently impact a total of 20,861 square feet of wetlands and temporarily impact 983 square feet for construction access for a 8 single family residential subdivision of 60 acres. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.
****

Inspection Date: 12/08/2006 by Jocelyn S Degler

APPROVE PERMIT:
Permanently impact a total of 20,861 square feet of wetlands and temporarily impact 983 square feet for construction access for a 8 single family residential subdivision of 60 acres. 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 plans by Moser Engineering dated January 12, 2006, and revised through June 27, 2007, as received by the Department on July 9, 2007 and Subdivision Plans by Hambrook Land Surveying dated February 2006, and revised through March 22, 2007, as received by the Department on April 5, 2007.
2. This approval is contingent on receipt by DES of a one time payment of $74,141 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit is contingent on approval by the DES Alteration of Terrain.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. 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.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Work shall be done during low flow.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. 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.
15. 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.
16. 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.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Proper headwalls shall be constructed within seven days of culvert installation.
22. 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).
23. Area of temporary impact shall be regraded to original contours following completion of work.

24. 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.
25. 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.
26. 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.
27. Silt fencing must be removed once the area is stabilized.
28. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:
1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate; and Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The proposed impacts are for access to existing buildable uplands on the lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The Town of Moultonborough Zoning does not provide for a deminished lot size for cluster subdivisions.
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.
7. The applicant has provided an open bottom spanning structure over the perennial stream on this site.
8. DES Staff conducted a field inspection of the proposed project on December 5, 2006. Field inspection determined several crossings are to intermittent streams or perennial streams.
9. The applicant has met all of the requirements of Env-Wt 304.09(a) and Env-Wt 304.09(c).
10. The project impacts will not significantly impair the resources of this wetland ecosystem and therefore no public hearing is being held.
11.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.
12. The payment calculated for the proposed wetland loss equals $74,141.
13. 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).
14. The payment into the ARM fund shall be deposited in the DES ARM fund for the Winnipesaukee River watershed per RSA 482-A:29.

2007-00238 BEDFORD SCHOOL DISTRICT SAU-25
BEDFORD Unnamed Wetland

Requested Action:
Dredge and fill 22,240 sq. ft. of forested and scrub-shrub wetlands for construction of new athletic fields, associated parking and relocation of the current parent drop off area. Provide a conservation easement on 7.63 acres that connects to a previously protected conservation parcel as mitigation for the project.
****

Inspection Date: 08/08/2007 by Lori L Sommer

APPROVE PERMIT:
Dredge and fill 22,240 sq. ft. of forested and scrub-shrub wetlands for construction of new athletic fields, associated parking and relocation of the current parent drop off area. Provide a conservation easement on 7.63 acres that connects to a previously protected conservation parcel as mitigation for the project.

With Conditions:
1. All work shall be in accordance with plans by Meridian Land Services, Inc., revision dated July 3, 2007, as received by DES on July 11, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
7. 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.
8. 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.
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. 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.
11. This permit is contingent upon the execution of a conservation easement on 7.63 acres as depicted on plans received June 27, 2007.
12. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
13. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
14. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
15. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
16. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
17. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:
1. This is a major impact project per Administrative Rule Env-Wt 303.02 (c)Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The project will provide athletic fields for the intermediate school and local high school population and provide a safer infrastructure for bus traffic and parent drop off.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of on August 8, 2007.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.
7. The Bedford Conservation Commission recommended approval of the proposed project.
8. DES did not receive any public comment regarding the proposed project.
9. The applicant provided a wetland delineation plan/wetland impact plan (dated January 19, 2007, as received by DES on

February 1, 2007) stamped by a certified wetland scientist as required by Administrative Rule Env-Wt 301.01(e)(1).
10. The proposed conservation area consists of forested areas with the potential for outdoor classroom activities associated with the school. 11. The proposed conservation easement provides an additional preservation area connected to existing conservation land.
12. A public hearing was not held with the finding that the proposed impacts will not significantly impair the resources of this wetland ecosystem.

2007-00418 TOWN OF ALSTEAD
ALSTEAD Warren Brook

Requested Action:
Request to amend the permit to include 1,220 linear feet of stream and its banks)NRCS reach 3) and an additional amendment to modify the plans for the lower 1,580 linear feet on the original approval of Phase 1B, now shown as NRCS reach 2.
****

Conservation Commission/Staff Comments:
Project originally coordinated with the NHDOT, NHDES, NHF&G, NRCS
Cons. comm. OK with amendment received July 19, 2007.

Inspection Date: 11/08/2005 by Gino E Infascelli

APPROVE AMENDMENT:
Impact 170,490 sq. ft. (3.92 acres) of Warren Brook and banks to restore/stabilize Warren Brook and both banks (6,990 linear feet) and impact 2,400 sq. ft. feet of a perennial stream due to flood damage. Amend the permit to stabilize an additional 1,150 linear feet (approximately 46,000 sq. ft.) of stream and its banks (NRCS reach 3) and include an additional amendment to modify the plans for stabilizing the lower 1,580 linear feet on the original approval of Phase 1B, now shown as NRCS reach 2.

With Conditions:
1. All work shall be in accordance with:
a. Plans and Design Report, both titled Warren Brook Stabilization Project Phase 1, by Horizons Engineering dated Feb. 2007, as received by the Department on February 28, 2007;
b. Technical Specifications Warren Brook Stabilization Project Phase 1 by Horizons Engineering dated Feb. 2007, as received by the Department on April 26, 2007;
c. The Amendment Request by Sean Sweeney on behalf of the Town of Alstead dated May 4, 2007 as received by the Department on May 7, 2007.
d. Plans by NRCS dated 6-2007 as received by the Department on July 19 and July 25, 2007 to stabilize 1220 linear feet of stream (1150 feet is new area);
e. Plan by NRCS (overview) dated 7-2007 as received by the Department on August 6, 2007 to supercede that portion of the plans by Horizons Engineering shown as Phase 1B dated Feb. 2007, as received by the Department on February 28, 2007.
2. All work shall be coordinated with the adjacent and overlapping project file 2006-01897, NH Dept. of Transportation #14541I.
3. Written permission from the property owners shall be acquired prior to any work is started on properties of others.
4. This permit is contingent on submission of final stream diversion/erosion control plans as noted on sheet 9 under construction sequence #1. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically authorized per the approved plans and report.
6. The locations and details of the sod donor areas shall be submitted to the file for approval along with written permission from the landowner prior to work in those areas.
7. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. 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.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall not be staged within surface waters and crossings shall be minimized.

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; and c) set back as far as possible from wetlands and surface waters, with a minimum of 20 feet of undisturbed vegetated buffer or as specified on approved plans sheet 9 of 9, Erosion Control General Notes.
12. 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.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
22. Standard precautions shall be taken to prevent import or transport of seed stock from nuisance and invasive species such as, but not limited to, purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis).
23. Wetland soils from areas vegetated with purple loosestrife shall not be used for "sod mats" to stabilize embankments.
24. Bank stabilization areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
25. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
26. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation are present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
27. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the project area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as built plans.
28. The impacts associated with the temporary work shall be remediated immediately following construction.

ADDED CONDITIONS:
29. This AMENDED permit is contingent on submission of final stream diversion/erosion control plans as noted on sheet 9 under construction sequence #1. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
30. This AMENDED permit is contingent on submission of Detailed plans regarding condition 1e (also known as Reach 2) which shall be stamped by a professional engineer and submitted to the file prior to construction in that reach.
31. There shall be no removal of vegetation outside the limits of work.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands.
2. The NH DES recognizes the time frame limits to the funding of this project.

2007-00467 ABDULLA, GEORGE & GEORGETTE
LACONIA Lake Winnipesaukee

Requested Action:
Dredge 24 cubic yards of material from 1000 sq ft of lake bed adjacent to an existing commercial-use, major docking structure on Lake Winnipesaukee, in Laconia.
****

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:
Dredge 24 cubic yards of material from 1000 sq ft of lake bed adjacent to an existing commercial-use, major docking structure on Lake Winnipesaukee, in Laconia.

With Conditions:
1. All work shall be in accordance with plans by R C Brown revision dated July 08, 2007, as received by DES on July 10, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. There shall be no dredging below Elevation 501.32.
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 major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards or rock, gravel, sand, mud, or other material 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.
5. The primary source of the sediment to be removed is apparently roadway drainage and not a natural process nor one that may be corrected by the Applicant.

-Send to Governor and Executive Council-

2007-00552 NH DEPT OF TRANSPORTATION
ALSTEAD Cold River & Warren Brook

Requested Action:
Reconstruct NH Rte. 123 from 1,000 ft. west of Rte. 123A to 1,200 feet east of Rte. 12A, remove and replace stone slopes, add new drainage structures, add stone to stabilize slopes adjacent to the Cold River and Warren Brook, replace a bridge over Warren Brook and realign the intersection at Griffin Hill Rd. and Rte. 12A impacting 72,666 sq. ft. (30,742 sq. ft. temporary) of streams, banks and palustrine wetlands.
****

Conservation Commission/Staff Comments:
Cons. Comm. phone call indicates OK with project.

Cold River Advisory Comm. - no comment on application.

Inspection Date: 11/08/2005 by Gino E Infascelli

APPROVE PERMIT:
Reconstruct NH Rte. 123 from 1,000 ft. west of Rte. 123A to 1,200 feet east of Rte. 12A, remove and replace stone slopes, add new drainage structures, add stone to stabilize slopes adjacent to the Cold River and Warren Brook, replace a bridge over Warren Brook and realign the intersection at Griffin Hill Rd. and Rte. 12A impacting 72,666 sq. ft. (30,742 sq. ft. temporary) of streams, banks and palustrine wetlands. (NHDOT project #14541J)

With Conditions:
1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design as received by the Department on March 22, 2007 and the stamped plan set signed May 18, 2007 as received by the Department on June11, 2007.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. 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.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
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; and 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. 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.
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. Matting and pinning shall stabilize slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
19. The impacts associated with the temporary work shall be restored immediately following construction.
20. Stream bank planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.

With Findings:
1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) and (i), disturbance of more than 20,000 sq. ft. of nontidal wetlands or banks and more than 200 linear feet of impacts to a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the project area on November 8, 2005. Field inspection determined that the October flooding scoured the wetlands, waterways, and banks causing significant damage to the highways, roadways, bridges and culverts within the watershed.
6. As a result of the widespread flooding damage and federally declared emergency, the DES finds that addressing the mitigation rules would not be necessary on this publicly funded project because of its restoration goals.
7. The project will eliminate the existing one lane road and will improve public safety.
8. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

MINOR IMPACT PROJECT

****

2002-01238 HARRISON, DEBORAH/RONALD
TUFTONBORO Lake Winnipesaukee

Requested Action:
Applicant requests that permit be amended to alter interior boatslip widths and allow an increased ridgeline height for structural stability reasons.
****

Conservation Commission/Staff Comments:
Con Com has no objections

APPROVE AMENDMENT:
Repair existing 36 ft long breakwater, repair existing 83 ft long breakwater, repair and modify an existing "W" shaped docking facility to consist of a 7 ft x 36.8 ft ft dock, a 4 ft 11 in x 54.3 ft dock each supported by a 3 ft x 24 ft crib, and a 2 ft x 32 ft piling supported dock, and connecting walkways, replace the existing 46 ft 3 in x 31 ft 9 in woodframe boathouse, with a 44 ft 2 in x 33 ft 2 in steel framed boathouse, repair the existing stepped access to the lake, excavate 885 sqft behind the undisturbed natural shoreline and construct a 35 ft by 17 ft perched beach with 20 cy of sand, on an average of 223 ft of frontage on Lake Winnipesaukee, Tuftonboro.

With Conditions:
1. All work shall be in accordance with plans by Lakeshore Construction dated April 2, 2007 and March 16, 2007 as received by the Department on April 6, 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 shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Dredged material and construction debris shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau

8. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
9. This permit does not allow for any dredging of the boatslips.
10. This permit does not allow for expansion of the canopy.
11. 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.
12. The steps installed for access to the water shall be located completely landward of the normal high water line.
13. No more than 20 cu yds of sand may be used and all sand shall be located above the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. 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.
17. 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 Wt 303.03(f).
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 modification of the boatslips does not add boatslips per RSA 482-A and reduces construction surface area over public waters.

2006-00143 ENFIELD, TOWN OF
ENFIELD

Requested Action:
Confirm emergency authorization issued May 05, 2006, rip-rap approximately 5,000 square feet (100 linear feet) of failed bank along the Mascoma River.
****

CONFIRM EMERGENCY AUTHORIZATION:
Rip-rap approximately 5,000 square feet (100 linear feet) of failed bank along the Mascoma River.

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

With Findings:
1. This project is classified as a minor impact project per Env-Wt 303.03(l, alteration of less than 200 linear feet of a perennial river channel or its banks.
2. The project was necessary to prevent further damage to Oak Grove Street and ensure public safety.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 5, 2006.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2006-01494 BRAGG, STEVE
MOULTONBOROUGH Lake Winnipesaukee

Requested Action:
Applicant requests reconsideration of the Department's August 25, 2006 decision to deny a permit for the expansion of an existing

nonconforming structure on the basis that the Department has issued permits for the expansion of nonconforming structures on other properties.
****

Conservation Commission/Staff Comments:
No Con Com comments by August 24, 2006.

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

DENY RECONSIDERATION:
Reconsider and reaffirm denial of request to add a 6 ft by 20 ft finger pier to an existing 10 ft by 52 ft non-conforming permanent docking structure.

With Findings:

A. Grounds for Reconsideration

1. The Applicant disputes the Department's interpretation and application of Env-Wt 402.05, Permanent Docks, as it relates to the fetch requirement. Specifically, the Applicant asserts that the property is exposed to "sufficient fetch" to qualify for a permanent dock because the rule only requires a single radial fetch, not averaging as asserted by the Department. The Applicant also cites four unrelated approvals (Kreick, #2006-00338; Maxwell, #2005-00456; Philbrick, #2005-01226; and Low, #2005-02912) as support for this position.

2. The Applicant also disputes the Department's reliance on Env-Wt 402.20, Modification of Existing Structures, as precluding approval. Specifically, the Applicant cites "DES Policy on Wt 402.22- now Env-Wt 402.20" and two unrelated approvals (Stonefence, #2003-00203 and Albanese, #2006-00590) as support for his assertion that this project meets the requirements of Env-Wt 402.20.

B. Standards for Approval

1. Env-Wt 402.02, Dimensions, specifies that docks on lakes over 1,000 acres shall not exceed 6 ft in width.

2. Env-Wt 402.05(a)(2), Permanent Docks, specifies that a permanent dock shall be approved when "the proposed site for the dock is exposed to radial fetch of at least 1 mile between compass heading 300 to 360 or 0 to 30 degrees, or a radial fetch of at least 2 miles between compass headings 31 to 299 as measured from true north."
3. In connection with this rule, the Administrator of the Wetlands Bureau issued an internal memorandum dated August 4, 2005, which stated in part as follows:

A radial fetch as cited in Rule Wt 402.05 is an average fetch calculated using every other radial throughout a 30 degree range (15 individual measurements) in accordance with the method prescribed in the US Army Corps of Engineers, Shore Protection Manual, Volume 1, Chapter 3, page 42. The 1 and 2 mile minimum fetch requirements established in Rule Wt 402.05 were determined by applying an accepted wave prediction model to average fetch data not to individual radial measurements.

4. Env-Wt 402.20, Modification of Existing Structures, specifies that "The department shall not approve any change in size, location or configuration of existing structures unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration." (Emphasis added.)

5. In connection with this, the Wetlands Bureau prepared a draft entitled "Interpretation and Application of Rule Wt 402.22 Modification of Existing Structures". The draft is not dated, but is presumed to pre-date April 2005, when the rule was readopted with minor editorial revisions as Wt 402.20. The relevant portion of the draft states as follows:

2. Additional structures may be permitted on the frontage provided that the square footage of construction area over public submerged lands of the [sic] both the existing structures and the proposed structures does not exceed the square footage of

structures that could normally be permitted on that frontage. (Emphasis added.)

6. RSA 482-A:10, Appeals, provides in paragraph III that "On reconsideration, the [D]epartment shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration. …"

C. Findings of Fact

1. On June 16, 2006, the Department received an application to construct a permanent dock extension connected to an existing non-conforming docking facility, install an ice protection cluster, and install two seasonal personal watercraft lifts on property identified as Moultonborough tax map 187, lot 015, on Lake Winnipesaukee, Moultonborough ("Lot").

2. By letter dated August 28, 2006, the Department notified the Applicant that the application had been denied. As support for the decision, the Department made the following findings and rulings:

Findings of Fact
…
7. The existing pier is 10 feet in width and therefore is considered to be a non-conforming structure.
8. The subject property is exposed to a 0.82 mile radial fetch between compass headings 295 and 325.

Rulings in Support of the Decision
8. [sic] The addition of the personal watercraft lifts, ice clusters and 6 ft by 20 ft finger pier fails to meet the requirements of Rule Env-Wt 402.20, therefore the project is denied.
9. The subject property is not exposed to sufficient fetch to qualify for a permanent dock, therefore the project is denied.

3. The language of Env-Wt 402.05, as presented to the Wetlands Council on May 8, 2001, clearly states that average fetch was used in the development of the rule. However, the correct interpretation of the rule has been clouded by the following:

a. The rules do not define "radial fetch" but rather only define "fetch" as "the length of uninterrupted water surface over which the wind blows in a constant direction."

b. Env-Wt 402.05 re: Permanent Docks uses the standard of "radial fetch of at least 1 mile" for purposes of the northerly compass headings (i.e., 300 to 360 or 0 to 30 degrees as measured from true north), but uses the standard of "a radial fetch of at least 2 miles" (emphasis added) for purposes of all other compass headings (i.e., 31 to 299 as measured from true north).

c. Env-Wt 402.06 re: Breakwaters uses "a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees as measured from true north" (emphasis added) as the only directional standard for breakwaters.

4. Due to the differences in the language of the standards ("radial fetch" vs. "a radial fetch" vs. "a single radial fetch"), Env-Wt 402.05 is ambiguous as to whether a single fetch or an average fetch must be used. Because of this ambiguity, the doctrine of "administrative gloss" may apply. Under this doctrine, the way the agency that adopted the rule has applied it to similar prior cases and the consistency with which the agency applies the rule is considered in determining how the rule will be interpreted and applied. See, e.g., DHB, Inc. v. Town of Pembroke, 152 N.H. 314, 321 (2005).

5. The cases cited by the Applicant as support for an interpretation requiring only a single fetch do not support his argument, as he has misconstrued the relevance or actual findings of each.

6. Based on this, the finding that the Lot is not exposed to sufficient fetch to warrant a permanent dock is consistent with the Department's interpretation and application of Env-Wt 402.05.

7. Regardless of the conclusion regarding "fetch", the doctrine of administrative gloss cannot be applied to Env-Wt 402.20 because the language of the rule is clear on its face. That is, the applicant must meet one of the following standards in order to qualify for a modification of an existing structure:

a. The modification is less environmentally-impacting; or

b. The modification provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

8. The project proposed in the subject application meets neither of these criteria. Specifically, the modification is not less environmentally-impacting, as it would add another permanent structure to the frontage. Further, the modification would add boat slips and increase the construction surface area over public submerged lands over that of the current configuration.

9. Because the rule is clear on its face, the cases cited by the Applicant as support for his assertion that the "policy" should apply (i.e., that the comparison should be to what could be permitted, not to what is actually there) are irrelevant.

D. Rulings in Support of the Decision

1. The Department's interpretation and application of Env-Wt 402.05 is consistent with the method and wave prediction model used by the Department to develop the rule as originally presented to the Wetlands Council by the Department on May 8, 2001.

2. The Applicant's proposal to expand a permanent dock does not meet the fetch requirement of Env-Wt 402.05 as applied by the Department.

3. Because Env-Wt 402.20 is clear on its face as written, the Department is obligated to apply it without regard to any other "policy", especially one that was only in draft form that pre-dated the adoption of the present rule.

4. The Applicant's proposal to expand a permanent dock does not meet either of the criteria stated in Env-Wt 402.20 for approvable modifications of existing structures, because:

a. The proposal is not less environmentally-impacting than the current configuration; and

b. The proposal does not provide for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

2006-02494 MURPHY, ALBERT
CHESTERFIELD Spofford Lake

Requested Action:
Repair 100 ft of retaining wall "in-kind" on 100 ft of frontage in Chesterfield on Spofford Lake.
****

APPROVE PERMIT:
Repair 90 linear ft of retaining wall "in-kind" on 100 ft of frontage in Chesterfield on Spofford Lake.

With Conditions:
1. All work shall be in accordance with plans by Bob Riley as received by the Department on June 6, 2007.
2. The replacement wall shall maintain the same length, height and configuration of the pre-existing wall.
3. The replacement retaining wall shall not encroach lakeward of footprint of 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) repair existing retaining wall "in-kind" which requires 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.

2006-02630 NH DEPT OF TRANSPORTATION
ORFORD Connecticut River

Requested Action:
Confirm Emergency permit issued on October 13, 2006 to impact approximately 70 linear feet of the bank of the Connecticut River to repair a washout area and install a new stone basin and pipe outlet for handling stormwater runoff from Rte. 10 and 25A.

Request permit to:
Impact 1,495 sq. ft. of river and bank (820 temporary) to stabilize erosion and treat stormwater runoff by constructing a 19 ft. x 320 ft. detention pond to a 215 ft. treatment swale for higher flows and installing 480 ft. of 24 in. culvert outletting at the river bank to be stabilized with class B stone. NHDOT project #14953.

****

Conservation Commission/Staff Comments:
Cons. Comm.- No comment
Conn. River Joint Comm. Comments in conditions

APPROVE PERMIT:
Confirm emergency permit per follow-up plan dated 6/19/07 received on June 22, 2007 and issue permit to:
Impact 1,495 sq. ft. of river and bank (820 temporary) to stabilize erosion and treat stormwater runoff by constructing a 19 ft. x 320 ft. detention pond to a 215 ft. treatment swale for higher flows and installing 480 ft. of 24 in. culvert outletting at the river bank to be stabilized with class B stone. NHDOT project #14953.

With Conditions:
1. All work shall be in accordance with plans by NHDOT initialed on 6-15-07 as received by the Department on June 22, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and

areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Work shall be completed by October 1, 2007.
12. River bank stabilization area shall incorporate plantings, such as willow stakes.
13. Detention pond and banks along with the treatment swale and banks shall not be tilled.
14. This permit shall not be effective until it has been recorded with the Grafton 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.

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a stream or river channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project in the fall of 2006. Field inspection determined that the flows exceeded the capacity of the drainage structures resulting in erosion and that an emergency permit to stabilize the river bank was warranted.
6. The approved plans submitted with the application improve stormwater treatment by increasing flow detention time as requested by DES at a meeting held on May 21, 2007.
7. Comments received on June 20, 2007 indicate the US Fish and Wildlife Service does not have a concern with the project as designed.
8. The comments by the Connecticut River Joint Commissions, received by the Department on July 19, 2007 have been reviewed and conditions placed on the permit incorporating the comments which are in jurisdiction.

2006-02917 1625 SUMMER ST LTD PARTNERSHIP
NEW HAMPTON Unnamed Wetland

Requested Action:
Approve amendment to relocate the proposed access from Route 104 for public safety purposes.
****

APPROVE AMENDMENT:
Dredge and fill a total of 8186 square feet further described as follows: permanently impact 6315 square feet for access in the subdivision of approximately 15 acres into two commercial lots and temporarily impact 1871 square feet for construction envelopes around the impact areas.

With Conditions:
1. Impact areas 1-3 shall be in accordance with plans by SFC Engineering Partnership dated November 1, 2006, and revised through December 22, 2006, as received by the Department on January 3, 2007, and per plans received from King Forest Homes dated May 4, 2007, as received by the Department on May 4, 2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources

Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Area of temporary impact shall be regraded to original contours following completion of work.
13. Mulch within the temporary impact area shall be straw.
14. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:
The Department reaffirms findings 1-5 of the original approval and makes the following additional findings:
6. The Town of New Hampton and NH Department of Transportation support the change and state that it will improve the public safety.

2007-00271 ZZZ ASSOCIATES LLC A CONDOMINIUM, DAVID HUTTON
GILFORD Unnamed Wetland

Requested Action:
Dredge and fill a total of 4497 square feet further described as follows: Permanently impact 2383 square feet and temporarily impact 2084 square feet for access, parking lot construction and expansion of an existing medical facility.
****

APPROVE PERMIT:
Dredge and fill a total of 4497 square feet further described as follows: Permanently impact 2383 square feet and temporarily impact 2084 square feet for access, parking lot construction and expansion of an existing medical facility.

With Conditions:
1. All work shall be in accordance with plans by Steven Smith and Associates dated January 30, 2007, and revised through June 28, 2007, as received by the Department on July 9, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Area of temporary impact shall be regraded to original contours following completion of work.
11. Mulch within the temporary impact area shall be straw.
12. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. The permittee shall delineate the wetlands within the restoration site, and depict the delineation as an overlay of the final as-built plans after one full growing seasons. A report shall be submitted to the Department including restoration monitoring reports and photographs by December 1, of that year.

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The impacts to the west of the proposed retaining wall are temporary in nature and a wetland will be recreated in that area.
6. The vast majority of the expansion on this site is within the upland and therefore it is not reasonable to uphold condition 5 of the existing 1998 permit.
7. The certified wetland scientist has provided documentation that the wetland hydrology will not be altered with the slight change in the elevations of the culvert inverts.

2007-00305 OCONNOR, KEVIN
WAKEFIELD Pine River Pond

Requested Action:
Re-establish a 20 ft x 8 ft perched beach and replace a rotted retaining wall on 100 ft of frontage on Pine River Pond, in Wakefield.
****

Conservation Commission/Staff Comments:
No Con Com comments by 04/25/07

DENY PERMIT:
Re-establish a 20 ft x 8 ft perched beach and replace a rotted retaining wall on 100 ft of frontage on Pine River Pond, in Wakefield.

With Findings:
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Wt 303.03(a), projects in and adjacent to any waters of the state that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
3. In accordance with Env-Wt 302.04(a)(2) the applicant is required to demonstrate "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site."
4. In accordance with Env-Wt 404.05(a)(3) "walls on great ponds or water bodies where the state hold fee simple ownership shall be located on the shoreward side of the normal high-water shoreline.
5. In accordance with Env-Wt 404.04(c) and Env-Wt 404.05(a)(4), applications for rip rap or walls "adjacent to great ponds or water bodies where the state holds fee simple ownership shall include stamped surveyed plans showing the location of the normal high water shoreline and the footprint of the proposed project."

Findings of Fact

6. On February 12, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Wakefield tax map 69, lot 29, (the "Lot") to re-establish perched beach including replacement of rotted retaining wall on Pine River Pond, Wakefield.
7. The plans submitted with the application materials on February 12, 2007, indicated the proposal would include placement of "erosion stone" lakeward of full lake elevation.
8. On April 25, 2007, the Wetlands Bureau sent a Request for More Information letter requesting the applicant submit plans including the required information pursuant to Env-Wt 404.04.
9. The April 25, 2007, Request for More Information also requested "the cross section indicates stairs will be constructed in the bank to access the waterbody. The overview plan does not show any stairs to access the waterbody. If there are to be stairs to access the waterbody please submit an overview plan indicating the placement and dimensions of the stairs."
10. On July 17, 2007, the Wetlands Bureau received information in response to the Request for More Information letter dated April 25, 2007. This response included a plan which indicated the placement of "erosion stone" lakeward of full lake elevation and stairs to access the water body lakeward of full lake elevation.

Ruling in Support of Denial

11. The applicant submitted plans indicating erosion stone placed lakeward of full lake elevation. The plans did not include the information pursuant to 404.04 or 404.05 for the proposed erosion stone located lakeward of full lake elevation, therefore, the application is denied.
12. The alternative proposed by the applicant is not the one with the least impact to wetlands or surface waters on site, therefore the application is denied.

2007-00307 ALTON BAY CAMP MEETING ASSOCIATION
ALTON Unnamed Wetland

Requested Action:
Dredge and fill 9720 square feet of palustrine forested wetland in the subdivision of 69.19 acres into 21 separate lots.
****

APPROVE PERMIT:
Dredge and fill 9720 square feet of palustrine forested wetland in the subdivision of 69.19 acres into 21 separate lots.

With Conditions:
1. All work shall be in accordance with plans by Jones and Beach Engineering dated January 11, 2007, and revised through July 3, 2007, as received by the Department on July 9, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during periods of non-flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Alton Conservation Commission has no objections to the issuance of this permit.

2007-00334 BIGONY, FRED
WOLFEBORO Lake Winnipesaukee

Requested Action:
Install two ice clusters in front of existing 25 ft 11 in x 58 ft boathouse on 287 ft of frontage in Wolfeboro on Lake Winnipesaukee.
****

APPROVE AMENDMENT:
Install two ice clusters in front of existing 25 ft 11 in x 58 ft boathouse on 287 ft of frontage in Wolfeboro on Lake Winnipesaukee.

With Conditions:
1. All work shall be in accordance with revised plans by Winnipesaukee Marine Construction as received by the Department on March 20, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Installation of piles shall not, by their presence, add boat slips to existing docking system.
5. 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.
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 minor impact project per Administrative Rule Env-Wt 303.03(m), installation of new tie-off piles, ice clusters, or dolphins which do not, by their presence, add boat slips to an existing docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00630 BLUEBERRY SHORES AT NEWFOUND LLC
BRISTOL Newfound Lake

Requested Action:
Add a 6 ft x 40 ft seasonal dock connected to a previously permitted 6 ft x 40 ft seasonal dock by a 6 ft x 18 ft seasonal walkway on 1,220 ft of frontage on Newfound Lake, in Bristol.
****

Conservation Commission/Staff Comments:
No comments from Con Com by 06/14/07

APPROVE PERMIT:
Add a 6 ft x 40 ft seasonal dock connected to a previously permitted 6 ft x 40 ft seasonal dock by a 6 ft x 18 ft seasonal walkway on 1,220 ft of frontage on Newfound Lake, in Bristol.

With Conditions:
1. All work shall be in accordance with plans by Ralph Meissner dated January 30, 2007, amended date of July 22, 2007, as received by DES on July 25, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. 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. Thess shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.

6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 1220 of shoreline frontage along Newfound Lake.
5. A maximum of 17 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-00674 COOK, MICHAEL & KATHLEEN
SUNAPEE Sunapee Lake

Requested Action:
Replace an existing 8 ft x 24 ft crib pier with a 6 ft x 30 ft pier supported by a 6 ft x 6 ft crib on an average of 97 ft of frontage on Lake Sunapee.
****

Conservation Commission/Staff Comments:
Con Com has no concerns

APPROVE PERMIT:
Replace an existing 8 ft x 24 ft crib pier with a 6 ft x 30 ft pier supported by a 6 ft x 6 ft crib on an average of 97 ft of frontage on Lake Sunapee.

With Conditions:
1. All work shall be in accordance with plans by Watermark Marine Construction as received by DES on April 5, 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 shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
5. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level.
6. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
7. Any existing crib material not used in the construction of the new crib shall be removed from the jurisdiction of the Wetlands Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of a permanent 2 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed modification of the docking facility will reduce the construction surface area over submerged lands by 12 sq ft

and, therefore, meets the requirements of Rule Env-Wt 402.20, Modification of Existing Structures.

2007-00727 SOMERO, DAVID AND MYRA
NEW IPSWICH Stark Brook

Requested Action:
Confirm emergency authorization issued April 19, 2007, to replace a failed 36-inch x 40 foot CMP culvert along Stark Brook with a 60-inch x 40-foot HDPE culvert for driveway access to an existing single family residence.
****

CONFIRM EMERGENCY AUTHORIZATION:
Replace a failed 36-inch x 40 foot CMP culvert along Stark Brook with a 60-inch x 40-foot HDPE culvert for driveway access to an existing single family residence.

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

With Findings:
1. This project is classified as a minimum impact project per Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert.
2. The project was necessary to repair the only access to the single family residence.
3. The existing culvert was undersized and the width was increased to prevent future wash-outs.
4. The length of the culvert did not change and additional jurisdictional impacts did not result from the culvert replacement.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 19, 2007.
7. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2007-01445 NORTH CONWAY WATER PRECINCT
NORTH CONWAY Unnamed Wetland

Requested Action:
Dredge and fill approximately 2,605 sq. ft. of wetlands and temporarily impact approximately 45 linear ft. of surface waters and it's banks, to install approximately 16,000 linear ft. of 8 in. and 12 in. PVC gravity sewer pipe and 7,000 linear ft. of 8 in. water main, along existing roads, to provide sewer and water service for the precinct and its residences as part of a multi-phased Capitol Improvement Plan project, in North Conway, New Hampshire.
****

APPROVE PERMIT:
Dredge and fill approximately 2,605 sq. ft. of wetlands and temporarily impact approximately 45 linear ft. of surface waters and it's banks, to install approximately 16,000 linear ft. of 8 in. and 12 in. PVC gravity sewer pipe and 7,000 linear ft. of 8 in. water main, along existing roads, to provide sewer and water service for the precinct and its residences as part of a multi-phased Capitol Improvement Plan project, in North Conway, New Hampshire.

With Conditions:
1. All work shall be in accordance with plans by Camp Dresser & McKee Inc., entitled; North Conway Water Precinct, New Hampshire, Infrastructure Improvements, Contract No. 006, Intervale Cross Road/Kearsarge Road, plan sheets no. 1, 2, 8, 10, 11, 12, 18, 24, 25, 26, dated April 2007, as received by the department on June 25, 2007.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion and erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.

3. This permit is contingent on approval from NHDES Wastewater Engineering Bureau.
4. Work shall be done during the predicted lowest flows of the year between July 1 - September 15. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All bank stabilization work, including planting activities, shall be conducted no later than September 1 of the calendar year following commencement of activity.
8. Seeding for bank stabilization shall include only native seed mix and plant species.
9. Stream bed and bank stabilization and restoration shall include native material such as: cobbles and round stone, to emulate a natural channel bottom within the stream bed and bank. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
10. A post-construction report documenting the status of the restored streambed and banks, including photo documentation of all work in wetlands and surface waters, shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. The applicant shall notify New Hampshire Fish and Game Department one week before the commencement of any in-stream or bank stabilization work.
12. Bank stabilization shall be conducted immediately following the conclusion of the in-stream work, so as to reduce time of exposed bank and minimize soil erosion and sediment loading.
13. All temporary impact areas shall be re-graded to original contours following completion of work.
14. Prior to commencing work on the installation of the pipe within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. 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.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. 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.
19. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
22. No construction equipment shall enter the water. All work should be conducted from top of bank unless authorized by the NHDES Wetlands Bureau prior to any in-stream activity.
23. 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.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:
1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant adequately demonstrated the public benefits and long term net environmental gains the project offers by elimination of failed septic systems replaced by the municipal line and benefits to water quality proximal to nearby streams and wetlands.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. Various methods of stream crossings and alternative alignments to accomplish the project purpose were reviewed and provided in the narrative submitted. The study showed that all but the proposed methods and alignment were discarded as having either greater environmental impacts, were not economically feasible and/or were found to be not practicable for the purposes of this action.
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.
7. The applicant submitted documentation and plans to clearly demonstrate that the project as proposed will have a minimal impact on jurisdictional resources, have avoided and minimized to the extent most practicable, will result in an overall net environmental gain and is in the public's best interest.
8. Department received comments and conditions from NH Fish and Game Department (NHF&GD), submitted via the applicant, in correspondence dated February 25, 2005, are contained in the file and have been incorporated into our permit conditions accordingly to address in-stream work and potential impact to fisheries habitat.
9. The agent has been contacted on August 7, 2007 and agrees to terms and conditions from NHF&GD.
10. Correspondence from USFWS, dated November 15, 2004, stating that there will be "No Impact" to any species of concern in the project area.
11. NH Natural Heritage Bureau commented on 11/19/2004, and stated that they have no recorded occurrences of sensitive species in the project area.
12. NH Division of Historical Resources commented on June 13, 2007 and stated that there are no known properties. Conclusion, the project will have "No Effect" on resources of concern at this time.
13. The Department has not received any negative comments from abutters to date.

MINIMUM IMPACT PROJECT

****

2007-00102 BURROWS, WILLIAM
HILLSBOROUGH Unnamed Wetland

Requested Action:
Retain 1,378 square feet of forested wetland impact and install a 15-inch x 20-foot HDPE culvert; and restore 416 square feet of forested wetlands for driveway access to a single family residence.
****

APPROVE PERMIT:
Retain 1,378 square feet of forested wetland impact and install a 15-inch x 20-foot HDPE culvert; and restore 416 square feet of forested wetlands for driveway access to a single-family residence.

With Conditions:
1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 06, 2007, as received by the Department on April 18, 2007.
2. This permit is contingent upon compliance with the July 16, 2007, Restoration Plan Approval for File No. 2007-00102.
3. There shall be no permanent wetland impacts within 20-feet of abutting property lines.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a single family building lot.
2. This permit is contingent upon compliance with the July 16, 2007, Restoration Plan Approval for File No. 2007-00102.
3. The applicant has confirmed and this permit is conditioned that there shall be no permanent wetland impacts within 20-feet of abutting property lines.
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.

2007-01422 BAHRE, ROBERT
ALTON Lake Winnipesaukee

Requested Action:
Replace pilings supporting an existing 6 ft x 30 ft pier with two 5.5 ft x 5.5 ft cribs with no work proposed to the adjacent 50 ft x 42 ft 3-slip boathouse, 31 ft breakwater, and 6 ft x 30 ft cantilevered pier on an average 546 ft of frontage in Brickyard Cove, in Alton.
****

APPROVE PERMIT:
Replace pilings supporting an existing 6 ft x 30 ft pier with two 5.5 ft x 5.5 ft cribs with no work proposed to the adjacent 50 ft x 42 ft 3-slip boathouse, 31 ft breakwater, and 6 ft x 30 ft cantilevered pier on an average 546 ft of frontage in Brickyard Cove, in Alton.

With Conditions:
1. All work shall be in accordance with plans received by DES on August 10, 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. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. 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.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
8. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
9. The minimum clear spacing between cribs shall be 12 feet.
10. These shall be the only structures on this water frontage and 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.
11. 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 deemed to be a minimum impact project per Administrative Rule Env-Wt 303.04(o), as it will result in no greater impact than would occur if the structure was repaired in kind.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

****

2007-01772 OROURKE, CHIRSTINA
SHARON Unnamed Stream

COMPLETE NOTIFICATION:
Sharon Tax Map 3, Lot# 28

EXPEDITED MINIMUM

****

2007-00263 LONGVIEW TRUST, TIMOTHYJSULLIVAN TRUSTEE
ALTON Lake Winnipesaukee

Requested Action:
Amend permit to repair additional sections of existing retaining walls.
****

APPROVE AMENDMENT:
Amend permit to read: Repair 34 linear ft of existing retaining wall in kind, on 375 ft of frontage in Alton on Lake Winnipesaukee.

With Conditions:
1. All work shall be in accordance with plans by Watermark Marine Construction as revised July 26, 2007 and received by the Department on August 8, 2007.
2. The repairs shall not alter the length, height and configuration of the existing walls.
3. The repairs shall not cause any encroachment into water.
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 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.
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.

2007-00409 BERGER, PATRICIA
MOULTONBOROUGH Lake Kanasatka

Requested Action:
Construct 41 linear feet of retaining wall with 6 ft wide access stairs to perch an existing sloped beach and replenish with 10 cubic yards of sand on Lake Kanasatka, Moultonborough.
****

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:
Construct 41 linear feet of retaining wall with 6 ft wide access stairs to perch an existing sloped beach and replenish with 10 cubic yards of sand on Lake Kanasatka, Moultonborough.

With Conditions:
1. All work shall be in accordance with plans by Folsom Design Group dated January 28, 2007, as received by DES on March 08, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 515.0). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. 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.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2007-00473 BOURGEOIS, ROBERT
GILFORD Lake Winnipesaukee

Requested Action:
Repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnipesaukee, Gilford.
****

Conservation Commission/Staff Comments:
8/13/07 Motion for Reconsideation received from Robert C. Brown, agent for Robert Bourgeois - np

Con Com signed Exp Application

DENY PERMIT:
Deny request to repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnipesaukee, Gilford.

With Findings:
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minimum impact per Rule Wt 303.04(v), maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, or other docking facilities.
3. In accordance with Env-Wt 505.01, as part of the expedited minimum impact application, except for seasonal docks processed under Env-Wt 506, the Applicant shall provide the department with an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction detailing precise location of the project.

Findings of Fact

4. On March 19, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Gilford tax map 217, lot 64, (the "Lot") to repair 200 sq ft breakwater section on Lake Winnipesaukee, Gilford. The information submitted included a plan submitted during the permit application process for file 1997-0611. This plan did not represent the permitted conditions of the frontage.
5. On April 06, 2007, the Wetlands Bureau sent a Notification of Incomplete Expedited Application to the applicant requesting the Applicant submit plans that show the current existing conditions and all structures on the frontage.
6. On June 04, 2007, the Wetlands Bureau received information to the file, including a plan. This plan did not include the information as requested in the letter dated April 06, 2007.
7. On July 03, 2007, the Wetlands Bureau sent a Request for More Information letter. This letter requested plans to explain the differences between the original plan submitted, the photographs submitted, the subsequent plan submitted and the permitted conditions under previous file #1997-01611.
8. On July 10, 2007, the Wetlands Bureau received plans from the applicant. These plans indicated a scale of 1" = 20', the plan also had dimensions labeled on the structures. The dimensions listed on the plan failed to match the scaled dimensions. This plan also indicated stairs from the beach lakeward into the waterbody.
9. On April 16, 1999, the Wetlands Bureau issued a Restoration Approval to permit 1997-01611, which included the construction of access steps from the beach to the water landward of normal high water line of elevation 504.32.

Rulings in Support of the Decision

10. The Applicant did not submit plans which accurately reflect the structures on the frontage pursuant to Env-Wt 505.01,

therefore, the application is denied.
11. The Applicant submitted plans indicating the access steps from the beach are constructed lakeward of full lake elevation. This is a violation of the Restoration Approval dated April 16, 1999, therefore, the application is denied.

2007-00776 MCMANUS, JAMES
AUBURN Unnamed Wetland

Requested Action:
Dredge and fill 860 square feet within the bed and banks of an intermittent stream for the installation of a 48-inch culvert and driveway construction to two (2) single family residential lots as part of a two-lot subdivision.
****

Conservation Commission/Staff Comments:
The Auburn Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:
Dredge and fill 860 square feet within the bed and banks of an intermittent stream for the installation of a 48-inch culvert and driveway construction to two (2) single family residential lots as part of a two-lot subdivision.

With Conditions:
1. All work shall be in accordance with plans by Eric C. Mitchell 7 Associates, Inc. received by DES on July 6, 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. Work shall be done during seasonal low flow conditions.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The stone used as riprap on the inlet/outlet of the culvert shall be natural round stone only.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. 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(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The impacts are necessary to facilitated access to two (2) single family residential lots, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. These two lots will share a driveway and the driveway is positioned to impacts the least amount of jurisdictional area, thereby the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A review of this site by the Natural Heritage Bureau revealed the presence of Blanding's Turtle (Emydoidea blandingii) within the vicinity of the project.
6. Per the request of NH Fish and Game Nongame and Endangered Wildlife Program, the applicant has revised the crossing to depict the installation of a single 48-inch culvert and the use of natural round stone at the inlet/outlet to benefit herptile passage.

2007-00868 VOLZ/CRIASIA, BERNARD & MAUREEN
CENTER HARBOR Unnamed Stream

Requested Action:
Replace undersized twin 36-inch x 65 foot culverts with a single 4 x 8 x 30 foot spanning structure.
****

APPROVE PERMIT:
Replace undersized twin 36-inch x 65 foot culverts with a single 4 x 8 x 30 foot spanning structure.

With Conditions:
1. All work shall be in accordance with plans by David M Dolan dated November 16, 2007, and revised through 2007, as received by the Department on June 25, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during low flow.
5. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. 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 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. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
14. Any new materials used within the streambed must be similar to the natural stream substrate and shall not include angular rip-rap.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Proper headwalls shall be constructed within seven days of culvert installation.
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.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
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.

2007-00914 CLARK, DEAN & LOUISE
CANAAN Unnamed Stream

Requested Action:
Dredge and fill approximately 1,200 sq. ft. (includes 400 sq. ft. of previous impacts) for access to a single family building lot. Work in wetlands consists of the installation of twin 15 in. x 40 ft. HDPE culverts and associated grading and filling.
****

APPROVE PERMIT:
Dredge and fill approximately 1,200 sq. ft. (includes 400 sq. ft. of previous impacts) for access to a single family building lot. Work in wetlands consists of the installation of twin 15 in. x 40 ft. HDPE culverts and associated grading and filling.

With Conditions:
1. All work shall be in accordance with plans by James S. Kennedy, dated July 11, 2007, as received by DES on July 17, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permit is contingent on submittal of a final erosion, sedimentation control plan and construction sequence. The plans shall be submitted to and approved by DES prior to the start of work.
4. Work shall be done during low flow.
5. The proposed culverts shall be set at grade or embedded as to not impede natural water flow.
6. 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.
7. 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.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All 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 (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 use
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES spoke with the DES Dam Bureau and it is unclear on the status of this section of Crystal Lake Brook as being within the jurisdiction of the Comprehensive Shoreland Protection Act (CSPA). Regardless, the applicant's agent provided a drawing that depicts the 250 ft. (CSPA) Zone and there is no work proposed within the 250 ft. zone.
6. The proposed building lot is a lot of record.
7. The Conservation Commission signed the Minimum Impact Expedited Application waiving their right to intervene on the proposed project.
8. DES received comments from an abutter concerned with work being proposed work within 8 ft. of the property line and had concerns with the proposed building lot and culverts.
9. DES received revised plans prepared by a New Hampshire Certified Wetland Scientist depicting the wetlands, culvert placement and previous fill placed on the applicant's property.

10. The new plans depict that all work will be conducted at least 20 ft. from the abutters property line with the exception of a small area of fill that will be left in place.
11. DES did not receive any additional information regarding issues with the culvert or building site.
12. The permit is contingent on DES Subsurface Systems Bureau approval.

2007-01346 BOTTO, JOHN
MOULTONBOROUGH Middle Brook

Requested Action:
Restore and stabilize 99 sq ft along 25 linear ft of an eroded bank on Middle Brook Canal, Lake Winnipesaukee, Moultonborough.
****

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:
Restore and stabilize 99 sq ft along 25 linear ft of an eroded bank on Middle Brook Canal, Lake Winnipesaukee, Moultonborough.

With Conditions:
1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated July 13, 2007, as received by DES on July 13, 2007.
2. Area shall be regraded to original contours following completion of work.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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 activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

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

2007-01439 TRAVERS, DOREEN/GARY
CARROLL Unnamed Wetland

Requested Action:
Dredge and fill approximately 120 sq. ft. of intermittent stream and wetlands for installation of an approximately 18 in. x 30 ft. plastic culvert and associated headwalls for construction of a driveway to a proposed single family home.
****

Conservation Commission/Staff Comments:
1. The Conservation Commission signed the minimum impact expedited application waiving their right to intervene on the proposed project.
2. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.

APPROVE PERMIT:
Dredge and fill approximately 120 sq. ft. of intermittent stream and wetlands for installation of an approximately 18 in. x 30 ft. plastic culvert and associated headwalls for construction of a driveway to a proposed single family home.

With Conditions:
1. All work shall be in accordance with plans by Connecticut Valley Designs, dated May 16, 2007, as received by DES on June 28,

2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau (i.e., wetlands, surface waters and banks of surface waters identified and not identified within the submitted application) will require further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The approved wetlands impacts are only for wetlands identified at the proposed driveway crossing.
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. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
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(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.
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.

2007-01442 HOTCHKISS, RICHARD
SULLIVAN Unnamed Stream

Requested Action:
Dredge and fill 20 linear feet (1,000 square feet) of an unnamed intermittent tributary to Spaulding Brook to install a 36-inch x 20-foot culvert extension to an existing 36-inch x 15-foot culvert for driveway access to a single-family residence.
****

APPROVE PERMIT:
Dredge and fill 20 linear feet (1,000 square feet) of an unnamed intermittent tributary to Spaulding Brook to install a 36-inch x 20-foot culvert extension to an existing 36-inch x 15-foot culvert for driveway access to a single-family residence.

With Conditions:
1. All work shall be in accordance with plans by Richard Hotchkiss dated June 16, 2007, as received by the Department on June 29, 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(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The 15-foot culvert existed when the property was purchased in 1993; estimated the culvert was installed at least 20 years earlier.
3. No subdivision proposed; access is to a single-family residence.
4. The unnamed tributary to Spaulding Brook is known as White Brook.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The Sullivan Conservation Commission signed the expedited application.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01475 EBERT, DIETRICH
NORTH HAMPTON Unnamed Wetland

Requested Action:
Fill 867 square feet of forested wetland for the upgrade of an existing woods road by installing an 18-inch by 30-foot culvert and associated fill for access.
****

Conservation Commission/Staff Comments:
The North Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:
Fill 867 square feet of forested wetland for the upgrade of an existing woods road by installing an 18-inch by 30-foot culvert and associated fill for access.

With Conditions:
1. All work shall be in accordance with plans received by DES on July 2, 2007.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The impacts are necessary for access, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

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

2007-01546 ALSTEAD, TOWN OF
ALSTEAD Warren Brook

Requested Action:
Remove debris and add plantings along 560 linear ft. of the bank of Warren Brook and the adjacent side slope, on the site marked by NRCS engineer as DSR #30D2, as identified by the Town of Alstead and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.
****

APPROVE PERMIT:
Remove debris and add plantings along 560 linear ft. of the bank of Warren Brook and the adjacent side slope, on the site marked by NRCS engineer as DSR #30D2, as identified by the Town of Alstead and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

With Conditions:
1. All work shall be in accordance with drawings by the USDA Natural Resources Conservation Service (NRCS) entitled "Channel and Streambank Obstruction Removal, Town of Alstead, DSR Site #30D2, dated June 2007 and Construction Specifications 704, 705, 706, 708 and 709, submitted in support of the permit application, as received by the DES Wetlands Bureau on July 12, 2007.
2. Work shall be done during low flow.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the Town Board of Selectman and the Town Conservation Commission.
5. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
6. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
8. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
11. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
12. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
13. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
14. Erosion control structures must be removed once the area is stabilized.
15. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
18. 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.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded 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 DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This stabilization site was identified by the Town of Alstead following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
6. The New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program did not submit comments.
7. The New Hampshire Natural Heritage Bureau did not identify any records of exemplary natural communities, threatened or endangered species near the project area.

2007-01547 SHEA, RICHARD
NEW HAMPTON Unnamed Wetland

Requested Action:
Dredge and fill 1030 square feet for access to a proposed single family residence and upgrade existing class VI road to a class V road.
****

APPROVE PERMIT:
Dredge and fill 1030 square feet for access to a proposed single family residence and upgrade existing class VI road to a class V road.

With Conditions:
1. All work shall be in accordance with plans by Farmhouse Land Development dated May 2007, and revised through May 24, 2007, as received by the Department on July 12, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during periods of non-flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be 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).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading 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.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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

2007-01654 JESSEMAN, GREGORY
LITTLETON Partridge Lake

Requested Action:
Install a 6 ft x 30 ft seasonal dock attached to an existing concrete anchoring pad on 108 ft of frontage in Littleton on Partridge Lake.
****

APPROVE PERMIT:
Install a 6 ft x 30 ft seasonal dock attached to an existing concrete anchoring pad on 108 ft of frontage in Littleton on Partridge Lake.

With Conditions:
1. All work shall be in accordance with plans by Gregory Jesseman as received by DES on July 23, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Seasonal pier shall be removed from the lake for five months the non-boating season.
4. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
5. 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.
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(a) installation of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Removal of the existing slightly noncomforming anchoring pad that exceeds the design criteria per Rule Env-Wt 303.04 and replace it with a conforming a 3 ft x 7 ft concrete pad would not be the least impacting alternative as this is a completely avoidable disturbance to the bank if left untouched.

GOLD DREDGE

****

2007-01770 ROY, KRISTINA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01771 ROY, CHADWICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01799 ISHAM, CRAIG
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

****

2007-01776 DRED
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:
Berlin Tax Map/Lot3 407/3,9 & 410/1

2007-01782 SEIGARS, STEVEN & KATHY
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R5, Lot# 19

2007-01783 JENNINGS, ROBERT & RUTH
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax MAp R5, Lot# 7

LAKES-SEASONAL DOCK NOTIF

****

2007-01767 LATULIPPE, STEPHEN/ANITA
ALTON Bear Pond

COMPLETE NOTIFICATION:
Alton, NH Tax map 12 Lot 67-4
Bear Pond

2007-01768 LABONTE, DENNIS
NORTH HAVERHILL French Pond

COMPLETE NOTIFICATION:
North Haverhill, NH Tax map 410 Lot 51-1
French Pond

2007-01793 COOK JR, ROBERT
LONDONDERRY Scobie Pond

COMPLETE NOTIFICATION:
Londonderry, NH Tax map 13 Lot 125
Scobie Pond

2007-01801 DUNSKY, JOEL/PATRICIA
EAST WAKEFIELD Balch Pond

COMPLETE NOTIFICATION:
East Wakefield, NH Tax map 94-88 Lot 11
Balch Pond

2007-01802 MANTON, RICHARD
HAMPSTEAD Big Island Pond

COMPLETE NOTIFICATION:
Hampstead, NH Tax map 3 Lot 129
Big Island Pond

ROADWAY MAINTENANCE NOTIF

****

2007-01821 NH DEPT OF TRANSPORTATION
WARNER Unnamed Stream

COMPLETE NOTIFICATION:

all culverts are over 30 years old or more steel is rotting out, cement section pipes are coming apart, some are completly plus due to flooding

2007-01823 NH DEPT OF TRANSPORTATION
DERRY Unnamed Stream

COMPLETE NOTIFICATION:
replace two(2) failing 18-inch diameter RCP culverts with 18-inch CMP culverts at same location, elevation using BMP's 2 through 13,as appropriate,and conduct roadside ditch maintenance at inlets and outlets

2007-01824 NH DEPT OF TRANSPORTATION
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
replace 24" RCP with 24"

2007-01826 NH DEPT OF TRANSPORTATION
SOUTH HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
replace 18" CMP with 18" culvert

2007-01827 THORNTON, TOWN OF
THORNTON Unnamed Stream

COMPLETE NOTIFICATION:
replace a 15" culvert with another 15" culvert on Beaver Path. right next to PSNH Pole # 15/2 before the cul-de-sac

2007-01829 TOWN OF THORNTON
THORNTON Unnamed Stream

COMPLETE NOTIFICATION:
replace existing 15" culvert with another 15" culvert 12' from PSNH Pole # 15/3-2 before cul-de-sac on Meadow Way

2007-01830 NH DEPT OF TRANSPORTATION
MIDDLETON Unnamed Stream

COMPLETE NOTIFICATION:
replace 24" RCP with 24"

2007-01833 NH DEPT OF TRANSPORTATION
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
replacing a 24 inch by 40 foot highway culvert with a 24 inch by 50 foot CMP

2007-01836 NH DEPT OF TRANSPORTATION
SANBORNTON Unnamed Stream

COMPLETE NOTIFICATION:
replacing a 15 inch by 40 foot CMP highway culvert with an 18 inch by 50 foot CMP

2007-01842 NH DEPT OF TRANSPORTATION
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
replace 30" RCP with 30" culvert

2007-01843 NH DEPT OF TRANSPORTATION
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
replace 15" RCP with 15" culvert

2007-01844 NH DEPT OF TRANSPORTATION
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
replace 15" CMP with 15" culvert

2007-01845 NH DEPT OF TRANSPORTATION
SOMERSWORTH Unnamed Stream

COMPLETE NOTIFICATION:
replace 15" RCP with 15" culvert

2007-01846 NH DEPT OF TRANSPORTATION
MADBURY Unnamed Stream

COMPLETE NOTIFICATION:
replace 24" RCP with 24" culvert

2007-01847 NH DEPT OF TRANSPORTATION
EAST KINGSTON Unnamed Stream

COMPLETE NOTIFICATION:
replace 15" RCP with 15" culvert

2007-01848 NH DEPT OF TRANSPORTATION
NEWBURY Unnamed Stream

COMPLETE NOTIFICATION:
replace 15" culvert with same. Rebuild header

2007-01850 NH DEPT OF TRANSPORTATION
EATON Unnamed Stream

COMPLETE NOTIFICATION:
replacing five highway culverts,with CMP. Pipe #1 skew inlet 10 feet, #2 extend 8',#3 in-kind, #4 extend 5',and #5 replace 18" with 15"

PERMIT BY NOTIFICATION
****

2007-01256 SCHIFFMAN, JOHN
NEW LONDON Little Sunapee

Requested Action:
Repair and replace a failed 16 in. x 30 ft. culvert ("Culvert B") on a private association road.
****

PBN IS COMPLETE:
Repair and replace a failed 16 in. x 30 ft. culvert ("Culvert B") on a private association road.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. It appears the project would qualify for a Notifaction of Routine Roadway and Railway Maintenance Activities form.

2007-01321 FLOOD, JAMES
ALTON Lake Winnipesaukee

Requested Action:
Rebuild an existing crib dock.
****

PBN IS COMPLETE:
Rebuild an existing crib dock.

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.

2007-01476 MAYO, GEORGE
MEREDITH Lake Winnipesaukee

Requested Action:

installation of a boatlift next to a nonconforming structure.
****

PBN IS COMPLETE:
installation of a boatlift next to a nonconforming structure.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac) installation of a boatlift.

2007-01477 SHEFCIK, KENNETH / BEVERLY
ALTON Lake Winnipesaukee

Requested Action:
Repair existing docking facility.
****

PBN IS COMPLETE:
Repair existing docking facility.

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.

2007-01620 CHIVERS REVOC TRUST, BOYD
CANDIA Unnamed Pond

Requested Action:
Maintenance dredge 7,800 square feet of a man-made pond for continued usefulness.
****

Conservation Commission/Staff Comments:
The Candia Conservation Commission signed the PBN.

PBN IS COMPLETE:
Maintenance dredge 7,800 square feet of a man-made pond for continued usefulness.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

2007-01669 YOUNG, WILLIAM & CATHERINE
MEREDITH Lake Winnipesaukee

Requested Action:
Install a double PWC lift.
****

PBN IS COMPLETE:
Install a double PWC lift.

With Findings:

1. Rule Env-Wt 303.04 (ad) install two PWC lifts.

2007-01691 COUTURE REVOC TRUST, BETSY
WOLFEBORO Lake Winnipesaukee

Requested Action:
Repair existing nonconforming permanent docking structure.
****

PBN DISQUALIFIED:
Repair existing nonconforming permanent docking structure.

With Findings:
1. Pursuant to Rule Env-Wt 506.01(b) After-the-Fact applications shall not qualify for the permit by notification process.

2007-01692 DELUCA, STEPHEN
WOLFEBORO Lake Wentworth

Requested Action:
Remove existing 5 ft x 5 ft concrete anchoring pad lakeward of the normal high water mark elevation and replace with a 3 ft x 6 ft concrete anchoring pad in same location and install a hinged 6 ft x 30 ft seasonal dock.
****

PBN DISQUALIFIED:
Remove existing 5 ft x 5 ft concrete anchoring pad lakeward of the normal high water mark elevation and replace with a 3 ft x 6 ft concrete anchoring pad in same location and install a hinged 6 ft x 30 ft seasonal dock.

With Findings:
1. Rule Env-Wt 402.20, nonconforming docking structures, more specifically speaking the concrete anchoring pad, cannot be made more nonconforming.
2. Concrete anchoring pads must be landward of the high water line pursuant to Rule Env-Wt 303.04.
3. Removing fill from the lakebed is a Minor project and does not qualify for PBN review pursuant to Rule Env-Wt 303.03(g).

Requested Action:
Remove existing 5 ft x 5 ft concrete anchoring pad lakeward of the normal high water mark elevation and replace with a 3 ft x 6 ft concrete anchoring pad in same location and install a hinged 6 ft x 30 ft seasonal dock.
****

PBN IS COMPLETE:
Remove existing 5 ft x 5 ft concrete anchoring pad lakeward of the normal high water mark elevation and replace with a 3 ft x 6 ft concrete anchoring pad in same location and install a hinged 6 ft x 30 ft seasonal dock.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) installation of a seasonal docking structure.

2007-01723 LUCAS, SKY
SUNAPEE Lake Sunapee

Requested Action:
In-kind repair/replacement of an existing retaining wall in the dry.
****

PBN IS COMPLETE:
In-kind repair/replacement of an existing retaining wall in the dry.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) repair or replacement of an existing retaining wall.

2007-01750 VARNEY, JAMES
BRADFORD Massasecum Lake

Requested Action:
Replace wooden retaining wall with poured cement wall.
****

PBN DISQUALIFIED:
Replace wooden retaining wall with poured cement wall.

With Findings:
1. Pursuant to Rule Env-Wt 303.04(c) this is not construction in-kind, and therefore does not qualify for the PBN process.

2007-01752 MEREDITH, TOWN OF
MEREDITH Lake Winnipesaukee

Requested Action:
Installation of a dry hydrant.
****

PBN IS COMPLETE:
Installation of a dry hydrant.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(W) installation of a dry hydrant.

2007-01754 MCILVAIN, THOMAS & CLAUDIA
NORTH SANDWICH Bearcamp River

Requested Action:
Repair & Replace existing concrete block station supports & vertical stringer supports with in-kind for existing 4 ft. wide x 82 ft. long grandfathered walkway facilitating access to existing cabin, over intermittent stream/canal and perennial channel to Bearcamp River.
****

Conservation Commission/Staff Comments:
CC Waived right with no comments or objections on 7/25/2007.
Application complete 8/8/2007. PBN Complete.

PBN IS COMPLETE:
Repair & Replace existing concrete block station supports & vertical stringer supports with in-kind for existing 4 ft. wide x 82 ft. long grandfathered walkway facilitating access to existing cabin, over intermittent stream/canal and perennial channel to Bearcamp River.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) and Env-Wt 506.01(a)(7).

2007-01755 WELLS, JEFF
MADISON Unnamed Wetland

Requested Action:
Dredge and fill 120 sq. ft. of wetlands (scoured channel) to install an 18 in. x 20 ft. culvert with associated head walls for road access to a single family building lot.
****

PBN IS COMPLETE:
Dredge and fill 120 sq. ft. of wetlands (scoured channel) to install an 18 in. x 20 ft. culvert with associated head walls for road access to a single family building lot.

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

2007-01764 LOEW, JAMES & CHARLOTTE
SALEM Unnamed Pond

Requested Action:
Maintenance dredge 1,769 square feet of an existing man-made pond on a single family residential lot.
****

Conservation Commission/Staff Comments:
The Salem Conservation Commission signed the PBN (8/2/07)

PBN IS COMPLETE:
Maintenance dredge 1,769 square feet of an existing man-made pond on a single family residential lot.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

2007-01777 FISHER, SCOTT
DEERFIELD Pleasant Lake

Requested Action:
Repair 2 ft x 20 ft linear ft of retainig wall "in-kind."
****

PBN DISQUALIFIED:
Repair 2 ft x 20 ft linear ft of retainig wall "in-kind."

With Findings:
1. Pursuant to Rule Env-Wt 303.04(c) the project does not appear to be replacement "in-kind", and therefore is disqualified from the PBN process.

2007-01849 ALLADDIN FINANCIAL LLC
GROTON Unnamed Stream

Requested Action:
Dredge and fill 986 sq. ft.(45 linear ft.) of intermittent stream and associated wetland for access to a single family lot. Work in wetlands includes; installation of a 24 in. x 40 ft. culvert with associated headwalls, grading and outlet protection. The travel surface at the wetland crossing shall not exceed 20 ft. in width.
****

Conservation Commission/Staff Comments:
1. Conservation Commission signed the PBN form waiving it's right to intervene on project.

PBN IS COMPLETE:
Dredge and fill 986 sq. ft.(45 linear ft.) of intermittent stream and associated wetland for access to a single family lot. Work in wetlands includes; installation of a 24 in. x 40 ft. culvert with associated headwalls, grading and outlet protection. The travel surface at the wetland crossing shall not exceed 20 ft. in width.

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.