

Wetlands Bureau Decision Report

Decisions Taken
11/19/2007 to 11/25/2007

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

**2006-00217 MAVERICK DEVELOPMENT CORP
AUBURN Unnamed Stream Perennial Stream**

Requested Action:

Proposed amendment to repair and amend a previously approved box culvert crossing ("Wetland Disturbance #2") by providing a concrete bed and footing protection and embedding it with round stone and similar streambed materials.

APPROVE AMENDMENT:

Dredge and fill approximately 7,949 square feet of forested wetlands and perennial stream (approximately 309 linear feet of perennial stream) for access to a proposed 9 lot subdivision to be known as "Sawyer Estates". Work includes five "Wetlands Disturbance" areas for access road and driveway construction: Wetlands Disturbance #1 consists of filling approximately 506 sq. ft. of forested wetlands for access road construction; Wetlands Disturbance #2 consists of dredge and fill of approximately 3,484 sq. ft., (approximately 141 linear ft. of perennial stream and 822 sq. ft. of temporary impact) of forested wetlands and perennial stream for the installation of a 4 ft. wide x 3 ft. high x 47 ft. long box culvert, stone embedding, headwalls, associated grading, footing protection and stream diversion structure for the proposed access road; Wetlands Disturbance #3 consist of dredge and fill of approximately 1,129 sq. ft. of forested wetlands for the installation of a 30 in. x 58 ft. RCP culvert, headwalls and associated grading for the proposed access road; Wetlands Disturbance #4 consists of dredge and fill of approximately 2,130 sq. ft., (approximately 168 linear. ft. of perennial stream and 685 sq. ft. of temporary impact) of forested wetlands and perennial stream for the installation of a 6 ft. wide x 3 ft. high x 56 ft. long open bottom box culvert, headwalls, associated grading and temporary stream diversion structure for the proposed access road; Wetlands Disturbance #5 consists of dredge and fill of approximately 700 sq. ft. of forested wetlands for the installation a 12 in. x 38 ft. RCP culvert, headwalls, associated grading and outlet protection for the construction of a proposed driveway to access proposed lot 48-1-3.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., "Wetland Crossing Plan" sheets 2 and 4 of 4, revision dated May 17, 2006, as received by the Department on May 23, 2006 and plans by RSL Layout & Design, Inc., sheets 1 through 28 of 28, as received by the Department on May 23, 2006 and amended plans by Meridian Land Services, Inc., "Amended Wetland Crossing Plan" sheets 3 of 4, revision dated October 30, 2007, as received by the Department on November 6, 2007.
2. All work conducted within jurisdictional wetlands and surface waters shall comply with the aforementioned Wetland Crossing Plan(s) by Meridian Land Services, Inc.
3. Prior to the start of construction the Permittee shall submit to DES revised subdivision plans (sheets 1 through 28 of 28 by RSL Layout and Design, Inc.) that reflect the design changes to each "Wetlands Disturbance" area as depicted on the plans by Meridian Land Services, Inc., "Wetland Crossing Plan" sheets 2, 3 and 4 of 4, revision dated May 17, 2006, as received by the Department on May 23, 2006.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the 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.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain project specific condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. Work in jurisdiction shall be conducted during low or no flow.
11. Orange construction fencing shall be placed at the limits of construction adjacent to the proposed wetlands and surface water impact areas to prevent accidental encroachment.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

13. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap."

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

15. 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.

16. 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.

17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.

18. Temporary bank impacts shall be restored to their original grades and to a stable condition within three days of completion of the crossing construction.

19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

20. A post-construction report documenting the status of the restored wetlands, streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of the construction of each crossing.

21. 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.

22. 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.

23. 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.

24. 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.

25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

26. Proper headwalls shall be constructed within seven days of culvert installation.

27. 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).

28. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and repaired before working adjacent to or within wetlands or surface waters.

29. 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.

30. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) of more than 200 linear feet of perennial nontidal stream channel and banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) has been considered in the design of the project.

5. To mitigate for the impacts to perennial streams on the property the applicant has provided open bottom box culverts at each perennial stream crossing that will preserve and replicate the natural stream bed.

6. The amended stream crossing (Wetlands Disturbance #2) will replicate a natural stream channel.

7. The New Hampshire Fish & Game Department recommended open bottom box culverts or bridges 1.2x bank full width at all perennial stream crossings in order to avoid future issues with aquatic species passage.

8. The applicant has provided open bottom box culverts at each perennial stream crossing which meet the 1.2x bank full width recommendation.

9. The project impacts will not significantly impair the resources of this wetland system.

10. The Town of Auburn has required the applicant to provide 50 foot right of way between proposed lot 48-1-2 and 48-1-3 to Tax

Map 8 Lot 33.

11. The applicant has provided documentation of potential future jurisdictional impacts (approximately 340 sq. ft.) to construct a proposed 50 foot right of way on the property between proposed lot 48-1-2 and 48-1-3 to Tax Map 8 Lot 33.
12. The applicant has provided documentation that the proposed right of way will access uplands on lot 33.
13. Any future jurisdictional impacts required to construct the proposed right of way will require further permitting by DES.
14. DES has received plans depicting wetland boundaries that were delineated by a certified wetland scientist in accordance with Administrative Rule Env-Wt 304.09.

**2006-01292 LONDONDERRY DPW, TOWN OF
LONDONDERRY Little Cohas Brook**

Requested Action:

Emergency request on May 30, 2006 to repair and replace a failed 7 ft. 11 in. wide x 5 ft. 9 in. culvert, failed water line, sewer line, gas line, electrical line, drainage structures and roadway that were destroyed in the May 2006 flood events.

Conservation Commission/Staff Comments:

The Conservation Commission did not submit comments.

CONFIRM EMERGENCY AUTHORIZATION:

After-the-fact approval/emergency confirmation to replace a failed 7 ft. 11 in. wide x 5 ft. 9 in. culvert with 4, 60 in., reinforced concrete culverts (RCPs) and repair a failed water line, sewer line, gas line, drainage structures, underground electrical lines, roadway and roadway side slopes. The repairs were needed to restore safe access, stabilize stream flows, and restore utility services to the area.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP, revision dated March 9, 2007, as received by DES on May 24, 2007.
2. This permit is contingent on receipt by DES of an "As-Built Plan" of the completed work that is stamped by a New Hampshire Licensed Professional Engineer.
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. DES will require further evaluation of the crossing and possible requirement for a full span structure of the stream if replacement, or repairs are needed or if future failures occur.

With Findings:

1. This project is classified as a Major Impact Project per Rule Env-Wt 303.02(i).
2. The project was necessary to stabilize Little Cohas Brook, provide safe access, restore safety and emergency access, all utility services and restore the roadway, roadway, roadway side slopes and stream banks.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on June 1, 2006.
4. The culvert and road failure occurred during the floods of the spring of 2006 and a FEMA declared Emergency Disaster.
5. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
6. This permit is contingent on receipt by DES of an "As-Built Plan" of the completed work that is stamped by a New Hampshire Licensed Professional Engineer.
7. The project impacts will not significantly impair the resources of the existing riverine system.
8. The New Hampshire Fish and Game Department did not submit comments.

**2007-00145 MILLS ENTERPRISES INC, DANA MILLS
WOODSTOCK Unnamed Wetland**

Requested Action:

Dredge and fill 15,500 square feet of intermittent stream for road access to phase II (final) of a 33-lot subdivision on \pm 72.99 acres. Perennial stream crossings include a 6-foot x 1-foot, 9.5-inch x 70-foot and 14-foot x 4-foot, 1-inch, 45-foot multi-plate arch culvert. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

Conservation Commission/Staff Comments:

Approved compensatory mitigation includes a payment of \$37,280.06 to of the Aquatic Resource Mitigation (ARM) Fund.

APPROVE PERMIT:

Dredge and fill 15,500 square feet of intermittent stream for road access to phase II (final) of a 33-lot subdivision on \pm 72.99 acres. Perennial stream crossings include a 6-foot x 1-foot, 9.5-inch x 70-foot and 14-foot x 4-foot, 1-inch, 45-foot multi-plate arch culvert. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Engineers dated October 2006, and revised through August 2007, and plans dated July 2007 and October 2007, as received by the Department on October 25, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This approval is contingent on receipt by DES of a one time payment of \$37,280.06 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. 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 DES Wetlands Bureau.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. 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).
21. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.

22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. 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.
26. 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.
27. A post-construction report documenting the status of the constructed stream crossings shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of 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 or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Phase I of this subdivision included a 9-lot subdivision with no associated wetland or surface water impacts.
6. In correspondence dated March 15, 2007, the Environmental Protection Agency (EPA) requested a function and value assessment, vernal pool survey, mitigation plan and a clear and accurate wetland delineation for the entire site.
7. In correspondence dated October 10, 2007, the EPA indicated sufficient information had been submitted and that the project could move forward as proposed.
8. Alternative road layouts with less stream impact were unable to meet town road specifications.
9. The applicant has relocated a portion of the proposed road to provide a greater upland buffer to a portion of an intermittent stream.
10. The applicant has provided open-bottomed multi-plate arch culverts that span the two (2) perennial stream crossing's bankfull widths.
11. The applicant has provided embedded culverts that span the bankfull widths of the six (6) intermittent stream crossings.
12. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
13. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
14. The payment calculated for the proposed wetland loss equals \$37,280.06.
15. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
16. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River - John's River to Waits River watershed per RSA 482-A:29.

-Send to Governor and Executive Council-

**2007-00566 RAVINIA COLD STORAGE, EDWARD DOUGHERTY
HOOKSETT Unnamed Wetland**

Requested Action:

Dredge and fill 76,275 square feet of palustrine forested wetland for construction of a 340,000 square foot cold storage facility, associated access, parking, and loading docks. Compensatory mitigation includes providing funds that complete the financing for 266 acres of wetland and uplands providing protection within the Clay Pond headwater area.

Conservation Commission/Staff Comments:

Applicant has agreed to contribute funds to secure over 260 acres of land in the Clay Pond headwaters.

APPROVE PERMIT:

Dredge and fill 76,275 square feet of palustrine forested wetland for construction of a 340,000 square foot cold storage facility, associated access, parking, and loading docks. Compensatory mitigation includes providing funds that complete the financing for 266 acres of wetland and uplands providing protection within the Clay Pond headwater area.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated March 2, 2007, as received by the Department on March 23, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. No work shall occur within 50 feet of the delineation line along the edge of the existing beaver pond as illustrated on the approved plan set.
4. 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.
5. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands.
6. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
7. Work shall be conducted during low water conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. 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. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. The formal agreement between Ravinia Cold Storage, LLC and the Town of Hooksett relative to the payment of funds into an escrow account shall be adhered to relative to the contribution required to be held in escrow.
19. The contribution shall be made by Ravinia Cold Storage, LLC in accordance with the escrow agreement signed by the Town of Hooksett and the department on November 2, 2007 prior to construction.
20. Ravinia Cold Storage, LLC shall provide DES confirmation that the Town of Hooksett account has received the deposit for the Clay Pond Headwaters Project.
21. Ravinia Cold Storage, LLC shall provide DES a post construction report that notes the status of the escrow account in terms of expenditures of the funds as described in the escrow agreement received by DES on November 2, 2007.
22. If the funds have not been spent within one year following the submittal of the post construction report, Ravinia Cold Storage, LLC shall notify DES to discuss alternatives for compliance to mitigation requirements.

With Findings:

1. This is a major impact project per Administrative Rule 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. DES Wetland Bureau Staff conducted a site inspection on August 6, 2007. Site inspection concluded many of the wetlands proposed to be impacted on site are of marginal value and have been disturbed in the past. The higher value wetland on site is associated with Neil Brook and will be afforded a 50 foot buffer as part of the proposed project.
3. The wetlands proposed to be impacted by this application have been previously altered by logging and/or past agricultural use.
4. The applicant has provided a function and value assessment of the wetlands on site, illustrating that the wetlands associated with Neil Brook are of higher functions and values than the impacted wetlands.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The total land disturbance of the proposed project is 21.03 acres. The project consists of developing a 342,800 square foot cold storage building, with associated loading docks, parking, access, and stormwater treatment. This use is consistent with Industrial Zoning district within the Town of Hooksett.
7. The geographic features and composition of the state of New Hampshire make it unlikely that a 21.03 acre project will not disturb wetlands.
8. The applicant reviewed fifteen off site locations within the towns of Hooksett and Auburn for the proposed development. These sites were discarded as having a greater wetland impact; were too small in size for the proposed development; they were not appropriately zoned; or had substantial topographic constraints; or a combination of these factors.
9. The applicant has attempted to relocate the proposed structure to the upland portion of the lot but the slopes are too steep for the size of the pad required.
10. The applicant has utilized retaining walls and 2:1 side slopes to reduce overall impacts to the wetlands.
11. Existing drainage patterns will remain unchanged as there will be no increase in flow from the proposed development.
12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction to achieve project purpose per Wt 302.03.
13. The project impacts will not significantly impair the resources of the remaining wetland ecosystem.
14. The Hooksett Conservation Commission strongly supports the Ravinia Cold Storage Application per their letter dated June 18, 2007.

Mitigation Conditions:

15. The applicant has provided mitigation in accordance with Administrative Rules Chapters Env-Wt 300 and Env-Wt 800.
16. The wetland mitigation proposal includes providing funds that complete the financing for protection of 266 acres of wetland and upland area providing protection within the Clay Pond headwater area.
17. The Hooksett Conservation Commission applied for and secured funding from the DES Drinking Water Source Protection Program, NH Fish & Game Department, the Land and Community Heritage Investment Program, and from the town conservation funds and will use this contribution to complete the purchase of important headwater lands.
18. The Clay Pond Headwater parcels are located south of protected Bear Brook state park and is bordered by undeveloped forest land contained within the Manchester Water Works.
19. The Clay Pond Headwater parcels provide enlargement of 1,200 acres of protected land and the protection of additional land within an 8,000 acre unfragmented habitat block.
20. The funds contribute to the protection of the quality of groundwater and surface water resources, and preservation of Hartford Brook that crosses the property.
21. The principal functions to the wetlands to be impacted include groundwater discharge and wildlife habitat.
22. The compensatory mitigation provided by this project adequately address the loss of similar functions from the project.

2007-01494 STARK 2000 REVOC TRUST, JUMANNA
MEREDITH Lake Winnepesaukee

Requested Action:

Extend two existing seasonal docks from 6 ft x 30 ft to 6 ft x 40 ft connected by an existing 3 ft x 12 ft seasonal walkway in a "U-shaped" configuration with a 14 ft x 30 ft seasonal canopy over the center boatslip, retain an 18 ft x 18 ft crib supported deck over water and install a separate 6 ft x 40 ft seasonal dock on 320 ft of frontage in Meredith on Lake Winnepesaukee.

DENY PERMIT:

Extend two existing seasonal docks from 6 ft x 30 ft to 6 ft x 40 ft connected by an existing 3 ft x 12 ft seasonal walkway in a "U-shaped" configuration with a 14 ft x 30 ft seasonal canopy over the center boatslip, retain an 18 ft x 18 ft crib supported deck over water and install a separate 6 ft x 40 ft seasonal dock on 320 ft of frontage in Meredith on Lake Winnepesaukee.

With Findings:

Standards for Approval:

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance with Rule Env-Wt 303.02(d), construction or modification of a major docking system defined by Env-Wt 101.53 is classified as a Major impact project.
4. Pursuant to Rule Env-Wt 101.53 "Major docking system" means a large and complex docking facility that requires utilization of more than 100 ft of waterfront or provides a total of 5 or more boat slips, including those previously existing and proposed.
5. Pursuant to Rule Env-Wt 302.04, (a)(2) the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
6. Pursuant to Rule Env-Wt 302.04, (a)(1) the applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
7. Pursuant to Rule Env-Wt 402.20, the Department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.
8. Pursuant to Rule Env-Wt 501.02(2)(g) Additional Data, plans must show all existing and proposed structures and all other relevant features necessary to clearly define the project.

Findings of Fact:

9. On June 29, 2007, the Wetlands Bureau received an application to extend two existing seasonal docks from 6 ft x 30 ft to 6 ft x 40 ft connected by an existing 3 ft x 12 ft seasonal walkway in a "U-shaped" configuration with an existing 14 ft x 30 ft seasonal canopy over the center boat slip, retain an existing 18 ft x 18 ft crib supported deck over water and connect to the proposed "U-shaped" dock modification with a new 3 ft x 15 ft walkway over water, and install a separate 6 ft x 40 ft seasonal dock with a concrete anchoring pad on 320 ft of frontage on property identified as Meredith Tax Map U20 (the Property).
10. A request for additional information dated September 13, 2007 addressed to the Agent and copied to the Applicant, clearly identified that Applicant was required to submit a single and complete response to DES by January 11, 2008, 120 days from the date of the request.
11. Pursuant to Rule Env-Wt 402.20, the proposed alteration does not alter the major docking system in a way that would be less environmentally impacting, does not provide for fewer boat slips, and proposes more construction surface area over public submerged lands than the current configuration.
12. The Applicant submitted an incomplete response (the "Response") to the information request to the Department on October 31, 2007 pursuant to RSA 482-A:3 XIV.(b).
13. The response further modified the proposal to include two 10 ft seasonal dock extensions off the existing "U-shaped" seasonal docking structure, but applicant failed to provide appropriate additional filing fees for added surface area of seasonal docking structures equaling \$60.
14. The applicant refused to revise plans to indicate the removal of the 18 ft x 18 ft nonconforming crib supported grandfathered deck over water for the proposed major docking facility expansion pursuant to Rule Env-Wt 402.20.
15. The property owner is allowed to keep existing grandfathered nonconforming structures as long as there are no modifications proposed. When additions to the major docking system are proposed, the existing nonconforming structures must be brought into compliance with current rules and law pursuant to Rule Env-Wt 402.20.
16. Plans fail to show all existing and proposed structures with all relevant features necessary to clearly define the project, more specifically speaking, the plans did not show the "After-the-Fact" 3 ft x 15 ft seasonal walkway installation and removal, and the

seasonal personal watercraft lift.

Ruling in support of the Decision:

- 17. The Department requires certain plan items to be submitted with the application as per Rule Env-Wt 501.02. Plans fail to show all existing and proposed structures, and failed to indicate work conducted "After-the-Fact."
- 18. The Applicant has failed to submit the information requested, and therefore, the application is denied.
- 19. The Applicant failed to revise plans to modify the grandfathered major docking system so that it conforms to current rules and law, and therefore, the application is denied.
- 20. The Applicant failed to provide \$60 for additional impacts proposed in the Response beyond the original scope of the project.

2007-02225 THOMPSON, SHERRI
HOOKSETT Unnamed Pond

Requested Action:

Retain 230 feet of rip rap along an existing dam on a man made impoundment which was installed per the suggestion of the Dam Safety Bureau.

Conservation Commission/Staff Comments:

The Hooksett Conservation Commission did not comment on this application.

APPROVE PERMIT:

Retain 230 feet of rip rap along an existing dam on a man made impoundment which was installed per the suggestion of the Dam Safety Bureau.

With Conditions:

- 1. 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 major impact project per Administrative Rule Env-Wt 303.02(h), projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The rip-rap is all located within the previously existing dam structure.
- 6. The project impacts will not significantly impair the resources of this lacustrine system.
- 7. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

2007-02454 BARONS, MARGARET
MEREDITH Lake Winnepesaukee

Requested Action:

Dredge 32 cu yd of material impacting 896 sq ft of lakebed to provide depth within the boat slips of the existing nonconforming "U-shaped" docking facility on 87 ft of frontage in Meredith on Lake Winnepesaukee.

Inspection Date: 10/30/2007 by Chris T Brison

APPROVE PERMIT:

Dredge 32 cu yd of material impacting 896 sq ft of lakebed to provide depth within the boat slips of the existing nonconforming "U-shaped" docking facility on 87 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Constructon as received by DES on November 9, 2007.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. 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.
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. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. 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.
8. 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.
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 major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud or othter materials from puclic waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. This proposal to dredge will provide adequate depth temporarily but will not be a permanent resolution to the sand accumulation on this frontage. The source of the sediment is off site and outside of the Applicant's abiltiy to correct or control.
6. DES Staff conducted a field inspection of the proposed project on 10/30/2007. Field inspection determined this project is necessary to maintain the existing use and will not adversely affect the Lake Winnepesaukee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

**2001-00558 MATAM INVESTMENT ASSOCIATES
AUBURN Unnamed Wetland**

Requested Action:

Proposed permit amendment to change the access road layout and reduce wetland impacts from 7,000 sq. ft. to 2,500 sq. ft.

Conservation Commission/Staff Comments:

Auburn Conservation Commission expressed concerns about the proposed road "...planned to go directly over a small pond." Field inspection found a seasonal impoundment devoid of water, but with wetlands vegetation and soils .

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposed permit amendment to change the access road layout and reduce wetland impacts from 7,000 sq. ft. to 2,500 sq. ft. The applicant has subsequently applied with a new application and received a permit (Wetlands Bureau File# 2007-00470).

With Findings:

1. A request for additional information dated February 16, 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 amendment application has been denied.

**2005-02927 MERCIER, MARCEL
MANCHESTER Merrimack River**

Requested Action:

Replenish approximately 95 linear feet of rip-rap along the bank of the Merrimack River.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to replenish approximately 95 linear feet of rip-rap along the bank of the Merrimack River.

With Findings:

1. A request for additional information dated March 31, 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: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.

**2006-02713 JAFFREY/RINGE SCHOOL DISTRICT SAU-47
JAFFREY Unnamed Wetland**

Requested Action:

Approve permit amendment to revise approximately 750 square feet of perennial stream impact to retain an existing 53-inch x 48-inch x 32-foot closed bottom corrugated metal arch culvert at wetland impact areas B and C to dredge and fill 890 square feet of perennial stream to replace an existing 53-inch x 48-inch x 32-foot closed bottom corrugated metal arch culvert with an 8-foot x 3-foot, 4-inch x 50-foot open-bottomed multi-plate arch structure.

APPROVE AMENDMENT:

Dredge and fill 2,100 square feet of palustrine forested wetlands for grading associated with the proposed Conant High School athletic field and associated access ways and dredge and fill 890 square feet of perennial stream to replace an existing 53-inch x 48-inch x 32-foot closed bottom corrugated metal arch culvert with an 8-foot x 3-foot, 4-inch x 50-foot open-bottomed multi-plate arch structure.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc., dated July 14, 2006, and revised through March 26, 2007, as received by the DES Wetlands Bureau on April 02, 2007, and plans dated September 06, 2007, and revised through September 06, 2007, as received by the DES Wetlands Bureau on September 10, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent upon the establishment of a vegetated buffer in accordance with the landscape plan by Meridian Land Services, Inc. dated April 10, 2007, as received by the Department on April 12, 2007.
4. Work shall be done during low flow conditions.
5. The permittee shall notify in writing the DES Wetlands Bureau and the Jaffrey Conservation Commission at least 7 days prior to the commencement of project construction.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. There shall be no excavation or operation of construction equipment in flowing water.
17. 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 DES Wetlands Bureau.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular riprap.
20. 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).
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
22. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Slope plantings areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until vegetation is established in a manner satisfactory to the DES Wetlands Bureau.
25. A post-construction report documenting the status of the planting area, including photographs during and post construction shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.
26. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the planting area and schedule remedial actions if necessary. A report outlining the project status including photographs and any 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 year following the completion of the project.

With Findings:

The DES Wetlands Bureau reaffirms original findings #1 & #2, and #4 through #7.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands impact; and Env-Wt 303.03(l), alteration of less than 200 linear feet of a perennial stream channel or its banks.
2. The NHFG Nongame and Endangered Wildlife Program indicated the presence of Wood turtle and Blanding's turtle, both state species of concern, in the project's vicinity; and recommend a perennial stream crossing that is 1.2 times the bankfull width; and a minimum 35-foot no-cut/disturbance buffer along wetland and stream edges.
3. The applicant provided an approximate 15-foot buffer along the perennial stream and plantings on the adjacent slope.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

The DES Wetlands Bureau also makes the additional findings:

7. The applicant has amended the original permit to provide an open-bottomed perennial stream crossing that is 1.2 times the bankfull width measurement provided for the perennial stream, 6 feet.

**2007-00276 PAULUCCI REALY TRUST, PETER PAUL
ALTON Lake Winnepesaukee**

Requested Action:

Install 130 sq ft of rip rap in the channel of a brook, install a culvert to drain an existing wetland, install 41 ft of 3 ft high retaining wall along the shoreline and fill behind the wall, impact 48 sq ft of shoreline to install 4 ft wide step to the waterbody, install a seasonal PWC lift adjacent to the existing docking structure on 110 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com submitted comments stating no need for new wall

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

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

DENY PERMIT:

Install 130 sq ft of rip rap in the channel of a brook, install a culvert to drain an existing wetland, install 41 ft of 3 ft high retaining wall along the shoreline and fill behind the wall, impact 48 sq ft of shoreline to install 4 ft wide step to the waterbody, install a seasonal PWC lift adjacent to the existing docking structure on 110 ft of frontage on Lake Winnepesaukee, Alton.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact project per Rule Env-Wt 303(k) projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Rule Env-Wt 303.02.
3. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
4. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that he alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.

Findings of Fact

6. On February 08, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Alton, tax map 65, lot 65, (the "Lot") to construct 50 linear feet of stone retaining wall 4 feet high on Lake Winnepesaukee, Alton. The agent for the applicant was listed as Winnepesaukee Marine Construction.
7. On February 23, 2007, the Wetlands Bureau received written comments from the local Conservation Commission. The Conservation Commission stated they had no objection to the repair of the existing 20 ft retaining wall, but felt the need was not demonstrated to construct a new 4 ft high stone wall and alter the character of the natural shoreline.
8. On April 30, 2007, the Wetlands Bureau received a letter and photographs from the applicant stating he wished to install a culvert and drain a wet area, replace the rip rap with a wall and terrace the lot.
9. On March 28, 2007, the Wetlands Bureau sent a Request for More Information letter to the applicant. This letter stated the proposed project did not appear approvable and requested 8 items that would be needed to complete the application if the Applicant wanted to proceed with the proposed wall. Among the items requested were evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative.
10. On August 15, 2007, the Wetlands Bureau conducted a field inspection of the site. Field inspection found the boatlift was installed on the southern side of the dock within the abutters 20 ft setback, it appeared sand had been placed on the beach without a permit, and the plans submitted with the application did not accurately show the docking structures.
11. On August 28, 2007, the Wetlands Bureau sent a follow up letter to the previous Request for More Information letter requesting the applicant to address some of the items identified during the field inspection.
12. On September 24, 2007, the Wetlands Bureau received a letter from the new agent for the Applicant, New Hampshire Environmental Consultants LLC, requesting an extension to the time to respond the Request for More Information letter until October 26, 2007. The Wetlands Bureau responded via e-mail agreeing to the extension until October 26, 2007.
13. On October 26, 2007, the Wetlands Bureau received a response from the applicant. This response included photographs and a plan for additional impacts on the frontage beyond those in the original request. These plans now indicated the seasonal boatlift located on the northern side of the dock as permitted, and a plan showing some wetlands on the frontage. These wetlands did not coincide to the wetlands as originally mapped on plans as received in support of Wetlands file #2003-02560.
14. The response received on October 26, 2007 did not provide any evidence of the need for the proposed impacts or documentation that the proposal is the least impacting alternative as was requested in the Request for More Information letter.
15. The stamped surveyed plan submitted for development of the lot under Wetlands file #2003-02560 shows several areas of wetlands with no proposed impacts, the stamped surveyed plan submitted by New Hampshire Environmental Consultants LLC show most of the wetlands have been filled on the lot.
16. The stamped surveyed plan submitted for development of the lot under Wetlands file #2003-02560 shows the proposed primary structure located 35 ft from the reference line, the stamped surveyed plan submitted by New Hampshire Environmental Consultants LLC shows the primary building structure located 27 ft from the reference line.
17. The plans submitted for the development of the lot under Wetlands file #2003-02560 show a wetland complex extending to the shoreline in front of the proposed structure, the plans submitted by New Hampshire Environmental Consultants LLC shows this wetland now filled as lawn and rip rapped drainage swale.
18. The impacts to jurisdictional areas which were found during the review of this application will be investigated further by the Wetlands Bureau Compliance Section to determine if additional compliance action is necessary.

Rulings in Support of Denial

19. The Applicant failed to provide evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative as requested by the Department on March 28, 2007 and, therefore, the application shall be denied in accordance with Env-Wt 302.04(d).

2007-00548 GRANDMAISON, MICHAEL
COLEBROOK Unnamed Wetland

Requested Action:

Dredge and fill 15,000 sq. ft. of wetlands to construct a fire protection, wildlife and recreation pond.

APPROVE PERMIT:

Dredge and fill 15,000 sq. ft. of wetlands to construct a fire protection, wildlife and recreation pond.

With Conditions:

1. All work shall be in accordance with plans and narratives by David Herres, narratives dated September 6, 2007, as received by DES on September 13, 2007, plans dated August 15, 2006 and narratives, as received by DES on October 26, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. The proposed pond and outlet structure shall maintain pre-impact stream flows from the proposed pond site.
4. The boundaries of the proposed pond shall be staked/marked in the field prior to the start of construction to prevent accidental encroachment and impacts of the surrounding wetland area.
5. Work shall be done during low flow.
6. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives and to assure water quality standards are maintained.
7. A post-construction report prepared by the CWS documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
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. There shall be no excavation or operation of construction equipment in flowing water.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. 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.
14. 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.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. DES received a letter, dated October 6, 2006, from the Town of Colebrook Fire Chief supporting the need for the proposed pond for fire prevention.
5. The surrounding steep and elevated topography and need for access by fire equipment does not allow for building the pond in other areas on the property.
6. The applicant has provided a planting plan for providing additional wildlife habitat around the outer edges of the proposed pond.
7. The project would have qualified as minimum impact project per Env-Wt 303.04(p), however, there is a small intermittent stream and small area of very poorly drained soils within the proposed impact area.
8. This approval is contingent on the pond and outlet structure maintaining pre-impact stream flows from the pond site.
9. This approval is contingent on approval by the DES Dam Safety Program
10. The New Hampshire Fish and Game Department did not submit comments.

Requested Action:

Remove a 4 in diameter PVC pipe discharging well overflow to a public water, old silt fence remnants, and approximately 117 sq ft of fill within the bank along 78 linear ft of shoreline on property having 146 ft of frontage along Back Lake in Pittsburg.

APPROVE PERMIT:

Remove a 4 in diameter PVC pipe discharging well overflow to a public water, old silt fence remnants, and approximately 117 sq ft of fill within the bank along 78 linear ft of shoreline on property having 146 ft of frontage along Back Lake in Pittsburg.

With Conditions:

1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants, LLC dated October 3, 2007, as received by DES on October 23, 2007 ("Approved Plan").
2. The areas to be restored shall be regraded back to the original contours as existed prior to the construction of the new primary structure on the property.
3. All removed fill and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Unnecessary removal of vegetation within the shoreland during restoration shall be prohibited.
5. All planted vegetation shall be in accordance with the Approved Plan. All vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Within 30 days of the date of this authorization, the owner shall submit an alternatives analysis that includes a plan for reconstruction ("Reconstruction Plan") of the currently existing unauthorized primary structure (i.e., the single-family residence) that minimizes the structure's intrusion into the 50-foot primary building setback to the maximum extent possible. Specifically, the alternatives analysis shall contain a Reconstruction Plan that minimizes intrusion into the 50-foot building setback by siting the structure as far from the reference line as possible and by reducing the footprint of the structure to the maximum extent possible. At a minimum, the Reconstruction Plan submitted by the owner shall reduce the existing unauthorized structure to dimensions of no more than twenty-six (26) feet by thirty-six (36) feet or to a total footprint of no more than nine hundred and thirty-six (936) square feet. The alternatives analysis shall also demonstrate that the proposed design reduced intrusion into the 50-foot building setback to the maximum extent possible.
8. If the Department finds that the alternatives analysis is satisfactory and that the Reconstruction Plan minimizes intrusion into the 50-foot primary building setback to the maximum extent possible, the owner shall reconfigure the existing unauthorized structure in accordance with the approved redesign within 120 days of approval of the Reconstruction Plan by the Department.
9. If the Department finds that the alternatives analysis is inadequate or that the Reconstruction Plan does not minimize intrusion into the 50-foot primary building setback to the maximum extent possible, the Department shall deny the Reconstruction Plan. If the Department denies the Reconstruction Plan, the owner shall remove the existing unauthorized structure in total within 60 days of the Department's denial of the Reconstruction Plan. Removal of all or part of the currently unauthorized structure shall include removal of all parts of the structure down to a permeable surface.
10. This approval does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), alteration of between 50 and 200 linear feet of shoreline of a lake or pond.
2. This project will restore jurisdictional areas previously disturbed without a permit.
3. This project, if constructed as approved and conditioned, should not have any adverse impact on water quality.
4. The project includes a single-family residence that was constructed in violation of RSA 483-B:10.
5. The findings of the Coos County Superior Court related to Docket No. 04-E-145 are hereby incorporated into this authorization.

Requested Action:

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway with drainage structures and a storm water management system to service a 53-lot single family residential development on a 22 acre parcel of land of which 6.19 acres will be dedicated, in perpetuity, as conservation land.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has been proactive during all phases of the review of this project proposal and especially regarding lessening impacts to the tidal buffer zone through supporting innovative storm water management design thereby protecting the integrity of the adjacent tidal wetlands.

Inspection Date: 03/28/2007 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway with drainage structures and a storm water management system to service a 53-lot single family residential development on a 22 acre parcel of land of which 6.19 acres will be dedicated, in perpetuity, as conservation land.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated June 07, 2007 (last revised 06/26/2007), as received by DES on July 16, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Within three days of final grading 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. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 28, 2007. Field inspection determined that the main concern about the development of this site is the protection of the tidal buffer zone and hence to keep development as far away as possible from the adjacent salt marsh. Innovative storm water management, reducing the space required for standard detention

ponds will provide a better solution to preserving the integrity of the tidal wetlands.

6. The Seabrook Conservation Commission has been proactive during all phases of the review of this project proposal and especially regarding lessening impacts to the tidal buffer zone through supporting innovative storm water management design thereby protecting the integrity of the adjacent tidal wetlands.

7. This project does not require compensatory wetlands mitigation, however, 6.19 acres of this 22 acre parcel of land will be dedicated, in perpetuity, as conservation land.

2007-01725 ANDERSON, KEVIN & BRITTA
SWANZEY Swanzey Lake

Requested Action:

Install a 6 ft x 30 ft seasonal dock 69 ft southerly from existing 6 ft x 30 ft seasonal dock on 675 ft of frontage in Swanzey on Swanzey Lake.

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal dock 69 ft southerly from existing 6 ft x 30 ft seasonal dock on 675 ft of frontage in Swanzey on Swanzey Lake.

With Conditions:

1. All work shall be in accordance with revised plans by Kevin Anderson as received by DES on November 19, 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. All portions of the docks shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal piers shall be removed from the lakebed for five months during the non-boating season.
5. No portion of the seasonal docks shall extend more than 30 ft from the shoreline at full lake elevation.
6. 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.
7. Stairways shall not exceed a 6 ft width and will be constructed over the bank without regrading or recontouring of the bank.
8. This permit does not authorize maintenance dredging activities.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) construction or modification to a a docking system that provides for 4 boat slips including previously existing boat 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.

2007-01781 DELLASANTA, LOUIS
RINDGE Lake Monomonac

Requested Action:

Rip-rap 60 linear ft of shoreline on 100 ft of frontage in Ringe on Lake Monomonac.

DENY PERMIT:

Rip-rap 60 linear ft of shoreline on 100 ft of frontage in Ringe on Lake Monomonac.

With Findings:

Standards for Approval:

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance with Rule Env-Wt 303.04, projects that disturb between 50 and 200 ft, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02 are classified as Minor Impact Projects.
4. Pursuant to Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
6. Pursuant to Rule Env-Wt 404.01, shoreline stabilization shall be by the least intrusive but practical method.
7. Pursuant to Rule Env-Wt 404.04(c) all applications to use rip-rap adjacent to great ponds, or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.
8. Pursuant to Rule Env-Wt 404.04(b)(5) applications for rip-rap shall include cross-section and plan views of the proposed installation.
9. Pursuant to Rule Env-Wt 404.04(d) Rip-rap shall be located shoreward of the normal high water shoreline, where practical, and shall not extend more than 2 ft lakeward of that line at any point.

Findings of Fact:

10. On July 30, 2007, the Wetlands Bureau received an application, classified as a Minor Impact project, to rip-rap 60 linear ft of shoreline, on 100 ft of frontage on property identified as Rindge Tax Map 021, Lot 002 (the "Property").
11. A request for additional information dated October 17, 2007, addressed to the agent and copied to the owner of the Property (the "Applicant"), clearly identified that Applicant was required to submit a single and complete response to DES by February 14, 2008, 120 days from the date of the request. The additional items required included:
 - a. evidence that bio-engineered plans would not effectively stabilize the shoreline pursuant to Rule Env-Wt 404.03;
 - b. a stamped survey plan pursuant to Rule Env-Wt 404.04(c);
 - c. plan revision to reduce proposed rip-rap extending lakeward from the normal high water mark from 8 ft to 2 ft pursuant to rule Env-Wt 404.04(d); and,
 - d. a check for outstanding filing fees totaling \$60 pursuant to RSA 482-A:3.
12. The Applicant submitted an incomplete response to the request for information to the Department on October 31, 2007.
13. On October 31, 2007 the Department received an incomplete response from the Applicant. This response did not contain the following requested items:
 - a. evidence that bio-engineered plans would not effectively stabilize the shoreline pursuant to Rule Env-Wt 404.03;
 - b. a stamped survey plan pursuant to rule Env-Wt 404.04(c);
 - c. plan revision to reduce proposed rip-rap extending lakeward from the normal high water mark from 8 ft to 2 ft pursuant to rule Env-Wt 404.04(d); and,
 - d. a check for outstanding filing fees totaling \$60 pursuant to RSA 482-A:3.

Ruling in support of the Decision:

14. The Department requires certain items to be submitted with the application as per Rule Env-Wt 501.02, Env-Wt 404.04(c) & 404.04(a)(5), so that the project is clearly defined. Plans received by the Bureau on October 31, 2007 do not adequately portray an approvable project, and therefore this application has been denied.
15. The Applicant has failed to submit the information requested, and therefore, the application is denied.

16. The Applicant failed to submit the remaining impact fee due in the amount of \$60, and therefore, the application is denied.

**2007-02041 TWOMEY, JOHN
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" configuration on an average of 150 ft of frontage on Whortleberry Island on Lake Winnepesaukee in Tuftonboro.

Conservation Commission/Staff Comments:

No Con Com comments by Nov 19, 2007

APPROVE PERMIT:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" configuration on an average of 150 ft of frontage on Whortleberry Island on Lake Winnepesaukee in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Robert Coppo dated August 20, 2007, as received by DES on August 28, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This permit replaces the complete Seasonal Dock Notification, 2003-01945, to the previous owner on this lot.
5. This U-shaped docking facility shall be the only structure on this water frontage and all portions of the docking facility shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
8. This permit does not allow for any disturbance of the bank to attach the docks to shoreline such as construction a concrete pad or relocating rocks.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has 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 construction of a seasonal dock in this location is less impacting than constructing a permanent dock.
6. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-02372 FAVORITE DEVELOPMENT GROUP LLC
SOMERSWORTH Unnamed Wetland**

Requested Action:

Fill 2,980 sq. ft. of wetland to construct an access for truck turning and loading associated with expansion of an existing commercial building.

APPROVE PERMIT:

Fill 2,980 sq. ft. of wetland to construct an access for truck turning and loading associated with expansion of an existing commercial building.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates, PLLC dated September 2007, as received by the Department on October 1, 2007 and revised plan sheet C3 entitled Grading & Drainage Plan dated October 31, 2007, as received by the Department on November 13, 2007.
2. Wetlands shall be clearly marked prior to construction.
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. 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 and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01.
3. The applicant has demonstrated avoidance and minimization of wetland impacts per Administrative Rule Env-Wt 302.03 by proposing to construct retaining walls and 2:1 slopes adjacent to wetland areas.

**2007-02442 NH DEPT OF TRANSPORTATION
WINCHESTER Broad Brook**

Requested Action:

Install concrete toe walls to fill voids and prevent further undermining and place class B stone in streambed to bring invert level above the bottom of the abutments impacting 2,385 sq. ft. of stream and banks. NHDOT project #990556W. Install concrete toe walls to fill voids and prevent further undermining and place class B stone in streambed to bring invert level above the bottom of the abutments impacting 2,385 sq. ft. of stream and banks.

Conservation Commission/Staff Comments:

Ashuelot River Advisory Comm. notes the need, but concerned of flooding including the design may scour upstream and downstream of the project. The ditch on the NE bank should be repaired.

APPROVE PERMIT:

Install concrete toe walls to fill voids and prevent further undermining and place class B stone in streambed to bring invert level above the bottom of the abutments impacting 2,385 sq. ft. of stream and banks. NHDOT project #990556W.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 3/07, as received by the

Department on October 11, 2007.

2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. 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.
5. 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.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
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. 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.
11. 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.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
17. The ditch along the top of the north east bank shall be repaired as stated in the Ashuelot River Advisory Committee letter of October 19, 2007.
18. Additional requests to dredge and/or fill in this area of shall be accompanied with an analysis and assessment conducted by the applicant to determine a more effective, long-term solution, which alleviates the erosion problem and has a lesser degree of environmental impact.
19. All activity shall be in accordance with the current Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of channel and bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The additional stone in the channel is needed to prevent the undermining of the adjacent bridge abutments.
6. Without the repair, it is likely the upstream channel would continue to downcut making the banks steeper and susceptible to erosion.
7. The underwater inspection report submitted on November 13, 2007 indicates the undermining of the abutments to be more severe than originally thought.
8. A condition of this approval requires further design consideration if this structure requires replacement in the future.

Requested Action:

Place 5 concrete pads covering an area measuring 11 ft 3 in x 19 ft 7 in at the lakeward end of an existing 45 ft x 19 ft 7 in boat ramp to prevent erosion of the lakebed by boats being loaded and unloaded on the ramp in Highland Lake, Andover.

Conservation Commission/Staff Comments:

No comments by Con Com submitted by Nov 19, 2007

APPROVE PERMIT:

Place 5 concrete pads covering an area measuring 11 ft 3 in x 19 ft 7 in at the lakeward end of an existing 45 ft x 19 ft 7 in boat ramp to prevent erosion of the lakebed by boats being loaded and unloaded on the ramp in Highland Lake, Andover.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 26, 2007 and November 15, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during drawdown.
5. Dredged material cut from the end of the asphalt ramp shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for the placement of any new bedding fill, only the existing material in the footprint of the concrete pads can be re-contoured to provide a stable base for the concrete pads.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any waters of the state that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
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.

MINIMUM IMPACT PROJECT

2005-00382 SANDERS, STANLEY
SWANZEY Unnamed Wetland

Requested Action:

retain 2,250 square feet of fill associated with the installation of an 18" x 50' culvert to provide access to a single family residence.

Conservation Commission/Staff Comments:

Conservation Commission suggested a final decision by DES be delayed until the site can be inspected following snow melt.

Conservation report received by DES on 4/15/2005, suggested approval only if all exposed soils are properly stabilized to prevent sedimentation into associated wetlands.

APPROVE AFTER THE FACT:

retain 2,250 square feet of fill associated with the installation of an 18" x 50' culvert to provide access to a single family residence.

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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), alteration of less than 3,000 sq ft of jurisdictional wetlands to provide 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.

2006-00858 BACON, DANIEL
CONWAY Unnamed Wetland Saco River

Requested Action:

Deny permit request to dredge and fill approximately 900 square feet of forested wetland for pond and lawn area.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill approximately 900 square feet of forested wetland for pond and lawn area.

With Findings:

1. A request for additional information dated August 07 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: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.
4. DES Wetlands Bureau File No. 2006-00858, also contains a pending enforcement investigation, in which a Letter of Deficiency was issued to the Applicant on August 09, 2006.

2007-00398 LAU, BILLY
PLYMOUTH Unnamed Stream

Requested Action:

Proposal to install a 42 in. x 20 ft. culvert in an unnamed stream to gain access to property for parking cars and camping.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to install a 42 in. x 20 ft. culvert in an unnamed stream to gain access to property for parking cars and camping.

With Findings:

1. A request for additional information dated June 22, 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.

2007-01091 ZAGAMI, NANCY/PAUL
WAKEFIELD Pine River Pond

Requested Action:

Stabilize 40 linear ft of shoreline with rip-rap and vegetation in front of previously permitted perched beach, remove existing permanent dock and install two 6 ft x 30 ft seasonal docks approximately 70 ft apart a single 14 ft x 30 ft seasonal canopy within the most easterly boat slip on 226 ft of frontage in Wakefield on Pine River Pond.

APPROVE PERMIT:

Stabilize 40 linear ft of shoreline with rip-rap and vegetation in front of previously permitted perched beach, remove existing permanent dock and install two 6 ft x 30 ft seasonal docks approximately 70 ft apart a single 14 ft x 30 ft seasonal canopy within the most easterly boat slip on 226 ft of frontage in Wakefield on Pine River Pond.

With Conditions:

1. All work shall be in accordance with revised plans by Fernstone Associates as received by DES on November 13, 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. The existing rock along the natural shoreline may be temporarily removed for access to the undercut area to implement the erosion control plan. Immediately after stabilization of the undercut area the natural rock must be put back into its original location in front of the normal high water mark elevation to promote natural currents, natural shoreline contours, and wave dissipation.
4. Rip-rap shall be selectively keyed into voids and eroded areas which need to be reinforced.
5. Rip-rap shall not extend more than six inches lakeward of the normal high water mark and shall be installed in such a manner to retain the natural contours of the shoreline.
6. No more than 3 cubic yards of additional rock shall be used.
7. Selective rip-rapped undercut areas shall be lined with geo-textile fabric.
8. 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.
9. Shoreline stabilization shall be done during low flow.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
12. Permanent dock materials shall be completely removed from the lakebed and placed outside Wetlands Bureau jurisdiction.
13. Vegetation plan shall be implemented by the growing season immediately following rip-rap installation completion to promote soil retention.
14. All planted vegetation shall be maintained. Vegetation shall be replaced within one year of mortality with more appropriate species if deemed insufficient to environmental conditions.
15. The planting of invasive species is strictly prohibited.
16. Seasonal piers and canopy shall be removed from the lakebed for five months during the non-boating season.
17. Retaining wall construction is prohibited.
18. The unnecessary removal of vegetation is prohibited.
19. This permit does not authorize maintenance dredging activities.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative 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.
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.

2007-01183 SCRUTON, MATTHEW
ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 2,752 sq. ft. of wetlands and install a 15" x 30' culvert for construction of a driveway crossing to a single family house lot.

APPROVE PERMIT:

Dredge and fill 2,752 sq. ft. of wetlands and install a 15" x 30' culvert for construction of a driveway crossing to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Engineers dated 10/24/2007, as received by the Department on 10/25/2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Silt fencing must be removed once the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects that alter 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 applicant must cross wetlands on this lot to access buildable uplands.
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 is crossing at the narrowest location.
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. No species of concern were report the NH Heritage Bureau for this project.

5. The Rochester Conservation Commission did not object to this project.

FORESTRY NOTIFICATION

**2007-02663 KINGSTON CONSERVATION COMMISSION
KINGSTON Unnamed Stream**

COMPLETE NOTIFICATION:
Kingston Tax Map R5, Lot# 6

**2007-02672 COYNE, GARY
OSS�PEE Unnamed Stream**

COMPLETE NOTIFICATION:
Ossipee Tax Map 14, Lot# 86

**2007-02673 SEVERINO, RONALD
CANDIA Unnamed Stream**

COMPLETE NOTIFICATION:
Candia Tax Map 402, Lot# 7-10

**2007-02679 CIOFFI, DAVID & ANN
ETNA Unnamed Stream**

COMPLETE NOTIFICATION:
Etna Tax Map 5, Lot# 22-1

**2007-02692 RICHARDS, JOANNE
MILTON Unnamed Stream**

COMPLETE NOTIFICATION:
Milton Tax Map 27, Lot# 12

**2007-02693 KJ FRANCE ROAD EXTENSION LLC
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 270, Lot# 74

**2007-02694 OSS�PEE, TOWN OF
OSS�PEE Unnamed Stream**

COMPLETE NOTIFICATION:

Ossipee Tax Map 19, Lot# 87

2007-02695 DANIEL WEBSTER COUNCIL BSA INC
GILMANTON IRON WORKS Unnamed Stream

COMPLETE NOTIFICATION:

Gilmanto IW Tax Map 406, Lot# 48

2007-02696 WHELDEN, LYNNE
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 15, Lot# 67

2007-02712 HETTLEMAN, BRUCE & DEBRA TRUMAN
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Enfield Tax Map R1, Lot# 17

2007-02713 CHAIT, GEORGE & HOPE DAMON
CROYDON Unnamed Stream

COMPLETE NOTIFICATION:

Croydon Tax Map 16, Lot# 312

2007-02714 BELL, ROBERT
GOSHEN Unnamed Stream

COMPLETE NOTIFICATION:

Goshen Tax Map 412, Lot# 2

2007-02715 EMMERT, JOAN
HAMPSTEAD Unnamed Stream

COMPLETE NOTIFICATION:

Hampstead Tax Map 3, Lot# 132

2007-02716 TWOMBLY, RALPH
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:

Ossipee Tax Map 8, Lot# 79

**2007-02718 SHEA, BRIAN
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 257, Lot# 29

EXPEDITED MINIMUM

**2006-00494 BOUTIN, DONNA
MANCHESTER Merrimack River**

Requested Action:
Proposal to repair and replace approximately 75 linear feet of damaged retaining wall along the Merrimack River.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Deny proposal to repair and replace approximately 75 linear feet of damaged retaining wall along the Merrimack River.

- With Findings:
1. A request for additional information dated March 2, 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.

**2007-01165 CIMA, RONALD
ALTON Unnamed Wetland**

Requested Action:
Reconsider permit denial: To dredge and fill 1400 square feet of forested wetland for access to an existing lot based on inadequate existing access easements.

APPROVE RECONSIDERATION:
Approve permit to dredge and fill 1400 square feet of palustrine forested wetland including installation of a 15-inch x 38-inch x 20-foot open bottom pipe arch for access to an existing lot of record.

- With Conditions:
1. All work shall be in accordance with plans by Garland Lumber revised through September 14, 2007 as received by the Department on September 18, 2007.
 2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
 4. Work shall be done during periods of non-flow.
 5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
 6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 7. Any new materials used within jurisdiction must be similar to the natural stream substrate and shall not include angular rip-rap.

8. Proper headwalls shall be constructed within seven days of culvert installation.
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. Silt fencing must be removed once the area is stabilized.
11. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows, and Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The applicant has provided a copy of their deed which is unclear if they have the right to utilize the right of way over the Parker Lot.
3. If upland access is not available across the Parker lot then this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2007-02314 CRAMER, STEPHEN & SANDRA
NEW DURHAM Merrymeeting Lake

Requested Action:

Install a 6 ft x 24 ft seasonal hinged docking structure with anchoring pad on 101 ft of frontage in New Durham on Merrymeeting Lake.

APPROVE PERMIT:

Install a 6 ft x 24 ft seasonal hinged docking structure with anchoring pad on 101 ft of frontage in New Durham on Merrymeeting Lake.

With Conditions:

1. All work shall be in accordance with plans by Stephen Cramer dated as received by DES on October 29, 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. All portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for 5 months during the non-boating season.
5. No portion of the pier shall extend more than 24 ft from the shoreline at full lake elevation.
6. Concrete anchoring pad shall be completely behind the normal high water mark elevation.
7. 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.
8. This permit does not allow for maintenance dredging.
9. 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.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

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

**2007-02358 SENIOR HOUSING OF NEW HAMPSHIRE
MEREDITH Unnamed Wetland**

Requested Action:

Dredge and fill 700 square feet of palustrine forested wetland for construction of a senior housing facility.

APPROVE PERMIT:

Dredge and fill 700 square feet of palustrine forested wetland for construction of a senior housing facility.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering dated August 17, 2007, and revised through November 1, 2007, as received by the Department on November 6, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. 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.
5. Work shall be conducted during low water conditions.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The applicant has provided evidence that the existing wetland on site is man made and has minimal functions and values.

**2007-02507 BOULTER, RICHARD & SUZANNE
WEBSTER Lake Winnipocket**

Requested Action:

Repair an existing 12 ft 2 in x 20 ft 2 in boathouse and foundation with no change in location, size, height or configuration on Lake Winnipocket, Webster.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 12 ft 2 in x 20 ft 2 in boathouse and foundation with no change in location, size, height or configuration on Lake Winnipocket, Webster.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated October 10, 2007, as received by DES on October 22, 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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Repair shall maintain existing size, location, height and configuration.
6. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Area shall be regraded to original contours following completion of work.
8. Work shall be done during drawdown.
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. This permit does not allow for any dredging of the lake bed.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is 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.

AGRICULTURE MINIMUM

**2007-01016 FRANKLIN, CITY OF
FRANKLIN Channel**

Requested Action:

Deny permit request to maintenance dredge 200 linear feet of a perennial stream.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to maintenance dredge 200 linear feet of a perennial stream.

With Findings:

1. A request for additional information dated July 20, 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.

TRAILS NOTIFICATION

2007-02691 CONCORD, CITY OF
CONCORD Contoocook River

COMPLETE NOTIFICATION:
City of Concord Tax Map 105, Lot# 11

PERMIT BY NOTIFICATION

2007-02547 PATEL, BHARATAN
NEWBURY Lake Sunnapee

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

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

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

2007-02708 BEAVER ISLAND MANANGEMENT CPRO, LEO SULLIVAN
MEREDITH Lake Winnepesaukee

Requested Action:
Repair/replace existing permanent piling supported docking system.

PBN IS COMPLETE:
Repair/replace existing permanent piling supported docking system.

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.

2007-02709 LUCIA, RAYMOND & JOANNE
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair existing breakwater.

PBN DISQUALIFIED:

Repair existing breakwater.

With Findings:

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