

# Wetlands Bureau Decision Report

Decisions Taken  
12/24/2007 to 12/30/2007

## **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**

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**2006-01471 DAN AIS, ROMEO  
CANDIA Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 31,319 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the development of a light industrial park including buildings with appurtenant parking and storm water management facilities on a 14 acre parcel of land.

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**Conservation Commission/Staff Comments:**

Rec'd Req. for Reconsideration from Romeo D Danais of Danais Realty Group dated 10/12/07, rec'd 10/15/07 - np

No report received from the Candia Conservation Commission.

**APPROVE PERMIT:**

Dredge and fill a total of 31,319 sq. ft. of palustrine forested/ scrub-shrub wetlands for site work associated with the development of a light industrial park including buildings with appurtenant parking and storm water management facilities on a 14 acre parcel of land.

**With Conditions:**

1. All work shall be in accordance with plans by Pennoni Associates, Inc. dated 6/06/06 (last revised 12/6/06), as received by the Department on December 26, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent upon receipt by DES of a one-time payment of \$82,438.00 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by the DES within 120 days of the date of the approval letter or the application will be denied.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development or for other construction activities.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts 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. Functions performed by the forested wetlands proposed for impact include storm water detention and sediment/toxicant retention. These functions will be replaced with new drainage features and storm water management facilities.
6. The applicant has reviewed on-site options for mitigation and the Department has determined that this project is acceptable for payment to the Aquatic Resources Mitigation (ARM) Fund.
7. The payment calculated for the proposed wetlands impacts in the Town of Candia equals \$82,438.00.
8. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
9. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River watershed per RSA 482-A:29.
10. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the palustrine wetland ecosystem in the environs.

**2007-00177                      KEYSpan ENERGY DELIVERY NEW ENGLAND, PATRICIA HAED  
MANCHESTER   Merrimack River**

**Requested Action:**

Request to amend willow plantings and replace the reinforcement mat with rock in the ramp restoration area.

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**APPROVE AMENDMENT:**

Dredge and fill approximately 9,300 cubic yards (approximately 53,000 sq. ft.) of coal tar and visually-impacted sediments from the bed of the Merrimack River and temporarily impact approximately 2,000 sq. ft. of river bank to construct an access way to a temporary 40 ft. x 40 ft. dock for offloading and loading dredge and fill materials. The dredge areas will be backfilled with a gravel filter layer and armored with 3 in. to 12 in. diameter rip-rap based on specified armoring needs for each dredge/velocity zone. In addition, man-made debris within the river travel route of the barges and boats and within the dredge area shall be removed to provide safe passage to and from the work area.

**With Conditions:**

1. All work shall be in accordance with plans by Anchor Environmental, LLC, plan sheets titled Proposed Dredge Area and River Armoring Zones, Property Boundaries for Staging and Laydown Area, Typical Cross Sections C-1 and C-2, dated May 2007, as received by DES on May 4, 2007, Floating Dock and Access Ramp Transition, Floating Dock Details, Offloading Area Plan and Replanting and Restoration Plan, as received by DES on May 17, 2007; narratives by Gove Environmental Services, Inc., dated January 2007, as received by DES on January 23, 2007, and dated April 10, 2007, as received by DES on April 10, 2007 and amended planting and reinforcement mat narratives for the ramp restoration area prepared by Gove Environmental Services, Inc., as received by DES on December 13, 2007.
2. This permit is contingent on approval by the DES Waste Management Division.
3. The applicant shall obtain temporary construction easements or written agreements from project landowners and landowners within 20 feet of work being conducted within the jurisdiction of the DES Wetlands Bureau. Copies of the agreements or recorded easements from the affected landowner shall be submitted to DES Wetlands Bureau File No. 2007-177 prior to the start of construction in jurisdiction.
4. Work within the river shall occur between June 1 and November 30 unless authorized by the DES Wetlands Bureau in consultation with the New Hampshire Fish and Game Department.
5. 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.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

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

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
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. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
14. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species within three days of completion of construction.
16. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. 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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts 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 proposed project is in response to an investigation conducted by Keyspan Energy Delivery and requested by DES to investigate environmental conditions at its 130 Elm Street, Manchester property, the location of a former manufactured gas plant (MGP) that operated between the mid 1800s and mid 1900s. Through the investigation it was found that contaminants from the MGP were located in soil and groundwater down gradient of the property and within the sediments of the Merrimack River. The contaminated sediments covering approximately 53,000 sq. ft. were determined to require remediation as it met the DES criteria for Readily Apparent Harm.
6. The applicant has been working with the DES Waste Management Division, Site Remediation Program to remove the contaminated sediments from the Merrimack River.
7. The New Hampshire Natural Heritage Bureau (NHB) identified two animal species near the proposed project area. The species consist of the State endangered brook floater (*Alasmidonta varicosa*) and State endangered and Federal threatened bald eagle (*Haliaeetus leucocephalus*). NHB requested that the applicant contact the New Hampshire Fish and Game Department (NHFG) and the United States Fish & Wildlife Service (USFWS).
8. The applicant had an intensive underwater survey conducted for the presence of the brook floater. There were no brook floaters found during the survey.
9. The NHFG approved of the proposed project and determined there would be no issues with wintering bald eagles with a dredging window between May 1 and November 1, 2007.
10. Other than wintering bald eagles, the USFWS found no federally-listed or proposed, threatened or endangered species or critical habitats under the jurisdiction of the USFWS within the vicinity of the proposed project. Additionally, with a construction period of May 1 to November 30 the USFWS does not expect any adverse affects to wintering bald eagles.
11. The NHFG approved of the proposed project regarding anadromous fisheries, as long as dredging of the riverbed did not occur before June 1, 2007 and ended by November 30, 2007.
12. The proposed project to remove hazardous material and replace within the original footprint clean, suitable substrate replaces the functions of the resources impacted and meets Env-Wt 801.01.
13. The proposed project will have great benefit to water quality, wildlife and riverine habitat, restores the functions of a degraded area, and meets the requirements of Env-Wt 803.06.

- 14. The public hearing was held at DES on May 17, 2007, no parties spoke in opposition of the proposed project.
- 15. On December 13, 2007, DES received an amendment request to reduce the number of willow plantings and replace the proposed reinforcement mat with rock in the ramp restoration area.
- 16. The proposed ramp restoration planting and rock changes is not a significant change to the project and should not have any negative impact on the adjacent riverine system.

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

**MINOR IMPACT PROJECT**

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**2006-02658                      BLUE ET AL, PETER**  
**EATON   Unnamed Stream**

Requested Action:  
Reconsideration requested of the denial of the applicant's permit.  
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**DENY RECONSIDERATION:**  
Reconsideration requested of the denial of the applicant's permit.

With Findings:

1. A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

- 1. The applicant believes the decision to be in error because good faith communication regarding the items enumerated in the Request For More Information took place with the Wetlands Bureau staff on a continuous basis within the statutory time frame, and beyond the statutory time frame, and following the applicants' expressed concern over the expiration of the time frame, and in reliance from a Wetlands Bureau staff that the time frame was extended.
- 2. The applicants feel they were adversely affected during the application process by the absence of clearly defined rules and complete specifications regarding the requirement for embedded culverts and by the inability of the staff to offer guidelines beyond one size fits all specification of 1.2 x stream width.
- 3. These problems cost the applicants valuable time when forced to look to other states and even Canadian jurisdictions for answers that should have been readily available within the Bureau well before it was contemplated to impose the requirement.
- 4. It is only fair to say that compromise seemed to prevail with the help of William Thomas, that all seemed to disappear with the statutory time frame denial despite the clear record of periodic electronic and phone communication between the Bureau staff and the applicants.
- 5. Mr. Thomas accepted the applicant's explanation and extended the response time and agreed to reconsider the embedded culvert request based on the information provided by the agent.
- 6. Following expiration of the 120 day response period communication continued with Ms. Pulkkinen and Mr. Thomas until a seemingly satisfactory approach toward resolution of the Request For More Information (RFMI) and application was proposed and accepted. In early October 2007 information was sent to DES to satisfy the RFMI request and complete the application was sent to the Wetlands Bureau.

7. No paper record of extension exists but there are record of periodic electronic and phone communication between the wetlands bureau staff and the applicants with exchanges extending both within and beyond the statutory time frame covering all items enumerated in the original RFMI letter and showing a good faith compliance on the part of the applicants who relied upon the continued and productive response of the wetlands bureau staff to indicate that the application remained on track.

#### B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.

2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.

4. If DES is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

#### C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that DES must follow when processing applications and establishes deadlines by which decisions must be made.

2. The subject application was received on October 17, 2006 and was determined to be administratively complete on October 18, 2006.

3. By letter dated November 14, 2006, DES requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, DES requested the applicant to address the following:

a. Please confirm no additional development of the remaining 120.5 acre parcel is planned and clarify the proposed access to the remaining 120.5 acre parcel.

b. Please clarify if there is an existing septic system for the proposed 16.5 acre lot.

c. The proposed project will impact a perennial stream for access to a proposed subdivision; and therefore, the proposed project is considered minor impact and should have been submitted as a Standard Dredge and Fill Application with a 75-day review time. Regardless of whether the use of the proposed road will change at this time, the proposed road upgrade requirement is a result of the proposed subdivision and possible development associated with the subdivision. In accordance with NH Administrative Rule Env-Wt 302.04(a), minor impact projects require all twenty questions are addressed in the Standard Dredge and Fill Application.

d. In accordance with Env-Wt 301.01 and Env-Wt 304.09, the proposed wetlands application associated with the proposed subdivision requires plans are submitted that indicate the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography, and the location of all existing and proposed lot lines. A certified wetland scientist and licensed land surveyor or a professional engineer shall stamp plans. Please contact me to discuss the appropriate information submittal for the remaining 120.5 acres.

e. Please address the enclosed NHFG Nongame and Endangered Wildlife Program concerns.

f. The existing culvert appears to be perched and is likely inhibiting aquatic species passage. The NHFG Nongame and Endangered Wildlife Program and the DES Wetlands Bureau requests an open bottomed or oversized embedded (corrugated or concrete) culvert that is 1.2 times the bankfull width to replace the existing 18-inch x 20-foot culvert.

- g. Please clarify the stream channel width and top-of-bank width and provide additional photographs that clearly illustrate the stream channel both up and downstream. This information is needed to confirm the requested culvert replacement is appropriate.
  - h. Please clarify the length of the original 12-inch CMP and the date of the original culvert installation.
  - i. Please provide a stream diversion plan and construction sequence.
4. The 120 day submission deadline set by statute was March 14, 2007.
  5. DES did not receive a response to the RFMI prior to March 14, 2007. There is no record of any emails or phone notes showing communication between Bureau staff and the applicant or their agent between November 14, 2006 and March 14, 2007.
  6. There are emails between the agent and the Bureau staff in July and August 2007.
  7. In the agent's email dated July 25, 2006 he asks: "Will the WetBur consider a waiver of the 120 day requirement to submit information allowing that I have spent more than that time researching embedded culvert specifications in the absence of any NHDES specs, communciating with various NHDES staff, NHDOT staff and working with an engineer and wetland scientist trying to determine a reasonable approach to satisfying WetBur requests in the absence of objective guidelines?"
  8. On August 15, 2007, 5 months after the March 15, 2007 120 day review deadline had passed, DES Staff- William Thomas sent an email to agent Paul Savchick stating that "After talking with Kirsten it sounds like you are willing to increase the size of the culvert diameter and set it at stream bed elevation. If this is accurate please send DES the revised plans and we will look at it. It should be okay based on the previous permits and the relatively small impact change with a larger hydrologic capacity."
  9. The Bureau unofficial communication - email- may have provided for concurrence on the merits of the project - but made no reference to an express time extension and no specific deadline was set.
  10. DES and the applicant has no record of when their revised packet was sent in October.
  11. On November 9, 2007 DES denied the application, 86 days after the August 15, 2007 email or seven and 1/2 months after the March 15, 2007 deadline for submission.
  12. RSA 482-A:3, XIV (c) provides that where the department requests additional information pursuant to subparagraph (b) the department shall within 30 days of receipt of the information, approve or deny...or (3) "Extend the time for response for good cause and with written agreement of the applicant".
  13. DES's opportunity to extend the review deadline had expired once the March 14, 2007 deadline had passed.
  14. Based on RSA 482-A:3, XIV(b) DES denied the application because the issues raised in the RFMI were not addressed in a timely manner.
  15. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

**2007-01141 POTTER, BRUCE**  
**CHESTERFIELD Unnamed Wetland**

Requested Action:

Deny permit to dredge and fill 7,300 square feet of forested wetlands, including installation of an 24-inch x 48-foot culvert, 24-inch x 36-foot culvert and 36-inch x 69-foot culvert at three (3) wetland crossings for common driveway access to two (2) lots of a 3-lot subdivision on ± 50 acres.

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DENY PERMIT:

Deny permit to dredge and fill 7,300 square feet of forested wetlands, including installation of an 24-inch x 48-foot culvert, 24-inch x 36-foot culvert and 36-inch x 69-foot culvert at three (3) wetland crossings for common driveway access to two (2) lots of a 3-lot subdivision on  $\pm$  50 acres.

With Findings:

Standard for Approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. Pursuant to Env-Wt 301.01(e), any plan required by RSA 482-A that is submitted in support of applications for dredge and fill of wetlands that are classified as major or minor projects in accordance with Env-Wt 303.02 and Env-Wt 303.03 respectively, shall be: (1) Stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when that individual prepares the plan(s); (2) Accompanied by a report that includes an existing conditions plan stamped by a certified wetlands scientist as certified by the New Hampshire board of natural scientists, when another individual has prepared the plan(s).
7. Pursuant to Rule Env-Wt 304.09(a), plans submitted with a wetlands application associated with a proposed subdivision shall indicate the boundaries of all wetlands and surface waters, the footprint of all proposed impacts, existing and proposed topography, and the location of all proposed lot lines. Plans shall be stamped by a licensed land surveyor or a professional engineer pursuant to RSA 310-A, and parties responsible for the wetlands delineation shall be recorded on the plan.
8. Pursuant to Env-Wt 304.09(c), there shall be no further wetlands impact for lot development on any subdivision approval. If the approval is for a single phase of a multiphase subdivision, the applicant shall provide a master plan identifying all wetlands on the property and a conceptual layout for future phases of development.
9. Pursuant to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, if the applicant proposes unnecessary destruction of wetlands, or if the project would cause or contribute to significant degradation of waters of the state.
10. Pursuant to Rule Env-Wt 302.04(e)(2), unless a waiver is granted under 204, the department shall not grant a permit if the requirements of Env-Wt 302.03 are not met or the applicant failed to document consideration of factors as required in 302.04(a),(b) and (c).
11. RSA 482-A:3,XIV(b), requires that additional information be submitted to the Department within 120 days of the request for additional information or the application will be denied.

Findings of Fact:

12. On May 21, 2007, the NH Department of Environmental Services ("Department") received an application to dredge and fill 7,300 square feet of jurisdictional area for the construction a common driveway to two lots of a three lot subdivision.
13. The application was deemed Administratively Complete on May 30, 2007.
14. On August 10, 2007, the Department issued a Request for More information, addressed to the Applicant and copied to the Agent's of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the Applicant to submit additional information to DES within 120 days of the request.
15. The August 10, 2007, letter requested the Applicant submit items in accordance with Env-Wt 301.01 and Env-Wt 304.09 for the entire lot proposed for subdivision; photographs that clearly and accurately depict the resources proposed for impact; and clarification regarding abutting lots and abutter notification.
16. On December 04, 2007, DES received a response addressing some of the items requested in the August 10, 2007, letter.
17. The information received on December 04, 2007, did not provide information in accordance with Env-Wt 304.09 and 301.01 for the remaining  $\pm$  50 acre parcel.
18. The information received on December 14, 2007, did not confirm the wetlands or stream type or classifications of the impact areas.

Findings in Support of Denial:

19. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
20. The applicant has not addressed Env-Wt 302.01(b), and therefore is denied in accordance with Env-Wt 302.04(d)(3) as the project causes unnecessary destruction of wetlands.
21. The applicant failed to address Env-Wt 302.03 and Env-Wt 302.04(a), and therefore is denied in accordance with Env-Wt 302.04(e)(2) as there may be lesser impacting alternatives.
22. The applicant has failed to provide all of the information required in accordance with Env-Wt 301.01 and Env-Wt 304.09, and the application is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternatives that would have a less adverse impact on the areas and environments under the department's jurisdiction.
23. 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.
24. DES did not receive a complete response by December 08, 2007, the denial date identified in the August 10, 2007, Request for More Information, and therefore the application has been denied.

**2007-01304 MATARAZZO, GEORGE & PATRICIA  
SPRINGFIELD Unnamed Wetland**

Requested Action:

Dredge and fill approximately 5,885 sq. ft. of wetlands to install four culverts, to include one 6 ft. x 55 ft. arch culvert spanning a 5 ft. wide perennial stream, for the purposes of road construction to facilitate access for a proposed 26 lot subdivision.

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Conservation Commission/Staff Comments:

File complete for processing 26 December 2007. Permit issued with conditions this date. 12/26/2007.

APPROVE PERMIT:

Dredge and fill approximately 5,885 sq. ft. of wetlands to install four culverts, to include one 6 ft. x 55 ft. arch culvert spanning a 5 ft. wide perennial stream, for the purposes of road construction to facilitate access for a proposed 26 lot subdivision.

With Conditions:

1. All work shall be in accordance with plans entitled: Prepared for George & Patricia Matarazzo, submitted by Blakeman Engineering, Inc., and received by the Department on November 30, 2007, and plan entitled: Plan of Impact To Wetlands and Wetland Buffers, Prepared for George & Patricia Matarazzo, submitted by Blakeman Engineering, Inc., and received by the Department on June 11, 2007 .
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. 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.
5. 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.
6. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
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. No equipment shall enter the water.
9. All work shall be done from the top of the bank.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. 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.

12. Proper headwalls shall be constructed within seven days of culvert installation.
13. 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).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. 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).
17. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
18. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #17 of this approval.
19. 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.

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 non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal 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. More information was requested by this office on August 3, 2007. Additional information was received on November 30, 2007, which completed the application for processing.
6. USEPA had stated concerns over potential impacts to Vernal Pools. A study report completed submitted to this office on November 30, 2007, states that there will be no impact to vernal pools in or around the proposed wetland impacts on the site. The applicant was instructed to coordinate with USEPA to further conclude the matter and address any other concerns as per NHSPGP.
7. The project will impact areas over 100,000 square feet and require an Alteration of Terrain permit. The permit will be conditioned accordingly.
8. Based on a review of information and materials submitted to this office to date, the proposed work is not contrary to the public's interest, appears to demonstrate a responsible development approach addressing environmental concerns relating to current state laws and rules, Federal and local requirements and should not have an adverse affect to the overall environmental systems associated with this proposed development.
9. Based on these findings, the Department authorizes the activities as per compliance with all conditions accordingly.

**2007-01912                      MIDDLEBROOK, ROBERT & BONNIE**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Retain and relocate a 4 ft x 40 ft seasonal pier and construct 83.5 linear ft of retaining wall around the landward perimeter of a 68 ft x 18 ft beach on an average of 200 ft of frontage on Black Cat Island, on Lake Winnepesaukee.

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DENY PERMIT:

Retain and relocate a 4 ft x 40 ft seasonal pier and construct 83.5 linear ft of retaining wall around the landward perimeter of a 68 ft x 18 ft beach on an average of 200 ft of frontage on Black Cat Island, on Lake Winnepesaukee.

With Findings:  
Standards for Approval

1. Pursuant to RSA 482-A:3, no person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department.
2. In accordance with RSA 482-A:3 XIV, (b), any request for information shall notify the applicant that if the requested information is not received with 120 days of the request, the department shall deny the application.
3. In accordance with Rule Env-Wt 501.02, Additional Data, applicants shall provide plans that are either drawn to scale or completely dimensioned showing all temporary and permanent impacts to jurisdiction and all existing and proposed structures and relevant features as necessary to clearly define the project.
4. Pursuant to RSA 483-B:6 Prior Approval; Permits I, within the protected shoreland, any person intending to construct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A.
5. In accordance with RSA 483-B:6 Prior Approval; Permits II, in applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter.
6. Rule Env-Wq 1409.03, Information Required with Applications, requires that applications for wetland permits include the number, location, basal area, and distribution of trees existing within the natural woodland buffer on the project prior to the proposed project, whether any of the trees is dead, diseased, or otherwise unsafe, and the size and placement of all primary, accessory, and water-dependent structures planned as part of the project.

Findings of Fact

7. On August 9, 2007, the Wetlands Bureau received an application to retain and relocate a 4 ft x 40 ft seasonal pier and construct a new retaining wall around the perimeter of a beach area on property more particularly identified as Meredith Tax map I 13, lot 14, having an average of 200 ft of frontage on Lake Winnepesaukee.
8. This project is classified as a minor impact project per Rule Env-Wt 303.03 (k) projects that disturb between 50 and 200 feet of shoreline along a lake or pond.
9. Photographs submitted with the application indicate that additional work and impacts beyond those identified on the plans submitted with the application had already been initiated on the property.
10. The plans submitted with the application did not show any other structures on the property beyond the beach and seasonal pier.
11. Information pertaining to the trees within the woodland buffer on the property was not included with the application.
12. On October 29, 2007 a Request for More Information Letter was issued to the Applicant, with copy sent to the Agent. The letter specified that the Applicant was required to submit plans showing all impacts with jurisdiction including the information regarding existing and proposed structures and the woodland buffer information as required per Rule Env-Wq 1409.03 and identify any permit(s) issued for the impacts in jurisdiction that had already occurred. The Request for More Information letter specified that unless a single, complete response to the letter was received, the application would be denied.
13. On December 5, 2007, the Wetlands Bureau received a response to the request for More Information from the Agent. The response included a stamped surveyed plan showing the pre-existing structures on the property and plans by an architectural firm showing proposed structures and grading on the frontage. The proposed structures plan did not show the proposed beach wall or dock. Neither plan showed the information relative to the natural woodland buffer as required per Rule Env-Wq 1409.03.
14. The Agent stated in the letter submitted with the response that impacts had occurred within the jurisdiction of the Wetlands Bureau during the removal of the pre-existing residence and construction of the new residence without permits as required RSA 482-A.
15. To date the department has not received plans showing the impacts within the Wetlands Bureau's jurisdiction that occurred during the removal of the pre-existing residence and construction of the new residence.

Rulings in Support of the Decision

16. The Applicant has failed to submit evidence that this project meets or exceeds the development standards of RSA 483-B as required per RSA 483-B:6 II.
17. The Applicant has failed to provide the information requested in the Request for More Information dated October 29, 2007 and, therefore, the application is denied in accordance with RSA 482-A:3 XIV.

**2007-02062                      36 TIGER TRAIL TRUST, CHRISTOPHER GRZYNINSKI**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 6 ft x 32 ft permanent dock and wharf along the bank, excavate 1,245 sq ft from 34 linear ft of shoreline and dredge 16 cubic yards from 292 sq ft of lakebed to construct a 900 sq ft, 2-slip, dug-in boathouse adjacent to an existing 6 ft x 27 ft 10 in piling pier on an average of 255 ft of frontage on Lake Winnepesaukee, in Meredith.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Permanently remove an existing 6 ft x 32 ft permanent dock and wharf along the bank, excavate 1,245 sq ft from 34 linear ft of shoreline and dredge 16 cubic yards from 292 sq ft of lakebed to construct a 900 sq ft, 2-slip, dug-in boathouse adjacent to an existing 6 ft x 27 ft 10 in piling pier on an average of 255 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 21, 2007, revision date December 02, 2007, as received by DES on December 06, 2007, and cross section plans dated August 21, 2007, revision date November 7, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit to construct a boathouse shall not be effective until the existing house and patio are completely removed from the property.
4. No new primary structure shall be constructed on the property within 50 ft of the reference line which is defined as Elevation 504.32. Construction of the dredged inlet for the boathouse will result in the relocation of the reference line.
5. This approval shall not allow the construction of any boathouse if, in the event that a new primary structure is constructed on the property prior to the construction of the proposed boathouse, the dredge associated with the construction of the boathouse would result in the distance from the primary structure to the surface water within the boathouse being less than 50 ft as required per RSA 483-B:9 II.
6. The portion of the existing docking structure to be removed for the construction of the boathouse shall be completely removed as proposed prior to any work for the construction of the boathouse.
7. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. 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.
9. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
10. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
11. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
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 water at the work site has returned to normal clarity.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.

16. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
17. 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 255 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2007-02478                      FARRELL, DAWN**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Remove an existing 6 ft x 26 ft crib pier, install two 6 ft x 40 ft seasonal piers each anchored to a 6 ft x 4 ft concrete pad and connected by a 6 ft x 12 ft walkway, install a seasonal boatlift and a 14 ft x 30 ft seasonal canopy and 2 seasonal personal watercraft lifts. Excavate 845 sq ft of bank along 20 linear ft of shoreline to construct a 32 ft x 29 ft perched beach with 4 ft wide access steps to the water on an average of 160 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

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APPROVE PERMIT:

Remove an existing 6 ft x 26 ft crib pier, install two 6 ft x 40 ft seasonal piers each anchored to a 6 ft x 4 ft concrete pad and connected by a 6 ft x 12 ft walkway, install a seasonal boatlift and a 14 ft x 30 ft seasonal canopy and 2 seasonal personal watercraft lifts. Excavate 845 sq ft of bank along 20 linear ft of shoreline to construct a 32 ft x 29 ft perched beach with 4 ft wide access steps to the water on an average of 160 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 6, 2007, as received by DES on October 15, 2007.
2. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit, once recorded with the Carroll County Registry of Deeds Office, shall invalidate Wetlands Permit #2005-808 issued on February 23, 2007.
4. Within 6 months of recording the permit with the Registry of Deeds Office, the Applicant shall file a restoration plan for the revegetation of the disturbed area between the beach and the south property line for approval by the Department. This plan shall specify the number, size, location and species to be planted in the restoration area.
5. The disturbed area between the beach and the south property line shall be revegetated within 1 year of the recording of this permit with the Registry of Deeds Office.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. All seasonal structures shall be removed from the lake for the non-boating season.
8. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
9. All excavated material and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. 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.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.

14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip docking facility.
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 302.03.
3. The applicant has an average of 160 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
6. Should the originally permitted boathouse not be constructed, then failure to replant the disturbed area would be a violation of RSA 483-B.
7. Restoration of the disturbed area shall be sufficient to meet the requirements of RSA 483-B as in effect at the time the disturbance occurred.

**2007-02509                      LARSON, DONALD  
MEREDITH Lake Winnepesaukee**

Requested Action:

Remove an existing 6 ft 10 in x 20 ft 5 in crib pier and 3 loose crib timbers, construct two 6 ft x 30 ft piling piers connected by a 6 ft x 24 ft walkway over the water in a "U" configuration, and install 2 seasonal personal watercraft list on 1660 ft of frontage on Beaver Island, on Lake Winnepesaukee.

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APPROVE PERMIT:

Remove an existing 6 ft 10 in x 20 ft 5 in crib pier and 3 loose crib timbers, construct two 6 ft x 30 ft piling piers connected by a 6 ft x 24 ft walkway over the water in a "U" configuration, and install 2 seasonal personal watercraft list on 1660 ft of frontage on Beaver Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 9, 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. All portions of the existing crib pier, including the crib materials, and the lose crib timbers shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. In order to avoid impact to Common Loons nesting in the vicinity of the project site, no construction activities may be conducted on this site between June 15 and September 1.
5. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal lifts shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 30 feet from the shoreline at full lake elevation.
8. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The subject property is on an island accessible only by boat and meets the requirements for a waiver of Rule Env-Wt 402.05 as established per Rule Env-Wt 204.04.
4. The applicant is the sole owner of an island having approximately 1,660 feet of shoreline frontage along Lake Winnepesaukee.

- 5. A maximum of 23 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.

**MINIMUM IMPACT PROJECT**

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**2006-01167                      SNOW, DEBORAH**  
**CANTERBURY   Burnham Brook**

Requested Action:

Repair two bridge abutments with wing walls to provide access to a single family home

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CONFIRM EMERGENCY AUTHORIZATION:

Repair two bridge abutments with wing walls to provide access to a single family home

With Conditions:

- 1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

- 1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(X).
- 2. The project was necessary to repair access to a single family residence damaged by flood waters.
- 3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 18, 2006.
- 4. Review of the documents submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-00763                      NH DES WATER RESOURCES, DAM MAINTENANCE**  
**EPSOM   Cass Pond**

Requested Action:

Confirm Emergency Authorization to dredge and fill 100 sq ft to install forms sandbags and plastic along 10 ft of the southern downstream abutment, install sandbags at upstream scour hole along the southern abutment and pump flowable fill into the existing piping failure through the dam.

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CONFIRM EMERGENCY AUTHORIZATION:

Dredge and fill 100 sq ft to install forms sandbags and plastic along 10 ft of the southern downstream abutment, install sandbags at upstream scour hole along the southern abutment and pump flowable fill into the existing piping failure through the dam

With Conditions:

- 1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

- 1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a

- nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to repair an existing sinkhole in the dam caused by April 2007 high flows.
  3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 20, 2007.
  4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-00783                      PELLERIN, MARK**  
**BEDFORD   Bowman Brook**

Requested Action:

Confirm Emergency Authorization issued by DES on April 23, 2007 to repair and replace an approximately 4 ft. x 50 ft. metal culvert that failed during the April 2007 flood event.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued by DES on April 23, 2007 to repair and replace an approximately 4 ft. x 50 ft. metal culvert that failed during the April 2007 flood event.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x).
2. The project was necessary to provide safe access to the existing single family residence.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 23, 2007.
4. Review of the project information submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-00961                      DES WATER DIVISION**  
**WILTON   King Brook**

Requested Action:

Confirm emergency authorization issued on May 10, 2007, to repair/replace a failed section of 30-inch RCP culvert (dam outlet) along King Brook at Souhegan Flood Control Site 33.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued on May 10, 2007, to repair/replace a failed section of 30-inch RCP culvert (dam outlet) along King Brook at Souhegan Flood Control Site 33.

With Conditions:

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(x) maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided:

2. The project was necessary to prevent damage to the Souhegan River Site Flood Control Site 33 Impoundment and Dale Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 10, 2007.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-01398                      BRIAR HYDRO ASSOCIATES**  
**BOSCAWEN    Contoocook River**

Requested Action:

Dredge and fill 100 square feet within the bank of the Contoocook River for the replacement of the 8-inch culvert with a 24-inch culvert.

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APPROVE PERMIT:

Dredge and fill 100 square feet within the bank of the Contoocook River for the replacement of the 8-inch culvert with a 24-inch culvert.

With Conditions:

1. All work shall be in accordance with plans by TF Bernier Inc dated February 2007, as received by the Department on June 20, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any construction imitated after April 1, 2008, will require an additional permit from the Department in accordance with RSA 483-B:5-a.
4. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Work shall be done during low flow and drawdown conditions.
8. Appropriate siltation/erosion turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. No work shall occur in the water.
10. No equipment shall enter the water.
11. All work shall be done from the top of the bank.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Within three days of final grading 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.
19. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project impacts only 6 linear feet of bank along the Contoocook River.
3. The project is above the high water line of the Contoocook River.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The permit is contingent upon the Alteration of Terrain Permit that will verify that adequate treatment will be met.
6. The permit is contingent upon a permit in accordance with RSA 483-B:5-a, if construction is initiated after April 1, 2008.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
9. The applicant has provided documentation from NH Fish and Game Indicating that no impacts to threatened or endangered species are expected to result from the proposed project.
10. The proposal is to replace the existing undersized pipe and help alleviate flooding on abutting properties.
11. The proposal also includes the reduction of impervious surfaces on the development lot, per the engineer.

**2007-02513                      PIERMONT, TOWN OF**  
**PIERMONT   Bean Brook**

Requested Action:

Replace an existing 22' wide deteriorated bridge with 40 ft. wide spanned bridge, impacting approximately 500 sq. ft. of jurisdictional stream bank relating to abutment construction.

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Conservation Commission/Staff Comments:

Expedited as per applicant request. Approved 26 Dec 2007.

APPROVE PERMIT:

Replace an existing 22' wide deteriorated bridge with 40 ft. wide spanned bridge, impacting approximately 500 sq. ft. of jurisdictional stream bank relating to abutment construction.

With Conditions:

1. All work shall be in accordance with plans entitled: Bridge Replacement for Town of Piermont, Bridge # 060/073, in 7 consecutive sheets, dated 10/1/07, prepared by C.M. Davidson, Inc., as received by the Department on October 18, 2007.
2. Work shall be done during low flow.
3. 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.
4. No equipment shall enter the water.
5. All work shall be done from the top of the bank.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. 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.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
9. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore; any 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.

12. 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(h); Installation of a bridge provided that: (1) No work is done in the water or wetland; (2) The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and (3) The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. Based on the demonstrated need to expedite the construction of the new bridge prior to severe weather and ice flowage, the applicant has requested an expedited review on December 10, 2007. The applicant reports that the existing deteriorated bridge has been deemed "red list" and "critically deficient" by the NHDOT, and therefore, a new structure is justified and granted an expedited review process in accordance with Department Of Environmental Services Standard Operating Procedure, No. 201-Processing of Permit Applications, and deemed necessary by the Bureau on December 20, 2007.
4. The proposed work is within a mile of an area determined to be an Impaired Water. The appropriate condition will be applied accordingly.
5. Due to the overall placement and location of the proposed bridge and associated abutments, 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 application and circumstances demonstrates 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 - as this proposed upgrade will be outside the limits of the existing bridge and will not impact any surface waters as proposed.
7. Due to the need to provide adequate thoroughfare for residents and emergency vehicles, to allow safe vehicular passage over the watercourse and based on the need demonstrated in the record, the Department has determined that the proposed work is in the publics best interest, will result in minimal to no adverse environmental impacts within areas of jurisdiction and the activity should be permitted and conditioned accordingly.

**EXPEDITED MINIMUM**

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**2007-01955                      MOUNT WASHINGTON SUMMIT ROAD COMPANY  
GREENS GRANT   Unnamed Wetland**

Requested Action:

Dredge and fill a total area of approximately 2,200 sq. ft. of Palustrine Emergent wetlands in two locations, to include installation of one 12 in. x 60 ft. culvert and associated re-grading to increase safety for existing recreational use.

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Conservation Commission/Staff Comments:

No Conservation Commission i n Town.

APPROVE PERMIT:

Dredge and fill a total area of approximately 2,200 sq. ft. of Palustrine Emergent wetlands in two locations, to include installation of one 12 in. x 60 ft. culvert and associated re-grading to increase safety for existing recreational use.

With Conditions:

1. All work shall be in accordance with plans entitled: Mount Washington Auto Road Project, prepared and submitted by Irene G. Garvey, dated Revised 11/26/07, as received by the Department on November 30, 2007.

2. Work shall be done during periods of non-flow.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. 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).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.2.
8. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore; any 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.
9. 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. Based on a review of the application materials submitted, the wetlands to be impacted appear to be wet meadow and a drainage channel, are of low-minimal function and values, have been a result of prior grading, compaction and mowing and have been determined to be within the jurisdiction of the DES, as reported by applicant and presented in materials received by this office on September 05, 2007, contained in the file.
6. In response to a Request for More Information Letter, sent on October 18, 2007, the application has been determined to be complete for processing upon receipt of additional plans and documentation received by this office on November 30, 2007.
7. The site is in the vicinity of an impaired water and appropriate permit condition will be applied accordingly.
8. As per required by Env-Wt 303.02(k), New Hampshire Fish and Game were consulted on presence of state rare and exemplary natural communities determined to be proximal to the project area. Upon consultation, the NH Fish & Game has determined that the project proposes no significant impacts to identified species of concern, as per NHF&G comments and findings received on October 16, 2007, in file.
9. Based on the minimal scope of the proposed work, the reported low functions and values of the resources to be impacted and the public need for safety as demonstrated in the record, it has been determined that the proposed work is in the public's best interest, is a benefit to the needs and welfare of the people and will be permitted and conditioned accordingly.

**2007-02150                      HIGH PINE LANE ASSOCIATION, JOHN FURLONG**  
**NEW LONDON   Little Lake Sunapee**

Requested Action:

Replenish existing association beach with no more than 10 cu yards of sand on 195 ft of frontage in New London on Little Lake Sunapee.

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APPROVE PERMIT:

Replenish existing association beach with no more than 10 cu yards of sand on 195 ft of frontage in New London on Little Lake

Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Mr. Furlong, as received by the Department on December 18, 2007.
2. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenshment of a sand on an existing beach.
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.

**2007-02719 CARSTENSEN JR, DEAN & ESTHER**  
**SUNAPEE Sunapee Lake**

Requested Action:

Repair/replace existing crib supported docking system.

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APPROVE PERMIT:

Repair/replace existing crib supported docking system.

With Conditions:

1. All work shall be in accordance with plans received by the Department on December 19, 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. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Repair shall maintain existing size, location and configuration, including existing permanent canopy.
5. All debris from crib demolition and construction shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for maintenance dredging.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. 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.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Existing crib rock shall be reused for reconstruction.
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/replacement of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.04(a)(1).
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.

**2007-02952                      PARKER REVOC TRUST, MELYNDA**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Install a 6 inch wide bulkhead starting 45 ft 4 in from the most southerly property line to the most northerly property line.

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APPROVE PERMIT:

Install a 6 inch wide bulkhead starting 45 ft 4 in from the most southerly property line to the most northerly property line.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by the Department on December 19, 2007.
2. All work shall be conducted completely in the dry, during draw down of waters. At no time shall work be conducted in the water pursuant to Rule Env-Wt 303.04.
3. Bulkhead stabilization project shall not protrude lakeward more than 6 inches from the existing normal high water mark elevation.
4. Bulkhead shall not exceed existing retaining wall height or length.
5. No more than 1 cubic yard of material shall be used to complete the entire project permitted under File #2007-2951 and 2007-2952.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. 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. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
11. Shall bulkhead fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
12. Reface shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
13. 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(c), reface an existing retaining wall with a bulkhead not exceeding 6 inches.
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.

**SHORELAND VARIANCE / WAIV**

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**2007-00806                      LAMOND, BRIAN**  
**HAMPSTEAD   Angle Pond**