

Wetlands Bureau Decision Report

Decisions Taken
08/26/2007 to 09/02/2007

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

**2006-00699 NH DEPT OF TRANSPORTATION
WARREN Unnamed Wetland Stream**

Requested Action:

Reconstruct 0.75 miles and reconstruct/ widen 1.25 miles of Rte. 25 to improve the road alignment and drainage impacting approximately 145,141 sq. ft. (3.33 acres) of palustrine and riverine wetlands. Mitigate by restoring 0.5 acres and providing a 30-acre Conservation Easement.

Conservation Commission/Staff Comments:

Cons. Comm. no comment

Inspection Date: 10/17/2006 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct 0.75 miles and reconstruct/ widen 1.25 miles of Rte. 25 to improve the road alignment and drainage impacting approximately 145,141 sq. ft. (3.33 acres) of palustrine and riverine wetlands. Mitigate by restoring 0.5 acres and providing a 30-acre Conservation Easement. NHDOT project #13209.

With Conditions:

1. All work shall be in accordance with:
 - a. The Application for the Department of the Army Permit/ NH Wetlands Bureau (hereinafter "NHDES") Permit application received on March 31, 2006 (hereinafter "the Application");
 - b. The plans (undated) by NHDOT as received by the Department on March 31, 2006;
 - c. The Environmental commitments listed in the Environmental Study, revised September, 2003 as received by the Department on March 31, 2006 and
 - d. The Mitigation Plan Check list, dated December 2006, as received by the Department on June 22, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (SWPPP) to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. NHDOT will comply with the provisions of the Section 401 Water Quality certification upon its issuance and noncompliance shall be considered a violation of the conditions of this permit.
4. Dredged material shall be placed out of NHDES jurisdiction unless otherwise specified.
5. At least 48 hours prior to the start of each construction contract, a pre-construction meeting regarding this permit shall be held with NHDES Wetland and, if necessary, Watershed Bureau staff at the project site or at the NHDES or NHDOT Offices in Concord, N.H. to review the conditions of this permit, the NHDES Water Quality Certificate, and any other environmental commitments stated in other approved documents as listed in condition #1. It shall be the responsibility of NHDOT to schedule the pre-construction meeting on a date approved by the NHDES, and the meeting shall be attended by NHDOT Bureau of Environment, the contract administrator(s), the contractor(s) responsible for performing the work and qualified professional(s) regarding wetland restoration/construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. The project administrator and contractor shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction and until all areas are fully stabilized.
8. The contractor responsible for completion of the work shall utilize techniques described in the NHDES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate storm water management and erosion control Best Management Practices (BMPs) shall be implemented to ensure turbidity is minimized and water quality standards are not violated. If the BMPs conflict with the terms or conditions of this permit, the terms and conditions of this permit shall control.
10. Construction equipment shall not be located within surface waters.

11. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
12. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, 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 2:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
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 and, wherever possible, with a minimum of 20 feet of undisturbed vegetated buffer.
16. NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as soon after construction as possible so as to minimize erosion and restore wildlife habitat.
17. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.
18. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance, invasive species such as purple loosestrife or Phragmites.
19. This permit is contingent on the execution of the mitigation components specified in the documents listed in condition #1 prior to completion of the project unless as otherwise specified in these conditions.
20. The wetland construction areas shall be properly constructed, monitored, and managed in accordance with final mitigation plans approved by NHDES as noted in condition #1.
21. Wetland construction areas shall be properly constructed, landscaped, and monitored. Remedial actions may be necessary to create functioning wetland and floodplain areas similar to those destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
22. NHDOT shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. NHDES shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
23. A post-construction report, including a narrative and photographs, documenting the status of the completed mitigation projects shall be submitted to NHDES within 60 days of the completion of construction.
24. NHDOT or the designated qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second, third and fifth years following the completion of each mitigation site.
25. Wetland construction areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to NHDES.
26. NHDOT shall delineate the wetlands within the mitigation sites, document the delineation with US Army Corps of Engineers' data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
27. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland construction sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
28. NHDOT shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures approved by NHDES if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
29. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing the parcels. The reports shall contain photographic documentation of the areas, and shall be submitted to NHDES to serve as a baseline for future monitoring of the areas.
30. NHDOT shall provide information for review and approval by NHDES relative to the mechanisms to be used for preservation of the parcels in perpetuity. The use of a conservation easement for long-term protection of the properties is preferred and should be pursued where possible.
31. NHDOT shall provide NHDES a status report on the properties to be protected as part of the second and third year monitoring reports to insure compliance with the preservation requirements. If the preservation of the properties has not been completed after three years, yearly reports shall be submitted following the third year as to the status of protection.

- 32. Conservation easements that are placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement. The conservation easements shall be executed and recorded within two years of the permit issuance.
- 33. The boundaries of the protected properties shall be surveyed by a professional surveyor, and marked by permanent markers/signs for purposes of identification and monitoring prior to recordation of the plan.
- 34. NHDES shall be notified of the placement of the permanent markers/signs to coordinate on-site review of their location.
- 35. The plan depicting the conservation easement along with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the property. A copy of the recording from the County Registry of Deeds Office shall be submitted to NHDES Wetlands Bureau within 90 days of recording.
- 36. There shall be no removal of the existing vegetative undergrowth within the preservation areas, except as specified in the approved stewardship plan, and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 37. NHDES shall be notified in writing of the transfer of any preservation lands and mitigation sites to another organization that has been retained for management purposes and the notification shall state the name of the entity responsible for continuing long-term management and/or stewardship of the lands.
- 38. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of NHDES, including remediation and fines.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands and surface waters.
- 2. The purpose and need for the project has been documented, by the applicant, in the Application, the Environmental Study and other materials contained in the NHDES file as required per Rule Wt 302.01.
- 3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 4. DES Staff conducted a field inspection of the proposed project on October 27, 2006. Inspection determined that the project would improve vehicular safety by removing "S" areas in the road and the enlarged culvert should accommodate aquatic organism passage.
- 5. The mitigation is to compensate for approximately 3.33 acres of wetland impacts for this permit and meets the DES Administrative Rules Part Wt 803 Compensation Mitigation Requirements.
- 6. The permit is conditioned to meet DES Administrative Rules Part Wt 804 Upland Buffer Preservation Requirements.
- 7. All regulations cited in this approval are intended to reflect those effective at the time of the filing of this application.
- 8. There will be no impact to any species or communities identified by the NH Department of Resources and Economic Development Natural Heritage Bureau.

2007-00699 BINDLEY, JANE
HOLDERNESS Squam Lake

Requested Action:

Replace existing stairs in the bank to access an existing dock and boathouse, install 5 ft wide access stairs over the bank to access the waterbody with 5 ft wide seasonal steps reaching no more than 4-feet into the waterbody, replant and stabilize the existing slope, remove the existing timber edge and add planting to the frontage on Squam Lake, Holderness.

APPROVE PERMIT:

Replace existing stairs in the bank to access an existing dock and boathouse, install 5 ft wide access stairs over the bank to access the waterbody with 5 ft wide seasonal steps reaching no more than 4-feet into the waterbody, replant and stabilize the existing slope, remove the existing timber edge and add planting to the frontage on Squam Lake, Holderness.

With Conditions:

- 1. All work shall be in accordance with plans by Design Plus dated March 14, 2007, as modified by Matthew Wood revision date August 15, 2007, as received by DES on August 17, 2007 and letter from Matthew Wood dated August 16, 2007, as received by DES on August 17, 2007.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Seasonal steps shall be removed for the non-boating season.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2007-01201 MORRISON, DIANE
ALTON Lake Winnepesaukee

Requested Action:

Construct a 3 ft x 7 ft concrete pad and install a 6 ft x 40 ft seasonal dock adjacent to an existing 47 ft breakwater with a 12 ft gap at the shore, and a 4 ft x 50 ft cantilevered dock on an average of 195 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

This file inputted with file # 07-878, the computer assigned it to a Forestry. This application was not entered into the system. Thus this late number for a application that came in in April.

APPROVE PERMIT:

Construct a 3 ft x 7 ft concrete pad and install a 6 ft x 40 ft seasonal dock adjacent to an existing 47 ft breakwater with a 12 ft gap at the shore, and a 4 ft x 50 ft cantilevered dock on an average of 195 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine, with revisions by Diane Morrison dated August 02, 2007, as received by DES on August 03, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Seasonal 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. The concrete pad shall be completed located behind the natural undisturbed shoreline.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction or modification of major docking system defined by Env-Wt 101.53, and any dock adjacent or attached to a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 195 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The proposed seasonal dock location is the only location on the frontage available to locate additional slips and meet the setback requirements pursuant to RSA 482-A:3,XIII and Env-Wt 402.03.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2006-02635 REYNOLDS, ROLLIN & PAULA
HOLDERNESS Unnamed Stream Wetlands**

Requested Action:

Deny reconsideration request of permit approval from the Holderness Conservation Commission for the permit issued on July 11, 2007.

Conservation Commission/Staff Comments:

On 7/31/07 DES received a Reconsideration Request from Holderness Conservation Commission to reconsider issuing of this permit. nlp

DENY RECONSIDERATION:

Dredge and fill a total of 5108 square feet for access in the subdivision of 49 acres into 7 single family residential lots, further described as follows: Permanently impact 3596 square feet along 143 linear feet of intermittent stream and the banks of Owl Brook, and temporarily impact 1512 square feet for crossing construction.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated May 24, 2006, and revised through June 6, 2007 as received by the Department on June 13, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. 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.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. 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.
11. 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.
12. 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.
13. 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.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

15. Temporary cofferdams shall be entirely removed immediately following construction.
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 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. 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.
20. 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.
21. Silt fencing must be removed once the area is stabilized.
22. 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:

Reaffirm findings 1-8 of the original approval dated July 11, 2007, and make the following additional findings:

Grounds for Reconsideration:

9. The Holderness Conservation Commission requests reconsideration based on letters submitted November 1, 2006 and November 16, 2006.
10. The Commission is concerned that the approval of the permit will impact the functions and values of the wetland specifically: flood flow attenuation, groundwater recharge, and aesthetics.
11. The Commission is concerned with the close proximity of the species of concern *Emydoidea blandingii* (Blanding's turtle) and the impacts on that species.
12. The commission is concerned over the secondary impacts associated with this project.
13. The Conservation Commission states that upland access is available to this lot in their November 26, 2006 letter.
14. The Commission was not notified of the written agreement between the Department and the agent to extend the 120 day timeline for the submittal of the information from the original request for more information.

Findings of Fact:

15. The proposed bridge structure was requested preliminarily by NH Fish and Game to maintain the stream as a travel corridor for fish and Blanding's turtles.
16. The proposed bridge structure over the stream is 4-feet high x 18-feet wide, approximately 500 linear feet upstream of this structure is a 6-ft CMP structure under Perch Pond Road. The limiting structure in this reach of the stream is the structure under Perch Pond Road.
17. The project proposes to impact 5108 square feet of wetlands on this site which has approximately 19 acres of wetland. All of these impacts include crossing structures that maintain the hydrology of the wetlands. There will be no significant impact on the flood flow attenuation and groundwater recharge functions of the wetlands.
18. NH Fish and Game provided comments requesting a 100 foot no cut no disturbance buffer along the stream corridor for the protection of Blandings Turtles and around vernal pools. A 200 foot corridor to the stream channel is indicated on the approved plan set for the protection of the Blanding's turtles.
19. The agent for the applicant reviewed the site for vernal pools in May 2007. No vernal pools were found on the property as defined by "A Field Guide to the Animals of Vernal Pools"(Kenney and Burne, 2001) and "Identification and Documentation of Vernal Pools in New Hampshire"(Marchand et al 2004).
20. The initial wetland delineation submitted with the application was not complete and did not include all wetland boundaries. The existing condition plans by Mountain Mapping that includes the full wetland delineation illustrates wetlands across the entirety of the frontage. The existing home is indicated on the north side of these wetlands. There is no access across Owl Brook to the southern side of the property on any of the plans.
21. In the DES Request for Additional Information dated December 27, 2006, the Department asked if there was an existing access across Owl Brook. The agent responded: "Owl Brook crosses under Perch Pond Road at the Eastern boundary line for the property and continues through the property behind the existing house and barn. There is no upland access for the southern portion of the property. All southern access must cross Owl Brook."
22. The conservation commission was aware of the resubmitted information to the Department. The Department received several phone calls and left several messages for commission members regarding the response from the applicant prior to issuing the

permit.

Findings in Support of Denial:

- 23. The applicant has addressed all of NH Fish and Game's concerns regarding the species of concern.
- 24. The applicant has avoided and minimized impacts to the greatest extent possible and has limited the crossing of the most valuable resource to the narrowest location with a spanning structure.
- 25. The agent for the applicant has not located vernal pools on the site.
- 26. The applicant and DES are not required to notify the Conservation Commission when an extension of timeframes is granted.

2006-03032 HECKMAN, TIM & NOELLE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 4 ft concrete pad located lakeward of full lake elevation, construct a 6 ft x 4 ft concrete pad and a 7 ft x 3 ft concrete pad, both to be located completely lakeward of the normal highwater line, install a 6 ft x 30 ft seasonal dock, and a 6 ft x 31 ft seasonal dock, on an average of 320 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com questions need for second dock

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

APPROVE PERMIT:

Permanently remove an existing 6 ft x 4 ft concrete pad located lakeward of full lake elevation, construct a 6 ft x 4 ft concrete pad and a 7 ft x 3 ft concrete pad, both to be located completely lakeward of the normal highwater line, install a 6 ft x 30 ft seasonal dock, and a 6 ft x 31 ft seasonal dock, on an average of 320 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

- 1. All work shall be in accordance with plans by Folsom Design Group dated August 08, 2007, as received by DES on August 10, 2007.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 5. The concrete to be removed shall be completely removed within 30 days after the two new concrete pads are constructed.
- 6. Photographs showing the complete removal of the concrete pad removed shall be submitted to the file within 30 days after the new concrete pads are constructed.
- 7. These shall be the only structures on this water frontage and all portions of the docks shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
- 8. Seasonal piers shall be removed from the lake for the non-boating season.
- 9. No portion of the piers shall extend more than 31 feet from the shoreline at full lake elevation.
- 10. The concrete pads shall be located entirely behind the natural undisturbed shoreline and full lake elevation of 504.32.
- 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 minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that provides for 4 boatslips.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has an average of 320 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
7. The proposed project will bring the frontage in to compliance by removing the concrete pad located lakeward of full lake elevation.

2006-03242 TOWN OF HINSDALE, FIRE DEPARTMENT
HINSDALE Ashuelot River

Requested Action:

Dredge and fill approximately 1,000 square feet (40 linear feet) within the bank of the Ashuelot River to riprap stabilize an eroding segment of riverbank adjacent to the Hinsdale Fire Department.

APPROVE PERMIT:

Dredge and fill approximately 1,000 square feet (40 linear feet) within the bank of the Ashuelot River to riprap stabilize an eroding segment of riverbank adjacent to the Hinsdale Fire Department.

With Conditions:

1. All work shall be in accordance with plans by the Town of Hinsdale Fire Department, as received by the DES Wetlands Bureau on July 30, 2007.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Work shall be done during low flow conditions.
4. All work shall be done from the top of the bank.
5. Filter fabric shall be installed under the angular rock.
6. Bank stabilization shall not be done to extend land into the river channel.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. 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.
11. 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.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
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 twenty (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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
22. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.

- 23. 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.
- 24. A post-construction report documenting the status of the stabilized jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial river channel or its bank.
- 2. The Ashuelot River Local Advisory Committee in a letter dated February 07, 2007, stated the plans presented were adequate for the project and impacts were minimal.
- 3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Hinsdale Conservation Commission signed the Minimum Impact Expedited Application.
- 4. The applicant has received written consent from the owner of lot 56 (tax map 47), abutter to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
- 5. The proposal includes tree cutting, but no stumps will be removed.
- 6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation required by Env-Wt 301.01.
- 7. The project will be funded in part by the Federal Emergency Management Agency (FEMA) and the Town of Hinsdale; it would be an economic hardship for the Town to retain a NH certified wetland scientist.
- 8. A parking lot is immediately adjacent to the riverbank and there are no obvious associated wetlands and the jurisdictional riverbank boundaries are obvious.
- 9. 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 Env-Wt 301.01.
- 10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
- 11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 12. 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.
- 13. 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.

**2007-00282 NH DEPT OF TRANSPORTATION
ACWORTH Knight Brook & Honey Brook**

Requested Action:

Replace an 8 ft. x 4 ft. open bottom culvert with a 10 ft. x 4 ft. open bottom culvert, extend inlet and outlet 3 ft. , construct wing walls and dredge outlet to align brook confluence impacting 1,630 sq. ft. (630 sq. ft. temporary).

APPROVE PERMIT:

Replace an 8 ft. x 4 ft. open bottom culvert with a 10 ft. x 4 ft. open bottom culvert, extend inlet and outlet 3 ft. , construct wing walls and dredge outlet to align brook confluence impacting 1,630 sq. ft. (630 sq. ft. temporary). NHDOT project #M-401-123A-2007.

With Conditions:

- 1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 01/07 as received by the Department on February 8, 2007.
- 2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
- 3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 4. Construction equipment shall not be located within surface waters.
- 5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Natural stream channel shall be maintained through the box culvert.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project and/or the conditions of approval address the requirements.

**2007-00537 CYGNET SHORE ASSOCIATION, JOAN GAMACHE
MEREDITH Lake Winnepesaukee**

Requested Action:

Install two, 3 piling ice clusters and reduce each of the three 58 ft long permanent dock to 57 ft 6 inches in length on an average of 220 feet of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Install two, 3 piling ice clusters and reduce each of the three 58 ft long permanent dock to 57 ft 6 inches in length on an average of 220 feet of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated August 08, 2007, as received by DES on August 10, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit 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. The existing piers shall be reduced in length prior to the installation of the ice clusters.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of an ice cluster which do not, by their presence, add boat slips to an existing structure.
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 is reducing the length of three docks to address Env-Wt 402.20.
5. The proposed ice clusters do not add any boatslips to the docking system and will help protect the dock from possible ice damage.

**2007-01380 NEW HAMPTON SCHOOL
NEW HAMPTON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 8271 square feet of man made wetland further described as follows: Fill 2900 square feet for slopes associated with a proposed athletic field and regrade and restore 5371 square feet of wetland to a like or higher quality system.

APPROVE PERMIT:

Dredge and fill a total of 8271 square feet of man made wetland further described as follows: Fill 2900 square feet for slopes associated with a proposed athletic field and regrade and restore 5371 square feet of wetland to a like or higher quality system.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering dated June 4, 2007, and revised through August 17, 2007, as received by the Department on August 22, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. Mulch within the restoration area shall be straw.
10. 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.
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.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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 impacted wetlands are man made in nature and of low function and value.
3. The impacted wetlands are within the existing ball field or a man made drainage ditch.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. This application was expedited in accordance with SOP-201, as it is a project of public interest.

MINIMUM IMPACT PROJECT

2004-01909 GALLAGHER, JANE
HAMPTON Hampton Harbor

Requested Action:

Applicant request to amend existing permit to include the construction of a 4'x8'landing with stairs leading from the existing 2-bay garage.

Conservation Commission/Staff Comments:

Hampton Conservation Commission has viewed the site and made comments which have been incorporated in revised plan.

Inspection Date: 05/17/2006 by Frank D Richardson

APPROVE AMENDMENT:

Approve amendment request to add the construction of a 4'x8'landing with stairs leading from the southeast side of the existing 2-bay garage as part of the previous approval to raise the height of the previously approved two-story building addition, occupying 651 sq. ft. in the tidal buffer zone, to three stories to accommodate a garage under the living quarters with no change in the footprint of the structure on permit to: Construct a building addition with a 651 sq. ft. footprint and a 525 sq. ft. 2-bay garage, both attached to an existing dwelling and being more than 50 feet landward of the high tide line in the previously developed upland tidal buffer zone.

With Conditions:

1. All work shall be in accordance with plans by Dynamic Solutions, Inc. dated 7/5/2004 (last revised 9/29/04, as received by the Department on November 22, 2004 with correction to area of garage being a 525 sq. ft. footprint.
 - 1a. Approved amendment to be in accordance with revised plans by Dynamic Solutions Construction, LLC dated January 4, 2006 as received by the Department on January 10, 2006.
 - 1.b Approved amendment to be in accordance with revised plans received by the Department on June 13, 2007.
2. There shall be no further alteration of areas within NH DES Wetlands Bureau jurisdiction for lot development, shoreline structures, driveways, buildings or any other construction activities on this lot whatsoever.
3. 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 registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. DES 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(b) projects within the previously developed upland tidal buffer zone.
2. The applicants seeks access/egress from the garage, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-02492 GREGORY, EDWARD & CAROL
UNITY Unnamed Stream

Requested Action:

Dredge and fill approximatley 400 square feet along 174 linear feet of intermittent stream further described as follows: Replace existing 12-inch x 20 foot culvert with a 24-inch x 20 foot culvert and cut bank the slopes and stabilize the stream with vegetation along 174 lienar feet and replace existing 16-inch x 30-foot culvert with a 24-inch x 30 foot squash culvert under existing driveway.

APPROVE PERMIT:

Dredge and fill approximatley 200 square feet along 174 linear feet of intermittent stream further described as follows: Replace existing 12-inch x 20 foot culvert with a 24-inch x 20 foot culvert and cut bank the slopes and stabilize the stream with vegetation along 174 lienar feet and replace existing 16-inch x 30-foot culvert with a 24-inch x 30 foot squash culvert under existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Edward Gregory, as received by the Department on august 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 and further permitting by the Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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. 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 is proposing complete vegetative stabilization.

**2006-03057 MANGO, CECILY
HAMPSTEAD Big Island Pond**

Requested Action:

Amend permit to modify project specific condition #6 and allow equipment to operate on the lakebed on plywood panels.

Conservation Commission/Staff Comments:

No Con Com comments by 02/16/07

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

APPROVE AMENDMENT:

Repair 180 ft of previously permitted retaining wall and retain and repair an additional 40 ft of retaining wall for a total of 220 linear ft of retaining wall on property having 234 ft of frontage on Island Pond, in Hampstead.

With Conditions:

1. All work shall be in accordance with plans by Paul Nichols dated May 19, 2007, as received by DES on June 12, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. Equipment may operate on the lakebed as specified in amendment request dated August 07, 2007, as received by the Department on August 07, 2007. Temporary work pads shall be placed prior to any equipment entering the lake bed. Work pads shall be sufficient to ensure that there is no rutting or damage to the lake bed. work pads shall be completely removed from the lakebed prior to immediately upon completion of the wall repairs.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.03(c), repair or replacement of existing retaining walls that is performed "in the dry".
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.

2007-00408 OBRIEN, SALLY
JAFFREY Gilmore Pond

Requested Action:

Applicant requests reconsideration on the basis of additional information submitted.

Conservation Commission/Staff Comments:

Con Com signed Exp Application and page of comments

APPROVE RECONSIDERATION:

Construct a 6 ft x 45 ft seasonal dock with a 6 ft x 10 ft dock in a "L" configuration at the lakeward end, construct a 253 sq ft perched beach with 4 ft access stairs to the waterbody on 400 ft of frontage on Gilmore Pond, in Jaffrey.

With Conditions:

1. All work shall be in accordance with plans by Davies & Bibbins, Architects dated August 09, 2007, as received by DES on August 13, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the 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 45 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. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 1052). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal pier or wharf if no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 395 feet of shoreline frontage along Gilmore Pond.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. The applicant submitted a signed notarized letter from the abutter for the placement of the dock within the abutters 20 ft setback.

2007-00616 YAS 54 OCEAN LLC, ROUZBEH YASSINI
NORTH HAMPTON Tidal Buffer Zone

Requested Action:

Impact 1,980 square feet within the previously disturbed 100-foot tidal buffer zone for the installation of a foundation drain leading to an existing NHDOT catch basin adjacent to NH Route 1A.

Conservation Commission/Staff Comments:

No Comments were received from the North Hampton Conservation Commission.

APPROVE PERMIT:

Impact 1,980 square feet within the previously disturbed 100-foot tidal buffer zone for the installation of a foundation drain leading to an existing NHDOT catch basin adjacent to NH Route 1A.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated January 2007 and revised through July 27, 2007, as received by DES on August 2, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during seasonal low flow conditions.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. Currently, the existing dwelling lacks proper drainage in and around the foundation, thereby flooding the basement under storm conditions. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impact will occur within previously impact tidal buffer zone within the right-of-way of Route 1A, therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. NHDOT granted approval for the project.
6. In accordance with Env-Wt 304.04, the applicant obtained written consent from those abutter's property that are within 20-feet of the proposed impacts.

2007-00822 GUYRE, PAUL & VERONICA
LYME Grant Brook

Requested Action:

Dredge and fill approximately 1,986 sq. ft. of wetlands and river bank (Grant Brook) for bank stabilization. Work in wetlands consists of 153 linear ft. of bank stabilization (986 sq. ft.) and 1,050 sq. ft. of temporary wetlands impact for access to the river bank stabilization area. Bank stabilization consists of round rock toe protection, willow stake plantings, loam, seeding and mulching and a 10 ft. wide top of bank vegetated buffer.

APPROVE PERMIT:

Dredge and fill approximately 1,986 sq. ft. of wetlands and river bank (Grant Brook) for bank stabilization. Work in wetlands consists of 153 linear ft. of bank stabilization (986 sq. ft.) and 1,050 sq. ft. of temporary wetlands impact for access to the river bank stabilization area. Bank stabilization consists of round rock toe protection, willow stake plantings, loam, seeding and mulching and a 10 ft. wide top of bank vegetated buffer.

With Conditions:

1. All work shall be in accordance with plans and narratives by Connecticut Valley Environmental Services, Inc., amended plan dated July 26, 2007 and narrative dated July 31, 2007, as received by DES on August 3, 2007 and "Construction Sequence and Live Stake Details", as received by DES on April 19, 2007.
2. Work shall be done during low flow.
3. The stabilization materials shall include natural river rock or round stone and shall not include the use of angular rip-rap.
4. 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.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
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. 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. 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. There shall be no excavation or operation of construction equipment in flowing water.
11. No construction equipment shall enter the river channel (i.e., equipment shall work from the bank and top of bank).
12. 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.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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.
15. Temporary wetland impact areas shall be regraded to original contours and planted with a native wetlands seed mix (if needed).
16. A New Hampshire Certified Wetland Scientist (CWS) shall monitor construction to assure work is conducted per the approved plans.
17. 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.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

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

21. 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.

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. DES Staff conducted a field inspection of the proposed project on July 11, 2007. During the inspection it was determined that the previous stream bank has moved approximately 20 ft. to the south and the new bank is an undercut 1:1 slope on a sharp corner. The stabilization is needed to prevent further erosion into the stream and loss of adjacent uplands. The stabilization should also protect the trees and shrubs that currently exists near the top of the bank.
6. The Lyme Conservation supports the project with the suggestion of the use of native cobbles in-place of rip rap and geotextile extended underneath the base of the rip rap.
7. No angular rip-rap will be used on the project.
8. Geotextile is being used were needed.
9. The applicant is using a combination of round rock and bio-stabilization.

FORESTRY NOTIFICATION

2006-02804 PIERSON, TAMMY
GOFFSTOWN

COMPLETE NOTIFICATION:
Goffstown Tax Map 9, Lot# 60

EXPEDITED MINIMUM

2007-00915 FOURNIER, DOUGLAS & LINDA
NEWPORT Unnamed Wetland Seasonal Stream

Requested Action:

Dredge and fill 1,280 square feet of palustrine forested wetlands, including 25 linear feet of intermittent stream to install a 15-inch x 30-foot culvert and an 18-inch x 25-foot culvert (2 crossings) for driveway access to one lot of a 2-lot subdivision.

APPROVE PERMIT:

Dredge and fill 1,280 square feet of palustrine forested wetlands, including 25 linear feet of intermittent stream to install a 15-inch x

30-foot culvert and an 18-inch x 25-foot culvert (2 crossings) for driveway access to one lot of a 2-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Thomas C. Dombroski dated May 04, 2007, as received by the Department on May 04, 2007, and Subdivision Plans by Thomas C. Dombroski dated September 19, 2006, as received by the Department on August 06, 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. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Newport Conservation Commission signed the Minimum Impact Expedited Application.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-01514 HAZELTON, THOMAS
NEWINGTON Little Bay**

Requested Action:

Impact 351 sq. ft. (9 ft. x 39 ft.) of developed upland tidal buffer zone for the construction of a porch to be attached to an existing residential dwelling.

Conservation Commission/Staff Comments:

The Newington Con. Com. signed the expedited application.

APPROVE PERMIT:

Impact 351 sq. ft. (9 ft. x 39 ft.) of developed upland tidal buffer zone for the construction of a porch to be attached to an existing residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by Thomas Hazelton and Durgin, Verra and Associates, Inc. dated September 20,

1993, as received by the Department on July 10, 2007.

2. There shall be no further alteration to areas within DES Wetlands Bureau jurisdiction without amendment of the wetlands permit.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 ft. of highest observable tide line.
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. In accordance with RSA 483-B, the NH Comprehensive Shoreland Protection Act, the proposed construction of the porch is greater than 50 ft. from the highest observable tideline.
5. NH Natural Heritage Inventory (NHI) has record of threatened and endangered bald eagles (*Haliaeetus leucocephalus*) within the vicinity of this project. NHI recommends that no trees greater than 8 inches d.b.h. be removed from the shoreline area to protect this species. Applicant is not proposing to cut any trees for the proposed project. The proposed porch will be constructed within an established lawn area. NHI also has record of a high salt marsh community within the vicinity of the project. NHI notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the proposed project does not involve ditching or tidal restrictions and construction is at least 60 ft. from the highest observable tideline and therefore will not likely be an increased input of nutrients and pollutants over what currently exists.

2007-01621 MONADNOCK PAPER MILLS INC
BENNINGTON Contoocook River

Requested Action:

Maintenance and repair of the existing Pierce Station powerhouse downstream exterior concrete wall. Temporary impacts associated with staging shall not exceed 100 square feet to the bed and banks of the Contoocook River.

APPROVE PERMIT:

Maintenance and repair of the existing Pierce Station powerhouse downstream exterior concrete wall. Temporary impacts associated with staging shall not exceed 100 square feet to the bed and banks of the Contoocook River.

With Conditions:

1. All work shall be in accordance with plans by Kleinschmidt dated December 15, 2000, and June 18, 2007, as received by the Department on July 19, 2007.
2. If required, this permit is contingent on approval by the DES Dam Safety Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final staging, debris control, and erosion/turbidity/sedimentation control plans.
5. 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 for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. Work shall be done during low flow.
7. Appropriate siltation and 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 to wetlands and surface waters.

10. There shall be no excavation or operation of construction equipment in flowing water.

11. 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.

12. 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.

13. 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.

14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

15. Temporary cofferdams shall be entirely removed immediately following construction.

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

17. 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.

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

19. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.

20. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.

21. 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.

22. Post-construction photographs documenting the status of the restored streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a non-docking structure.

2. The Bennington Conservation Commission signed the Minimum Impact Expedited Application.

3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Contoocook River Local Advisory Committee.

4. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final staging, debris control, and erosion and sedimentation control plans.

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.

LAKES-SEASONAL DOCK NOTIF

**2007-02037 MCDERMOTT, KATHLEEN
CENTER CONWAY Conway Lake**

COMPLETE NOTIFICATION:

Center Conway, NH Tax map 268 Lot 181

Conway Lake

SHORELAND VARIANCE / WAIV

2007-00810 GORMAN, CATHERINE
GOFFSTOWN Glen Lake/greggs Falls

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 67 ft of frontage on Glenn Lake in Goffstown.

Inspection Date: 06/28/2007 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 67 ft of frontage on Glenn Lake in Goffstown.

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 the 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 within the Setback, providing approximately 1,431 sq ft of living space within 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 within the Setback, providing approximately 1,776 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 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.

2007-01122 LUCIANO, PAUL
DEERFIELD Pleasant Lake

Requested Action:

Raise an existing primary structure located within the primary building setback (the "Setback"), on property with approximately 80 ft of frontage on Pleasant Lake in Deerfield.

Inspection Date: 07/26/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Raise an existing primary structure located within the primary building setback (the "Setback"), on property with approximately 80 ft of frontage on Pleasant Lake in Deerfield.

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 within the Setback, providing approximately 1,431 sq ft of living space within 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 within the Setback, providing approximately 1,776 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 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.

**2007-01161 MANNING, JEFFREY & DEBORAH
MEREDITH Lake Winnepesaukee**

Requested Action:

Replace an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 93 ft of frontage on Lake Winnepesaukee in Meredith.

Inspection Date: 07/31/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 93 ft of frontage on Lake Winnepesaukee in Meredith.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This 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 within the Setback, providing approximately 1,431 sq ft of living space within 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 within the Setback, providing approximately 1,776 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 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.

2007-01300 ROTONDI III, EUGENE B & JEAN M
WAKEFIELD Balch Lake

PERMIT BY NOTIFICATION

2007-00994 SNOW, HARRY
NEW LONDON Unnamed Wetland

Requested Action:

Dredge and fill 1,170 square feet of palustrine forested wetlands along 25 linear feet of intermittent stream to install a 15-inch x 25-foot HDPE culvert and 18-inch x 25-foot HDPE culvert (2 crossings) for driveway access to a single family lot of record.

Conservation Commission/Staff Comments:

Enforcement Files - Same owner, difference property.
00-2107 Restoration Plan approved.
05-1153 Closed.

PBN IS COMPLETE:

Dredge and fill 1,170 square feet of palustrine forested wetlands along 25 linear feet of intermittent stream to install a 15-inch x 25-foot HDPE culvert and 18-inch x 25-foot HDPE culvert (2 crossings) for driveway access to a single family lot of record.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the New London Conservation Commission.
3. The New London Conservation Commission did not sign the Permit by Notification Application.
4. The subdivision of the subject parcel occurred in 1976.
5. Per Env-Wt 304.04, the applicant has received written consent from the owners of the lot 10 (tax map 111), the abutting property on which project activities will take place within 20 feet of the property line.
6. The New London prime wetland line is greater than 600 feet from the nearest project impacts. Two driveway culverts and a road culvert separate the impact areas from the prime wetland.

**2007-01661 PREWITT, JEANNE
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Replace failed crib and docking structure.

PBN DISQUALIFIED:

Replace failed crib and docking structure.

With Findings:

1. Pursuant to rule Env-Wt 506.02(g) If the applicant fails to provide the department and local governing body with the information necessary to correct all deficiencies within 20 days following issuance of the written notice of incompleteness, the notice of incompleteness shall disqualify the project from the PBN process provided the notice state in full the reasons why the project does not wualify for the PBN review.

**2007-01851 TOEPFER, JOHN
GILSUM Unnamed Wetland**

Requested Action:

Dredge and fill 800 square feet of palustrine forested wetlands to install a 12-inch x 20-foot culvert for driveway access to single-family residence.

APPROVE PERMIT:

Dredge and fill 800 square feet of palustrine forested wetlands to install a 12-inch x 20-foot culvert for driveway access to single-family residence.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and

- associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
 4. The subdivision of the subject parcel occurred in 2006.

2007-01853 FOSCALDO, CRAIG
SUNAPEE Sunapee Lake

Requested Action:
Repair/replace existing docking struct "in-kind".

PBN IS COMPLETE:
Repair/replace existing docking struct "in-kind".

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2007-01879 KERNER, LOUISE
MEREDITH Lake Winnepesaukee

Requested Action:
Repair existing docking facilities "in-kind".

PBN IS COMPLETE:
Repair existing docking facilities "in-kind".

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2007-01883 JANELLE, LEA
WAKEFIELD Great East Lake

Requested Action:
Repair existing concrete retaining wall to include removing, replacing, and reforming two corners. Tie two old walls together and cover with 4"-6" cap and put waterproof coat on entire wall of 385 sq. ft. Work area impacting 1,200 sq. ft.

PBN IS COMPLETE:
Repair existing concrete retaining wall to include removing, replacing, and reforming two corners. Tie two old walls together and cover with 4"-6" cap and put waterproof coat on entire wall of 385 sq. ft. Work area impacting 1,200 sq. ft.

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.

2007-01964 ROBARGE, JAMES & KELLY
CHARLESTOWN Unnamed Stream

Requested Action:

Disqualify notification to dredge and fill 650 square feet (20 linear feet) of perennial stream to install twin 48-inch x 20-foot culverts and a 36-inch x 20-foot culvert at a single crossing for driveway access.

PBN DISQUALIFIED:

Disqualify notification to dredge and fill 650 square feet (20 linear feet) of perennial stream to install twin 48-inch x 20-foot culverts and a 36-inch x 20-foot culvert at a single crossing for driveway access.

With Findings:

1. Pursuant to NH Administrative Rule (Rule) Env-Wt 506.04(c), Conditions for Permit by Notification the Qualifying Projects, for projects classified under Rule Env-Wt 303.04(z) involving stream impacts, the project shall only impact intermittent streams.

-Send to Governor and Executive Council-

2007-01985 TWOMEY, JOHN & MEREDITH
WAKEFIELD Lovell Lake

Requested Action:

Replace existing delapidated wooden retaining wall, staircase and dock attachment with drystack stone impacting 45-50 linear feet

PBN DISQUALIFIED:

Replace existing delapidated wooden retaining wall, staircase and dock attachment with drystack stone impacting 45-50 linear feet

With Findings:

1. No evidence of existing retaining wall to replace.

2007-01988 11 INDUSTRIAL DRIVE LLC
LONDONDERRY Detention Pond

Requested Action:

Maintenance dredge 2,460 square feet of a man-made detention basin for continued usefulness by removing invasive vegetation and constructing outlet protection for an existing culvert.

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission signed the PBN.

PBN IS COMPLETE:

Maintenance dredge 2,460 square feet of a man-made detention basin for continued usefulness by removing invasive vegetation and constructing outlet protection for an existing culvert.

With Findings:

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

2007-01989 ROWLEY, CRAIG
WAKEFIELD Lovell Lake

Requested Action:

Rebuild an existing stone retaining wall

PBN DISQUALIFIED:

Rebuild an existing stone retaining wall

With Findings:

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

SHORELAND RULE WAIVER

2007-00327 SAVERY, JANE
BRIDGEWATER Newfound Lake

Requested Action:

Replace 2 existing primary structures located within the primary building setback (the "Setback"), and 1 primary structure located outside the Setback with a proposed primary structure on property with approximately 121 ft of frontage on Newfound Lake in Bridgewater.

Inspection Date: 04/05/2007 by Thomas Gilbert

APPROVE CSPA WAIVER:

Replace 2 existing primary structures located within the primary building setback (the "Setback"), and 1 primary structure located outside the Setback with a proposed primary structure on property with approximately 121 ft of frontage on Newfound Lake in Bridgewater.

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 within 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 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 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.