

Wetlands Bureau Decision Report

Decisions Taken
12/17/2007 to 12/23/2007

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

**2004-01772 NH DEPT OF TRANSPORTATION
FRANKLIN Sucker Brook**

Requested Action:

Amend permit after the fact to include the additional impacts of 591 sq. ft. due to design changes.

Inspection Date: 08/18/2004 by Gino E Infascelli

APPROVE AFTER THE FACT:

Amend permit after the fact to include the additional impacts of 591 sq. ft. (9,453 sq. ft. total) due to design changes after the original permit was issued to improve road surface, shoulders and drainage; replace culverts and repair/ replace headers along Rte.11 to improve safety impacting emergent, scrub shrub and forested wetlands and streams. NHDOT project #14133.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by NHDOT Bureau of Highway Design dated 7/6/04, as received by the Department on July 28, 2004,
 - b. The Environmental Document by the NHDOT received August 24, 2004 and
 - c. The amended plan (near Sta 342+85) by the NHDOT Bureau of Highway Design received on Sept. 7, 2004.
2. All work shall be consistent with the Conference Report of June 22, 2004 (meeting held June 2, 2004).
3. All work shall be consistent with 16 items listed in the Summary of Environmental Commitments (14057A) by NHDOT and received November 4, 2004.
4. This permit is contingent on review AND approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Comments submitted by the DES shall be incorporated into the Erosion Control Plan and/ or the Stormwater Pollution Prevention Plans at least one week prior to submitted of the NOI.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
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 siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
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 impacts associated with the temporary work shall be restored immediately following construction.
18. Any further alteration of areas 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 Wt 303.02(i), alteration of more than 200 linear feet of banks and channels.
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. This amendment is to include additional work in jurisdiction that was slightly outside of the original design and is already completed.

**2006-01299 GREAT BAY NATIONAL WILDLIFE REFUGE
NEWINGTON Atlantic Ocean**

Requested Action:

Reconnstruct deteriorated dam with new design impacting approximately 40,000 sq. ft. of wetlands and approximately 540 linear ft. of stream channel and banks in the Lower Peverly Pond section of Peverly Brook.

DENY PERMIT:

Reconnstruct deteriorated dam with new design impacting approximately 40,000 sq. ft. of wetlands and approximately 540 linear ft. of stream channel and banks in the Lower Peverly Pond section of Peverly Brook.

With Findings:

1. This is a Major Impact Project per NH Code of Administrative Rule Env-Wt 303.02(c), alteration of non-tidal wetlands, non-tidal surface waters, and banks in excess of 20,000 sq. ft. in the aggregate.
2. Projects exceeding minimum or minor impact to streams or involving in excess of 10,000 sq. ft. of wetlands impact are required to submit a compensatory mitigation proposal package.
3. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
4. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of non-tidal wetlands per Rule Env-Wt 302.01.
5. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
6. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. Pursuant to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
8. Pursuant to Rule Env-Wt 101.01, "abandoned" means the failure for a period of 5 years to maintain an existing structure in a condition so that it is functional and intact.
9. Pursuant to RSA 482-A:3, XIII (b), if information requested by the department is not received within 120 days, the department shall deny the application.

Findings of Fact:

1. On 5/25/2006 the Department of Environmental Services ("DES") received an application to reconstruct a severely deteriorated dam with a failed concrete spillway, referred to as the "water control structure", located in the Lower Peverly Pond ("LLP") section of Peverly Brook on the US Fish and Wildlife Service ("USFWS") Great Bay National Wildlife Refuge ("GBNWR"). The project involved complete removal of the existing structure down to a sub-grade level, filling the existing stream channel, diverting all non-emergency stream flow through the dam control structure, and constructing a new emergency spillway in the upland adjacent to the dam. The total footprint of wetlands impact in Peverly Brook and its associated wetlands is in excess of 40,000 sq. ft. (approximately 540 linear ft. of stream channel and banks) as scaled off the submitted plan. Per GBNWR staff, the stated purpose of the project is to control water levels for waterfowl management.

2. On 6/2/2006 DES deemed the application administratively complete.
3. On 7/5/2006 DES received a copy of comments on the project from NH Fish & Game Department ("NHFG") dated 6/23/2006, which stated that NHFG opposed the project due to the detrimental effect of [the presence of] three dams (of which the project is one) in a small system on diadromous fish passage and water quality; the minimal freshwater fish and wildlife habitat provided by the man-made waterbody [LPP] in a system that should be restored to tidal wetlands within Great Bay; the uncertain future of the managed management of the Refuge; and that by not rebuilding the structure, the GBNWR would be working consistently with other state, federal, and non-governmental agencies currently conducting restoration projects on the Great Bay estuary.
4. On 7/20/2006 at a federal SPGP joint processing review meeting, the National Marine Fisheries Service ("NMFS") stated that the project would be ineligible for the programmatic general permit, and an Individual permit from ACOE would be required, due to the need for assessment of alternatives, such as removing the dam and restoring the natural system.
5. On 8/12/2006 DES issued a Request For More Information letter ("RFMI") requesting that the applicant address that the proposal does not address the requirements of demonstrated need pursuant to Env-Wt 302.01, or demonstrate avoidance and minimization pursuant to Env-Wt 302.03, or demonstrate that it represents the least impacting alternative pursuant to Env-Wt 302.04(b), particularly since the project involves significant design changes and extensive reconstruction of the structure, which exceeds the criteria for minimum impact repair. DES further requested response addressing the concerns of NHFG and NMFS; and stated the need for approval of the DES Dam Bureau and NH Coastal Program ("NHCP") Coastal Zone Management Act Section 307 federal consistency review. The deadline for response to the RFMI was stated as 12/12/2006, pursuant to RSA 482-A:3.
6. On 10/12/2006 an inter-agency meeting was held to discuss the proposal, which included GBNWR/USFWS, DES Wetlands Bureau, DES Dam Bureau, NHCP Federal Consistency Coordinator, NMFS, NHFG, and USFWS federal Programmatic General Permit review staff.
7. At the 10/12/2006 meeting GBNWR stated that the water control structure had not been functional since before the area was a [national] refuge. The area was established as a refuge in 1992.
8. On 10/16/2006 GBNWR requested, via email correspondence, extension to 4/12/2007 to provide response to the RFMI.
9. On 10/16/2006 DES agreed, via email correspondence, to the extension to 4/12/2007 for GBNWR to provide response to the RFMI.
10. On 4/11/2007 DES received a partial response to the RFMI from GBNWR, which did not include coordination of GBNWR with NHFG, or address NHFG's comments.
11. On 5/3/2007 an inter-agency meeting and field inspection of the project site and upstream and downstream areas including Upper Peverly pond and Stubbs Pond was conducted by DES, NHCP, GBNWR, NHFG, and USFWS.
12. On 5/11/2007 DES sent a letter to GBNWR requesting the outstanding RFMI information, particularly response to NHFG comments, as well as response to comments from DES, NHFG, USFWS PGP staff derived during the 5/3/2007 field inspection.
13. On 6/4/2007 DES received a partial response to the DES 4/11/2007 RFMI letter from GBNWR. The response letter failed to address NHFG's comments.
14. On 6/10/2007 DES received extensive comments in opposition to the project addressed to the Commissioner of DES from the Director of NHFG based upon the following:
 - a. "The Fish and Game Department has a policy to prevent dam construction or reconstruction on stream/rivers in the state that may affect significant fisheries. The diadromous species... are under restoration and management in NH often as a cooperative effort with USFWS. If this day is removed water quality in the stream reach would improve and additional stream habitat would be available for spawning...Currently the dam has no fish passage therefore the upriver habitat is unavailable for any diadromous species."
 - b. "Degraded water quality behind dams and water level manipulation (raising and lowering) may not be conducive to aquatic species present in Lower Peverly or Stubbs Pond. Currently, due to the condition of Lower Peverly Pond dam, water manipulation is being done from Upper Peverly Pond to prevent aquatic plant encroachment in Stubbs Pond. This continues to exacerbate sediment transport into Stubbs Pond. This impoundment, once a vast salt marsh in Great Bay... will only become more eutrophic and thus increasingly detrimental to aquatic organisms. Waterfowl will continue to utilize Stubbs Pond and Upper Peverly Pond regardless of water manipulation done for management of encroaching aquatic plants."
 - c. "The GBNWR, due to financial constraints, is under consideration for closure and to be managed from a regional office. Managing water levels for waterfowl and operating the fish passage system may be difficult in the future if staff and/or funding is not present...Removing this dam would also require less maintenance and management from Refuge personnel."
 - d. "As noted in one of the pictures of Stubbs Pond, an osprey continues to nest in this vicinity. Providing needed habitat for their forage base (e.g. diadromous fish) will continue to allow these predators to survive in the Great Bay estuary."
15. On 7/19/2007 a third inter-agency meeting was conducted to discuss the project. At this meeting DES stated that DES and NHFG work congruently regarding wildlife and fisheries protection issues, and that DES will not approve a wetlands permit that NHFG opposes.

16. At the 7/19/2007 meeting, a least-impacting alternative which would address the potential failure issue of the deficient dam was articulated: full breach of the dam spillway to release the impoundment and eliminate the water pressure stress from the berm. This proposal was supported by DES Wetlands and Dam staff, NHFG, NHCP.

17. On 10/3/2007 DES received a copy from NHCP of a letter dated 9/26/2007 to NHFG from GBNWR, stating that its response to the interagency "dialogue" was that the proposal to reconstruct the dam remained unchanged, for the original reasons given by refuge staff. This letter was not cc'd to DES, nor to anyone else.

18. On 11/26/2007 DES received a copy of the NHCP's Coastal Zone Management Act Federal Consistency Decision dated 11/21/2007 a 12-page document which provides extensive detail relative to the management history, purposes and deficiencies of the Peverly Brook dams. The Decision found that the proposal was not consistent with its enforceable policy #2, which states that federal activities shall "manage, conserve, and where appropriate undertake measures to maintain and restore and enhance the fish and wildlife resources of the State". The decision concluded that the USFWS [GBNWR] "had not pursued the least impacting alternative, had neglected to collaborate with other resource agencies and had failed to analyze the proposal to reconstruct the dam in the larger context of the Peverly Brook ecosystem".

18. GBNWR has had in excess of three 120-day response periods to adequately address the comments of DES. To date, GBNWR has failed to submit complete response to DES following the second RFMI letter dated 5/11/2007.

Findings in Support of Denial:

1. There is no demonstrated need, a requirement for approval pursuant to Env-Wt 302.01 (b), for elimination of 540 linear ft. of existing perennial stream channel and banks, and reconstruction of the earthen berm dam with a replacement structure and fill impacting in excess of 40,000 sq. ft. of Peverly Brook and its wetlands. DES finds the record documents that failure of this dam poses no threat to human safety, and minimal impact on wildlife and other natural resources. DES finds that the purported benefit of water level management is questionable at best, and can be accomplished by other reasonable alternatives. DES further finds that the proposal to rebuild the dam runs contrary to the policies and programs of both DES and NHFG, who both actively pursue removal of artificial impoundment structures and restore natural stream systems whenever opportunities arise.

2. The proposal fails to avoid and minimize impact to the greatest degree practicable, a requirement for approval pursuant to Env-Wt 302.03(a)(1), nor does it represent the least impacting alternative, a requirement for approval pursuant to Env-Wt 302.03(a)(1) and (2), and Env-Wt 302.04(a)(2). Alternatives, such as full breach of the failed spillway, and water control from Upper Peverly Pond, represent reasonable alternatives with significantly less wetlands impact, and represent greater benefit to the overall Peverly Brook system by re-establishing a natural, self-sustaining system supporting a wide variety of species and ecosystem functions. Such alternatives are compatible with the majority of federal, state, and local resource management goals, including the stated program goals of the USFWS itself.

3. The proposal fails to demonstrate adequate consideration of all relevant factors of Env-Wt 302.04(a)(1)-(2) by narrowly focusing on management of specific waterfowl, to the exclusion and detriment of other species, such as other wildlife, fisheries, and aquatic species, as well as other system functions, such as sediment transport and potential estuary restoration.

4. DES finds that the structure, having been dysfunctional since prior to 1992, qualifies as "abandoned". Accordingly, its reconstruction in a larger footprint incorporating significant design changes represents a new project at a level which involves required compensatory mitigation, which was not provided or considered in the review of this project.

5. DES finds that the applicant failed to completely address the issues as requested within three 120-day response periods. Pursuant to RSA 482-A:3 if an applicant fails to respond within 120 days (or an extension thereof) the application shall be denied.

6. Based on the findings above, DES finds that this project proposal contradicts the public purpose set out in RSA 482-A:3, provides conflicting and contradictory information in support of its proposal, conflicts with the applicable rules, laws, policies and recommendations of all other commenting agencies involved with its review; and fails to represent the least impacting alternative, therefore, pursuant to Env-Wt 302.04(d), the application is denied.

2007-02329 KENNETT COMPANY
CONWAY Unnamed Wetland

Requested Action:

Dredge and fill 6,900 square feet of palustrine forested wetland to construct a Phase II residential subdivision road serving 48 lots. Wetland impacts for Phase I, Phase II and potential future impacts related to Phase III were previously mitigated for during the Phase I review process (Permit #2006-01384) by placing a conservation easement on 244.35 acres of undeveloped land, and by creating designated open-space areas on 125.05 acres of undeveloped land.

Inspection Date: 01/22/2007 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 6,900 square feet of palustrine forested wetland to construct a Phase II residential subdivision road serving 48 lots. Wetland impacts for Phase I, Phase II and potential future impacts related to Phase III were previously mitigated for during the Phase I review process (Permit #2006-01384) by placing a conservation easement on 244.35 acres of undeveloped land, and by creating designated open-space areas on 125.05 acres of undeveloped land.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc. dated September 5, 2007, as received by DES on September 27, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within the Phase II area as depicted on Conceptual Master Plan dated September 5, 2007.
3. The deed which accompanies the sales transaction for each of the lots within the Phase II area of the subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail with a return receipt requested.
5. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
6. Any further alterations within the Phase III areas of this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow conditions.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. 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. 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.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Wetland impacts associated with future phases shall not increase based on the amounts provided in the Conceptual Master Plan.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(1), as cumulative wetland impacts within the last 5 years on the property are greater than 20,000 square feet.
2. The property was previously approved by DES in 2003 to fill 24,433 square feet and clear 291,600 square feet of forested wetlands to construct an 18-hole golf course under DES file #2002-01415.
3. The golf course was never constructed and the owner is now seeking a planned residential development with considerably less overall wetland impact.
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.

7. The applicant provided a Conceptual Master Plan which depicts a potential Phase III area. The cumulative wetland impacts for all 3 phases of the project will be approximately 48,000 square feet (1.1 acres).

8. On September 6, 2007, DES issued a permit (#2006-01384) to construct a Phase I residential subdivision with 29 lots. During the Phase I review process, the applicant mitigated the Phase I wetland impacts, as well as potential future Phase II and Phase III wetland impacts, by placing a conservation easement on 244.35 acres of undeveloped land, and by creating designated open-space areas on 125.05 acres of undeveloped land. Of the property's 696.13 acres, the conservation easement and open-space areas represent 53% of the overall property (369.4 acres).

9. Based on the cumulative wetland impacts for all three (3) phases of the development (approximately 48,000 square feet), DES finds that the applicant has met the mitigation requirements of Chapter Env-Wt 800; and therefore, Phase III as depicted on the Conceptual Master Plan will not require additional mitigation.

10. The applicant conducted a comprehensive vernal pool survey in the spring of 2007 and no vernal pools were identified.

11. DES Staff conducted a field inspection of the property on January 22, 2007. Field inspection determined that the applicant avoided large, high value wetland areas and planned road crossings in the narrowest of locations to reduce the overall impact of the project. In addition, DES staff inspected the areas proposed for preservation and found the wetlands and uplands to have extremely high functions and values, making the land preservation locations well planned.

12. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.87.

MINOR IMPACT PROJECT

**2005-02859 THREE PONDS INVESTMENT LLC, KIMBERLY HARDY
MILTON Northeast Pond**

Requested Action:

Fill a total of 8,935 sq. ft. of wetland for the construction of an access road for the construction of a residential subdivision, impact approximately 516 sq. ft. of shoreline for the construction of a dock, and impact approximately 47 linear ft. of shoreline for the construction of a perched beach.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Fill a total of 8,935 sq. ft. of wetland for the construction of an access road for the construction of a residential subdivision, impact approximately 516 sq. ft. of shoreline for the construction of a dock, and impact approximately 47 linear ft. of shoreline for the construction of a perched beach.

With Findings:

1. A request for additional information ("RFMI") dated April 27, 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, the deadline for which being July 27, 2006, and requested the following information:
 - a. demonstrate avoidance and minimization of wetland impacts and lack of alternatives with lesser wetland and surface water impacts in accordance with Administrative Rule Env-Wt 302.03(a)(1) and Env-Wt 302.04(b)(5). DES requested that you provide documentation that Wetland Impact # 2 could not be avoided by redesigning the roadway further to the northeast and Wetland Impact #3 could not be avoided by redesigning the roadway further to the southwest;
 - b. provide documentation that the Milton Conservation Commission concerns were addressed;
 - c. coordinate with NH Fish and Game Department to address any impacts to the state threatened Common Loon (*Gavia Immer*);
 - d. submit to DES a plan that indicates the boundaries of all wetlands and surface waters and the location of all proposed lot lines in

accordance with Administrative Rule Env-Wt 304.09(a);

e. DES requested redesign of the perched beach to comply with Administrative Rule Env-Wt 304.08(b);

f. DES requested redesign of the dock to comply with Administrative Rule Env-Wt 402.12. Applicants are allowed two boat slips for the first 75 ft. of shoreline frontage on the property and an additional 75 ft. for each additional boat slip. The current design proposes four boat slips on approximately 100 ft. of shoreline frontage on the property. This shoreline frontage only allows for two boat slips;

g. DES requested redesign of the parking lot to comply with RSA 483-B.

2. On June 15, 2006, DES received information from the applicant responding to the April 27, 2006 RFMI letter. Items 1b-1e, and 1g noted above were addressed by the applicant. Items 1a and 1f noted above were not addressed by the applicant and do not comply with the DES Code of Administrative Rules. The deadline for response was July 27, 2006, and that as of December 21, 2007, no further information has been received from the applicant.

3. 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.

4. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2006-02265 WILLOW POND DEVELOPMENT CO LLC
CROYDON Willow Pond

Requested Action:

Dredge and fill approximately 1,820 square feet of Willow Pond and 150 square feet of Bog Brook to reconstruct the Willow Pond Dam, including a low-flow structure, spillway and riprap scour protection.

Conservation Commission/Staff Comments:

Req. for Reconsideration rec'd 9/17/07 from Atty. Sherilyn Burnett Young of Rath, Young and Pignatelli, PC on behalf of Willow Pond Development Co. LLC and requests a meeting to be scheduled as soon as possible with DES and other interested parties, including NH Fish and Game reps to include a site visit (See app to construct a dam, Jeff Blaney, DES Dam Bureau

Inspection Date: 02/06/2007 by Kirsten Pulkkinen

APPROVE RECONSIDERATION:

Dredge and fill approximately 1,820 square feet of Willow Pond and 150 square feet of Bog Brook to reconstruct the Willow Pond Dam, including a low-flow structure, spillway and riprap scour protection.

With Conditions:

1. All work shall be in accordance with plans by the H. L. Turner Group, Inc. dated November 06, 2007, and revised through December 18, 2007, as received by the Department on December 18, 2007.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent upon receipt and approval by the DES Wetlands Bureau of an RLS certified as built plan to be submitted within 60 days of completion of construction to confirm the dam is reconstructed to the elevations of the 1987 construction.
4. This permit is contingent on receipt and approval by the DES Wetlands Bureau and DES Watershed Management Bureau of a plan for the operation and maintenance of structures used to release adequate downstream flows to be submitted within 90 days of permit issuance and to be implemented after approval. The plan shall include provisions for an operations and maintenance log of all manipulations of structures used for the release of downstream flows.
5. This permit is contingent on a monitoring log of downstream flows including photographs to be conducted and submitted to the DES Wetlands Bureau quarterly basis.
6. The applicant shall notify the DES Wetlands and Watershed Management Bureau in writing no less than five (5) days prior to the commencement of construction.
7. 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.
8. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the dam reconstruction is constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial

measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

9. Work shall be done during low flow and drawdown conditions.
10. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. 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.
14. There shall be no excavation or operation of construction equipment in flowing water.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. 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.
20. 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.
21. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
22. Temporary cofferdams shall be entirely removed immediately following construction.
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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on February 06, 2007.
6. In the request for reconsideration dated November 19, 2007, the applicant revised the project in an effort to respond to the October 19, 2007, Request for Reconsideration.
7. The applicant has revised the proposal to eliminate the proposed dredging.
8. The applicant has provided a low flow structure.
9. The applicant has revised plans to include additional scour protection in Bog Brook at the low flow structure outlet.
10. This permit is contingent upon receipt and approval by the DES Wetlands Bureau of an RLS certified as built plan to be submitted within 60 days of completion of construction to confirm the dam is reconstructed to the elevations of the 1987 construction.
11. This permit is contingent on receipt and approval by the DES Wetlands Bureau and DES Watershed Management Bureau of the valve operation plan for the maintenance of adequate downstream flows to be submitted within 90 days of the permit issuance and to be implemented after approval.
12. This permit is contingent on a monitoring log of downstream flows including photographs to be conducted and submitted to the DES Wetlands Bureau quarterly basis.

2007-01151 TRAFFIE, JAMES
NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill 6,641 square feet of palustrine forested wetlands for road access to a 6-lot subdivision and future connection to a previously constructed subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 6,641 square feet of palustrine forested wetlands for road access to a 6-lot subdivision and future connection to a previously constructed subdivision.

With Findings:

1. A request for additional information dated August 17, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-01400 WOLF, NANCY
ASHLAND Unnamed Wetland

Requested Action:

Dredge and fill a total of 1005 square feet impacting 23 feet of intermittent stream and crossing a perennial stream with an open bottom box.

APPROVE PERMIT:

Dredge and fill a total of 1005 square feet impacting 23 feet of intermittent stream and crossing a perennial stream with an open bottom box.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 2007 and revised through September 2007, as received by the Department on November 27, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work within the perennial stream shall be done during low flow.
5. Work along the intermittent stream shall be done during periods of non-flow.
6. Work within the palustrine wetlands shall be conducted during low water conditions.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. No equipment shall enter the water.
9. All work shall be done from the top of the bank.
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. Proper headwalls shall be constructed within seven days of culvert installation.
12. 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.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a copy of the driveway permit from the town of Ashland indicating their approval of the impacts within the Right of Way.
6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the 20 foot setback as required by Env-Wt 304.04.
7. Access to the main body of the lot is along a 50 foot right of way, this area is not wide enough to accommodate the 20 foot setback and the proposed driveway.
8. The applicant has attempted to get written agreement from the abutter on several occasions.
9. The abutter in question was notified via certified mail and has not provided comment to the file.
10. It would be an economic hardship for the owner to not have access to the buildable uplands on the lot.
11. The culvert has been properly sized and should not change the hydrology of the system.
12. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04(a).
13. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2007-01914 ST TOHMOAS AQUINAS HIGH SCHOOL
DOVER Unnamed Wetland

Requested Action:

Dredge and fill a total of 9,098 sq. ft. of man-made wetlands including filling 5,162 sq. ft. of existing detention pond; dredge 2,342 sq. ft. of existing man-made drainage ditch associated with relocation of detention pond; and rip rap 1,594 sq. ft. for stabilization of existing man-made drainage ditches to create additional parking area for high school.

APPROVE PERMIT:

Dredge and fill a total of 9,098 sq. ft. of man-made wetlands including filling 5,162 sq. ft. of existing detention pond; dredge 2,342 sq. ft. of existing man-made drainage ditch associated with relocation of detention pond; and rip rap 1,594 sq. ft. for stabilization of existing man-made drainage ditches to create additional parking area for high school.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated 9/18/2007, as received by the Department on 11/21/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
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 Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. 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. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. 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).
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Work shall be done during low flow.
17. DES has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior for all pollutants causing impairment which are likely to be in discharge from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing high school has demonstrated the need for additional parking to support its student and staff population.
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 project affects only man-made wetlands which function to treat and control stormwater, and the project will re-create the same or improved means of handling stormwater to replace the detention pond to be filled.
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. No species of concern were reported by the NH Heritage Bureau for the project. The applicant has provided response to the comments of EPA. The project is within 1 mile of an impaired water and has been conditioned accordingly.
5. The Dover Conservation Commission intervened on the project but did not report further.
6. Rule Env-Wt 304.04(a) relative to the 20' setback from property lines, is waived per the applicant's request dated 11/20/2007 as received by DES on 11/21/2007, with the findings that
 - a. the applicant has obtained sign-off on all but one abutter;
 - b. the applicant has demonstrated a reasonable attempt to receive sign-off from the outstanding abutter;
 - c. the project is designed to represent no negative environmental impact to the outstanding abutter.

2007-01966 TSIMEKLES REVOC TRUST, VIVIAN
DOVER Unnamed Wetland

Requested Action:

Dredge and fill a total of 3,880 sq. ft. of wetlands including 2,480 sq. ft. of impact and installation of a 15" x 20' culvert for a roadway crossing; 1,000 sq. ft. of impact and installation of twin 24" x 20' culverts for a driveway crossing; and 400 sq. ft. of

temporary impact for installation of a sewer line, associated with construction of a 19-lot subdivision on 104.88 acres.

APPROVE PERMIT:

Dredge and fill a total of 3,880 sq. ft. of wetlands including 2,480 sq. ft. of impact and installation of a 15" x 20' culvert for a roadway crossing; 1,000 sq. ft. of impact and installation of twin 24" x 20' culverts for a driveway crossing; and 400 sq. ft. of temporary impact for installation of a sewer line, associated with construction of a 19-lot subdivision on 104.88 acres.

With Conditions:

1. All work shall be in accordance with revised plans by Jones & Beach Engineers dated 11/29/2007, as received by the Department on 12/6/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. 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.
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 #5 of this approval.
7. 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).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. 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.
10. Silt fencing must be removed once the area is stabilized.
11. 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.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. 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. Proper headwalls shall be constructed within seven days of culvert installation.
17. 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).
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands in the requested locations to reach otherwise buildable upland areas.
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. The applicant has addressed the species of concern reported by the NH Heritage Bureau and NH Fish & Game Dept., and has demonstrated that the species will not be impacted by the Project. The applicant has further addressed the vernal pool concerns expressed by EPA and has developed deed restriction language that address EPA's concerns.
5. The Dover Conservation Commission recommends approval of this project.

**2007-02046 SHEEHAN, THOMAS
PITTSBURG Back Lake**

Requested Action:

Construct 96 linear feet of retaining wall on Back Lake, Pittsburg.

Conservation Commission/Staff Comments:

Pittsburg does not have a Conservation Commission, therefore there are no Con Com comments in the file.

DENY PERMIT:

Construct 96 linear feet of retaining wall on Back Lake, Pittsburg.

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. In accordance with RSA 482-A:11, II "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."
3. In accordance with Env-Wt 304.04 "the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests."
4. 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."
5. 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."
6. 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."
7. As per Env-Wt 404.05 (1) "Wall shall be permitted only where lack of space or other limitation of the site make alternative stabilization methods impractical."
8. In accordance with Rule Env-Wt 302.03 (a)(1)&(2), "the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, potential impacts have been avoided to the maximum extent practicable; and any unavoidable impacts have been minimized."
9. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau shall issue permits only when the proposed project are consistent with the policies of the Comprehensive Shoreland Protection Act ("CSPA").

Findings of Fact

1. On August 28, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Pittsburg tax map U5, lot 22-B, (the "Lot") to construct 96 linear feet of retaining wall on Back Lake, Pittsburg.
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. Photos submitted on August 28, 2007 indicate an already stable shoreline not requiring any erosion control measures.
4. Pursuant to Rule Env-Wt 302.03(a)(1), excavating the bank to install a retaining wall is completely avoidable, as the bank is

currently stable.

Rulings in Support of Denial

1. The Applicant failed to provide evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative and, therefore, the application shall be denied in accordance with Env-Wt 302.04(d).
2. The proposal to stabilize an already stabilized bank with a retaining wall has been deemed an unnecessary impact as it fails to provide a need as per Rule Env-Wt 302.04 (a)(1).
3. The project, to remove vegetation from the frontage to install a retaining wall on an already stable bank, is not consistent with the policies of the CSPA, therefore the project is denied in accordance with RSA 483-B:9 V.(a)(1).
4. The applicant has failed to provide documentation that the project impacts were not avoidable as per Env-Wt 302.03 and are the least impacting alternative as per Rule Env-Wt 302.04 (a)(2), therefore the application is denied.
5. Pursuant to Rule Env-Wt 304.04, the Applicant failed to submit written agreement from the affected abutters concurring with the proposed impacts within the abutter's 20 foot setback, therefore the application is denied.

2007-02059 KEATTING, KAROL
MEREDITH Lake Waukewan

Requested Action:

Install a seasonal "U-shaped" docking facility consisting of two 4 ft x 30 ft docks connected by a 6 ft x 10 ft walkway on 300 ft of frontage in Meredith on Lake Winnepesaukee.

APPROVE PERMIT:

Install a seasonal "U-shaped" docking facility consisting of two 4 ft x 30 ft docks connected by a 6 ft x 10 ft walkway on 300 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with the original plans received by the Department on August 31, 2007.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. 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.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. This permit does not allow maintenance dredging.
7. This permit does not authorize the installation of other seasonal structures such as canopies, boatlifts and personal water craft lifts.
8. Seasonal pier shall be removed from the lakebed for 5 months during the non-boating season.
9. No portion of the dock shall extend more than 30 feet from the shoreline at the normal high water mark.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a seasonal dock exceeded minimum impact requirements.
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.

**2007-02189 DARTMOUTH COLLEGE, TRUSTEES OF
LYME**

Requested Action:

Dredge and fill approximately 8,012 sq. ft. of palustrine emergent, seasonally saturated wetlands for the purposes of widening existing ski trails for recreational use and access.

Conservation Commission/Staff Comments:

Con Com sent letter of no objection dated September 20, 2007 and recvd by Department on September 27, 2007. AoT permit issued on 12/7/07.

APPROVE PERMIT:

Dredge and fill approximately 8,012 sq. ft. of palustrine emergent, seasonally saturated wetlands for the purposes of widening existing ski trails for recreational use and access.

With Conditions:

1. All work shall be in accordance with plan entitled: Wordens Trail Grading Plan, Sheet Number MC-2, dated July 2007, as received by the Department on September 10, 2007, and on submitted materials.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Work shall be done during periods of frozen conditions or non-flow.
4. Silt fencing must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. 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 minor impact project per Administrative Rule Env-Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES conducted a site visit on June 21, 2007. Field observations confirmed wetland boundaries and noted potential Impacts as a result of the proposed trail widening. No remarkable findings were noted.
6. Based on a response received by the Department on October 23, 2007, from NHF&G, there are no further issues or objections to the proposed work, as it relates to any potential adverse impacts to state or threatened endangered species.
7. NH Natural Heritage Bureau (NHB) noted the presence of a state threatened plant species, namely, Goldie's Fern (*Dryopteris goldiana*) and as discovered in marked locations of known species on site provided by NHB. Based on a review of the proposed activities and of in-house materials submitted to date, noting where the known existing species were found as provided by NHB, it has been determined by this office that the work will unlikely have an adverse impact on any known species in the region and the work should be permitted as proposed.
8. NHDES Alteration of Terrain permit has been issued for the proposed work on December 06, 2007, under file number WPS 7983. Any Wetlands Bureau permit will be conditioned to obtain and comply with all terms of state, Federal and local permits

accordingly.

**2007-02321 SKIFFINGTON HOMES INC, C/O DAVID DOLAN ASSOC
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway and attached to two 6 ft x 4 ft concrete pads, accessed by a 4 ft x 8 ft seasonal walkway, install a 14 ft x 30 ft seasonal canopy over the center slip with a seasonal boatlift, impact 375 sq ft to construct a 254 sq ft perched beach with 4 ft granite access stairs, on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by December 11, 2007

APPROVE PERMIT:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway and attached to two 6 ft x 4 ft concrete pads, accessed by a 4 ft x 8 ft seasonal walkway, install a 14 ft x 30 ft seasonal canopy over the center slip with a seasonal boatlift, impact 375 sq ft to construct a 254 sq ft perched beach with 4 ft granite access stairs, on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by David Dolan dated September 10, 2007, revision date December 13, 2007, as received by DES on December 17, 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. 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.
- erosion of beach area.
4. The concrete pads shall be located entirely above and behind the natural undisturbed shoreline and behind elevation 504.32.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. Seasonal piers shall be removed for the non-boating season.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. The boatlift shall be of seasonal construction type which shall be removed for the non-boating season.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 7.1 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the 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 an average of 210 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-02339 PUSATERI, JOHN
OSSIPEE Lake Ossipee

Requested Action:

Construct 100 linear ft of a 6 ft retaining wall on 100 ft of frontage in Center Ossipee on Ossipee lake.

DENY PERMIT:

Deny the application to construct 100 linear ft of a 6 ft retaining wall on 100 ft of frontage in Center Ossipee on Ossipee Lake.

With Findings:

Standards of Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:3, I, the permit application fee for standard applications shall be \$200, plus \$2.00 per square foot for permanent dock surface area, \$1.00 per square foot of seasonal docking structures, and \$0.20 per square foot of dredge or fill within wetlands jurisdiction.
3. In accordance with Rule Env-Wt 302.03 (a)(1)&(2), the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, potential impacts have been avoided to the maximum extent practicable; and any unavoidable impacts have been minimized.
4. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau shall issue permits only when the proposed project are consistent with the policies of the Comprehensive Shoreland Protection Act ("CSPA").
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 404.05 (1), walls shall be permitted only where lack of space or other limitation of the site make alternative stabilization methods impractical.
7. Pursuant to Rule Env-Wt 404.05 (4), applications for walls 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. 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."
9. Env Wt 404.01 provides that Shoreline Stabilization shall be by the least intrusive but practical method.
10. Pursuant to Env-Wt 404.05 (1) Walls shall be permitted only where lack of space or other limitation of the site make alternative stabilization methods impractical.
11. Pursuant to Rule Env-Wt 501.02(a)(2) plans need to accurately show all existing and proposed structures.
12. As per Rule Env-Wt 404.05 (4), applications for walls 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.

Findings of Fact

1. On September 28, 2007 the Wetlands Bureau received an application from Mr. Pusateri requesting to install 100 linear ft of a 6 ft retaining wall on property identified as Town of Ossipee Tax Map 44 Lot 18, on Ossipee Lake.
2. The applicant states that the wall proposal will not impact any of the surrounding areas because it is a ready rock block wall and it will be built in place of the failed wall that keeps crumbling down into the lake allowing erosion to happen constantly during times of high water with high winds.

3. This project is classified as a major impact project per Rule Env-Wt 303.02(k), as the Department of Resources and Economic Development (DRED) has documented occurrence of Threatened and Endangered species, *Proserpinaca pectinata* (Mermaidweed), status Endangered and *Hudsonia tomentosa* (Hairy Hudsonia), status Threatened near the project area.
4. Env Wt 404.03(a) provides that natural vegetation shall be left intact to the maximum extent possible. If space and soil conditions allow, unstable banks shall be cut back to a flatter slope, seeded and replanted with native trees and shrubs.
5. Photos submitted with the application reveal that the shoreline has been recently disturbed through human manipulation. There is the presence of a rock-placed shoreline, geotextile fabric, placement of bark mulch at the bank and new stone steps.
6. The Bureau has no existing permits on record for the stairs that were recessed into the bank and the excessively rip-rapped shoreline.
7. As required per Rule Env-Wt 404.05, the applicant failed to submit a stamp surveyed plan.
8. The appropriate filing fee for this Major project application is \$240 for the proposed impacts. The After-the-Fact impacts are unclear and therefore could not be calculated. The applicant submitted \$200 for future impacts imposed.
9. The applicant has not demonstrated that vegetative stabilization could not be used as the preferred method of stabilization.
10. Pursuant to Rule Env-Wt 501.02(a)(2) the applicant did not submit plans accurately showing all existing and proposed structures.

Rulings support of the Decision

1. The proposal to stabilize a bank with a retaining wall has been deemed an unnecessary impact as it fails to provide a need for the extent of impact as per Rule Env-Wt 302.04 (a)(1).
2. The Applicant failed to provide evidence of the need for the proposed project and documentation that the proposal was the least impacting alternative and, therefore, the application is denied in accordance with Env-Wt 302.04(d).
3. The applicant failed to submit the appropriate impact fees as required per RSA 482-A.
4. The project, to install a retaining wall on an previously well vegetated and stable bank, is not consistent with the policies of the CSPA, therefore the project is denied in accordance with RSA 483-B:9 V.(a)(1).
5. Applicant failed to provide evidence that the non-conforming shoreline structures are grandfathered or otherwise authorized by previous permitting. Therefore the application is denied.
6. Pursuant to Rule Env-Wt 501.02(a)(2) the applicant failed to submit plans accurately showing all existing and proposed structures.
7. The applicant failed to submit a stamped survey plan showing the footprint of the proposed project in relation to the reference line.

2007-02418 ROTHBLATT, MARTINE & BINA
STRATFORD Unnamed Stream

Requested Action:

Dredge and fill approximately 400 sq. ft. in the bed and banks of a small perennial stream to install one 48 in. x 30 ft. culvert, on an existing road to provide upland access for a single family residence.

Conservation Commission/Staff Comments:

Permit issued 12/20/2007.

APPROVE PERMIT:

Dredge and fill approximately 400 sq. ft. in the bed and banks of a small perennial stream to install one 48 in. x 30 ft. culvert, on an existing road to provide upland access for a single family residence.

With Conditions:

1. All work shall be in accordance with plans entitled: Marbina Woods, LLC, US Route 3, Stratford, New Hampshire, prepared by Colin F. Sutherland and received by the Department on October 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.

4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. No equipment shall enter the water.
6. All work shall be done from the top of the bank.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Use native material such as: cobbles (not crushed stone or other crushed rip-rap) to stabilize the banks of streams to the 1-2 year flow.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. 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(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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Prior impact was determined to be within NHDES jurisdiction, was removed by the applicant and voluntarily submitted application for After the fact approval for the proposed culvert, on an existing road.
6. Based on information submitted to this office to date, we have determined that the initial work was unknowingly performed without DES authorization and has been voluntarily removed upon discovery. The new application represents a responsible and proportional proposal to permit the necessary road crossing & improve prior site conditions to allow authorized access to substantial uplands for a single residential lot. Due to the minimal size of the impact, the voluntary reporting and adequate remediation of site conditions, no enforcement action will be taken and the project should be approved as an after the fact, despite the conditions on the site are now void of any prior structures.
7. Based on a review of the information submitted by the agent, it appears the proposed work has been adequately designed to meet stream width and flow conditions, the revised culvert will not result in any adverse impacts to adjacent systems or surface waters, the proposed road is for upland access to a residential single lot, is not contrary to the public interest and is therefore permitted accordingly.

MINIMUM IMPACT PROJECT

2007-02029 MANCHESTER HIGHWAY DEPARTMENT
MANCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 2,500 sq. ft. of wetlands for the reconstruction of Gold Street and a new roadway bypass to Bradley Street.

APPROVE PERMIT:

Dredge and fill 2,500 sq. ft. of wetlands for the reconstruction of Gold Street and a new roadway bypass to Bradley Street.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers Inc., revision dated November 10, 2007, as received by DES on November 26, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. 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.
8. 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.
9. 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).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

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 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.

**2007-02508 HALLEE, PAUL & ROSEMARY
ACWORTH Crescent Lake**

Requested Action:

Install a 4 ft x 40 ft seasonal dock on Crescent Lake, Acworth.

Conservation Commission/Staff Comments:

No comments from Con Com by Dec 19, 2007

APPROVE AFTER THE FACT:

Install a 4 ft x 40 ft seasonal dock on Crescent Lake, Acworth.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering dated September 7, 2007, as received by DES on October 17, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant submitted dated water depths to support the need for the 40 ft long dock.

FORESTRY NOTIFICATION

**2007-02912 BURGHARDT, DAVID & PETER
WENTWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Wentworth Tax Map 8, Lot# 13-10

**2007-02913 DONOVAN ESTATE, BEATRICE
DEERING Unnamed Stream**

COMPLETE NOTIFICATION:
Deering Tax Map 233, Lot# 10

**2007-02914 GUIDA-SEIBERT DAIRY CO, ALEX GUIDA
NELSON Unnamed Stream**

COMPLETE NOTIFICATION:
Nelson Tax Map 9, Lot# 68-1

**2007-02915 CORREIA, JOSEPH & JOANNE
TROY Unnamed Stream**

COMPLETE NOTIFICATION:
Troy Tax Map 37, Lot# 2, 3 & 4

2007-02916 **MACHELL, WILLIAM**
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 277, Lot# 2

2007-02922 **STEVENS, WILLIAM & DIANE**
CHICHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chichester Tax Map 1, Lot# 15

2007-02923 **CERSOSIMO LUMBER CO INC**
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 205, Lot# 28

2007-02924 **OUIMETTE, DANIEL**
STEWARTSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Stewartstown Tax Map B2, Lot# 16

2007-02925 **PEELER, DAVID & PAULA WOODWARD**
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
Campton Tax Map 13, Lot# 2-14-2

2007-02927 **STEENBURGH, JOSHUA**
PIKE Unnamed Stream

COMPLETE NOTIFICATION:
Pike Tax Map 418, Lot# 21

2007-02935 **CARR, MOSSES**
PIKE Unnamed Stream

COMPLETE NOTIFICATION:
Pike/Haverhill Tax Map 418, Lot# 20

2007-02936 **DECOSTE, WILLIAM**
PIKE Unnamed Stream

COMPLETE NOTIFICATION:

Pike/Haverhill Tax Map 418, Lot# 19

2007-02940 **SHEPARD, PAUL**
HILLSBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Hillsboro Tax Map 23, Lot# 106

2007-02941 **SCHWAEGLER, BRUCE**
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:

Orford Tax Map 8-27, Lot# 1A, 5, 11 & 25

2007-02942 **KUMM, WILLIAM & ANNE**
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 407, Lot# 38

2007-02943 **RAFTERS MAINTENANCE TRUST, WILLIAM KUMM TTEE**
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 407, Lot# 42

2007-02954 **NICHOLS, DOUGLAS**
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:

New Ipswich Tax Map 8, Lot# 6

2007-02955 **WISWELL, ESTATE OF NORMAN**
CLARKSVILLE Unnamed Stream

COMPLETE NOTIFICATION:

Clarksville Tax Map R3, Lot# 7

2007-02958 **SPNHF**
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:

Bethlehem Tax Map 403, Lot# 16

**2007-02959 JOZOKOS, JAMES & MARY JANE FLYNN
DANBURY Unnamed Stream**

COMPLETE NOTIFICATION:
Danbury Tax Map 408, Lot# 6

**2007-02960 LAKEVILLE SHORES INC
SULLIVAN Unnamed Stream**

COMPLETE NOTIFICATION:
Sullivan Tax Map 5, Lot# 54

EXPEDITED MINIMUM

**2007-01697 VOCATIONAL PARTNERSHIP OF REGION #15 (VOPAR)
MANCHESTER Unnamed Wetland**

Requested Action:

Dredge and fill 2,800 sq. ft of wetlands for the construction of an access road and a utility crossing for a proposed 11 lot residential subdivision.

APPROVE PERMIT:

Dredge and fill 2,800 sq. ft of wetlands for the construction of an access road and a utility crossing for a proposed 11 lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers Inc., sheets C1, C2, C3, and P2 revision dated May 18, 2007 and plan sheet D5 dated March 2007, as received by DES on July 26, 2007.
2. 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.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
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. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

13. 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.

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant requested a waiver to Administrative Rule Env-Wt 304.04 Setback From Property Lines, (a) The department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
6. The Department granted the waiver request with findings that the request complies with the wavier criteria Env-Wt 204.04 (a)(1) Granting the request will not result in:
 - a. An adverse effect to the environment or natural resources of the state, public health, or public safety; or
 - b. An impact on abutting properties that is more significant than that which would result from complying with the rule; and(2) b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant
7. If the applicant was able to move the proposed utility line crossing 20 ft. from the property line it would result in a similar impact within the same wetland.
8. The proposed utility line easement is approximately 320 ft. long x 20 ft. wide. The section of the easement containing the wetlands impact area is only 40 ft. long x 20 ft. wide.
9. The applicant is providing twin arch culverts within the utility line impact area to maintain existing flows through the wetland.
10. The applicant made multiple attempts to contact and receive a written agreement from two abutters with wetland impacts within 20 feet of the abutting property line. The abutters did not respond to the agreement request or provide any comments or concerns to the Department regarding the proposed project relative to their interest.
11. The proposed wetlands impact within 20 feet of the abutting property lines is needed due to the location and design of the existing utility lines to be connected too on Justin Road.

2007-01957 ZANI, DAVID
CANAAN Roadside Ditch

Requested Action:

Dredge and fill approximately 240 sq. ft. of an intermittent roadside drainage channel and install two 18 in. x 20 ft. squash culverts and one 30 in. x 20 ft. culvert for two separate driveways, as per directed by NHDOT, for road construction to facilitate upland access to 3 residential lots.

Conservation Commission/Staff Comments:

Conservation Commission signed. RFMI Letter sent 10/19/2007. Complete 11/27/2007. 2nd review.

APPROVE PERMIT:

Dredge and fill approximately 240 sq. ft. of an intermittent roadside drainage channel and install two 18 in. x 20 ft. squash culverts and one 30 in. x 20 ft. culvert for two separate driveways, as per directed by NHDOT, for road construction to facilitate upland access to 3 residential lots.

With Conditions:

1. All work shall be in accordance with submitted information and plans entitled: Proposed Subdivision Plan For David M. & Michael D. Zani, as received by the Department on November 26, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 3 of this approval.
5. Work shall be done during periods of low-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. An in-house meeting was held on November 26, 2007 with the agent. The application was determined to be complete for processing upon receipt of additional plans and documentation with culvert locations, dimensions and conceptual road alignment, submitted by Alan Wilson, Agent, and received by this office on November 26, 2007.

2007-01972 MILLSTONE PROPERTIES, LLC, DAVID PAOLINI
DOVER Unnamed Wetland

Requested Action:

Fill a total of 1,899 sq. ft. of wetland in three locations to construct a roadway to serve a four unit condominium development on 9.19 acres.

Conservation Commission/Staff Comments:

Con. Com. signed the expedited application.

APPROVE PERMIT:

Fill a total of 1,899 sq. ft. of wetland in three locations to construct a roadway to serve a four unit condominium development on 9.19 acres.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering, dated February 5, 2007, as received by the Department on November 30, 2007.
2. Construction equipment shall not be located within surface waters.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. 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.
5. 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).
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

**2007-02610 MOORE, KENNETH
DURHAM Unnamed Wetland**

Requested Action:

Dredge and fill approximately 120 sq. ft. to replace two existing culverts with two 18" x 20' culverts in existing driveway.

APPROVE PERMIT:

Dredge and fill approximately 120 sq. ft. to replace two existing culverts with two 18" x 20' culverts in existing driveway.

With Conditions:

1. All work shall be in accordance with plans by William Getchell dated 11/21/2007, as received by the Department on 11/21/2007.
2. 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.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. No fill shall take place in Atlantic white cedar swamps.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
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. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), replacement or maintenance of a non-docking structure such as a culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission signed the expedited application.

**2007-02728 SCHIMENZ, ROBERT
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing docking structure and install a 4 ft x 40 ft seasonal dock attached to the existing rocks on the shoreline on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing docking structure and install a 4 ft x 40 ft seasonal dock attached to the existing rocks on the shoreline on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated November 01, 2007, as received by DES on November 26, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or modification of a seasonal pier or wharf if no more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 134 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-02730 BANKS, SHIRLEY
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct a 6 ft x 40 ft seasonal dock connected to a 3 ft x 6 ft concrete pad installed behind full lake elevation on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 6 ft x 40 ft seasonal dock connected to a 3 ft x 6 ft concrete pad installed behind full lake elevation on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Don Carey dated September 22, 2007, as received by DES on November 26, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. The concrete pad shall be located completely behind full lake elevation of 504.32.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or modification of a seasonal pier or wharf if not more than 2 slips, including previously existing slips, are proposed, and all criteria of Env-Wt 402 are met.
2. 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 302.04
3. The applicant has an average of XX feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-02770 EMOND, KATHRYN/MICHAEL
AMHERST Unnamed Wetland

Requested Action:

Dredge and fill 900 square feet of emergent persistent scrub shrub wetland for a common driveway to access two (2) single-family residential lots as part of three (3)-lot subdivision of 10.782 acres.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 900 square feet of emergent persistent scrub shrub wetland for a common driveway to access two (2) single-family residential lots as part of three (3)-lot subdivision of 10.782 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated May 21, 2007, as received by DES on November 30, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
6. Work shall be done during seasonal low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. 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), alteration of less than 3,000 square feet of wet meadow.
2. The impacts are necessary for access, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant propose to utilize a common drive rather than individual driveways, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02807 HOPEMAN LIVING TRUST, LYNN GREGG HOPEMAN TTEE
SUNAPEE Lake Sunapee**

Requested Action:

Repair an existing docking facility consisting of a 7 ft 9 inch x 44 ft 7 inch permanent dock supported by a 8 ft x 10 ft crib and a 6 ft x 12 ft crib connected to a 5 ft 8 inch x 44 ft 7 inch permanent dock supported by a 8 ft x 10 ft crib and a 6 ft x 12 ft crib by a 22 ft 2 inch x 8 ft permanent walkway with a 22 ft 2 inch x 36 ft 6 inch boathouse over the center slip, repair an existing 6 ft x 32 ft permanent dock supported by a 6 ft x 10 ft crib on Lake Sunapee, New London.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing docking facility consisting of a 7 ft 9 inch x 44 ft 7 inch permanent dock supported by a 8 ft x 10 ft crib and a 6 ft x 12 ft crib connected to a 5 ft 8 inch x 44 ft 7 inch permanent dock supported by a 8 ft x 10 ft crib and a 6 ft x 12 ft crib by a 22 ft 2 inch x 8 ft permanent walkway with a 22 ft 2 inch x 36 ft 6 inch boathouse over the center slip, repair an existing 6 ft x 32 ft permanent dock supported by a 6 ft x 10 ft crib on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated September 20, 2007, and boathouse detail plans by Bruce

Landenberger dated October 18, 2007, revision date October 26, 2007, as received by DES on December 04, 2007.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. Repair shall maintain existing size, location and configuration with the exception of the proposed modification of the interior boatslips of the boathouse.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Existing rocks which have fallen shall be used for repair of the cribs. No Additional Rocks.
8. This permit does not allow for maintenance dredging.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The proposed modification of the interior boat slips is reducing the sq ft of interior deck space over public waters.

AGRICULTURE MINIMUM

2007-01641 BICKFORD JR, W BRUCE
WALPOLE Unnamed Wetland

Requested Action:

Deny permit application to dredge and fill 240 sq. ft. of perennial stream to install irrigation well.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to dredge and fill 240 sq. ft. of perennial stream to install irrigation well. Dredge and fill 240 sq. ft. of perennial stream to install irrigation well.

With Findings:

1. A request for additional information dated August 17, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

PERMIT BY NOTIFICATION

**2007-01582 SALEM, TOWN OF
SALEM Taylor Reservoir Spillway**

Requested Action:

Impact 1010 square feet within the bed and banks of the Taylor River Reservoir Dam Spillway to repair the retaining walls and scour damage.

PBN DISQUALIFIED:

Impact 1010 square feet within the bed and banks of the Taylor River Reservoir Dam Spillway to repair the retaining walls and scour damage.

With Findings:

1. A written notice of incompleteness dated July 26, 2007, was sent via electronic mail ("email") to the applicant of record.
2. In accordance with Env-Wt 506.02(g) If the applicant fails to provide the department and local governing body with the information necessary to correct all deficiencies cited pursuant to (e), above, within 20 days following issuance of the written notice of ncompleteness, the notice of incompleteness shall disqualify the project from the permit by notification process provided the notice states in full the reasons why the project does not qualify for permit by notification review.

**2007-02717 HOPEWELL POINT REALTY TRUST, EDWARD & PAULINE OUEL
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair existing crib and repair 38 linear ft of breakwater.

PBN IS COMPLETE:

Repair existing crib and repair 38 linear ft of breakwater.

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.

**2007-02801 SARAS, CARL & NANCY
WENTWORTH Unnamed Wetland**

Requested Action:

Dredge and fill approximately 878 sq. ft. of palustrine forested wetlands to install a single 18 in. x 20 ft. culvert associated with road construction to access uplands for a single family residence.

Conservation Commission/Staff Comments:

Abutter Not Notified Accordingly. Abutter Concerns. Ltr sent PBN Inc. 12/10/2007. MAM Signed by Con-Com 29 Nov 2007. Complete 18 Dec 2007.

PBN IS COMPLETE:

Dredge and fill approximately 878 sq. ft. of palustrine forested wetlands to install a single 18 in. x 20 ft. culvert associated with road construction to access uplands for a single family residence.

With Conditions:

1. All work shall be in accordance with plans entitled: Wetland Crossing, Land of Carl Saras, dated November 16, 2007, as received by the Department on December 3, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. 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(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 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 Department received two letters from two separate abutters, stating concerns regarding various issues associated with the proposed driveway and single family development. Copies of the letters were forwarded to the applicant on December 10, 2007 and December 18, 2007.
5. An in-house meeting was held at this office on December 18, 2007 to hand deliver their response to abutter concerns, as per applicant request. Applicant's response to both abutters was received by this office via fax on December 14, 2007, and hand delivered on 18 December 2007 at above referenced meeting.
6. Based on all the information submitted to this office to date, we have determined that the abutters concerns have been adequately addressed by the applicant in the written responses contained in the file, the concerns stated by the abutters and their respective representatives are fully addressed and for the purposes of this permit action, fully resolved. The application will be processed accordingly. 7. Based on a review of the information received to date, we have determined that the impacts are minimal, the proposed culvert and associated fill will not result in any substantial adverse impacts to adjacent systems or surface waters as proposed.
8. It has been noted that the project is within the designated 100 year floodplain, as provided by the applicant in the FIRM map in file. To date, the NHDES does not have any rules under current wetland law or statute prohibiting development in said floodplains, nor is any compensation required for impacts of this size, scope and activity. No further action required by the Department on this matter.
9. The proposed road requesting fill for upland access to construct a single family residence is not contrary to the public interest, has been deemed minimal and therefore eligible for Permit By Notification authorization accordingly.

**2007-02872 WILTON, TOWN OF
WILTON Unnamed Pond**

Requested Action:

Maintenance dredge 6,000 sq. ft. of Tannery Brook Pond/Frog Pond adjacent to existing dam.

PBN IS COMPLETE:

Maintenance dredge 6,000 sq. ft. of Tannery Brook Pond/Frog Pond adjacent to existing dam.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The DES Dam Bureau has received a dam reconstruction permit.