

Wetlands Bureau Decision Report

Decisions Taken
11/12/2007 to 11/18/2007

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

2006-01372 GOULD, RICHARD
BETHLEHEM Ammonosuc River

Requested Action:

Deny permit request to dredge and fill 29,548 square feet of palustrine forested and scrub-shrub wetlands and perennial and intermittent streams for road and driveway access to a 31-lot subdivision on ± 262 acres.

Inspection Date: 11/07/2006 by Linda M Magoon

DENY PERMIT:

Deny permit request to dredge and fill 29,548 square feet of palustrine forested and scrub-shrub wetlands and perennial and intermittent streams for road and driveway access to a 31-lot subdivision on ± 262 acres.

With Findings:

Standard for Approval:

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. 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. Pursuant to Rule Env-Wt 304.09(a), plans submitted with a wetlands application associated with a proposed subdivision shall indicate the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography, and the location of all proposed lot lines. Plans shall be stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, and parties responsible for the wetlands delineation shall be recorded on the plan.
7. The applicant is required to submit to the department all information in accordance with Rule Env-Wt 501.02(a)(2), along with a completed application.
8. Pursuant 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, if the applicant proposes unnecessary destruction of wetlands, or if the project would cause or contribute to significant degradation of waters of the state.
9. Pursuant to Rule Env-Wt 302.04(e)(2), unless a waiver is granted under 204, the department shall not grant a permit if the requirements of Env-Wt 302.03 are not met or the applicant failed to document consideration of factors as required in 302.04 (a), (b) and (c).
10. RSA 482-A:3,XIV(b), requires that additional information be submitted to the Department within 120 days of the request for additional information or the application will be denied.

Findings of Fact:

11. On June 01, 2006, the NH Department of Environmental Services ("Department") received an application to dredge and fill 26,750 square feet of jurisdictional area for the construction of a subdivision road.
12. The Department notified the Applicant that their application was Administratively Incomplete on June 09, 2006, requesting plans per Rule Env-Wt 304.09 and mitigation per Rule Env-Wt 302.03, Env-Wt 501.02, and Env-Wt 800.
13. On June 21, 2006, the Department received roadway plans.
14. On July 20, 2006, the Department received a memo from the Environmental Protection Agency ("EPA") stating concerns

regarding the lack of plans and details, vernal pool identification and mitigation plan. The memo also questioned possible impacts to the Ammonoosuc River.

15. On July 20, 2006, the Department received a memo from the National Marine Fisheries Service ("NMFS") stating the application lacked a site plans and description of project impacts and that this information was required for a complete review.

16. On August 10, 2006, the Department received preliminary/example draft conservation easement language.

17. On October 01, 2006, the Department received roadway plans.

18. On November 07, 2006, the Department conducted a filed inspection in response to a complaint a subdivision road had been constructed without a permit. The field inspection documented construction of multiple jurisdictional crossings.

19. On December 07, 2006, a pre-application meeting was held at the Department of Environmental Services with Department staff, the Applicant, the Engineer for the Applicant ("Engineer"), and the NH Certified Wetland Scientist for the Applicant ("CWS") to discuss mitigation options.

20. On January 10, 2007, a packet of information that was requested by the Department was received from the Town of Bethlehem.

21. On February 15, 2007, the Department received additional information relative to Rule Env-Wt Chapter 800.

22. The application was deemed Administratively Complete on February 27, 2007.

23. On May 09, 2007, the Department issued a Request for More information, addressed to the Applicant and copied to the Agent's 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.

24. The May 09, 2007, letter requested the Applicant submit items requested by the EPA and NMFS to the appropriate agency and provide response comments to the Department; a revised mitigation proposal that eliminated creation and included an abutting project impacts; tax maps; proposed site access information; plans depicting existing impacts associated with forestry activities and associated photographs; the twenty questions per Rule Env-Wt 302.04(a); Cowardin wetland classifications per Rule Env-Wt 301.02; a narrative description of wetlands; wetland classifications on plans; information in accordance with Rule Env-Wq 1409.03; revised plans clearly illustrating wetland and surface water boundaries, shaded impact areas and proposed culvert type, dimensions, inverts and outlet protection; the square and linear foot impact totals; appropriate stamps; perennial stream's channel, top-of-bank, and bankfull widths; intermittent stream channel's top-of-bank widths; 1.2 times the bankfull width open-bottomed spans for perennial streams; stream diversion methods; minimization of culvert lengths; confirmation proposed culverts are aligned with stream channels and that culverts do not redirect jurisdictional flows; clarification on inconsistencies between previous and current plans; information per Env-Wt 304.09 for proposed lots 29, 30 and 31; justification of need for road extension impacts; additional culverts at crossings where no culverts were proposed; typical/cross-sections for crossings types; and depicted trail clarification.

25. On August 02, 2007, DES received a response addressing some of the requested items and a revised compensatory mitigation packet for 43,000 square feet of impact.

26. On August 29, 2007, DES issued general letter again requesting information outlined in the May 09, 2007, Request for More Information with exception to the submitted twenty questions, trails information, tax maps, and information in accordance to Env-Wq 1409.03. Additionally, after review of the submitted tax maps the Department determined the parcel (tax map/lot 420/4-2) owned by the Applicant on the northern side of the Ammonoosuc River was part of this subdivision and materials per Env-Wt 304.09 were required for this parcel. The Department also requested a narrative explanation and fee for additional impacts associated with the new proposed pond; the Department also stated the proposed pond may not be approvable.

27. On September 05, 2007, the Department received a time extension request to respond to the May 09, 2007, Request for More Information until October 19, 2007, in which the Engineer stated, "We felt we provided the additional information to all the items requested in the May 9, 2007 REQUEST FOR MORE INFORMATION."

28. The Applicant submitted plans and information in response to our May 09, 2007, Request for More Information on October 17, 2007.

29. The information received on October 17, 2007, did not provide comments from the EPA or NMFS.

30. The plans received on October 17, 2007, did not depict information in accordance with Rule Env-Wt 304.09 for the portion of the portion of the subdivision on the northern side on the Ammonoosuc River (tax map/lot 420/4-2) subdivided in 2006.

31. The information received on October 17, 2007, did not demonstrate the need for the proposed pond per Rule Env-Wt 302.01 or that the pond location was the least impacting alternative per Rule Env-Wt 302.03.

32. The compensatory mitigation proposal received on October 17, 2007, did not include impacts for the abutting project pursuant to RSA 482-A:11,V.

33. The compensatory mitigation proposal impact total received on October 17, 2007, did not correspond to the total presented in the supplemental information packet and plans received on October 17, 2007.

34. The plans received on October 17, 2007, did not clearly illustrate the existing impacts associated with forestry activities.

35. The plans and narrative received on October 17, 2007, did not clearly identify the proposed culvert types, dimensions, elevations and inverts.

- 36. The plans received on October 17, 2007, did not provide proposed topography for all proposed impact areas, per Rule Env-Wt 501.02(a)(2) and Env-Wt 304.09.
- 37. The plans received on October 17, 2007, did not provide culverts at all crossings.
- 38. The plans received on October 17, 2007, included contradictory culvert size information.
- 39. The plans received on October 17, 2007, did not provide an appropriate culvert size or type for the perennial stream crossing.
- 40. The plans received on October 17, 2007, did not include typical cross-sections for the proposed culverts types.

Findings in Support of Denial:

- 41. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
- 42. 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.
- 43. 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(e)(2) as there may be lesser impacting alternatives.
- 44. The applicant has failed to provide all of the information required in accordance with Env-Wt 501.02(a)(2) and Env-Wt 304.09, and the application 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.
- 45. 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.
- 46. Pursuant to RSA 482-A:3,XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 47. DES did not receive a complete response by October 19, 2007, the denial date identified in the time extension agreement for response to the May 09, 2007, Request for More Information, and therefore the application has been denied.

2006-02306 ARBOLEDA, CATALINA
THORNTON Mill Brook

Requested Action:

Deny permit request to biostabilize approximately 3,690 square feet along approximately 118 linear feet of Mill Brook.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to biostabilize approximately 3,690 square feet along approximately 118 linear feet of Mill Brook.

With Findings:

- 1. A request for additional information dated November 21, 2006, 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.

2007-00360 BOLES, RALPH
CANTERBURY Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 17,715 square feet of palustrine forested wetland and perennial stream for access in the subdivision of 216.679 acres into 60 single family lease lots.

Conservation Commission/Staff Comments:

The Canterbury Conservation Commission is interested in holding the conservation easement associated with this project.

DENY PERMIT:

Deny permit request to dredge and fill 17,715 square feet of palustrine forested wetland and perennial stream for access in the subdivision of 216.679 acres into 60 single family lease lots.

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.
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. RSA 482-A:3,XIV(b), requires that additional information be submitted to the Department within 120 days of the request for additional information or the application will be denied.

Findings of Fact:

8. The Department received an application to Dredge and Fill 16,936 square feet of jurisdictional area for the construction of a subdivision road on February 20, 2007.
9. The Department notified the applicant that their application was Administratively Incomplete on March 5, 2007.
10. On March 20, 2007, NH Department of Environmental Services received a memo from NH Fish and Game stating concerns with vernal pool habitat and with the perennial stream crossing as they relate to Blanding's Turtles.
11. The Applicant submitted some of the information required by Chapter Env-Wt 800 on April 3, 2007.
12. The Department issued a second notice of Administratively Incomplete Application on April 9, 2007.
13. The applicant submitted additional information relative to Chapter Env-Wt 800 on April 17, 2007.
14. The application was deemed Administratively Complete on April 19, 2007.
15. On May 17, 2007, the Department received comments from US EPA requesting a full vernal pool survey and requesting open bottom structures on all perennial streams 1.2 times the bank full width.
16. On June 28, 2007, DES issued a request for additional information, 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.
17. The June 28, 2007, letter requested an additional fee, cross sectional plans of the bridge crossing location, cowardin classifications, plan clarification, additional fees, culvert inverts at grade, open bottom structures over all perennial streams, additional culverts at crossings where no culverts were proposed, and stormwater information, and a vernal pool survey.
18. On August 8, 2007, DES received additional information clarifying some of the issues in our June 28, request.
19. On September 7, 2007, DES issued a second request for additional information which requested stream channels be located and identified on the plans, locate all crossings on the plans, additional fees, plan clarifications, requesting the bridge be redesigned to not relocate the existing stream channel, all proposed culverts in jurisdiction be installed at grade, culverts be installed at two locations where there were no hydrological connections or detailed topography to illustrate a hydrological break and negate the need for the culverts, detailed topography at all crossing locations, photographs for crossing 8, clarification on inconsistencies between the narrative and the plans, provide buffers around the vernal pools and provide a natural stream channel rather than a rip rap channel.
20. On September 21, 2007 DES met with the Project Team to discuss the second request for additional information and provide clarification on the issues. The project team agreed to contact EPA and attempt to get concurrence with the buffers, provide an open bottom culvert within all perennial streams 1.2 times the bank full width, provide a culvert at impact 5, widen the existing bridge structure to maintain the existing channel, provide erosion control matting and eliminate the rip-rap swale.
21. On September 27, 2007, NH DES US EPA and SEC Environmental and the Surveyor met to discuss the EPA's concerns. Discussions centered on the removal of 3 lots, the applicant will provide productivity numbers from the vernal pools in the spring, and a stewardship donation to the conservation commission, construction of vernal pools within the easement area and monitoring

requirements.

22. The applicant submitted new plans and information in response to our September 7, 2007 request for additional information on October 29, 2007.
23. The plans submitted October 29, 2007, do not clarify the crossings 1 and 2 by providing cross sections and clearly indicating that the stream channel will not be relocated.
24. The plans submitted October 29, 2007, do not illustrate culverts C2, C20 and C21 at the existing grade but rather below grade.
25. The plans submitted October 29, 2007, do not provide a culvert at crossing 5 as was agreed to at our meeting September 21, 2007.
26. The plans submitted October 29, 2007, do not provide enough detail in the topography to indicate a saddle and lack of hydrological flow at that crossing location.

Findings in Support of Denial:

27. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
28. 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.
29. 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(e)(2) as there may be lesser impacting alternatives.
30. The applicant has failed to provide all of the information required in accordance with Env-Wt 501.02(a)(2), and the application 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.
31. 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.
32. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
33. 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.
34. DES did not receive a complete response by October 26, 2007, the denial date identified in all request for more information letters and therefore the application has been denied.

2007-00683 MCNITT, NANCY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Construct two 6 ft x 30 ft permanent docks supported by two 6 ft x 6 ft cribs, connected by a 4 ft x 10 ft permanent walkway on Church Island, Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com requests DES site inspection

Inspection Date: 07/06/2007 by Chris T Brison

DENY PERMIT:

Construct two 6 ft x 30 ft permanent docks supported by two 6 ft x 6 ft cribs, connected by a 4 ft x 10 ft permanent walkway on Church Island, Lake Winnepesaukee, Wolfeboro.

With Findings:

Standards of 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 major impact per Rule Env-Wt 303.02(d), construction or modification of major docking system.
3. In accordance with Rule Env-Wt 302.04(a) the applicant shall demonstrate by plan and example the extent to which the project

interferes with or obstructs public rights of passage or access. For example, where the applicant proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.

4. In accordance with Rule Env-Wt 402.05, Permanent Docks, (a) Subject to (b) below an application for a permanent dock shall be approved only when an applicant establishes that: (1) The proposed dock will be located on a lake of over 1,000 acres; and (2) The proposed site for the dock is exposed to radial fetch of at least 1 mile between compass headings 300 to 360 or 0 to 30 degrees, or a radial fetch of at least 2 miles between compass headings 31 to 299 as measured from true north.

5. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact" and that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site."

6. In accordance with Rule Env-Wt 302.04(d) the Department shall not grant a permit where the applicant has failed to demonstrate the need for the project or that it is the least impacting alternative for the site.

Findings of Fact

7. On April 06, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Wolfeboro tax map 265, lot 16, (the "Lot") to construct two 6 ft x 30 ft permanent docks supported by two 6 ft x 6 ft cribs, connected by a 4 ft x 10 ft permanent walkway on Church Island, Lake Winnepesaukee.

8. On April 19, 2007, the Wetlands Bureau received comments from an abutter with concerns the proposed project would impact the nesting loons in the small area.

9. On April 23, 2007, the Wetlands Bureau received comments from another abutter with concerns the proposed project would impact nesting loons in the small area.

10. On April 25, 2007, the Wetlands Bureau received comments from the local Conservation Commission the proposed impacts may impact the loon nesting in this location and change local boat traffic.

11. On July 02, 2007, the Wetlands Bureau sent a Request for More Information letter requesting that the Applicant contact the Loon Preservation Committee and submit documentation that the proposed project would not adversely affect the loon nesting site.

12. The Request for More Information letter also requested that the Applicant submit a plan showing all existing docking structures on the frontage, all proposed structures with their structural supports, plans demonstrating that the location of the proposed docking structure would not pose a navigational hazard to others using the area, and that they notify all abutters as identified pursuant to Rule Env-Wt 101.02.

13. On July 06, 2007, Wetlands Bureau staff conducted a field inspection of the site. Field inspection found the proposed docking structure would be located close to an existing loon nesting site, may be a navigational hazard, and would not be the least impacting alternative to provide more slips on this frontage. Locating the docks adjacent to the existing docking structure would be less impacting than disturbing the shoreline in a new location.

14. On July 20, 2007, the Wetlands Bureau received comments from the abutter on Chip Island stating they had not been notified. They submitted information stating the individuals notified in the application are not the current owners of the islands and have not been the owners for a while.

15. On October 16, 2007, the Wetlands Bureau received information from the applicant in response the Request for More Information letter dated July 02, 2007. This information included a new proposed plan of a crib supported docking structure, several plans of the area and several photographs.

Rulings in Support of Denial

16. The Applicant has failed to provide evidence that the location of the proposed crib supported dock meets the requirements for a permanent pier per Rule Env-Wt 402.05, therefore the application is denied.

17. The Applicant did not demonstrate the proposed docking structure would not be a navigational hazard to the abutters or impact the existing loon nesting site as required per Rule Env-Wt 302.04(a), therefore, the application is denied in accordance with Rule Env-Wt 302.04(d).

18. There is an existing permanent docking structure to access the island. The construction of second permanent docking structure which would disturb an entirely different section of shoreline is not the least impacting alternative as required per Rule Env-Wt 302.04(a) and, therefore, the application is denied in accordance with Rule Env-Wt 302.04(d).

Requested Action:

Stabilize and repair approximately 457 linear ft. of river bank that has continued to fail from the storm events of 2004 through 2007. The work is needed to stabilize the existing bank, prevent further erosion and damage to the adjacent agricultural field. Work consists of construction of a rip-rap slope, rip-rap toe protection, construction of a low flow channel within an existing overflow channel and creation of a 20 ft. wide vegetated buffer along the river bank. This is a Streambank Protection project designed, overseen and partially funded by the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS).

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments.

APPROVE PERMIT:

Stabilize and repair approximately 457 linear ft. of river bank that has continued to fail from the storm events of 2004 through 2007. The work is needed to stabilize the existing bank, prevent further erosion and damage to the adjacent agricultural field. Work consists of construction of a rip-rap slope, rip-rap toe protection, construction of a low flow channel within an existing overflow channel and creation of a 20 ft. wide vegetated buffer along the river bank. This is a Streambank Protection project designed, overseen and partially funded by the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS).

With Conditions:

1. All work shall be in accordance with plans by the United States Department of Agriculture Natural Resources Conservation Service ("USDA-NRCS"), sheets 1 through 6 of 6, final cover page revision date of July 2007 and Construction Specifications #6, #11, #21, #23, #61 and Material Specifications #523 and #592, as received by DES on August 22, 2007. In addition, the proposed buffer plantings shall include native plantings as designed and discussed in the narratives prepared by the USDA-NRCS, dated August 8, 2007, as received by DES on August 13, 2007.
2. This permit is contingent final approval and oversight by the USDA-NRCS.
3. This permit is contingent on the applicant obtaining construction easements or written agreements from affected landowners where construction will take place on land not owned by the applicant or where there is work within the jurisdiction of the DES Wetlands Bureau that is within 20 feet or less of land not owned by the applicant. The recorded easements or written agreements shall be submitted to DES Wetlands File No. 2007-815 prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
5. Work shall be inspected by the USDA-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. A post-construction report prepared by USDA-NRCS documenting the status of the construction and buffer plantings with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. Work shall be done during low flow.
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. 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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. 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.

16. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
17. 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.
18. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
19. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
20. 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.
21. Temporary cofferdams shall be entirely removed immediately following construction.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per 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.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 22, 2007. Field inspection determined that repairs are needed and erosion continues to impact the river and agricultural field.
6. This applicant requested assistance from the Sullivan County Conservation District to address the situation. The USDA-NRCS designed the project and has provided financial assistance.
7. The submitted plan set is stamped by a NH Licensed Professional Engineer.
8. The City of Claremont, Department of Public Works submitted comments/concerns regarding possible impacts to land owned by the City.
9. The permit is contingent on the applicant obtaining construction easements or written agreements from affected landowners and submitting the information to DES prior to the start of construction.
10. The town tax map that was submitted with the application depicts the project area as land owned by the applicant.
11. The New Hampshire Fish & Game Department did not submit comments.
12. The NH DES recognizes the time frame limits to the funding of this project.
13. A public hearing was not held with the finding that the project impacts will stabilize the eroding and failing riverbank and will not significantly impair the resource.

**2007-01067 PICKEREL COVE ASSOCIATION
WAKEFIELD Pine River Pond**

Requested Action:

Add a 4 ft x 15 ft seasonal extension to one existing 4 ft x 30 ft seasonal dock to create a 4 ft x 45 ft seasonal dock, with no work to the remaining two 4 ft x 30 ft seasonal docks on 485 ft of frontage on Pine River Pond, in Wakefield.

Conservation Commission/Staff Comments:
Con Com requests DES site inspection

Inspection Date: 11/12/2007 by Dale R Keirstead

APPROVE PERMIT:

Add a 4 ft x 15 ft seasonal extension to one existing 4 ft x 30 ft seasonal dock to create a 4 ft x 45 ft seasonal dock, with no work to the remaining two 4 ft x 30 ft seasonal docks on 485 ft of frontage on Pine River Pond, in Wakefield.

With Conditions:

1. All pier dimensions and locations shall be in accordance with plans as received by DES on May 16, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. All seasonal piers shall be removed from the lake for the non-boating season.
5. 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 485 feet of frontage along Pine River Pond.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 6 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, November 12, 2007, with the finding that the project impacts will not significantly impair the resources of Pine River Pond.
6. The Applicant has provided documentation of insufficient water depth as justification for the additional pier length as required per Rule Env-Wt 402.02, Dimensions.

-Send to Governor and Executive Council-

**2007-01367 HOOKSETT SEWER COMMISSION
HOOKSETT Unnamed Stream Merrimack River**

Requested Action:

Dredge and fill 1200 square feet of wetland including diversion of 100 linear feet of perennial stream through a 3-foot x 3-foot x 105-foot open bottom box culvert for the construction of a sewer clarifier in an existing waste water treatment plant. Mitigate for the stream impact by removal of an existing 30-inch x 90-foot culvert and the reestablishment of an open water system.

Conservation Commission/Staff Comments:

The Hooksett Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 1200 square feet of wetland including diversion of 100 linear feet of perennial stream through a 3-foot x 3-foot x 105-foot open bottom box culvert for the construction of a sewer clarifier in an existing waste water treatment plant. Mitigate for the stream impact by removal of an existing 30-inch x 90-foot culvert and the reestablishment of an open water system.

With Conditions:

1. All work shall be in accordance with plans by Graves Engineering dated October 2007, and revised as received by the Department on October 31, 2007.
2. This permit is contingent on approval by the DES Waste Water Treatment Bureau.

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 review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Work shall be done during low flow.
7. Work shall be conducted during low water conditions.
8. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
9. 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.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. No equipment shall enter the water.
12. All work shall be done from the top of the bank.
13. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
14. 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.
15. 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.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. 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.
19. Native material similar to the material within the existing streambed, shall be utilized within the proposed open bottom structure and any new material shall not include angular rip-rap.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Proper headwalls shall be constructed within seven days of culvert installation.

Mitigation Conditions:

22. This permit is contingent upon the restoration of 90 linear feet of perennial stream channel in accordance with grading plans by Graves Engineering dated October 2007, as received on October 31, 2007.
23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
24. This permit is contingent upon the submittal and written approval of a planting plan within the proposed mitigation area and upland slope adjacent to the proposed streambed.
25. The required planting plan shall note a diversity of native species similar to those found on site and shall include ground covers planted 2 feet on center, shrubs planted 5 feet on center and trees/saplings planted 20 feet on center.
26. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
27. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans and remedial actions taken that may be necessary to create functioning jurisdictional area similar to those of the stream destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, and changing channel width gradient and depth.
28. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.

29. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
30. 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 construction.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
33. Stream bank and upland buffer plantings shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a stable native community is replicated in a manner satisfactory to the DES Wetlands Bureau.
34. The permittee shall attempt to control invasive, weedy species by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a major impact project per 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. The proposal is to expand an existing waste water treatment facility.
3. The site of the existing facility is limited by the existing infrastructure and positive hydraulic gradient.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. The applicant has provided an open bottom structure for the diversion pipe in a measure to minimize impacts.
6. The site is further limited by the steep slopes and relocating an open channel is not possible without trespass onto the abutters property.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
9. DES Staff conducted a field inspection of the proposed project on August 15, 2007. Field inspection determined that the stream in question is perennial and is part of the 100-year flood plain associated with the Merrimack River. The site also has an Exemplary Natural Community located within it.
10. DES Staff conducted a second field inspection of the proposed project on October 1, 2007, this second site inspection found small fish fry in the stream channel.
11. The applicant proposes to mitigate for the impacts to the stream by providing an open bottom structure and recreating 90 linear feet of stream by removing the existing 30-inch CMP pipe.
12. The proposed project is an attempt to meet current EPA standards for waste water treatment facilities.
13. The proposed mitigation area will impact the slope on site that appears to have been cut 10-20 years ago.
14. The project impacts will not significantly impair the resources of this riverine ecosystem.
15. The project provides restoration of a previously impacted channel which offsets the proposed impacts to the natural channel.
16. The restoration of the channel serves as mitigation on the project site.
17. The compensatory mitigation proposal will provide benefit to fisheries habitat in the restoration area which meets the intent of the mitigation requirements per Env-Wt 803.06.

2007-01433 **NASHUA, CITY OF**
NASHUA **Salmon Brook**

Requested Action:

Excavate, regrade or otherwise alter terrain and/or perform construction work totaling 2,237 sq. ft. of permanent and temporary impacts in or adjacent to the designated prime wetlands of Salmon Brook for work associated with the Rotary Common Improvement Project to upgrade existing conditions at this abandoned former industrial site for use as a pedestrian oriented municipal urban park.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission provided a favorable recommendation for this project at their meeting on June 5, 2007.

Inspection Date: 10/24/2007 by Frank D Richardson

APPROVE PERMIT:

Excavate, regrade or otherwise alter terrain and/or perform construction work totaling 2,237 sq. ft. of permanent and temporary impacts in or adjacent to the designated prime wetlands of Salmon Brook for work associated with the Rotary Common Improvement Project to upgrade existing conditions at this abandoned former industrial site for use as a pedestrian oriented municipal urban park.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group, Inc. dated June 15, 2007, as received by DES on June 22, 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/or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. NH DES Wetland Bureau Southeast Region staff and the Nashua Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
7. Based on the inspection conducted on October 24, 2007 by Wetlands Bureau staff, the project involves minor environmental impacts.
8. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
9. A prime wetlands public hearing was held October 24, 2007.

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

MINOR IMPACT PROJECT

**2006-00659 DAE AVIATION ENTERPRISES CORP, DAVID EMERSON
GILFORD Unnamed Stream**

Requested Action:

Correct date in condition #14 to read July 15, 2008, rather than July 15, 2007.

APPROVE AFTER THE FACT:

Remove approximately 120 square feet of sediment from within a jurisdictional wetland, and retain the two sections of replaced culverts.

With Conditions:

1. 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.
2. Approximately 120 square feet of wetland shall be restored in accordance with the Restoration Plan by Schauer Environmental Consultants dated October 4, 2007, and submitted to DES on October 12, 2007.
3. The restoration shall be completed under dry conditions and no later than June 30, 2008, unless weather conditions prohibit. This deadline shall not be extended except with written agreement from NH DES Wetlands.
4. The restoration shall be done according to the Approved Plans and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Approved Plans must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
5. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Approved Plans and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Approved Plans and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.
6. No machinery shall enter DES jurisdictional areas on the Property during the restoration.
7. All material removed during work activities shall be removed down to the level of the original hydric soils.
8. All material removed during work activities shall be placed out of DES's jurisdiction.
9. Mulch within the restoration area shall be straw.
10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
11. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. All steps shall be taken during the restoration necessary to ensure that no water quality violations occur on the Property.
13. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
14. An initial monitoring report with photographs shall be provided to DES no later than July 15, 2008. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
15. DES reserves its right to revoke this after-the-fact approval should restoration not be completed as specified in this approval.

With Findings:

The Department reaffirms findings 1-4 of our original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01374 TABOR, KATHY
STODDARD Highland Lake

Requested Action:

Dredge existing boahouse and move 4 rock navigational hazards.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge existing boahouse and move 4 rock navigational hazards.

With Findings:

1. A request for additional information dated November 14, 2006, 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.

2006-02379 ALLARD REVOCABLE TRUST OF 1994, RICCI
GOFFSTOWN Piscataquog River

Requested Action:

Retain riprap placed along approximately 190 linear feet of bank along the Piscataquog River that failed during the spring 2006 flooding events, remove approximately 1,600 sq. ft. of undersized riprap stone placed on the upper slope and replace with Class B stone, and stabilize approximately 10,000 of disturbed upland area immediately adjacent to the river and immediately adjacent to this failed slope area.

Conservation Commission/Staff Comments:

The Con. Com. submitted an intervention letter but did not provide follow up comments on the application.

APPROVE PERMIT:

Retain riprap placed along approximately 190 linear feet of bank along the Piscataquog River that failed during the spring 2006 flooding events, remove approximately 1,600 sq. ft. of undersized riprap stone placed on the upper slope and replace with Class B stone, and stabilize approximately 10,000 of disturbed upland area immediately adjacent to the river and immediately adjacent to this failed slope area.

With Conditions:

1. Riprap replacement on the upper slope and sand deposit stabilization shall be done in accordance with plans by Meridian Land Services, Inc. dated August 15, 2007 as received by DES on August 28, 2007.
2. Riprap replacement shall occur only on the upper slope area and no additional work shall be permitted to the riprap area immediately adjacent to the river.
3. Loaming, seeding, and planting as specified on the approved plans shall be done during the 2008 growing season.
4. Photographs documenting completion of loaming, seeding, and planting shall be submitted to DES immediately following completion of work.
5. Work shall be done only during low flow conditions.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. 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.
8. No machinery shall be permitted within surface waters.

- 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 10. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
- 11. Any future applications for bank stabilization on this property will require submission of plans designed and stamped by a NH licensed professional engineer.
- 12. 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.
- 13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a minor impact project per Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial river channel or its banks.
- 2. The slope failure occurred during the floods of the spring of 2006 in a FEMA declared Emergency Disaster Area.
- 3. The project was necessary to prevent further bank failure and to protect structures immediately upslope of the failed bank.
- 4. Although an official emergency authorization was not granted by DES prior to slope stabilization, the owner had made contact with DES personnel on two separate occasions to discuss the situation.
- 5. Due to the severity of the slope failure, the associated remaining steep slope, and the proximity to existing structures, stabilization methods in this area were and are limited.
- 6. The applicant submitted a plan that depicts the previous river bank extending to the limits of the existing bank stabilization material.
- 7. DES staff inspected the property on January 31, 2007 and on May 10, 2007.
- 8. As part of this proposal, and to help offset impacts from the conducted work, the applicant has proposed to permanently stabilize approximately 10,000 sq. ft. of upland area immediately adjacent to the river and immediately adjacent to this failed slope area.
- 9. This approval is conditioned to require plans designed and stamped by licensed professional engineer for any future bank stabilization work on this property.

2006-02810 ROY, MICHAEL
LYMAN Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 4,950 square feet (72 linear feet) of perennial stream and associated forested/scrub-shrub wetlands to install a 4-foot open bottom arch culvert and 18-inch culvert for access to a single lot of a 3-lot subdivision on ± 30 acres.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 4,950 square feet (72 linear feet) of perennial stream and associated forested/scrub-shrub wetlands to install a 4-foot open bottom arch culvert and 18-inch culvert for access to a single lot of a 3-lot subdivision on ± 30 acres.

With Findings:

- 1. A request for additional information dated January 18, 2007, 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.

2006-02914 QUERISIO, LUIGI
BARNSTEAD Lower Suncook Lake

Requested Action:

Reconconstruct an existing retaining wall "in-kind", Fill an existing beach and construct a new perched beach and relocate and reduce in size a seasonal docking structure.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Reconconstruct an existing retaining wall "in-kind", Fill an existing beach and construct a new perched beach and relocate and reduce in size a seasonal docking structure.

With Findings:

1. A request for additional information dated January 26, 2007, 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:3, 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.

2007-00359 STARBLE, CRAIG & BENTE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Remove 3 existing concrete pilings and construct a 6 ft x 30 ft permanent piling supported docking structure on 209 ft of frontage in Tuftonboro on Lake Winnepesaukee.

APPROVE PERMIT:

Remove 3 existing concrete pilings and construct a 6 ft x 30 ft permanent piling supported docking structure on 209 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group as received by DES on February 22, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. No portion of the docking facility shall extend more than 30 ft from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for maintenance dredging or the removal of any navigational hazards.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. 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.
10. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the criteria per Rule Env-Wt 303.04(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00363 CORNISH, TOWN OF
CORNISH Mill Brook

Requested Action:

Deny permit request to dredge and fill 2,290 square feet of Mill Brook channel and bank to gabion stabilize a portion of bank and replace a 24-inch CMP culvert along an intermittent stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 2,290 square feet of Mill Brook channel and bank to gabion stabilize a portion of bank and replace a 24-inch CMP culvert along an intermittent stream.

With Findings:

1. A request for additional information dated June 01, 2007, 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:3, 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.

2007-00440 ALLIED CONTINENTAL DEVELOPMENT GROUP
NEWINGTON Unnamed Wetland

Requested Action:

Fill 7,365 sq. ft. of wetland for the construction of a hotel.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Fill 7,365 sq. ft. of wetland for the construction of a hotel.

With Findings:

1. A request for additional information dated May 30, 2007, 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, no later than September 30, 2007.
2. Pursuant to RSA 482-A:3, 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 120 days and therefore the application has been denied.

2007-00452 KEY AUTO GROUP INC, ANTHONY DILORENZO
PORTSMOUTH Hodgson Brook

Requested Action:

Dredge and fill a total of 9,360 sq. ft. of wetlands over two locations, including 7,396 sq. ft., and 1,964 sq. ft., for access and lot development associated with redevelopment of an existing commercial property at the Portsmouth Traffic Circle.

APPROVE PERMIT:

Dredge and fill a total of 9,360 sq. ft. of wetlands over two locations, including 7,396 sq. ft., and 1,964 sq. ft., for access and lot development associated with redevelopment of an existing commercial property at the Portsmouth Traffic Circle.

With Conditions:

1. All work shall be in accordance with plans by VHB Inc. dated 8/30/2007, as received by the Department on 9/28/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. 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. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
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. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands that 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. The impacts are largely access crossings, with associated grading, swale and minimal lot development impacts.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has reduced the project from the original 15,034 sq. ft. of impact proposed, to 9,360 sq. ft. impacting two locations, one of which is an isolated man-made wetland consisting of mowed lawn, and the other is a shrub-scrub location at the edge of the existing road to enter the site. The proposal is a Low Impact Design ("LID") for Stormwater Management, which will improve the urban stormwater management over existing conditions, and provide effective protection to Hodgdon Brook.
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. There were no species of concern reported by the NH Heritage Bureau. Although there is no mitigation required for the project based on the revised and reduced impact amount, the applicant's approved plans still include planting of an extensive buffer planting area to protect Hodgdon Brook; removal of 5,000 sq. ft. of pavement and restoration of further vegetated upland buffer; and has committed to contribute \$20,000 to the Hodgdon Brook Restoration Project.
5. The Portsmouth Conservation Commission reviewed the revised plans on September 6, 2007 during the project's conditional use permit application review before the City. At that meeting the Conservation Commission voted to recommend approval of the revised plans.

2007-00455 CLARK, ALEXANDER
NEW BOSTON Unnamed Stream

Requested Action:

Deny permit request to dredge and fill 402 square feet of perennial stream and associated palustrine forested wetlands to upgrade an existing class VI road for access to a single family residence.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 402 square feet of perennial stream and associated palustrine forested wetlands to upgrade an existing class VI road for access to a single family residence.

With Findings:

1. A request for additional information dated June 04, 2007, 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:3, 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.

2007-00628 TOWN OF CORNISH
CORNISH Notch Brook

Requested Action:

Deny permit request to dredge and fill approximately 576 square feet of Notch Brook channel and bank to gabion and riprap stabilize approximately 48 linear feet of bank.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill approximately 576 square feet of Notch Brook channel and bank to gabion and riprap stabilize approximately 48 linear feet of bank.

With Findings:

1. A request for additional information dated June 20, 2007, 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:3, 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.

2007-00690 UPPER BIRCH HOLDING LLC
GROTON Unnamed Stream

Requested Action:

Dredge and fill 624 sq. ft. of intermittent stream and associated wetland and a 24 in. x 40 ft. culvert to construct a subdivision road and dredge and fill 460 sq. ft. of intermittent stream and associated wetland in a second area to install a 24 in. x 38 ft. culvert for a common driveway to two lots in a proposed 13 lot subdivision of 118 acres.

The applicant has also requested a waiver of Rule Env-Wt 304.09(a).

DENY PERMIT:

Dredge and fill 624 sq. ft. of intermittent stream and associated wetland and a 24 in. x 40 ft. culvert to construct a subdivision road and dredge and fill 460 sq. ft. of intermittent stream and associated wetland in a second area to install a 24 in. x 38 ft. culvert for a common driveway to two lots in a proposed 13 lot subdivision of 118 acres.

The applicant has also requested a waiver of Rule Env-Wt 304.09(a).

With Findings:

1. This is a Minor Impact Project per NH Code of 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. Env-Wt 304.09(a) states that plans submitted with a wetlands application associated with a proposed subdivision shall indicate the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography, and the location of all proposed lot lines. Plans shall be stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, and parties responsible for the wetlands delineation shall be recorded on the plan.
3. Env-Wt 304.09(c) states that "there shall be no further wetlands impact for lot development on any subdivision approval..."

Findings of Fact:

4. On April 6, 2007, DES received a Standard Dredge and Fill application to impact 1,024 sq. ft. of intermittent stream and associated wetland as part of a proposed 13 lot subdivision of 118 acres.
5. On June 27, 2007 DES requested revised plans from the applicant to comply with Adm. Rule Env-Wt 304.09(a). "Specifically, the plans need to depict the entire subdivision, with the location of all proposed lot lines, existing and proposed topography and the boundaries of all wetlands and surface waters on the property. The submitted plan only depicts the two wetland crossings, wetlands associated with the crossings and portions of 6 lots."
6. This information was again requested on September 21, 2007: "item 1 requires plans submitted in accordance with Administrative Rule Env-Wt 304.09(a), DES has not received plans that delineate all wetlands and surface waters on the site, the full plan sheets are not stamped by a NH Certified Wetlands Scientist and the proposed grading (proposed topography) is required for the wetlands and surface water crossings."
7. On October 25, 2007, DES received revised plans and a response from the applicant.
8. Only one plan (Sheet 2 of 2 of the Subdivision Survey Plat) within the packet had been stamped by a Certified Wetland Scientist. The wetland delineation note states that "the wetlands delineated by Audra Klumb on this site are depicted on this plan by the dark purple dashed lines." The plans show that wetlands had only been delineated adjacent to the proposed road impact areas.
9. The applicant has provided a waiver request per Env-Wt 204.03 to waive Env-Wt 304.09(a) which requires, among other things that the boundaries of all wetlands and surface waters be shown on the plans.
10. The applicant has indicated that, instead of delineating all of the wetlands and surface waters, they have shown building envelopes on all 13 parcels, all out of wetlands and that most of the land outside of the envelopes is not developable because of steep slopes, ledge, a PSNH utility easement, and covenants that stipulate no further subdivision.

Findings in support of denial:

11. The plans submitted do not provide any documentation or note from a Certified Wetland Scientist verifying that there are no wetlands or surface waters within the proposed building envelopes and in fact there is no Certified Wetland Scientist stamp or Certified Wetland Scientist notes at all on the plans which depict the building envelopes.
12. The building envelope of proposed lot 11 shows the thread of a stream within the limits of the envelope.
13. The intent of showing all wetlands and surface waters within the proposed subdivision is so that future lot owners know where wetlands and surface waters are located so they can therefore comply with Adm. Rule Env-Wt. 304.09(c).
14. The request to waive Rule Env-Wt 304.09(a) does not meet the content and format requirements of Env Wt 204.03.
15. The waiver request is denied as it does not comply with the criteria required under Env-Wt 204.04(1)(a) since the request could result in an adverse effect on the environment or natural resources of the state, public health, or public safety.
16. The waiver request is denied as it does not comply with Env-Wt 204.04(2)(a) since granting the request is not consistent with the intent and purpose of the rule being waived.
17. The Department will reconsider this application if the necessary information and corrected plans are provided within 20 days or will accept a new application for the proposed work.

2007-00778 LLK TRUST, THOMAS WALKER
WOLFEBORO Lake Wentworth

Requested Action:

Dredge 19.1 cu yd from 393 sq ft of public submerged lands and excavate 419 sq ft of bank along 35 ft of shoreline to construct a 900 sq ft irregularly shaped, dug-in boathouse providing 2 boatslips on property having an average of 1105 ft of frontage on Lake Wentworth in Wolfeboro.

APPROVE PERMIT:

Dredge 19.1 cu yd from 393 sq ft of public submerged lands and excavate 419 sq ft of bank along 35 ft of shoreline to construct a 900 sq ft irregularly shaped, dug-in boathouse providing 2 boatslips on property having an average of 1105 ft of frontage on Lake Wentworth in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans and cross sections by Watermark Marine Construction dated August 25, 2007, as received by DES on September 24, 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 prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. 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.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 554.20) above normal high water (Elev. 534.20).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
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 water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. This approval does not authorize any alteration of the existing 11 ft x 39 ft pier on the frontage
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) and (g), construction of permanent docking facilities providing 4 slips involving dredge of less than 20 cu yd from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application

Evaluation, has been considered in the design of the project.

3. The applicant has an average of 1,105 feet of shoreline frontage along Lake Wentworth.
4. A maximum of 15 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The existing and proposed docking facilities will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. In accordance with Rule Wt 401.01, Purpose, the purpose of Chapter 400, Shoreline Structures, is to protect the public trust, and other interests of the state of New Hampshire and prevent unreasonable encroachment on surface waters. "To preserve the integrity of the surface waters of the state all structures shall be constructed so as to...minimize the reduction of water area available for public use..."
7. A typical 15 slip docking facility constructed over the water would result in 3,456 sq ft of intrusion extending at least 30 ft into the public waters and would not allow for the storage of watercraft.
8. The construction of a docking facility over the water would result in a greater intrusion into the public waters, and therefore, would not be consistent with the purpose of Chapter 400.
9. In accordance with Rule Wt 402.09(a), Structures Disallowed, boathouses located in or over the waters are not permitted.
10. In accordance with Rule Wt 402.09(b)(1), Structures Disallowed, boathouses over a dredged inlet may be permitted only where they will not adversely affect the stability of the shoreline.
11. The construction of a boathouse utilizing appropriate construction methods, precautions and siltation, erosion and turbidity controls will not result in water quality degradation.
12. The plans submitted illustrate that the impacted shoreline will be restabilized such that the long-term stability of the shoreline will not be adversely affected.
13. The proposed structures will be located entirely within the property of the applicant with no intrusion into the public waters.

2007-01102 ASHMUN 1991 TRUST, MARY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove 152 linear ft of unpermitted timber retaining wall and restore the shoreline using a combination of boulders and native vegetation on property having 227 feet of frontage along Lake Winnepesaukee in Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

Loon Preservation Committee has not submitted comments as of 06/21/07

APPROVE PERMIT:

Remove 152 linear ft of unpermitted timber retaining wall and restore the shoreline using a combination of boulders and native vegetation on property having 227 feet of frontage along Lake Winnepesaukee in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company, Inc. dated September 17, 2007, as received by DES on November 6, 2007.
2. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
7. No work is authorized to the existing 4 ft x 40 ft piling pier.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

9. 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(k), alteration of between 50 and 200 ft of shoreline of a lake or pond.
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. This project will restore the frontage to a more natural condition and should have no adverse impact on Common loons which may utilize the area.

2007-01893 WASHINGTON, TOWN OF
WASHINGTON Halfmoon Pond Outlet

Requested Action:

Impact 3,400 square feet (including 1,600 square feet of temporary impacts) in riverine wetlands and within the banks of Halfmoon Pond Brook to replace and upgrade the Halfmoon Pond Road Bridge. Work to include the removal of the exiting bridge and changes to the alignment of the existing roadway

APPROVE PERMIT:

Impact 3,400 square feet (including 1,600 square feet of temporary impacts) in riverine wetlands and within the banks of Halfmoon Pond Brook to replace and upgrade the Halfmoon Pond Road Bridge. Work to include the removal of the exiting bridge and changes to the alignment of the existing roadway

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc., as received by DES on August 6, 2007 and November 16, 2007.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. 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.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. 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.
4. Temporary cofferdams shall be entirely removed immediately following 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or

wetlands.

13. Faulty equipment shall be repaired prior to entering 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.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. 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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream or river channel and its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NHF&G determined the project as proposed would not effect the documented sensitive species located near the project.
6. The applicant/agent has demonstrated the project would have minimal impacts on the existing stream channel.
7. The project upgrades a substandard crossing that will provide a public safety benefit.

**2007-02061 GALVIN TRUST, LEONARD & LINDA
ALTON Lake Winnepesaukee**

Requested Action:

Install one 3 piling ice cluster to protect an existing 19 ft x 30 ft boathouse and attached docking on 128ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Install one 3 piling ice cluster to protect an existing 19 ft x 30 ft boathouse and attached docking on 128ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 08, 2007, as received by DES on August 31, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of a new ice cluster which does not add a boat slip to an existing structure.

**2007-02123 JACKSON SKI TOURING FOUNDATION
JACKSON Unnamed Wetland**

Requested Action:

Dredge and fill 9,897 square feet of wetlands and an intermittent stream (impacting 115 linear feet) to replace culverts and upgrade an existing cross country ski trail ("The Wave"), and to construct 7,500 linear feet of new ski trail in order to meet race standards specified by the International Ski Federation.

Conservation Commission/Staff Comments:

In a letter dated 9/5/07, the Jackson Conservation Commission stated that they do not wish to intervene and recommend that the application receive prompt approval as filed.

APPROVE PERMIT:

Dredge and fill 9,897 square feet of wetlands and an intermittent stream (impacting 115 linear feet) to replace culverts and upgrade an existing cross country ski trail ("The Wave"), and to construct 7,500 linear feet of new ski trail in order to meet race standards specified by the International Ski Federation.

With Conditions:

1. All work shall be in accordance with revised plans by HE Bergeron Engineers dated September 19, 2007, as received by DES on September 19, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
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. 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 project is classified as a Minor Project per NH Administrative Rule Env-Wt 303.03(h) &(l), as wetland impacts are less than 20,000 square feet, and intermittent stream impacts are less than 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule Env-Wt 302.03. In fact, a number of bridges are designed to completely avoid impacts to wetlands and perennial streams.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02516 LEFEBVRE, ROLAND
ALTON Lake Winnepesaukee

Requested Action:

Retain a 6 ft x 42 ft seasonal pier extending 36 ft lakeward of normal high water as a permanent pier with no change to the adjacent 16.5 ft x 31 ft boathouse, and 6 ft wide stone steps to the water from the perched beach located above the bank on an average 150 feet of frontage in Roberts Cove, Lake Winnepesaukee.

APPROVE PERMIT:

Retain a 6 ft x 42 ft seasonal pier extending 36 ft lakeward of normal high water as a permanent pier with no change to the adjacent 16.5 ft x 31 ft boathouse, and 6 ft wide stone steps to the water from the perched beach located above the bank on an average 150 feet of frontage in Roberts Cove, Lake Winnepesaukee.

With Conditions:

1. All structures shall be maintained as shown on the plans by Watermark Marine Construction dated September 13, 2007 as modified by Roland Lefebvre, and received by DES on November 14, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application 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 modification to the dimensions of any structures on the frontage.
5. This permit does not allow for any dredging for any purpose on the frontage.
6. 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.
7. Repairs shall maintain existing size, location and configuration of structures.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of permanent docking facilities providing 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 demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2004-01078 PALMER, ELLIOT
WARNER Warner River

Requested Action:

Deny amendment request to install a 12 linear foot concrete retaining wall along the Warner River.

DENY AMENDMENT:

Deny amendment request to install a 12 linear foot concrete retaining wall along the Warner River.

With Findings:

1. A request for additional information dated December 05, 2005, 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.
4. DES Wetlands Bureau file no. 2004-01078 has been referred to the DES Wetlands Bureau, Enforcement Section for possible existing unpermitted jurisdictional impacts identified in the December 05, 2005, Request for More Information.

2005-02176 ONEIL, EDWARD
BARTLETT Unnamed Wetland

Requested Action:

Deny amendment request to dredge and fill approximately 490 square feet of intermittent stream for access to proposed home and septic system of a 2-lot subdivision, including five (5) residential units.

Inspection Date: 04/25/2006 by Kirsten Pulkkinen

DENY AMENDMENT:

Deny amendment request to dredge and fill approximately 490 square feet of intermittent stream for access to proposed home and septic system of a 2-lot subdivision, including five (5) residential units.

With Findings:

1. A request for additional information dated July 13, 2007, 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.

2006-02499 RRJ PROPERTIES LIMITED PARTNERSHIP
PORTSMOUTH Piscataqua River

Requested Action:

Impact a total of 6,850 sq. ft. of developed upland tidal buffer zone including 4,100 sq. ft. and 2,750 sq. ft. to construct two new areas of combination dwelling and commercial space adjacent to existing building on one lot.

APPROVE PERMIT:

Impact a total of 6,850 sq. ft. of developed upland tidal buffer zone including 4,100 sq. ft. and 2,750 sq. ft. to construct two new areas of combination dwelling and commercial space adjacent to existing building on one lot.

With Conditions:

1. All work shall be in accordance with plans by TMS Architects and Altus Engineering Inc. dated 11/22/2005, as received by DES on 9/29/2006, and per sheet C-3 "Site Plan", dated 12/12/2006, as received by DES on 9/25/2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or

wetlands.

Faulty equipment shall be repaired prior to entering jurisdictional areas.

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

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line that are not major or minor, pursuant to Env-Wt 303.02, or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant seeks to maximize buildout of the lot within the extent allowed by the municipality.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant's proposal addresses stormwater run-off satisfactorily in this urbanized setting.
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. This project is proposed within a heavily developed, urbanized commercial/residential area of downtown Portsmouth, for which the City has sought and been granted an Urban Exemption to the Comprehensive Shoreland Protection Act, RSA 483-B.
5. The Portsmouth Conservation Commission recommends approval of the project.
6. The applicant has written received sign-off from the abutters on each side of the property to construct the structure within 20' property line setback described in Rule Env-Wt 304.04, including a letter dated 12/2/2005 from Forum Development, as received by DES on 9/25/2007; and a letter dated 9/21/2007 from Louis J. Georg -opoulos, 111 Bow Street Condominium Association, as received by DES on 9/25/2007.
7. On 9/11/2007 DES granted an Urban Exemption to requirement of the Comprehensive Shoreland Protection Act, to the City of Portsmouth for this lot. The Urban Exemption relieves the applicant of the requirement to adhere to the provisions of the Act. The Urban Exemption makes further development of the lot now possible.

2007-00591 DOVER SCHOOL DISTRICT, LAURIE VERVILLE
DOVER Unnamed Wetland Bellamy River

Requested Action:

Fill 1,750 sq. ft. of wetland for the construction of a parking lot associated with an elementary school.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Fill 1,750 sq. ft. of wetland for the construction of a parking lot associated with an elementary school.

With Findings:

1. On June 12, 2007, DES sent a letter entitled "Request For More Information" to the applicant of record, which clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days, no later than October 4, 2007.
2. On July 6, 2007, DES received materials from the applicant's agent in response to the DES June 12, 2007 Request For More Information letter.
3. On August 11, 2007, DES sent a letter to the applicant explaining that items in the DES June 12, 2007 Request For More Information letter were not addressed and required the applicant to submit the requested information by October 11, 2007.
4. On September 4, 2007, DES received materials from the applicant's agent in response to the August 11, 2007 DES letter.
5. On October 4, 2007, DES sent a letter to the applicant explaining that an abutter has expressed opposition to the project, that items in the DES June 12, 2007 Request For More Information letter were still not addressed, and required the applicant to submit the requested information by November 4, 2007. As previously stated in the June 12, 2007 and August 11, 2007 DES letters, the October 4, 2007 DES letter stated that the applicant could redesign the proposed project or request to withdraw the application to avoid denial, and that if no response was received by the extended date of November 4, 2007 the application will be denied.

6. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
7. DES did not receive the requested additional information within the 120 days, or by the time extensions granted thereafter, and therefore the application has been denied.

**2007-00827 SILVER & WHITE ESTATES LLC, BENTON WHITE
BOSCAWEN Unnamed Wetland**

Requested Action:

Deny permit request to impact 1542 sq. ft. of wetlands upgrade an existing driveway and add a new driveway with culvert to adjacent lot.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to impact 1542 sq. ft. of wetlands upgrade an existing driveway and add a new driveway with culvert to adjacent lot.

With Findings:

1. A request for additional information dated July 10, 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. Pursuant to RSA 482-A:3, 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.

**2007-01633 HARDY, KIMBERLY
MILTON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 541 square feet of wetlands to upgrade McKeagney Rd., a Class VI road, in association with construction of an adjacent 27-lot subdivision.

APPROVE PERMIT:

Dredge and fill a total of 541 square feet of wetlands to upgrade McKeagney Rd., a Class VI road, in association with construction of an adjacent 27-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Crown Point Survey dated 6/22/2007, as received by the Department on 7/18/2007.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Town of Milton is requiring upgrade of an existing Class VI road to adequately serve an adjacent proposed subdivision.
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. The species of concern reported by the NH Heritage Bureau is located over 1/2 mile away and is expected to be unimpacted by the project.
5. The Milton Conservation Commission did not report.

**2007-02018 KANE, MIKE & SUE
SANBORNTON Lake Winnisquam**

Requested Action:

Remove an existing 4 ft x 10 ft seasonal pier, a 4 ft x 35 ft seasonal pier, and a 4 ft x 6 ft concrete pad and install a 6 ft x 40 ft seasonal pier anchored to a 6 ft x 6 ft concrete pad a seasonal boat lift, and 2 seasonal personal watercraft lifts adjacent to an existing 14 ft wide concrete boat ramp and a 14 ft 9 in x 31 ft 6 in dry storage "boathouse" on an average of 108 ft of frontage on Lake Winnisquam in Sanbornton.

APPROVE PERMIT:

Remove an existing 4 ft x 10 ft seasonal pier, a 4 ft x 35 ft seasonal pier, and a 4 ft x 6 ft concrete pad and install a 6 ft x 40 ft seasonal pier anchored to a 6 ft x 6 ft concrete pad a seasonal boat lift, and 2 seasonal personal watercraft lifts adjacent to an existing 14 ft wide concrete boat ramp and a 14 ft 9 in x 31 ft 6 in dry storage "boathouse" on an average of 108 ft of frontage on Lake Winnisquam in Sanbornton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 21, 2007, as received by DES on August 22, 2007.
2. All portions of the pre-existing piers and 4 ft x 6 ft concrete pad shall be completely removed from the jurisdiction of the DES Wetlands Bureau prior to the installation of any new structure.
3. The concrete pad shall be constructed landward of the shoreline defined by the elevation of normal high water (Elevation 482.35) so as not to create land in public water.
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 by certified mail, return receipt requested, prior to installation.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. 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.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), modification of seasonal docking facilities 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.

- 5. The applicant has an average of 108 feet of shoreline frontage along Lake Winnisquam.
- 6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

FORESTRY NOTIFICATION

2007-02638 CANDIA, TOWN OF
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax Map 410, Lot# 10

2007-02639 RENEAU, JERRY
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 224, Lot# 1

2007-02646 NORTHUMBERLAND, TOWN OF
NORTHUMBERLAND Unnamed Stream

COMPLETE NOTIFICATION:
Northumberland Tax Map 232, Lot# 9

EXPEDITED MINIMUM

2006-01470 GREANEY, PAUL
ALTON Lake Winnepesaukee

Requested Action:
Replace existing approved (Permit 94-00359) 6'by 30' seasonal dock with a 6'by 40' seasonal dock(aluminum light weight construction).

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Replace existing approved (Permit 94-00359) 6'by 30' seasonal dock with a 6'by 40' seasonal dock(aluminum light weight construction).

With Findings:

- 1. A request for additional information dated (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.

2007-00116 WILSON REVOC TRUST, WENDY
LACONIA Lake Winnisquam

Requested Action:

Applicant requests reconsideration based on revised plans as submitted on November 2, 2007.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE RECONSIDERATION:

Install 31 ft of rip rap combined with planting native vegetation along the shore on property having 446 feet of frontage on Lake Winnisquam, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 2, 2007, and received by DES on November 2, 2007 and as dated August 31, 2007, and received by DES on August 31, 2007 and cross sections by Watermark Marine Construction dated August 31, 2007, and received by DES on August 31, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands and that avoids excessive discharges of sediments to fish spawning areas.
5. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
6. No stumps shall be removed within 50 feet of the reference line per RSA 483-B.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project in accordance with Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.

2007-01347 INNOVATIVE LAND SOLUTIONS LLC
WEARE Unnamed Stream

Requested Action:

Impact 542 sq ft of intermittent stream channel to construct a driveway crossing for access to a single family residence.

APPROVE PERMIT:

Impact 542 sq ft of intermittent stream channel to construct a driveway crossing for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associated, LLC revision date 11/12/07, as received by DES on November 13, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), less than 3,000 sq ft of impacts to wetlands for access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-01392 125 NEWPORT ROAD LLC
NEW LONDON Unnamed Wetland

Requested Action:

Deny permit request to dredge and fill 140 square feet of intermittent stream to install a 35-foot culvert extension to an existing 18-inch x 60-foot ADS culvert for access to a commercial building expansion.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 140 square feet of intermittent stream to install a 35-foot culvert extension to an existing 18-inch x 60-foot ADS culvert for access to a commercial building expansion.

With Findings:

1. A request for additional information dated July 17, 2007, 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:3, 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.

2007-01573 ARISTA DEVELOPMENT LLC
RAYMOND Unnamed Wetland

Requested Action:

Dredge and fill 1,300 square feet of storm water drainage ditch for access to a commercial lot.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 1,300 square feet of storm water drainage ditch for access to a commercial lot.

With Conditions:

1. All work shall be in accordance with the Wetland Impact Summary Plan (Sheet 14 of 25) by MHF Design Consultants, Inc. dated March 16, 2007, as received by DES on July 13, 2007
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wet meadow.
2. The impacts are necessary for access, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. These impact have been minimized to the furthest extent practicable, therefore the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

AGRICULTURE MINIMUM

2007-02484 ROBERTS, VIOLA
STRATHAM Drainage Swale

Requested Action:

Maintenance dredge 6,300 square feet of existing drainage ditches for continued usefulness associated with a agricultural fields.

Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

Maintenance dredge 6,300 square feet of existing drainage ditches for continued usefulness associated with a agricultural fields.

With Conditions:

1. All work shall be done in accordance with plans received by DES on October 18, 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

2007-02254 VAPPI, JEAN
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Moultonboro Tax Map/Lot# 1/1, 90/4 & 90/40D

2007-02675 MORRIS, WILLIAM
PIERMONT Unnamed Wetland

COMPLETE NOTIFICATION:
Piermont Tax Map U2, Lot# 34-8

ROADWAY MAINTENANCE NOTIF

2007-02648 NH DEPT OF TRANSPORTATION
HARRISVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Replace existing 18" diameter corrugated metal pipe, 40 feet in length with 24" diameter plastic pipe, extend culvert 8 feet at outlet, 4 feet at inlet, and rebuild headwalls.

2007-02667 NH DEPT OF TRANSPORTATION
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:

Replace 30" CMP with 30" PVC, Extend culvert approx. 6 feet at outlet and rebuild headwalls

PERMIT BY NOTIFICATION

2007-02427 JOHNSON, DAVID
FRANKLIN Winnepesaukee River

Requested Action:
Rebuild 20 linear feet of an existing stone retaining wall

Conservation Commission/Staff Comments:
file expired prior to review and therefore was "approved by default".

PBN IS COMPLETE:
Rebuild 20 linear feet of an existing stone retaining wall

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

2007-02482 WEAVER, JOHN
NEW LONDON Messer Pond

Requested Action:
Beach replenishment and enlarge an existing retaining wall

Conservation Commission/Staff Comments:
not approvable but expired. approved by default

PBN IS COMPLETE:
Beach replenishment and enlarge an existing retaining wall

With Findings:
1. Project did not qualify for PBN review but was approved by default pursuant to Rule Env-Wt 506.02(c)(1).

2007-02498 CHIOSTRI, JUDITH
SANBORNVILLE Pine River Pond

Requested Action:
Construct 112 linear ft of new retaining wall.

PBN IS COMPLETE:
Construct 112 linear ft of new retaining wall.

With Findings:

1. Project did not qualify for PBN review but was approved by default pursuant to Rule Env-Wt 506.02(c)(1).

2007-02499 HANRAHAN, MICHAEL & MADELINE
SUNAPEE Mountain View Lake

Requested Action:

Repair/replace existing crib supported deck over water.

PBN IS COMPLETE:

Repair/replace existing crib supported deck over water.

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.

2007-02640 HAMILTON FAMILY REALTY TRUST, MARY KEATING TTEE
TILTON Silver Lake

Requested Action:

Repair/replace existing retaining wall.

Conservation Commission/Staff Comments:

file expired prior to review. Town held up process. approved by default.

PBN IS COMPLETE:

Repair/replace existing retaining wall.

With Findings:

1. Project was approved by default pursuant to Rule Env-Wt 506.02(c)(1).

2007-02641 HAWTHORNE TRUST, NANCY
LACONIA Lake Winnepesaukee

Requested Action:

Repair/Replace existing crib supported docks.

PBN IS COMPLETE:

Repair/Replace existing crib supported docks.

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.

2007-02642 HEBERT, CAMERON
EPSOM Unnamed Stream

Requested Action:

Dredge and fill 170 square feet along 34 linear feet of intermittent stream for installation of a 24-inch x 34 foot culvert for access to a proposed single family residence.

PBN IS COMPLETE:

Dredge and fill 170 square feet along 34 linear feet of intermittent stream for installation of a 24-inch x 34 foot culvert for access to a proposed single family residence.

**2007-02644 LOVELY, RODERICK
ENFIELD Mascoma Lake**

Requested Action:

Replace and existing stone retaining wall.

PBN IS COMPLETE:

Replace and existing stone retaining wall.

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.

**2007-02645 CHURHILL, ROBERT
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:

Barrington Tax Map 225, Lot# 67

**2007-02649 BIELLO, JAMES
ALTON Lake Winnepesaukee**

Requested Action:

repair existing docking facility.

PBN IS COMPLETE:

repair existing docking facility.

With Findings:

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

**2007-02651 KLINE, ROBERT
WOLFEBORO Crescent Lake**

Requested Action:

Replace existing docking structure with with a 6 ft x 30 ft seasonal dock attached to a nonconforming concrete pad, and install a boatlift and seasonal canopy.

PBN DISQUALIFIED:

Replace existing docking structure with with a 6 ft x 30 ft seasonal dock attached to a nonconforming concrete pad, and install a boatlift and seasonal canopy.

With Findings:

1. Pursuant to Rule Env-Wt 506.01, seasonal canopy installation does not qualify for PBN review.
2. Pursuant to Rule Env-Wt 402.20, nonconforming structures cannot be made more nonconforming. Relocating the nonconforming concrete pad from the lakebed to land would classify this project a minor, and does not qualify for PBN review.

2007-02652 WEBB, HARLINDA
DEERFIELD Unnamed Stream

Requested Action:

Dredge and fill 385 sq. ft. of wetlands and install a 15" x 19' culvert for a driveway crossing to a single family residence.

Conservation Commission/Staff Comments:

Deerfield Conservation Commission signed the PBN application.

PBN IS COMPLETE:

Dredge and fill 385 sq. ft. of wetlands and install a 15" x 19' culvert for a driveway crossing to a single family residence.

2007-02657 MALLARDS LANDING ASSOCIATION
BELMONT Lake Winnisquam

Requested Action:

Reface existing retaining wall.

PBN IS COMPLETE:

Reface existing retaining wall.

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.

2007-02668 PALLEIKO, JEANNE
NEWBURY Lake Sunapee

Requested Action:

repair house over water in-kind.

PBN IS COMPLETE:

repair house over water 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.

