

# Wetlands Bureau Decision Report

Decisions Taken  
08/13/2007 to 08/19/2007

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

**MAJOR IMPACT PROJECT**

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**2006-01950                      WIDE WATERS LLC, KEITH VAN BUSKIRK**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Applicant requests reconsideration of the Department's May 11 2007 decision to deny the application for construction of a docking facility based on revised plans submitted.

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**Conservation Commission/Staff Comments:**

Reconsideration Request received May 22, 2007 from Watermark Marine Construction - np

Con Com comments; boatramp too shallow to use, individual ownership of docks, CSPA concerns.

NH Fish and Game submitting comments concerning winter Eagle roosting in area.

**APPROVE RECONSIDERATION:**

Remove an existing concrete boat ramp, construct two 6 ft x 30 ft piling piers and four 4 ft x 30 ft piling piers connected by a 6 ft x 88 ft piling supported walkway accessed by a 6 ft x 15 ft walkway, and drive four 3-pile ice clusters on an average of 450 ft of frontage on Lake Winnepesaukee, in Gilford.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 22, 2007, as received by DES on May 23, 2007.
2. The concrete ramp shall be completely removed from the frontage prior to the installation or construction of any new docking structure.
3. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. 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.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Any repairs made shall maintain the approved size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. No portion of the piers shall extend more than 48 ft lakeward of full lake elevation 504.32.
10. The minimum clear spacing between piles shall be 12 feet as measured center to center.
11. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 450 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on December 13, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

6. The concrete ramp removal has been required by the City of Laconia as part of its local approval processes.

-Send to Governor and Executive Council-

**2006-03108                      SUN VALLEY ASSOCIATION, CRAIG LOUOQUETTE  
HAMPTON   Atlantic Ocean**

Requested Action:

Install a total of 28,789 sq. ft. of large stone rip-rap to repair and reconstruct the existing deteriorated revetment along 1,100 linear feet of shoreline frontage on the Hampton-Seabrook Harbor inlet to stabilize the shoreline and provide adequate protection for abutting properties which have been subject to cumulative damage resulting from ocean storms in recent years.

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Conservation Commission/Staff Comments:

The Hampton Conservation Commission has reviewed this shoreline stabilization project and is not opposed.

Inspection Date: 04/22/2007 by Frank D Richardson

Inspection Date: 07/20/2007 by Frank D Richardson

Inspection Date: 05/16/2007 by Frank D Richardson

APPROVE PERMIT:

Install a total of 28,789 sq. ft. of large stone rip-rap to repair and reconstruct the existing deteriorated revetment along 1,100 linear feet of shoreline frontage on the Hampton-Seabrook Harbor inlet to stabilize the shoreline and provide adequate protection for abutting properties which have been subject to cumulative damage resulting from ocean storms in recent years.

With Conditions:

1. All work shall be in accordance with plans by AMES MSC Architects & Engineers dated May 12, 2006, as received by the DES on December 01, 2006.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. NH DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. The limits of work (toe of slope and vertical repose) shall be staked in the field and verified by DES Wetlands Bureau staff prior to construction.
6. Repair and reconstruction shall maintain existing size, location and configuration to the greatest extent practicable with minimal encroachment toward the inlet from the present toe of slope.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering the project area.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. 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.
11. All refueling of equipment shall occur outside of the sand dune/ beach project area during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a)&(b), projects in sand dunes and/or within 100 feet of the highest observable tide line that alter any bank ...
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)and (c), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspections of the proposed project on several occasions between 1998 and present. Field inspections with state and federal resource agencies has determined that the approved project is the solution which is the least environmentally impacting practicable alternative to correct the shoreline erosion and potential for severe property damage along the Hampton/ Seabrook Harbor Inlet.
6. DES Staff have been proactively involved with the residents along this frontage, known locally as "Sun Valley", since 1998. The results of many ocean storm events have been witnessed. Several scenarios have been developed to solve the shoreline erosion problem, some more aggressive than others.
7. Members of the DES Interagency Dredge Management Task Force have reviewed various proposals to address the shoreline erosion along this frontage. The project as approved represents a consensus among state and federal resource agencies that this is the appropriate solution to be implemented.

**2006-03137                      RAISENEN, RICHARD**  
**NASHUA Prime Wetland**

Requested Action:

Remove an existing 2900 sq. ft. debris and loam pile adjacent to prime wetlands, construct a single family home adjacent to prime wetlands and after-the-fact approval of an existing single family home adjacent to prime wetlands. Both single family homes are outside of Nashua's 75-foot prime wetland buffer.

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Inspection Date: 06/26/2007 by William A Thomas, Cws

APPROVE PERMIT:

Remove an existing 2900 sq. ft. debris and loam pile adjacent to prime wetlands, construct a single family home adjacent to prime wetlands and after-the-fact approval of an existing single family home adjacent to prime wetlands. Both single family homes are outside of Nashua's 75-foot prime wetland buffer.

With Conditions:

1. All work shall be in accordance with plans Maynard & Paquette Engineering Associates, LLC, plan sheet 1, revision dated February 3, 2006 and plan sheet 2, revision dated February 21, 2006, as received by the DES on April 9, 2007.
2. The applicant shall coordinate and comply with the DES Waste Management Division for removal and disposal of the contaminated soil and debris pile.
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. Orange construction fencing shall be placed at the limits of construction prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. There shall be no further disturbance within the 75-foot prime wetland buffer other than the proposed stabilization and removal of invasive plant species.
6. The applicant shall place permanent monuments/signs denoting the edge of Nashua 75-foot prime wetland buffer. The signs shall be placed at least every 50 feet along the wetland buffer.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The 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 major impact project per Administrative Rule Env Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env Wt 302.03.
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 detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The applicant has provided plans stamped by a New Hampshire Certified Wetland Scientist and a New Hampshire Licensed Engineer.
7. The applicant submitted a letter from City of Nashua Conservation Commission which stated that the "project received approval from the Nashua Conservation Commission at their Meeting on November 7, 2006".
8. The Conservation Commission's approval included eight stipulations.
9. The Department inspected the property on June 26, 2007.
10. The existing home site is complete and the site is stabilized. The proposed house lot contains contaminated soil and debris that must be disposed of properly.
11. The NH Fish and Game Department (NHFG) did not comment on the proposed project.
12. The project as approved and constructed is in adherence to an approved construction sequence and erosion controls that offsets impact from any increased runoff created by the development.
13. The project includes a leaching cistern that will collect roof runoff and foundation drainage.
14. A public hearing was held at the Department on July 30, 2007. No one in opposition to this project attended the public hearing.
15. The proposed and existing home will be serviced by city water and sewer.
16. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env Wt 703.01 Criteria for Approval.
17. Pursuant to Env Wt 204 the Department hereby grants the waiver of Env Wt 704.01 for the following reasons:

1. Findings 1-15 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.
2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
3. The applicant has received local permits and no opposition has been submitted to the Department regarding the project and no one in opposition to the project was present at the public hearing.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**MINOR IMPACT PROJECT**

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**2005-00366                      LAMPREY FALLS LLC**  
**NEWMARKET   Lamprey River**

**Requested Action:**

Approve name change to: Lamprey Falls, LLC, David Lemieux, 76 Exeter Rd., Newmarket NH 03857 per request received 8/8/2007. Previous owner: Bryant Rock, LLC.

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**Conservation Commission/Staff Comments:**

The Newmarket Conservation Commission recommends approval of the project.

Inspection Date: 05/19/2005 by Frank D Richardson

**APPROVE NAME CHANGE:**

Dredge and fill a total of 548 sq. ft. (45 cu. yds.) of accumulated sediments and fill the remaining portion of a man-made canal

located under the building in order to perform necessary structural repairs associated with the rehabilitation and renovation of the existing three-story mill building located on the non-tidal section of the Lamprey River.

With Conditions:

1. All work shall be in accordance with project narrative and plans by NH Soil Consultants, Inc. dated 2/18/05, as received by the Department on February 23, 2005 and revised Construction Sequence of Events and Temporary Erosion and Sediment Control Plans by Altus Engineering dated June 13, 2005 as received by the Department on June 14, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Discharge from dewatering of work areas shall be to sediment basins and/or other acceptable BMP methods (e.g. 'Dirtbag') 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 if present.
6. Dredged material shall be appropriately disposed of outside of the jurisdiction of the DES Wetlands Bureau.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. In accordance with concerns for various diadromous fish runs, the NH Fish & Game Department will allow construction in the DES jurisdictional areas to proceed starting June 15 and to be suspended during late summer/early fall downstream migrations.
10. Work shall be done during low flow.

With Findings:

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

**2006-00646                      TERRA FIRMA REAL ESTATE LLC, JOHN GAGNON**  
**BELMONT   Unnamed Wetland**

Requested Action:

Dredge and fill 9783 square feet of palustrine forested wetland including 140 linear feet of bank impact along the Tioga River for the installation of a spanning structure in the subdivision of 177 acres into 36 single family residential lots and 2 open space lots.  
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APPROVE PERMIT:

Dredge and fill 9783 square feet of palustrine forested wetland including 140 linear feet of bank impact along the Tioga River for the installation of a spanning structure in the subdivision of 177 acres into 36 single family residential lots and 2 open space lots.

With Conditions:

1. All work shall be in accordance with plans by GSE Planning and Engineering further described as follows:
  - a) Wetland Impact Plan Sheet 1 of 1 dated December 11, 2006, and revised through February 28, 2007, as received March 1, 2007.
  - b) Roadway Plans Sheets 12-16 dated November 20, 2006, sheet 12 revised through February 12, 2007, as received by the Department on February 22, 2007, Sheet 13 revised through February 28, 2007 as received by the Department on March 1, 2007, and Sheets 14-16 as received by the Department on December 14, 2006.
  - b) Subdivision Plans Sheets 5-7 of 35 dated November 20, 2006, Sheet 5 received December 14, 2006, and sheets 6 & 7 revised through February 28, 2007, as received by the Department on March 1, 2007.
  - c) Detail, Roadway Profile and Cross Section Sheets 17, 23, and 32 dated November 20, 2006, sheet 17 revised through February 12, 2007 as received by the Department on February 22, 2007, Sheet 23 revised through February 20, 2007, as received by the Department on February 22, 2007 and Sheet 32 revised through February 20, 2007, as received by the Department on February 22, 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. 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. 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.
8. 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.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Work within the perennial stream shall be done during low flow.
11. Work within forested wetlands shall be done in the dry.
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. 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.
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. 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).
21. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
22. Mulch within the restoration area shall be straw.
23. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
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).
29. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a 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. DES Staff conducted a field inspection of the proposed project on January 19, 2007. Field inspection determined that the stream crossing would be required to be an open bottom structure.
6. The applicant has provided a vernal pool assessment of the pools within 200 feet of the development area.

**2006-02726                      BUMP REVOC TRUST, DONALD**  
**ASHLAND   Unnamed Wetland Ames Brook**

Requested Action:

Dredge and fill a total of 2435 square feet of palustrine forested wetland including approximately 175 linear feet of intermittent stream for access in the subdivision of 16.22 acres into 33 condominium units.

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APPROVE PERMIT:

Dredge and fill a total of 2435 square feet of palustrine forested wetland including approximately 175 linear feet of intermittent stream for access in the subdivision of 16.22 acres into 33 condominium units.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates Inc dated July 2006, and revised through July 10, 2007 as received by the Department on July 16, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. 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(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.

**2006-03221                      BASELINE DEVELOPMENT LLC**  
**BETHLEHEM   Unnamed Wetland**

Requested Action:

Fill 13,452 square feet of palustrine forested wetland to construct an access road and commercial warehouse/delivery facility. Wetland impacts will be mitigated by payment into the Aquatic Resource Mitigation fund.

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Conservation Commission/Staff Comments:

Mitigation is accomplished through the in-lieu fee payment to the ARM fund (\$32,254.57)

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny permit to fill 13,452 square feet of palustrine forested wetland to construct an access road and commercial warehouse/delivery facility.

With Findings:

Standards for Approval:

1. This project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. Pursuant to Env-Wt 302.03(b), "For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800...".
3. Pursuant to Env-Wt 806.05(a), "...a project for which the department has notified the applicant of the acceptance of a proposed in-lieu payment as specified in Env-Wt 803.08(c), the department shall not issue the permit until the applicant has paid the full amount of the in-lieu fee payment as specified in the notice".
4. Pursuant to Env-Wt 806.05(b), "If the applicant does not pay the full amount of the in-lieu fee payment within 120 days of the date of the notice, the department shall deny the application".

Findings of Fact:

5. On December 21, 2006, DES received an application to impact 13,452 square feet of wetlands for the construction of a commercial warehouse/delivery facility on 10.6 acres of land in Bethlehem.
6. On March 23, 2007, DES requested additional information from the applicant's consultant to clarify avoidance and minimization measures, and to explain that the in-lieu fee mitigation option would be acceptable, but that the payment to the Aquatic Resource Mitigation (ARM) Fund would need to be made within 120 days of the date of the approval letter.
7. DES received additional information on March 23, 2007 from the applicant's consultant, and on March 26, 2007, the applicant's consultant notified DES that the applicant was agreeable to provide payment to the ARM Fund within the required 120 day time frame.
8. On April 2, 2007, DES issued an approval notice for the proposed project which notified the applicant of our acceptance of an ARM Fund payment. Condition #2 of the approval notice stated that, "This approval is contingent on receipt by DES of a one time

payment of \$32,254.57 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days from the date of this approval letter (by July 31, 2007), or the application will be denied".

9. As of August 15, 2007, DES has not received the required ARM Fund payment.

Ruling in Support of Denial:

10. DES did not receive the ARM Fund payment within the required 120 days and therefore the application has been denied.

**2007-00237                      PALLOTTA, MICHAEL & ALLICIA**  
**MARLBOROUGH   Unnamed Wetland**

Requested Action:

Approve name change to: Michael & Allicia Pallotta, 14 Arch St., Keene NH 03431 per request received 8/13/2007. Previous owner: Asher Construction LLC.

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APPROVE NAME CHANGE:

Dredge and fill 5,914 square feet of forested wetlands to install three (3) 18-inch x 30-foot culverts for two (2) wetland crossings for common driveway access to two (2) lots of a 7-lot subdivision on ± 84.92 acres.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated January 22, 2007, as received by the Department on February 16, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

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

**2007-00318                      GREEN WOODLANDS LIMITED PARTNERSHIP**  
**DORCHESTER   Cummins Pond**

Requested Action:

Dredge and fill approximately 5,370 sq. ft. (includes 1,350 sq. ft. permanent impacts and 4,020 temporary impacts) of wetlands to repair an existing dam, spillway and rehabilitation of an existing 12 in. diameter steel penstock and small hydroelectric turbine for a LEED certified residential structure.

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**APPROVE PERMIT:**

Dredge and fill approximately 5,370 sq. ft. (includes 1,350 sq. ft. permanent impacts and 4,020 temporary impacts) of wetlands to repair an existing dam, spillway and rehabilitation of an existing 12 in. diameter steel penstock and small hydroelectric turbine for a LEED certified residential structure.

**With Conditions:**

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated February 9, 2007, as received by DES on February 16, 2007 and plans dated July 19, 2007 and narratives dated July 17, 2007, as received by DES on July 18, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Work shall be done during drawdown.
4. There shall be no drawdown between May 15 and August 15 to construct the proposed repairs.
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. 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. Unconfined work within the river, 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. 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.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Temporary wetland and surface water impact areas shall be regraded to original contours following completion of work.
14. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
15. A post-construction report documenting the status of the restoration areas shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. 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.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. 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(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 proposed dam and spillway repairs are in response to a Letter of Deficiency issued for dam repairs by the NHDES Dam Bureau.

6. This approval is contingent on approval by the NHDES Dam Bureau.
7. The New Hampshire Fish and Game Department requested that no drawdown of the pond occur between May 15 and August 15.
8. The applicant has agreed to the drawdown limitations and this approval is conditioned on the timing of drawdown.

**2007-00403 WAUSAU PAPERS PRINTING & WRITING LLC  
GROVETON Upper Ammonoosuc River**

Requested Action:

Permit to work in and above approximately 2,200 sq. ft. of the Upper Ammonoosuc River for removal of the gatehouse, deteriorated timber crib supports, river right abutment and stabilize the western river bank.

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APPROVE PERMIT:

Permit to work in and above approximately 2,200 sq. ft. of the Upper Ammonoosuc River for removal of the gatehouse, deteriorated timber crib supports, river right abutment and stabilize the western river bank.

With Conditions:

1. All work shall be in accordance with plans and narratives by Kleinschmidt Energy & Resources Consultants, plans revision dated February 16, 2007 and narratives, as received by DES on February 23, 2007 and narratives received by DES on May 24, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. The applicant shall coordinate with the New Hampshire Fish and Game Department regarding proposed bank plantings and timing of in-stream work.
4. 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.
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. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. 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.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
19. 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.
20. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in

sediment entering a wetland or surface water.

21. A post-construction report documenting the status of the project 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 (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 proposed project is in response to a Letter of Deficiency issued by the DES Dam Bureau.
5. The proposed project is contingent on approval by the DES Dam Bureau.
6. The New Hampshire Fish and Game Department (NHFG) has submitted comments regarding concerns with eastern brook trout.
7. The applicant has discussed the project with NHFG and has agreed to provide plantings in the bank restoration area.
8. The applicant may be limited by DES Dam Bureau requirements on the number of plantings that can be placed near the structure.

**2007-00438                      AMALFITANO REVOC TRUST, ELIZABETH  
GILFORD    Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's June 26, 2007 decision to deny the construction of a docking structure with canopy on the merits of additional information submitted showing the canopy will not obstruct views.

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Conservation Commission/Staff Comments:

8/6/07 Additional Info and Reconsideration Requested by Paul Goodwin, Watermark Marine Construction - np

Con Com requests written confirmation the abutter view will not be impaired.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Construct two 6 ft x 30 ft piling supported docks connected by a 6 ft x 12 ft permanent walkway in a "U" shaped configuration accessed by a 6 ft x 20 ft walkway over the bank, install a seasonal boatlift and 14 ft x 30 ft seasonal canopy in the center slip, 2 personnel watercraft lifts in the southern slip, 2 tie off piles in the northern slip, and 2 ice clusters on an average of 150 ft of frontage on Governor's Island, Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 30, 2007, as received by DES on as received on March 6, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the piers or canopy shall extend more than 30 feet from the shoreline at full lake elevation.
6. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
7. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The Project site meets the criteria to qualify for a breakwater as outlines in Rule Env-Wt 402.06.
4. The construction of permanent piling piers is less impacting than the construction of a breakwater.
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 documentation to the Department showing that the canopy will not obstruct the views of abutters and that the structure will be similar to others already existing in the vicinity.
8. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
9. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
10. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-00609                      HIBBLE, BARRY & LILIANNE**  
**NEW CASTLE    Piscataqua River**

Requested Action:

Excavate, regrade and/or otherwise alter terrain over 9,200 sq. ft. of previously developed upland tidal buffer zone to raze an existing dwelling and replace it with a new home with appurtenant landscaping; the primary structure being located more than 50 feet from the highest observable tide line.

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Conservation Commission/Staff Comments:

The New Castle Conservation Commission has reviewed the project proposal and has no objections.

Inspection Date: 02/13/2007 by Frank D Richardson

APPROVE PERMIT:

Excavate, regrade and/or otherwise alter terrain over 9,200 sq. ft. of previously developed upland tidal buffer zone to raze an existing dwelling and replace it with a new home with appurtenant landscaping; the primary structure being located more than 50 feet from the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by AMES MSC Architects and Engineers dated November 29, 2006, as received by DES on March 23, 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 or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a)&(b).
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 February 13, 2007. Field inspection determined this project proposal is in compliance with the Comprehensive Shoreland Protection Act.

**2007-00667                      TWIN BRIDGE LAND MANAGEMENT LLC**  
**NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill 1,010 square feet of palustrine forested wetlands to install a 12-inch x 20-foot HDPE culvert for driveway access to a proposed single lot and dredge and fill 2,432 square feet of palustrine forested wetlands to install a 4-foot X 4-foot x 40-foot embedded concrete box culvert for road access to a 23-lot subdivision.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 1,010 square feet of palustrine forested wetlands to install a 12-inch x 20-foot HDPE culvert for driveway access to a proposed single lot and dredge and fill 2,432 square feet of palustrine forested wetlands to install a 4-foot X 4-foot x 40-foot embedded concrete box culvert for road access to a 23-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated March 30, 2007, as received by the Department on May 10, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback, with exception of remaining tax map/lot 2/62.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval, with exception of tax map/lot 2/62.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. A previous 7-lot subdivision of tax map/lot 2/62 was approved in 1997.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. In a letter dated April 19, 2007, the New Boston Conservation Commission stated the Commission had no objections to the proposed project.
5. Piscataquog River Local Advisory Committee April 30, 2007, meeting minutes requested additional subdivision plans that depict the entire site development in order to complete review of the proposed project.
6. Additional comments from the Piscataquog River Local Advisory Committee were not submitted.
7. The Environmental Protection Agency (EPA) requested a vernal pool survey and 100-foot stream buffers.
8. The applicant's certified wetland scientist confirmed there are no vernal pools or streams on site.

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

**2007-00695                      BARNUM, ROBERT & SARAH**  
**LYME Connecticut River**

Requested Action:

Dredge and fill approximately 1650 sq. ft. of river bank (115 linear ft.) for stabilization, restoration and debris removal. Work includes a combination of grading, rip-rap protection and plantings for stabilization of the failing slope, stabilization of an access path and kayak launching area and clean-up of old tires, metal and other inorganic debris.

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Inspection Date: 07/11/2007 by William A Thomas, Cws

APPROVE PERMIT:

Dredge and fill approximately 1650 sq. ft. of river bank (115 linear ft.) for stabilization, restoration and debris removal. Work includes a combination of grading, rip-rap protection and plantings for stabilization of the failing slope, stabilization of an access path and kayak launching area and clean-up of old tires, metal and other inorganic debris.

With Conditions:

1. All work shall be in accordance with plans by James S. Kennedy, dated March 6, 2007, as received by DES on April 6, 2007.
2. Work shall be done during low flow.
3. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. 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. 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.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. No construction equipment shall enter the river channel (i.e., equipment shall work from the bank and top of bank).
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A New Hampshire Certified Wetland Scientist (CWS) shall monitor construction to assure work is conducted per the approved plans.
14. A post-construction report documenting the status of the project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further

permitting by the Bureau.

19. 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(1), Projects that alter the course of or disturb less than 200 linear feet of intermittent or perennial stream or river channel or its banks.
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 11, 2007. Field inspection determined that the slopes are in need of stabilization and there is multiple areas of debris that should be removed. The stabilization of the slopes and debris removal will have a long term benefit to the river system.
6. The Upper Valley River Subcommittee recommend approval of the proposed project.
7. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program submitted comments regarding the dwarf wedgemussel (*Alasmidonta heterodon*). They recommend bio-stabilization methods, no rip-rap below the high water line and coordination with the United States Fish and Wildlife Service (USFWS).
8. The applicant is using a combination of rip-rap and bio-engineering/stabilization.
9. The applicant did coordinate with USFWS and they do not anticipate any adverse affect on dwarf wedgemussels.

**2007-00801                      MANCHESTER WATER WORKS**  
**AUBURN   Unnamed Stream**

Requested Action:

Dredge and fill a total of 8,820 sq. ft. of palustrine forested wetlands to construct a roadway with culvert crossings to access a 20-lot residential cluster subdivision on a 60-acre parcel of land with 40 acres remaining undeveloped.

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Conservation Commission/Staff Comments:

No report or comments received from the Auburn Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 8,820 sq. ft. of palustrine forested wetlands to construct a roadway with culvert crossings to access a 20-lot residential cluster subdivision on a 60-acre parcel of land with 40 acres remaining undeveloped.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout & Design, Inc. dated 2-28-07 (last revised 5-01-07, as received by DES on May 07, 2007).
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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).

11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
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.

**2007-00818 COLD BROOK CAMPGROUND**  
**WEBSTER Unnamed Stream**

Requested Action:

Replace existing failed 24-inch x 30 foot culvert with twin 36-inch x 30 foot reinforced concrete culverts for access in an existing campground.

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APPROVE PERMIT:

Replace existing failed 24-inch x 30 foot culvert with twin 36-inch x 30 foot reinforced concrete culverts for access in an existing campground.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants LLC as revised through July 10, 2007, as received by the Department on July 16, 2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. 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. If this proposed structure should fail due to high flows the Department shall not permit the repair of this structure without a complete analysis and assessment of the flows through out this area to determine a more effective, long-term solution which alleviates the failure of this structure.
5. Work shall be done during low flow.
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. No equipment shall enter the water.
9. All work shall be done from the top of the bank.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low

flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. 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(1), 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. The existing crossing is undersized and the proposal will increase the ability of the system to pass high flows.

**2007-00885                      GPS PROPERTIES INC**  
**CANDIA   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 7,640 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings, including a box culvert crossing of a perennial stream, to access a proposed 12-unit housing project on a 50-acre parcel of land.  
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Conservation Commission/Staff Comments:

No report or comments were received from the Candia Conservation Commission regarding this project.

APPROVE PERMIT:

Dredge and fill a total of 7,640 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings, including a box culvert crossing of a perennial stream, to access a proposed 12-unit housing project on a 50-acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Robert G. Rook, P.E. Consulting Engineer dated 04-11-07, as received by DES on April 30, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain 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, for septic setback or other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.

9. Work shall be done during low flow.

10. 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).

11. NH DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
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.

**2007-00942                      WOODS, JOHN**  
**AMHERST   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 5,233 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway to access buildable land for the construction of a proposed barn.

Remove a total of 8,685 sq. ft. of fill material, including stumps, previously placed in wetlands on site without a permit to restore wetland functions and value to the area.

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Conservation Commission/Staff Comments:

No report or comments on this application were received from the Amherst Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 5,233 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway to access buildable land for the construction of a proposed barn.

Remove a total of 8,685 sq. ft. of fill material, including stumps, previously placed in wetlands on site without a permit to restore wetland functions and value to the area.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 27, 2007, as received by DES on May 04, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
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. 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).
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
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. Restoration of previous unpermitted impacts to wetlands will enhance the functions and value of the remaining wetlands on this site.
5. 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.

**2007-01149                      HANNAFORD, ALAN**  
**NORTHFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill 9450 square feet of palustrine forested wetland for access to a proposed building site on a lot of record.

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APPROVE PERMIT:

Dredge and fill 9450 square feet of palustrine forested wetland for access to a proposed building site on a lot of record.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises LLC dated May 2005, and revised through May 12, 2007, as received by the Department on May 23, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be conducted during low water conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. 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
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This 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. DES Staff conducted a field inspection of the proposed project on November 1, 2006. DES did not observe a bog at the field inspection and found that the wetland to be impacted is a forested wetland.
6. The proposal includes a permeable road base which will allow ground water to flow through this area as it does today. The culverts are only for high volume storms.

**2007-01170 HOPKINTON, TOWN OF  
HOPKINTON Unnamed Stream Clement Pond**

Requested Action:

Dredge and fill a total of 329 square feet to repair and replace 4 existing 18-inch CMP culverts with 4 proposed 18-inch x 35 foot plastic culverts with associated headwalls.

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APPROVE PERMIT:

Dredge and fill a total of 329 square feet to repair and replace 4 existing 18-inch CMP culverts with 4 proposed 18-inch x 35 foot plastic culverts with associated headwalls.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated May 17, 2007, as received by the Department on May 25, 2007.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
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. Work shall be done during low flow.
7. 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.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. 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. 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 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.

**2007-01885                      EXETER, TOWN OF**  
**EXETER    Unnamed Wetland**

**Requested Action:**

Dredge a total of 8,000 sq. ft. of lead contaminated sediments and soil from the Exeter reservoir and from an intermittent tributary stream bed and embankments as part of a lead contamination remediation project.

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**Conservation Commission/Staff Comments:**

The Exeter Conservation Commission has reviewed this application and recommends approval .

Inspection Date: 05/16/2007 by Frank D Richardson

**APPROVE PERMIT:**

Dredge a total of 8,000 sq. ft. of lead contaminated sediments and soil from the Exeter reservoir and from an intermittent tributary stream bed and embankments as part of a lead contamination remediation project.

**With Conditions:**

1. All work shall be in accordance with plans by URS Corporation dated 9/06, as received by DES on August 14, 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 or further permitting by the Bureau.
3. This permit is contingent on approval by the NH DES Waste Management Division, NH Brownfields Program.
4. Dredged materials containing lead contaminated sediments and soil shall be placed outside of the jurisdiction of the DES Wetlands Bureau at a location approved by the NH DES Waste Management Division.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during drawdown.
9. Work shall be done during low flow.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during the project and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during work in wetlands jurisdiction.
14. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
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 May 16, 2007. Field inspection determined the impacts are a necessary part of this lead contamination remediation project.

**MINIMUM IMPACT PROJECT**

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**2006-02985                    SKYVIEW DEVELOPMENT GROUP, PAUL & MONICA SULLIVAN**  
**GOFFSTOWN   Unnamed Wetland**

**Requested Action:**

After the fact approval to retain 135 sq. ft. of wetlands impact for access and restore 413 sq. ft. of wetlands impacted for installation of utilities lines to a single family building lot in a previously approved subdivision.

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**APPROVE AFTER THE FACT:**

After the fact approval to retain 135 sq. ft. of wetlands impact for access and restore 413 sq. ft. of wetlands impacted for installation of utilities lines to a single family building lot in a previously approved subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC, dated June 27, 2007, as received by DES on July 16, 2007.
2. This permit is contingent on compliance with the DES Wetlands Bureau Compliance Section.
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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
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. 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.
9. The wetland restoration areas shall be regraded to original contours following completion of work.
10. The wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. The wetlands restoration shall be completed by October 15, 2007.
12. A wetlands restoration report shall be prepared by a New Hampshire Certified Wetland Scientist and submitted to the DES Wetlands Bureau Compliance Section by October 31, 2007.

**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.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The approval is a result of an application submitted to retain wetlands impacts and restore wetlands impacts conducted without a permit from the DES Wetlands Bureau.
5. The building lot and an alternative access were previously approved by the Wetlands Bureau (Wetlands Bureau File # 2000-2229).

**2007-01140 MERRIMACK DPW, TOWN OF  
MERRIMACK Baboosic Brook**

Requested Action:

Remove a bridge heavily damaged during the storm/ flood event of May 2006 and replace it with a pre-engineered 70 ft. long x 8 ft. wide single span founded on new concrete abutments installed in the embankments of Baboosic Brook to provide pedestrian access across an island in Twin Bridges Park.

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Conservation Commission/Staff Comments:

The Merrimack Conservation Commission has been pro-active in their review of this municipal project and recommend approval. The Commission has provided comments which have been incorporated in the project specific conditions.

APPROVE PERMIT:

Remove a bridge heavily damaged during the storm/ flood event of May 2006 and replace it with a pre-engineered 70 ft. long x 8 ft. wide single span founded on new concrete abutments installed in the embankments of Baboosic Brook to provide pedestrian access across an island in Twin Bridges Park.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated 5/11/07, as received by DES on May 21, 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. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet)except as necessary for the construction of the bridge abutments and bridge span installation.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Work shall be done during low flow.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. 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.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h).
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.

**2007-01356 APPALACHIAN MOUNTAIN CLUB  
HARTS LOCATION Unnamed Wetland**

Requested Action:

Amendment request to add temporary crossings for machinery.

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**APPROVE AMENDMENT:**

Dredge and fill approximately 309 sq. ft. (includes 136 sq. ft. of temporary impact) of stream bank and wetlands for removal of an existing 26 ft. long wooden pedestrian bridge and replacing it with a 56 clear span glue laminated timber bridge. The proposed work in wetlands consists of removal of the existing timber crib abutments from the wetlands and bank directly adjacent to the Saco River, restoration of the impacts created by the previous bridge construction and constructing a new concrete abutment outside of wetlands and an abutment approximately 10 ft. back from the edge of the river.

**With Conditions:**

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc., dated June 6, 2007, as received by DES on June 18, 2007 and narratives received by DES on August 14, 2007.
2. Work shall be done during low flow.
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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The proposed temporary impacts areas shall be re-vegetated with native plant species.
6. There shall be no rip-rap used in the stream channel, banks or adjacent wetlands.
7. There shall be no excavation or operation of construction equipment in flowing water, except for temporary machinery crossings.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. 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.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum 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.
5. The proposed bridge is in disrepair and is not large enough to allow high water to pass. freely.
6. The proposed bridge will increase the river and wetland span by 30 feet and removes one abutment from wetlands.
7. The new bridge will provide safe pedestrian passage on a highly used AMC trail and will provide for more adequate stream flow passage.

**2007-01712  
BERLIN**

**DRED**

**Requested Action:**

Impact approximately 2,000 square feet within a perennial stream to complete a stream restoration project that will return stream flow to its original course and repair a washed out logging road. Two new wooden bridges will be installed beyond the top of the banks of the stream channels to allow the existing logging road to remain open for recreational use.

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Inspection Date: 07/17/2007 by Craig D Rennie

**APPROVE PERMIT:**

Impact approximately 2,000 square feet within a perennial stream to complete a stream restoration project that will return stream flow to its original course and repair a washed out logging road. Two new wooden bridges will be installed beyond the top of the banks of the stream channels to allow the existing logging road to remain open for recreational use.

**With Conditions:**

1. All work shall be in accordance with plans by DRED Trails Bureau, as received by DES on August 9, 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. 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. Work shall be done during low flow.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. The project is classified as a Minimum Impact Project per NH Administrative Rule 303.04(o), as the impacts are deemed minimum by the department based on the degree of environmental impact.
2. An old pole ford stream crossing was installed from past logging activities which eventually became clogged with debris causing the stream to redirect flow down a portion of the existing logging road.
3. The project proposes to restore stream flow to its original channel and repair the washed out logging road for recreational use. Two new bridges will be installed beyond the top of the stream banks and outside of the Wetlands Bureau jurisdiction.
4. DES staff inspected the area on July 17, 2007 and determined that the pole ford needed to be removed to restore original channel flow and that the overall water quality and habitat would be improved by the completion of this project.

**FORESTRY NOTIFICATION**

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**2007-01787                      SCHAEFER, GARY**  
**MASON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Mason Tax Map K, Lot# 2

**2007-01788                      COOPER, JAMES & KIMBERLY**  
**NEW HAMPTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New Hampton Tax Map R12, Lot# 14, 15 & 16

**2007-01789                      BRADFORD, JIMMY & EMMA**  
**FREMONT   Unnamed Stream**

COMPLETE NOTIFICATION:

Fremont Tax Map 5, Lot# 50

**2007-01790                      MOFFETT, JAMES & CLAIRE**  
**MILTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Milton Tax Map 40, Lot# 23-3

**2007-01792                      SWAIN, MATT & RACHEL**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Sanbornton Tax Map 16, Lot# 39

**2007-01805                      COLE, GEOFFREY & MARY**  
**NORTH SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:

North Sandwich Tax Map R7, Lot# 1

**2007-01806                      HACKLER, LEROY**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:

Swanzy Tax Map 28, Lot# 4

**2007-01814                      HAMEL, ROGER**  
**NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:

Newport Tax Map 23, Lot# 1814

**2007-01815                      KACHAVOS REVOCABLE TRUST, KATHRYN**  
**NEW BOSTON   Unnamed Stream**

COMPLETE NOTIFICATION:

New Boston Tax Map 4 /61 & 7 / 17

**2007-01816                      HACKETT, JOHN & ANN**  
**HARRISVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:

Harrisville Tax Map 10, Lot# 12

**2007-01837                    H & H INVESTMENTS LLC, DONALD HARDWICK  
GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R9 , Lot# 29

**2007-01838                    H&H INVESTMENTS LLC  
LYNDEBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyndeboro Tx Map 217, Lot# 3

**2007-01839                    WOODS WITHOUT GILE LLC  
SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Springfield Tax Map 32, Lot# 474 & 549

**2007-01841                    STEARNS, SHARON  
SALISBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Salisbury Tax Map 204, Lot# 1

**2007-01874                    FLANDERS, ELWIN  
LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon Tax Map 4, Lot# 8

**EXPEDITED MINIMUM**

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**2007-00225                    89 CONCORD STREET LLC  
BENNINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 1,200 square feet of forested wetlands within the protected shoreland and 100-year floodplain to install twin 18-inch x 30-foot HDPE culverts for common driveway access to two(2) existing single-family residence lots of record.

\*\*\*\*\*

Inspection Date: 03/14/2007 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 1,200 square feet of forested wetlands within the protected shoreland and 100-year floodplain to install twin 18-inch

x 30-foot HDPE culverts for common driveway access to two(2) existing single-family residence lots of record.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, LLC dated November 21, 2006, and revised through July 13, 2007, as received by the Department on July 16, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. There shall be no trees removed within the 150-foot Natural Woodland Buffer outside of the proposed common driveway impact.
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. 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The applicant has reduced impacts by providing a common driveway.
3. The applicant's agent has provided correspondence dated March 28, 2007, from the Army Corps of Engineers (ACOE) that indicates no additional coordination with the ACOE is required for the proposed 1,200 square foot wetland impact for the culverted driveway crossing within the 100-year floodplain.
4. A Restoration Plan Approval was issued by the DES Shoreland Section on April 09, 2007.
5. An abutter has expressed concern that the proposed development will increase flows to their property, which will result in flooding.
6. Drainage calculations were provided that indicate the proposed development results in no increase in runoff to the abutting lot.
7. The applicant has provided a waiver request per Env-Wq 1410, to waive the information required with applications as required by Env-Wq 1409.03(a)&(b).
8. The only development within the 150-foot Natural Woodland Buffer is construction of the common driveway.
9. Photographic documentation of the 150 Natural Woodland Buffer was provided.
10. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the rule.
11. The waiver is granted in accordance with Env-Wq 1410.04(2)(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
12. This permit is conditioned there shall be no trees removed within the 150-foot Natural Woodland Buffer outside of the proposed common driveway impact.
13. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Contoocook River Local Advisory Committee.
14. The Bennington Conservation Commission signed the Minimum Impact Expedited Application.
15. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
16. 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.
17. 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.

**2007-00919                      FREDERICK TRUST, ALICE  
MELVIN VILLAGE   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft x 40 ft seasonal dock and construct a 7 ft x 3 ft concrete pad with a 6 ft x 40 ft seasonal dock on Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application and submitted separate comments

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

APPROVE PERMIT:

Permanently remove an existing 4 ft x 40 ft seasonal dock and construct a 7 ft x 3 ft concrete pad with a 6 ft x 40 ft seasonal dock on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by K Armstrong dated November 17, 2006, revision date July 24, 2007, as received by DES on July 30, 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. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pad shall be located entire landward of full lake elevation of 504.32.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has an average of 155 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-01086                      MUNSEY, JACK & JOYCE  
TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 2 ft x 24 ft seasonal dock, construct a 6 ft x 40 ft seasonal dock attached to a 7 ft x 3 ft concrete pad located behind full lake elevation of 504.32 on Lake Winnepesaukee, Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com submitted comments with several concerns

**APPROVE PERMIT:**

Permanently remove an existing 2 ft x 24 ft seasonal dock, construct a 6 ft x 40 ft seasonal dock attached to a 7 ft x 3 ft concrete pad located behind full lake elevation of 504.32 on Lake Winnepesaukee, Tufonboro.

**With Conditions:**

1. All work shall be in accordance with plans by K Armstrong dated March 09, 2007, revision date July 24, 2007, as received by DES on July 30, 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 dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
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. The concrete pad shall be located entirely landward of full lake elevation of 504.32.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has an average of 90 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-01088                      CONCORD, CITY OF  
CONCORD    Unnamed Wetland Merrimack River**

**Requested Action:**

Temporarily impact 8000 square feet and permanently impact 7 square feet for soil borings and installation of monitoring wells within a hazardous waste site.

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**APPROVE PERMIT:**

Temporarily impact 8000 square feet and permanently impact 7 square feet for soil borings and installation of monitoring wells within a hazardous waste site.

**With Conditions:**

1. All work shall be in accordance with plans by GEI Consultants dated July 2007, as received by the Department on July 9, 2007.
2. This permit is contingent on approval by the DES Waste Management Division.
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. 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. Area of temporary impact shall be regraded to original contours following completion of work.
8. Mulch within the restoration area shall be straw.
9. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
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. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(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.

**2007-01385                      HANCOCK, TOWN OF**  
**HANCOCK   Unnamed Stream**

Requested Action:

Dredge and fill approximately 100 square feet of intermittent stream to replace a failed 48-inch x 40-foot concrete/steel culvert with a 48-inch x 40-foot HDPE culvert at Middle Road.

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APPROVE PERMIT:

Dredge and fill approximately 100 square feet of intermittent stream to replace a failed 48-inch x 40-foot concrete/steel culvert with a 48-inch x 40-foot HDPE culvert at Middle Road.

With Conditions:

1. All work shall be in accordance with plans by Kurtis J. Grasset dated June 12, 2007, as received by the Department on June 21, 2007, and plans dated August 07, 2007, as received by the Department on August 08, 2007.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. 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.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair or replacement in-kind of a non-docking structure such as a culvert.
2. Resetting the culvert is not feasible; a stone (boulder) shelf will be constructed to eliminate as much of the perch as possible.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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. 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.

**2007-01483                      DAUGHERTY, CHRIS/MAUREEN**  
**RICHMOND   Unnamed Wetland**

Requested Action:

Dredge and fill 2,972 square feet of forested wetlands, including 30 linear feet of intermittent stream to upgrade an existing class IV town road for access to two (2) single family lots of record.

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APPROVE PERMIT:

Dredge and fill 2,972 square feet of forested wetlands, including 30 linear feet of intermittent stream to upgrade an existing class IV town road for access to two (2) single family lots of record.

With Conditions:

1. All work shall be in accordance with plans by Richard P. Drew dated May 23, 2007, as received by the Department on July 05, 2007.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. Road upgrade is required for access to two (2) single family lots of record; no additional subdivision is proposed.
3. Old County Road is the only access to the two (2) properties.
4. Given subdivision is not proposed; the NH Fish and Game Department approved the proposal.
5. The applicant provided a letter of permission signed by the Town of Richmond Selectmen granting permission to Christian and

Maureen Daugherty to apply for all necessary wetland permits.

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

**2007-01698                      BOWERS, DAVID**  
**WOLFEBORO Lake Winnepesaukee**

Requested Action:

"In-kind" repair/replacement of existing U-shaped docking facility on 184 ft of frontage in Wolfeboro on Lake Winnepesaukee.

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APPROVE PERMIT:

"In-kind" repair/replacement of existing U-shaped docking facility on 184 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group as received by the Department on July 30, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. This permit does not allow for maintenance dredging.
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 there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
9. Future repairs shall maintain permitted size, location and configuration.
10. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet)

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v) repair or replacement of existing docking facilities.
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.

**2007-01699                      ALSTEAD, TOWN OF**  
**ALSTEAD Warren Brook**

Requested Action:

Riprap to provide stabilization of approximately 1652 linear feet of Warren Brook streambank and remove rubble, clean out ditches and remove trees as identified by NRCS for remediation of October 2005 flooding event.

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**APPROVE PERMIT:**

Riprap to provide stabilization of approximately 1652 linear feet of Warren Brook streambank and remove rubble, clean out ditches and remove trees as identified by NRCS engineer as DSR 30R4, 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 the October 2005 flooding.

**With Conditions:**

1. All work shall be in accordance with drawings by the USDA Natural Resources Conservation Service (NRCS) entitled "Streambank Stabilization, Town of Alstead, DSR Site # 30R4", dated July 2007 and Construction Specifications 2, 5, 6, 8, 11, 21, 23, 61, 95, submitted in support of the permit application, as received by the DES Wetlands Burea on July 30, 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 prior to the start of work.
5. Work shall be inspected by NRCS to ensure the 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 permitte 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. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
11. Erosion control structures shall be removed once the work areas are stabilized.
12. Construction equipment shall be inspected for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
14. 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. On July 31, 2007 the Alstead Conservation Commission and the Cold River Local Advisory Committee when NRCS presented its remedial action plans to be taken along the Warren Brook as remediation for the 2005 rain event.
2. The Alstead Conservation Commission have reviewed the project plans and has not objections to the application submission for the Cold River NRCS remediation plan.
3. This project has been identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as part of the USDA-NRDS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

**2007-01700 ALSTEAD, TOWN OF  
ALSTEAD Cold River**

**Requested Action:**

Riprap to provide stabilization of approximately 1900 linear feet of Cold River as identified by NRCS engineer as DSR 29, as identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as par tof the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

\*\*\*\*\*

**APPROVE PERMIT:**

Riprap to provide stabilization of approximately 1900 linear feet of Cold River as identified by NRCS engineer as DSR 29, as identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as par tof 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 "Streambank Stabilization, Town of Alstead, DSR Site # 29", dated July 2007 and Construction Specifications 6, 11, 21, 23, 26, 28, 61, 95, 600 submitted in support of the permit application, as received by the DES Wetlands Bureau on July 30, 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 prior to the start of work.
5. Work shall be inspected by NRCS to ensure the 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. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
11. Erosion control structures shall be removed once the work areas are stabilized.
12. Construction equipment shall be inspected for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
14. 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. On July 17, 2007 the Alstead Conservation Commission and the Cold River Local Advisory Committee when NRCS presented its remedial action plans to be taken along the Cold River as remediation for the 2005 flooding.
2. The Alstead Conservation Commission have reviewed the project plans and has not objections to the application submission for the Cold River NRCS remediation plan.
3. This project has been identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as part of the USDA-NRDS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

**2007-01778                      ALSTEAD, TOWN OF**  
**ALSTEAD Warren Brook**

Requested Action:

Riprap to provide stabilization of approximately 1,755 linear feet of Warren Brook as identified by NRCS engineer as DSR 30R6, as identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

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APPROVE PERMIT:

Riprap to provide stabilization of approximately 1,755 linear feet of Warren Brook as identified by NRCS engineer as DSR 30R6, as identified by the Town of Alstead and qualified by a federal agency 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 "Streambank Stabilization, Town of Alstead, DSR Site # 30R6", dated July 2007 and Construction Specifications 2, 5, 6, 8, 11, 21, 23, 61, 95, submitted in support of the permit application, as received by the DES Wetlands Bureau on August 6, 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 prior to the start of work.
5. Work shall be inspected by NRCS to ensure the 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. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
11. Erosion control structures shall be removed once the work areas are stabilized.
12. Construction equipment shall be inspected for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
14. 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. On July 31, 2007 the Alstead Conservation Commission and the Cold River Local Advisory Committee when NRCS presented its remedial action plans to be taken along the Warren Brook as remediation for the 2005 rain event.
2. The Alstead Conservation Commission have reviewed the project plans and has not objections to the application submission for the Cold River NRCS remediation plan.
3. This project has been identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as part of the USDA-NRDS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

**LAKES-SEASONAL DOCK NOTIF**

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**2007-01884                      BERGERON, JOHN**  
**CANAAN   Canaan Street Lake**

COMPLETE NOTIFICATION:  
Canaan, NH Tax map I-E Lot 21  
Canaan Street Lake

**2007-01887                      HUTCHINSON, GEORGE**  
**WOLFEBORO   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Wolfesboro, NH Tax map 265 Lot 7  
Lake Winnepesaukee

**2007-01902                      MARRION, JAMES**  
**CANAAN   Canaan Street Lake**

COMPLETE NOTIFICATION:  
Canaan, NH Tax map I-E Lot 12  
Canaan Street Lake

**SHORELAND VARIANCE / WAIV**

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**2007-00835                      GROSSMAN/ WARSELL, RICHARD/ ELAINE**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Replace an existing primary structure located within the primary building setback (the "Setback"), and build a proposed primary structure on property with approximately 264 ft of frontage on Lake Winnepesaukee in Moultonborough.

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Inspection Date: 06/27/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing primary structure located within the primary building setback (the "Setback"), and build a proposed primary structure on property with approximately 264 ft of frontage on Lake Winnepesaukee in Moultonborough.

With Conditions:

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

- 15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
- 16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

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

**2007-01743                      NYE, CHRIS**  
**ALLENSTOWN   Suncook River**

Requested Action:

Raise the foundation of an existing primary structure located within the primary building setback (the "Setback"), on a .55 acre lot on the Suncook River in Allenstown.

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APPROVE CSPA WAIVER:

Raise the foundation of an existing primary structure located within the primary building setback (the "Setback"), on a .55 acre lot on the Suncook River in Allenstown.

With Conditions:

- 1. All work shall be conducted in accordance with building plans by Robert R. Bussiere dated July 12, 2007 and received by the Department of Environmental Services ("DES") on July 23, 2007.
- 2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.

3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans by Robert R. Bussiere dated July 12, 2007 and received by DES on July 23, 2007, within the Setback.
4. This Waiver shall run with the land and be binding upon the current Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

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12. DES and the Town of Allenstown, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Allenstown Tax Map 103 Lot 9, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 0 ft from the reference line, has a ridgeline height of approximately 22.5 ft and a footprint of approximately 1,733 sq ft within the Setback, providing approximately 1,336 sq ft of living space within the Setback.

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3. The proposed structure shall be located approximately 0 ft from the reference line, have a ridgeline height of approximately 27.5 ft and a footprint of approximately 1,733 sq ft within the Setback, providing approximately 1,336 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to raise the existing foundation, creating a more environmentally friendly structure by decreasing the likely hood that flood waters will reach potentially harmful chemicals and debris located within the structure.
6. The Applicant's proposed project will not increase the amount of impervious surface within the Setback, will bring the proposed structure no closer to the reference line, and raises the existing foundation, protecting flood waters from materials within the house.
7. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

**PERMIT BY NOTIFICATION**

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**2007-01619 CARIGNAN, RICHARD & ANITA  
ALTON Lake Winnepesaukee**

Requested Action:

Repair/replacement of existing breakwater "in-kind"

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Conservation Commission/Staff Comments:

Response to RMI expired prior to review and therefore was "approved by default".

PBN IS COMPLETE:

Repair/replacement of existing breakwater "in-kind"

With Findings:

- 1. Pursuant to Rule Env-Wt 303.04 (v) "in-kind" repair/replacement of existing docking facilities.

**2007-01679 BENNINGTON, TOWN OF  
BENNINGTON Contoocook River**

Requested Action:

Temporarily impact 400 square feet of Carkin Brook to replace a damaged water line.

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PBN IS COMPLETE:

Temporarily impact 400 square feet of Carkin Brook to replace a damaged water line.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a utility line.
- 2. The utility line was removed during bridge construction and beaver dam removal.
- 3. The line was installed in the 1960's.
- 4. Tree removal is not required for access.
- 5. No comments were submitted from the NH Fish and Game Department, Natural Heritage Bureau, or the Contoocook River Local Advisory Committee.
- 6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01693 CHARLESTOWN, TOWN OF  
CHARLESTOWN Hall Pond**

Requested Action:

Dredge and fill 400 square feet of Hall Pond to repair a leak on the pond side of an existing earthen dam.

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PBN IS COMPLETE:

Dredge and fill 400 square feet of Hall Pond to repair a leak on the pond side of an existing earthen dam.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair or replacement of a dam.
2. The DES Dam Bureau is in support of the project and the work has been listed as a deficiency since 2002.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The Charleston Conservation Commission signed the notification.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01763                      BLAISDELL LAKE ASSOCIATION**  
**SOUTH SUTTON      Blaisdell Lake**

Requested Action:

Reclamation of abandoned beach area, and remove a concrete pad.

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PBN DISQUALIFIED:

Reclamation of abandoned beach area, and remove a concrete pad.

With Findings:

1. Reclamation of beach areas that have not been maintained does not qualify for PBN review.

**2007-01813                      MILNE, ANNE**  
**MOULTONBOROUGH      Lake Winnepesaukee**

Requested Action:

"In-kind" repair/replacement of existing docking structures.

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PBN IS COMPLETE:

"In-kind" repair/replacement of existing docking structures.

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.

**2007-01855                      SUGAR HILL, TOWN OF**  
**SUGAR HILL      Unnamed Pond**

Requested Action:

Install a dry hydrant.

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PBN IS COMPLETE:

Install 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.

**2007-01856                      SUGAR HILL, TOWN OF**  
**SUGAR HILL   Unnamed Pond**

Requested Action:

Install a dry hydrant.

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PBN IS COMPLETE:

Install 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.