

Wetlands Bureau Decision Report

Decisions Taken
10/15/2007 to 10/21/2007

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 Lawrence E. Morse, 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

**2006-01209 BEAVER BROOK DEVELOPMENT OF HOOKSETT LLC
HOOKSETT Unnamed Wetland**

Requested Action:

Applicant Requested Reconsideration of the denial to dredge 52,760 sq.ft. of emergent and palustrine wetland in the subdivision of 139.26 acres into a 91 lot subdivision. Place 24.94 acres of property into conservation easement to be held by the Hooksett Conservation Commission.

APPROVE PERMIT:

Dredge 52,760 sq.ft. of emergent and palustrine wetland in the subdivision of 139.26 acres into a 91 lot subdivision. Place 24.94 acres of property into conservation easement to be held by the Hooksett Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordtrom Associates Inc. dated April 2006, as received by DES on September 21, 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. Proper headwalls shall be constructed within seven days of culvert installation.
5. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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.
9. 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.
10. 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.
11. Silt fencing must be removed once the area is stabilized.
12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
13. 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.
14. 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.
15. Work shall be done during low flow.
16. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to restoration.

Wetlands Mitigation:

17. The applicant shall coordinate with the Fish and Game Department and the easement holder to ensure that future management of the habitat requirements of the New England Cottontail are addressed. DES shall be notified of measures to be implemented.
18. The landowner shall allow the Fish and Game Department access to the property to ensure that the management of the New England Cottontail is adequate.
19. This permit is contingent upon the execution of a conservation easement on 24.94 acres as depicted on plans received

September 21, 2007.

20. The conservation easements to be 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.
21. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
22. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
23. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
24. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

TEMPORARY IMPACT APPROVAL CONDITIONS

25. Area of temporary impact shall be regraded to original contours following completion of work.
26. All material removed during work activities shall be removed down to the level of the original hydric soils.
27. All material removed during work activities shall be placed out of DES's jurisdiction.
28. Mulch within the restoration area shall be straw.
29. 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.
30. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a Major Impact Project per NH Code of Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
3. Where preservation of the upland buffer is proposed the applicant shall provide the information required by Env-Wt 501.06(a).
4. The Department and NH Fish and Game conducted a site inspection of the property on August 15, 2006.
5. The Hooksett Conservation Commission has agreed to hold the 24.94 acre conservation easement.
6. The applicant agreed to give up 2 lots and increase buffers to wetlands to enhance the mitigation package.
7. Schauer Environmental Consultants, LLC (SEC) reviewed the subdivision and made recommendations to address the long-term availability of the New England Cottontail habitat on the proposed Conservation Easement.
8. SEC reviewed the property with Kim Tuttle of the Fish and Game Department and with Anthony Tur of the US Fish and Wildlife Service.
9. On June 7, 2007 DES received a New England Cottontail Habitat Management Plan from SEC which included cutting and vegetation management activities within the Conservation Easement areas.
10. Coordination of a wildlife management plan with the Fish and Game Department will ensure the continued viability of the New England Cottontail - a species in jeopardy, will be maintained.

2007-00450 CLAIRMONT, DAVID
GILMANTON Unnamed Stream

Requested Action:

Deny permit request to fill 5314 square feet and culvert approximately 234 linear feet of intermittent stream to reconstruct the existing access road for a commercial site.

DENY PERMIT:

Deny permit request to fill 5314 square feet and culvert approximately 234 linear feet of intermittent stream to reconstruct the existing access road for a commercial site.

With Findings:

1. This is a Major Impact Project per NH Code of Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. Plans filed in support of applications shall meet the requirements of Env-Wt 501.02(a)(2).

Findings of Fact:

8. On March 8, 2007, The Department received an Application to fill 5314 square feet including installation of two culverts impacting approximately 235 linear feet of intermittent stream to straighten and expand the existing access to the lot.
9. The Department received a timely letter from the Gilmanton Conservation Commission intervening on the Application on March 15, 2007.
10. The Department issued a Request for Additional Information on May 29, 2007 requesting the applicant avoid and minimize impacts to DES jurisdiction, provide a need for the proposed road upgrade, provide adequate stormwater treatment for runoff from the site, properly notify abutters that were not originally notified with the application, and provide adequate plans as those previously submitted were not to scale or legible. This request clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
11. The applicant provided a response to this request on September 21, 2007. DES has determined that the response is not complete as it does not demonstrate avoidance and minimization of impacts to jurisdictional wetlands, does not provide adequate stormwater treatment for the site, and does not identify the location of abutters requiring notification.
12. The applicant has provided a copy of a letter sent to abutters but there is no information provided to indicate who owns the abutting properties. Therefore, DES is unable to determine if all abutters have been properly notified.

Findings in support of denial:

13. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
14. The applicant has not addressed Env-Wt 302.01(b), and therefore is denied in accordance with Env-Wt 302.04(d)(3) as the project causes unnecessary destruction of wetlands.
15. The applicant failed to address Env-Wt 302.03 and Env-Wt 302.04(a)(2), and therefore is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternatives that would have a less adverse impact on the areas and environments under the department's jurisdiction.
16. The applicant has failed to address Env- Wt 302.04(a)(3) and (4), and therefore the application is denied in accordance with Env-Wt 302.04(d)(2) as the project would cause or contribute to significant degradation of waters of the state.
17. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
18. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
19. DES did not receive a complete response to the May 29, 2007 request for additional information within the required 120 days and therefore the application has been denied.

2007-00921 DOMENICHELLO, EDWARD
LACONIA Lake Winnepesaukee

Requested Action:

Retain two 4 ft x 40 ft seasonal docks, add a third 4 ft x 40 ft seasonal dock to provide 5 slips on 337 ft of frontage, and retain less than 10 cubic yards of sand placed on an existing beach on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No comments from Con Com by 07/19/07

Inspection Date: 08/15/2007 by Chris T Brison

APPROVE PERMIT:

Retain two 4 ft x 40 ft seasonal docks, add a third 4 ft x 40 ft seasonal dock to provide 5 slips on 337 ft of frontage, and retain less than 10 cubic yards of sand placed on an existing beach on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans, as received by DES on September 18, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. No additional sand may be used without a new permit from the Wetlands Bureau.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 337 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2007-01144 EPSOM, TOWN OF
EPSOM Suncook River

Requested Action:

Dredge 7500 square feet of the Suncook River to remove a bar of sand and debris deposited as part of the natural avulsion of the Suncook River in May of 2006.

APPROVE PERMIT:

Dredge 7500 square feet of the Suncook River to remove a bar of sand and debris deposited as part of the natural avulsion of the Suncook River in May of 2006.

With Conditions:

1. All work shall be in accordance with plans and narrative by Gary Perry dated September 14, 2007, as received by the Department on September 17, 2007.
2. This permit shall be used only once, and does not allow for maintenance in the future.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
11. 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.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
13. No equipment shall enter the water.
14. 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.
15. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
16. 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.
17. 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.
18. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
19. 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.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. 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.
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
24. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
25. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
26. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
27. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
28. Temporary cofferdams shall be entirely removed by July 1, the summer following construction.
29. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum

impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant understands that the dredge is a one time dredge and no maintenance dredging will be permitted in this area.

**2007-01202 NH DEPT OF TRANSPORTATION
ROCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill 5.44 acres of palustrine wetlands to construct a new taxiway, rehabilitate a portion of the existing taxiway and construct two vegetated swales (800 feet and 1630 feet in length) as a part of a 20-year development plan.

APPROVE PERMIT:

Dredge and fill 5.44 acres of palustrine wetlands to construct a new taxiway, rehabilitate a portion of the existing taxiway and construct two vegetated swales (800 feet and 1630 feet in length) as a part of a 20-year development plan.

With Conditions:

1. All work shall be in accordance with plans by Edwards and Kelcey:
 - a. Drawings DF.1-3 dated 6/11/07 as received by the Department on June 15, 2007 and
 - b. Drawings SK1-3 dated 5/16/07 (revised 10/15/07) as received by the Department on October 16, 2007.
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. 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. This permit is contingent on issuance of a Water Quality Certificate by DES.
5. 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.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at a state office in Concord, N.H. to review the conditions of this wetlands permit and Section 401 Water Quality certificate conditions. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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. On June 1, 2007 the DES Wetlands Bureau received an application to dredge and fill 6.36 acres of palustrine wetlands to construct a new taxiway, rehabilitate a portion of the existing taxiway and construct two vegetated swales (800 feet and 1630 feet in length) as a part of a 20-year development plan.
3. On June 5, 2007 the DES Wetlands Bureau sent notice that the application was administratively incomplete and listed five required items.
4. On June 15, 2007 the DES Wetlands Bureau received the items required to deem the application administratively complete and sent notice on June 18, 2007.
5. On September 7, 2007 the DES Wetlands Bureau requested more information.
6. On October 2, 2007 the DES met with the applicant and agent to clarify the need for some of the impact areas proposed for this phase of the 20 year plan.
7. On October 15, 2007 the DES received a copy of the deed by Virginia S. Champlin to the Society for the Protection of New Hampshire Forests (184.9 acres) with restrictions and a copy of the Conservation Easement on an adjacent 20 acre parcel.
8. 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.
9. 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.
10. DES Staff conducted a field inspection of the proposed project on November 17, 2003.
11. The DES finds that this project is within the scope of the impacts previously identified in the planning process, which included local, state and federal agencies and as noted in the Division of Aeronautics June 23, 2004 memo signed by the DES on October 12, 2004.
- 12.. The Deed transfer and Conservation Easement previously executed compensates for this permit and the total estimated 11.4 acres of wetland impacts as noted in the Airport's 20-year plan. This meets the DES Administrative Rules Part Env-Wt 800 Compensation Mitigation.

MINOR IMPACT PROJECT

2001-02344 RAMSEY, RAYMOND
PORTSMOUTH Unnamed Wetland

Requested Action:

Request waiver of Env Wt 502.01 duration of the permit

Conservation Commission/Staff Comments:

Con. Com. recommends approval.

Inspection Date: 02/11/2002 by David A Price

APPROVE AMENDMENT:

Request waiver of Env Wt 502.01 duration of the permit

With Findings:

1. Mr. Ramsey is precluded from completing the work authorized by the permit solely due to protracted litigation in this case.
2. The permit was issued in connection with Mr. Ramsey's proposal to construct a four story 100 room hotel on property he owns on Kearsarge Way in Portsmouth.
3. At the same time the same abutter/competitor also appealed the grant of a series of area variances to Mr. Ramsey.
4. In September of 2002 the Superior Court overruled the granting of the variance and remanded the matter to the Portsmouth Zoning Board of Adjustment for rehearing. In December of 2002 the Portsmouth Zoning Board of Adjustment held a rehearing and granted the area variances a second time.

5. In December of 2002 the Portsmouth Zoning Board of Adjustment held a rehearing and granted the area variances a second time.
6. The same abutter/competitor appealed the regrant of these variances to the Superior Court which denied the appeal at which point the abutter/competitor appealed to the New Hampshire Supreme Court reversed the Board of Adjustment granted the variances and remanded the matter to the Rockingham County Superior Court.
7. In October of 2004 the Rockingham County Superior Court remanded the matter for yet another rehearing to the Portsmouth Zoning Board of Adjustment and in January of 2006 the Portsmouth Zoning Board of Adjustment granted these variances for the third time.
8. The criteria for review of permit application has not changed substantially since 1993.
9. Pursuant to Env Wt 204.04(a)(1) granting the request will not result in an adverse effect to the environment or natural resources of the state, public health or safety

2005-02561 SIVIC / VICSI 2003 REVOC TRUST
NEW LONDON Tributary To Lake Sunapee

Requested Action:

Dredge and fill approximately 3,650 square feet of forested wetlands associated with two (2) crossings along a single perennial stream to install a 9-foot x 2-foot, 11-inch x 42-foot open bottom arch culvert and a 11-foot x 3-foot, 6-inch x 26-foot open bottomed arch culvert for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill approximately 3,650 square feet of forested wetlands associated with two (2) crossings along a single perennial stream to install a 9-foot x 2-foot, 11-inch x 42-foot open bottom arch culvert and a 11-foot x 3-foot, 6-inch x 26-foot open bottomed arch culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering, Inc. dated October 19, 2005, and revised through September 11, 2007, as received by the Department on September 17, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. 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).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
16. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

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

18. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. The need for the proposed drive stems from a long-standing uncertainty about the legal status regarding the applicants shared access to their property.
3. The proposed project includes open bottom culverts that span the perennial stream's top-of-bank width.
4. New London Conservation Commission February 15, 2006, Meeting Minutes were provided by the applicant's agent in the submittal received by the DES Wetlands Bureau on April 23, 2007, which referenced acceptance of the proposed driveway placement with the exception that the driveway is moved a small distance away from the stone wall to allow for better drainage.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The applicant has received written consent from the owners of lot 17 and partial owner of lot 20 (Tax Map 103), abutters to the property on which project activities will occur within 20 feet of the abutting property and parcel on which project activities will occur, in accordance with Env-Wt 304.04(a).
7. The original proposal was revised to eliminate the intermittent stream crossing.
8. Project impacts will not occur within 150-feet of the Lake Sunapee reference line.
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01512 DAVIDSON, EDMUND
LACONIA Lake Winnisquam

Requested Action:

Retain a seasonal 4 ft by 30 ft seasonal dock installed on 210 ft of frontage on Lake Winnisquam, in Laconia.

Conservation Commission/Staff Comments:

Con Com requested a 40 day hold on June 13, 2007, no Con Com report by August 01, 2007.

APPROVE AFTER THE FACT:

Retain a seasonal 4 ft by 30 ft seasonal dock installed on 210 ft of frontage on Lake Winnisquam, in Laconia.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 09, 2007.
2. This approval 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 approval 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. No work or modification is authorized to the existing 12 ft x 27 ft dug-in boathouse.
5. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the seasonal pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of docking facilities providing a total of 3 slips.

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 211 feet of shoreline frontage along Lake Winnisquam.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The docking facilities will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-02653 RYMES, JAMES
DEERING Unnamed Wetland**

Requested Action:

Create a wildlife pond in an area previously excavated in an existing man-made pond. More information request dated 12/29/2006.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Create a wildlife pond in an area previously excavated in an existing man-made pond. More information request dated 12/29/2006.

With Findings:

1. A request for additional information dated December 29, 2006 (Date of More Information Request), addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2006-02933 SEARS, EDMUND
FRANCONIA Unnamed Wetland**

Requested Action:

Dredge and fill approximately 3,785 square feet of palustrine forested, scrub-shrub and emergent wetlands, including approximately 115 linear feet of intermittent stream, to upgrade a class VI road and provide road access to a 15-lot subdivision on ± 130.34.

Conservation Commission/Staff Comments:

Project involves two towns. Impacts associated with the Wallace Hill Road upgrade will occur in Franconia (3/3). The subdivision and a single crossing on the private road will occur in Bethlehem (410/14).

APPROVE PERMIT:

Dredge and fill approximately 3,785 square feet of palustrine forested, scrub-shrub and emergent wetlands, including approximately 115 linear feet of intermittent stream, to upgrade a class VI road and provide road access to a 15-lot subdivision on ± 130.34.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, PLLC dated March 2006, and revised through August 08, 2007, and September 07, 2007 as received by the Department on September 17, 2007.
2. This permit is contingent upon written permission from the town for impacts within the town right-of-way for proposed upgrades to Wallace Hill Road.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.

7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands; and Env-Wt 303.03(l), projects that alter the course of or disturb less 200 linear feet of a nontidal intermittent stream channel or its banks.
2. The project involves jurisdictional impacts in two (2) towns. Impacts associated with the Wallace Hill Road upgrade will occur in Franconia (3/3). The subdivision and a single crossing on the private road will occur in Bethlehem (410/14).
3. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
2. The majority of the proposed impacts within the 20 foot setback have previously occurred and impacts are for the upgrade of an existing culvert.
3. All impacts within 20 feet of abutting property lines will occur within the town's right-of-way
4. The upgraded road has been relocated away from the abutting property line.
5. The applicant has made numerous attempts to contact the abutting property owner tax map/lot 3/11.
6. 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 304.04.
7. 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.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-03172 MITCHELL BROOK DEVELOPMENT LLC
MILFORD Unnamed Wetland

Requested Action:

Impact 8,440 sq ft of wetlands for proposed subdivision. Request for more information dated March 5,2007.

Conservation Commission/Staff Comments:

2nd Con Comm letter received on 2/14/07 stating another letter will follow. - nlp

2007-01446 EMERALD LAKE VILLAGE DISTRICT
HILLSBOROUGH Unnamed Stream

Requested Action:

Remove and replace the existing 10' x 13' Arch CMP and replace with a single 8' x 14' Precast reinforced Arch Concrete Bridge with a stone lined invert impacting approximately 2,106 sq.ft. of wetland impact.

APPROVE PERMIT:

Remove and replace the existing 10' x 13' Arch CMP and replace with a single 8' x 14' Precast reinforced Arch Concrete Bridge with a stone lined invert impacting approximately 2,106 sq.ft. of wetland impact.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc dated June 18, 2007, as received by DES on June 25, 2007.
2. The area where the culvert will be removed shall be dewatered prior to removal.
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. 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.
5. All work shall be done to prevent any water quality degradation.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
10. Permission from impacted landowners shall be secured to place fill, carry out construction or install plantings as shown on the plan.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(c), repair of existing facility that is not in-kind.
2. The project proposed to replace a deteriorated corrugated metal pipe culvert pipe under a major access to houses along Gould Pond.
3. The wetland impacts for this project are solely to replace the existing culvert with a single span 8' x 14' reinforced concrete bridge.
4. The wetland impacts and siltation during construction will be minimized to the greatest extent possible by the installation of appropriate siltation and erosion control devices and through the dewatering of the crossing area prior to replacement.

2007-01606 AICHINGER, BARBARA
GILFORD Lake Winnepesaukee

Requested Action:

Construct two 6 ft x 35 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" configuration with 4 tie-off pilings, a seasonal boatlift, and 2 personal watercraft lifts protected by two 3-piling ice clusters on an average of 152 ft of frontage on Governor's Island, Lake Winnepesaukee, in Gilford.

APPROVE PERMIT:

Construct two 6 ft x 35 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" configuration with 4 tie-off pilings, a seasonal boatlift, and 2 personal watercraft lifts protected by two 3-piling ice clusters on an average of 152 ft of frontage on Governor's Island, Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised September 24, 2007, as received by DES on September 26, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 35 feet from the shoreline at full lake elevation.
7. Support piles shall be spaced a minimum of 12 ft apart as measured center to center.
8. Steps for access to the docking facility shall be constructed over the bank and shall not require excavation or regrading beyond that necessary to set support posts.
9. There shall be no alteration of the bank associated with the construction of the docking facility.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent pier.
2. The need for the proposed impacts has been demonstrated by the Applicant per Env-Wt 302.01.
3. The Applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The Applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Applicant has an average of 152 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
8. This property meets the minimum fetch requirements of Rule Env-Wt 402.05.
9. The Applicant has submitted a statement that there is currently are not plans for construction of structures other than the docking facility on this lot.

MINIMUM IMPACT PROJECT

2007-00212 LITTLE, JAMES
FRANKLIN Unnamed Wetland

Requested Action:

Dredge and fill a total of 5996 square feet further described as follows: Impact 2396 square feet for construction of a public roadway within an existing right of way, temporarily impact 2475 square feet for drainage pipe installation and impact 1125 square feet of maintenance dredge in an existing swale within a drainage easement.

APPROVE PERMIT:

Dredge and fill a total of 5996 square feet further described as follows: Impact 2396 square feet for construction of a public roadway within an existing right of way, temporarily impact 2475 square feet for drainage pipe installation and impact 1125 square feet of maintenance dredge in an existing swale within a drainage easement.

With Conditions:

1. All work shall be in accordance with plans by GSE Engineering sheet 3 of 11 dated , November 17, 2006, and revised through March 12, 2007, as received by the Department on July 10, 2007, sheets 3A, 4, and 11, dated November 17, 2007, and revised

through September 14, 2007, as received On September 14, 2007, Subdivision Plan sheet 2 dated November 17, 2006, and revised through March 12, 2007 as received by the Department on July 10, 2007 and Restoration Plans by Schauer Environmental dated September 13, 2007 and revised through October 2007 as received by the Department on October 4, 2007.

2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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.
9. 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.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has received a letter of concern from the abutters located on tax map 147, lot 20. The temporary impact area is proposed 25 feet from the property line. This property is upslope of the existing delineated wetland and no impacts should occur as a result of this temporary impact.
6. The Department has received a letter of concern from the abutters located on tax map 147, lot 30. The proposed temporary impact is within 20 feet of the property line. This temporary impact is for the installation of a drain pipe that will direct stormwater away from their property.
7. The Department has received a letter of concern from the abutters located on tax map 147, lot 40. The impacts are 45 feet from the property line within an existing drainage easement and down slope. These proposed impacts are for the construction of a drainage swale within man made wetlands to direct stormwater away from their property.
8. The Department has received letters of permission from three of the affected abutters Tax map 147, lot 1 tax map 147, lot 404, and tax map 134, lot 9-6, with impacts within 20 feet of the property lines.
9. The Department has received no comment from the abutters on tax map 147 lot 008, tax map 147, lot 009 and tax map 134 map 289. The impacts are within the City's right of way and within 20 feet of their property line.
10. The applicant has attempted to receive letters of permission from these three abutters.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the abutter setback to tax map 147, lot 008, tax map 147, lot 009, tax map 147, lot 30, and tax map 134, lot 289.
12. It is a requirement of the City of Franklin planning board to upgrade Proctor Street.
13. The areas of the impact area within 20 feet of the property lines are within an existing drainage easement, are temporary in nature or within a city right of way for expansion of Proctor Road.

14. The applicant has provided culverts where necessary to maintain flows and has provided a planting plan to reestablish the existing wetland as quickly as possible.

15. 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 304.04.

16. The waiver is granted in accordance with 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.

**2007-00324 R & K REVOCABLE TRUST, KATHLEEN MCDONALD
TILTON Winnisquam Lake**

Requested Action:

Deny permit request to dredge and fill 136 square feet of man made wetland for reconstruction of drainage ditches in the subdivision of 4.19 acres into 20 condominium units, two single family residential structures and commercial structure.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 136 square feet of man made wetland for reconstruction of drainage ditches in the subdivision of 4.19 acres into 20 condominium units, two single family residential structures and commercial structure.

With Findings:

1. A request for additional information dated May 14, 2007, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The applicant provided a response to items 1-4 of the letter dated May 14, 2007, on September 17, 2007.
3. The applicant did not provide any evidence in regards to item 5 of the request for additional information.
4. The property lines from the plans with court decision do not match the property lines of the plans provided.
5. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
6. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2007-01116 LYMAN BREWER PROPERTIES LLC
GILFORD Unnamed Stream**

Requested Action:

Dredge and fill 2800 square feet including installation of a 18-inch x 35 foot culvert along 37 feet of intermittent stream for a common driveway in the subdivision of 28.68 acres into 3 single family residential lots.

Conservation Commission/Staff Comments:

Letter from Gilford Con Comm rec'd 9/28/07

APPROVE PERMIT:

Dredge and fill 2800 square feet including installation of a 18-inch x 35 foot culvert along 37 feet of intermittent stream for a common driveway in the subdivision of 28.68 acres into 3 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Brian L Bailey and Associates plan sheets 8 and 9 dated January 2007, and revised through July 23, 2007, as received by the Department on September 20, 2007, and plan sheet W1 dated September 2007, as received by the Department on September 20, 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. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The conservation commission recommends two 18-inch culverts but the drainage report provided by the applicant indicates only a single 18-inch culvert is necessary in this location.
6. Public Service of New Hampshire owns a Right of Way over this lot and will not allow the driveway to be constructed within their Right of Way due to space concerns beyond the first 100 feet of driveway.

2007-01646 DIAMOND VIEW ASSOCIATES
GILFORD Lake Winnepesaukee

Requested Action:

Remove an existing 5 ft x 46 ft hinged pier and concrete anchoring pad and install a 6 ft x 50 ft seasonal pier hinged to a 6 ft x 4 ft concrete pad on an average of 257 ft of frontage on Lake Winnepesaukee in Gilford.

APPROVE PERMIT:

Remove an existing 5 ft x 46 ft hinged pier and concrete anchoring pad and install a 6 ft x 50 ft seasonal pier hinged to a 6 ft x 4 ft concrete pad on an average of 257 ft of frontage on Lake Winnepesaukee in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 18, 2007, as received by DES on September 20, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. This permit does not authorize any repairs or modifications to any other structure on the frontage.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. The concrete pad shall be located completely landward of the normal highwater line.
9. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

FORESTRY NOTIFICATION

2007-02432 BONNETTE, STEVE
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax Map 9, Lot# 13 & 15

2007-02434 DOYLE, SUSAN
KEENE Unnamed Stream

COMPLETE NOTIFICATION:
Keene Tax Map 923, Lot# 11-6

2007-02445 WOODLOT & GRANGE LLC
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 1, Lot# 338,510

2007-02446 VEISEL, DOROTHY
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 5, Lot# 2A

2007-02447 **GOODWIN, DERALD**
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 44, Lot# 22

2007-02449 **BUTTRICK, MARSHALL**
GREENVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Greenville Tax Map 3, Lot# 23-1 & 26

2007-02450 **DUBE, TRACEY**
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 205, Lot# 39

2007-02452 **HIBBARD, MARY**
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax 3, Lot# 470,314

2007-02453 **JOAN SCHREIBER ESTATE, KURT SCHREIBER,EXECUTOR**
MADBURY Unnamed Stream

COMPLETE NOTIFICATION:
Madbury Tax Map 6, Lot# 3

2007-02470 **ARNOLD, KENNETH**
LEMPSTER Unnamed Stream

COMPLETE NOTIFICATION:
Lempster Tax Map 1, Lot# 578,174 & 001,106

2007-02486 **HAYES FAMILY LLC, MARY HAYNES**
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 61, Lot# 893

2007-02487 DILLON INVESTMENTS, LLC
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax Map 5, Lot# 164

2007-02488 DILLON INVESTMENTS, LLC
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:
Alexandria Tax Map 401, Lot# 1

EXPEDITED MINIMUM

2007-00473 BOURGEOIS, ROBERT
GILFORD Lake Winnepesaukee

Requested Action:
Applicant requests reconsideration of the Department's August 6, 2007 decision to deny repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnepesaukee, in Gilford.

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

Con Com signed Exp Application

DENY RECONSIDERATION:
Reconsider and reaffirm denial of request to repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnepesaukee, in Gilford.

With Findings:
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minimum impact per Rule Wt 303.04(v), maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, or other docking facilities.
3. In accordance with Env-Wt 505.01, as part of the expedited minimum impact application, except for seasonal docks processed under Env-Wt 506, the Applicant shall provide the department with an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction detailing precise location of the project.
4. In accordance with RSA 482-A:10,II, "A request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order. The request for reconsideration shall describe in detail each ground for complaint. No ground not set forth in the request for reconsideration shall be considered by the council, or by the superior court except as

provided in paragraph VIII of this section."

Findings of Fact

5. On March 19, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Gilford tax map 217, lot 64, (the "Lot") to repair 200 sq ft breakwater section on Lake Winnepesaukee, Gilford. The information submitted included a plan submitted during the permit application process for file 1997-0611. This plan did not represent the permitted conditions of the frontage.
6. On April 06, 2007, the Wetlands Bureau sent a Notification of Incomplete Expedited Application to the applicant requesting the Applicant submit plans that show the current existing conditions and all structures on the frontage.
7. On June 04, 2007, the Wetlands Bureau received information to the file, including a plan. This plan did not include the information as requested in the letter dated April 06, 2007.
8. On July 03, 2007, the Wetlands Bureau sent a Request for More Information letter. This letter requested plans to explain the differences between the original plan submitted, the photographs submitted, the subsequent plan submitted and the permitted conditions under previous file #1997-01611.
9. On July 10, 2007, the Wetlands Bureau received plans from the applicant. These plans indicated a scale of 1" = 20', the plan also had dimensions labeled on the structures. The dimensions listed on the plan failed to match the scaled dimensions. This plan also indicated stairs from the beach lakeward into the waterbody.
10. On April 16, 1999, the Wetlands Bureau issued a Restoration Approval to permit 1997-01611, which included the construction of access steps from the beach to the water landward of normal high water line of elevation 504.32.
11. On August 13, 2007, the applicant submitted a Motion for Reconsideration to the Wetlands Bureau. The information submitted did not include a plan of the frontage.

Rulings in Support of the Decision

12. The Applicant did not submit plans which accurately reflect the structures on the frontage pursuant to Env-Wt 505.01, therefore, the application is denied.
13. The Applicant did not submit any new information to the file in support of the application, therefore pursuant to RSA 482-A:10 the reconsideration is denied.

2007-02067 KIERNAN, BRUCE & MARY BEDFORD Unnamed Wetland Stream

Requested Action:

Stabilize approximately 550 sq. ft. (48 linear feet) of perennial stream bank along "Riddle Brook" to protect an existing single family home, property and septic system.

APPROVE PERMIT:

Stabilize approximately 550 sq. ft. (48 linear feet) of perennial stream bank along "Riddle Brook" to protect an existing single family home, property and septic system.

With Conditions:

1. All work shall be in accordance with plans by Bailey Engineering, PLLC, revision dated August 1, 2007, as received by DES on August 30, 2007.
2. 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.
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. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no

less than 5 business days prior to construction.

5. Work shall be done during low flow conditions.
6. 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.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. A post-construction report documenting the status of the restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. 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.
13. 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.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed stabilization is in response to erosion resulting from the 2006 and 2007 storm events. The erosion and loss of bank is encroaching on the existing septic system and home.
6. DES has met with the applicant and the Wetland Scientist that delineated the jurisdictional boundaries.
7. The Conservation Commission signed the Minimum Impact Expedited application.
8. The applicant obtained a written agreement from the abutter in accordance with Administrative Rule Env-Wt 304.04(a).

2007-02240 GREATER MANCHESTER FAMILY YMCA, ALLARD CENTER
GOFFSTOWN Unnamed Wetland

Requested Action:

Dredge and fill 40 sq. ft. of wetlands (manmade detention area) to repair and replace an existing manmade berm and construct an outlet protection area. Work is related to a proposed 4,800 sq. ft. building addition at the Goffstown YMCA.

APPROVE PERMIT:

Dredge and fill 40 sq. ft. of wetlands (manmade detention area) to repair and replace an existing manmade berm and construct an outlet protection area. Work is related to a proposed 4,800 sq. ft. building addition at the Goffstown YMCA.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc., revision dated July 30, 2007, as received by DES on September 20, 2007.
2. 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.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow conditions.
5. 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.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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.
9. 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.
10. 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.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the Minimum Impact Expedited application.
6. The applicant obtained a written agreement from the abutter in accordance with Administrative Rule Env-Wt 304.04(a).

2007-02365 TOWNE, ADAM
BELMONT Winnisquam Lake

Requested Action:

Replace an existing 68 ft of retaining wall with no change in location or height on Lake Winnisquam, Belmont.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 68 ft of retaining wall with no change in location or height on Lake Winnisquam, Belmont.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants, as received by DES on October 05, 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. Area shall be regraded to original contours following completion of work except as noted on approved plan.
4. Repair shall maintain existing size and location.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during drawdown.
7. 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(x), repair of a nondocking structure with no change in size and location.
2. The approved plan is removing the sloping lake access area, thus removing a possible erosion area.

2007-02366 KENDALL, SAMUEL
LANCASTER Martin Meadow Pond

Requested Action:

Repair or replace an existing foundation supporting a boathouse and dwelling on Martin Meadow Pond, Lancaster.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair or replace an existing foundation supporting a boathouse and dwelling on Martin Meadow Pond, Lancaster.

With Conditions:

1. All work shall be in accordance with plans by BKSK Architects dated August 30, 2007, as received by DES on October 05, 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. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. 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.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Repair shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during drawdown.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2007-02400 ALSTEAD, TOWN OF
ALSTEAD Warren River

Requested Action:

Obstruction removal from approximately 920 linear feet of streambank within Warren Brook, as identified by NRCS engineer as DSR 31R C, as identified by the Town of Alstead and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response the October 2005 flooding.

APPROVE PERMIT:

Obstruction removal from approximately 920 linear feet of streambank within Warren Brook, as identified by NRCS engineer as DSR 31R C, as identified by the Town of Alstead and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response the October 2005 flooding.

With Conditions:

1. All work shall be in accordance with drawings by the USDA Natural Resources Conservation Service (NRCS) entitled "USDA-NRCS Emergency Watershed Program - DSR 31 C Channel and Streambank Obstruction Removal Project, Alstead, New Hampshire", dated September 2007 and Construction Specifications 11, 560, 600, 704D, 705, 706, 708 and 709 submitted in support of the permit application, as received by the DES Wetlands Bureau on October 10, 2007.
2. Work shall be done during low flow.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the Town Board of Selectman and the Town Conservation Commission prior to the start of work.
5. Work shall be inspected by NRCS to ensure the appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
6. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES-Wetlands Bureau.
8. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
11. Erosion control structures shall be removed once the work areas are stabilized.
12. Construction equipment shall be inspected for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (t) Restoration of altered or degraded wetlands provided the project.
2. The Alstead Conservation Commission have reviewed the project plans and has not objections to the application submission for the Warren Brook NRCS plan.
3. This project has been identified by the Town of Alstead and qualified by a federal agency multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.
4. The NH DES recognizes the time frame limits to the funding of this project.

AGRICULTURE MINIMUM

Requested Action:

Maintenance dredge 8,500 square feet of an existing drainage ditch for continued usefulness associated with a hay field.

Conservation Commission/Staff Comments:

The Minimum Impact Agriculture Application was signed by the County Conservation District Manager.

APPROVE PERMIT:

Maintenance dredge 8,500 square feet of an existing drainage ditch for continued usefulness associated with a hay field.

With Conditions:

1. All work shall be done in accordance with plans dated July 2007, and received by DES on September 17, 2007.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.

With Findings:

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

TRAILS NOTIFICATION

**2007-02394 BELKNAP COUNTY GUNSTOCK AREA COMMISSION
GILFORD Unnamed Stream**

COMPLETE NOTIFICATION:
Gilford Tax Map 254, Lot# 139

**2007-02464 CARDINAL, JOHN
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Farmington Tax Map R46, Lot# 1

**2007-02465 GOULD, ROBERT
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Farmington tax Map R2, Lot# 53

**2007-02467 YATES, WILLIAM & NANCY
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Farmington Tax Map R2, Lot# 52

**2007-02468 PANEK, WILLIAM
FARMINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Farmington Tax Map R52, Lot# 24

LAKES-SEASONAL DOCK NOTIF

**2007-02472 MITCHELL, THOMAS & LORRAINE
ALTON Sunset Lake**

COMPLETE NOTIFICATION:
Alton, NH Tax map 67 Lot 18
Sunset Lake

PERMIT BY NOTIFICATION

**2007-01585 MURRAY, JAMES E & LAURIE A
DEERING Unnamed Stream**

Requested Action:
Approve name change to: James E. & Laurie A Murray, 7 Orchard Hill Circle, Bedford, NH 03110 per request received 10/15/2007.

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

APPROVE NAME CHANGE:
Dredge and fill approximately 1,436 sq. ft. of forested wetlands and associated intermittent drainages for access to a proposed single family residence. Work in wetlands consists of installation of one 18 in. x 21 ft. HDPE culvert, one 18 in x 28 ft. HDPE culvert, and two 18 in. x 30 ft. HDPE culverts. All culvert crossing will contain associated filling, grading and stone headwalls.

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

provided:

- (1) The total jurisdictional impact does not exceed 3,000 square feet;
- (2) The roadway width at the crossing shall not exceed 20 feet;
- (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by steepening the sideslopes and constructing walls, and not exceed 50 feet;
- (4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
- (5) Such projects shall be limited to crossings that:
 - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - b. Are not located in or adjacent to prime wetlands, as defined by Env-Wt 701.02 through Env-Wt 701.04;
 - c. Do not meet the criteria of Env-Wt 303.02(k); and d. Cross stream channels less than 10 feet wide;
- 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 addressed all pending compliance issues related to the property, DES Wetlands Bureau compliance file no. 2007-01785.

**2007-02291 HEIN, RICHARD
MADBURY Unnamed Wetland**

Requested Action:

Dredge and fill 900 sq. ft. of wetlands and install a 12" x 25' culvert for driveway crossing to a single family house lot.

Conservation Commission/Staff Comments:

Madbury Conservation Commission signed PBN.

PBN IS COMPLETE:

Dredge and fill 900 sq. ft. of wetlands and install a 12" x 25' culvert for driveway crossing to a single family house lot.

**2007-02397 CUMMINGS, DAVID & LISA
ALTON Lake Winnepesaukee**

Requested Action:

Repair existing crib supported boathouse docking facility in-kind.

PBN IS COMPLETE:

Repair existing crib supported boathouse docking facility 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.

**2007-02398 HACKLER, JASON
PETERBOROUGH Nubanusit River**

Requested Action:

Maintenance, repair and replacement of a 3-foot section of an existing retaining wall along the Nubanusit River.

PBN IS COMPLETE:

Maintenance, repair and replacement of a 3-foot section of an existing retaining wall along the Nubanusit River.

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)(7), the maintenance, repair, or replacement on a nondocking structure that meets the criteria in Env-Wt 303.04(x).

2007-02399 GEAIR, CATHERINE
WOLFEBORO Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 ft seasonal docking structure.

PBN DISQUALIFIED:

Install a 6 ft x 40 ft seasonal docking structure.

With Findings:

1. Adding structures to the frontage after having an existing docking structure is not approvable pursuant to Rule Env-Wt 303.04(a).

2007-02409 BANKS, SHIRLEY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair concrete pad and install a 6 ft x 40 ft seasonal dock.

PBN DISQUALIFIED:

Repair concrete pad and install a 6 ft x 40 ft seasonal dock.

With Findings:

1. Removal, or reducing the concrete pad size from the lakebed is deemed a minor project and does not qualify for PBN review.
2. The Department does not permit seasonal docking structures to extend from nonconforming concrete pads.

2007-02458 FERRARI, LOUIS
FRANKLIN Winnepesaukee River

Requested Action:

Repair 70 linear feet of existing retaining wall in the dry along the bank of the Winnepesaukee River, Franklin.

PBN IS COMPLETE:

Repair 70 linear feet of existing retaining wall in the dry along the bank of the Winnepesaukee River, Franklin.