

# Wetlands Bureau Decision Report

Decisions Taken  
12/31/2007 to 01/06/2008

## **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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**2007-00360 BOLES, RALPH  
CANTERBURY Unnamed Wetland**

Requested Action:

Dredge and fill 17,715 square feet of palustrine forested wetland and perennial stream for access in the subdivision of 216.679 acres into 60 single family lease lots. Mitigate the proposed impacts by preserving through a conservation easement of 63.523 acres under the stewardship of the Canterbury Conservation Commission.

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Conservation Commission/Staff Comments:

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

APPROVE PERMIT:

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

With Conditions:

1. All work shall be in accordance with plans by Balkeman Engineering dated November 27, 2006, and revised through December 3, 2007, as received by the Department on December 4, 2007 and Subdivision Plans by Darbishire Associates dated September 26, 2007, as received by the Department on December 4, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent upon the establishment and maintenance of the 100 foot no-cut buffers as depicted on the approved plans.
5. The no-cut buffers around the vernal pools shall be marked with signs, indicating the restrictions of the areas.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. 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.
9. 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, NH 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.
10. 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.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Work within the perennial stream shall be done during low flow.
13. Work within intermittent streams or palustrine forested wetlands shall be done during periods of non-flow.
14. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
15. 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.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather

conditions.

18. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. All culvert inverts shall be laid at existing grade.
22. Proper headwalls shall be constructed within seven days of culvert installation.
23. 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).
24. 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.
25. 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.
26. 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.
27. Silt fencing must be removed once the area is stabilized.
28. 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).
29. The applicant shall monitor the vernal pools for egg masses in accordance with plans approved by US EPA, from Spring of 2008 to Spring of 2013 and shall supply reports of the monitoring to both NH DES Wetlands file 2007-00360 and US EPA.

Mitigation Conditions:

30. This permit is contingent upon the execution of a conservation easement on 63.523 acres as depicted on plans received December 4, 2007.
31. The permit is contingent upon a one time \$10,000 endowment to the Canterbury Conservation Commission in order to fund the ongoing monitoring over the life of the easement.
32. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
33. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
34. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
35. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
36. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
37. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
38. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The impacts are needed in order to access the buildable portion of the lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided open bottom structures on all perennial stream crossings.
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 has provided buffers to the three most important pools on the site.
8. The applicant has provided 63.523 acres of land in a conservation easement to the Canterbury Conservation Commission for mitigation of the proposed impacts.
9. The applicant at the request of US EPA has will provide a one time \$10,000 endowment to the conservation commission for the long term stewardship of the easement area.
10. The applicant has provided a 100 foot buffer around three of the vernal pools on the site at the request of US EPA and the applicant has agreed to provide these buffers.
11. The conservation commission has agreed to hold and steward the conservation easement per their letter dated March 31, 2007.
12. The applicant has provided a function and value assessment of the impacted wetlands and those within the easement area.
13. The applicant has avoided impacts to the higher quality wetlands and has preserved them within the proposed easement area.
14. The proposed easement area is contiguous with other town owned lands and will become part of a larger open space area.
15. There are no impacts proposed within 250 feet of the Suncook River or Rocky Pond.
16. The applicant has attempted to utilize existing woods road crossings wherever possible.
17. The mitigation of 63.523 exceeds the mitigation ratios as set forth in Env-Wt 800.
18. The project impacts will not significantly impair the resources of this wetland or riverine ecosystem.

**2007-02337 TJARKS, KATHERINE**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Replace an existing 10 ft x 28 ft boathouse with a 12 ft x 28 ft boathouse having a higher ridgeline than the existing boathouse on 61 ft of frontage in Smith Cove, on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Comm mtg on 10/2/07 recommends denial, report rec'd on 10/4/07 and 10/08/07- np

DENY PERMIT:

Replace an existing 10 ft x 28 ft boathouse with a 12 ft x 28 ft boathouse having a higher ridgeline than the existing boathouse on 61 ft of frontage in Smith Cove, on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(m), "any project that is related to other applications or permits in the wetlands area or wetlands complex in a manner such that if the proposed action were considered to be in a single application the combined impact would be considered major. For example, if 2 individuals apply to rip-rap 150 linear feet of a stream that is part of the same wetlands complex, each application shall be deemed to be for a major project."
3. In accordance with RSA 482-A:11,V, "notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole."
4. In accordance with Env-Wt 402.11 Frontage Less Than 75' "To lessen congestion, improve public safety and navigation, protect neighboring property values, and provide sufficient area for construction of facilities, docks or piers permitted on property with less than 75' of shoreline frontage shall be no larger than 4 feet x 24 feet."
5. In accordance with Env-Wt 402.08 (a) Structures Disallowed, "boathouses located in or over the waters shall not be approved."
6. In accordance with Env-Wt 402.20 Modification of Existing Structures, "the department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands

than the current configuration.

7. In accordance with 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"

Findings of Fact

8. On September 28, 2007, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Gilford tax map 242, lot 147, to expand an existing boathouse footprint by re-locating the existing exterior wall out 2 ft and increasing the interior boat slip width to 12 ft, and change the roof line elevation on Lake Winnepesaukee, Gilford.

9. The applicant has an average of 61 ft of frontage on Lake Winnepesaukee.

10. DES Wetlands permit 2007-02392 was approved on November 7, 2007, to dredge 80 cubic yards from 4,523 sq ft of lakebed on the 61 feet of frontage.

11. The approved dredge was classified as a major impact project in accordance with Rule Env-Wt 303.02 (g) dredge of more than 20 cu yd from public waters.

12. The Applicant is proposing to replace a pre-existing structure which would be prohibited by Rule Env-Wt 402.08, Structures Disallowed, with a larger structure, also prohibited by Rule Env-Wt 402.08.

Rulings in Support of Denial

13. The proposed modification of the boathouse will increase the dimensions of the existing boathouse and not be consistent with Rule Env-Wt 402.08. and Env-Wt 402.20, therefore the application is denied.

14. The proposed modification of the boathouse will increase the dimensions of the existing boathouse and is prohibited by Rule Env-Wt 402.20, therefore the application is denied.

**MINOR IMPACT PROJECT**

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**2006-03224                      WBTS CC INC**  
**RYE   Witch Creek**

Requested Action:

Dredge and fill and/or otherwise alter terrain to a total of 4,685 sq. ft. of which 4,087 sq. ft. is within the previously disturbed tidal buffer zone (tbz) and 598 sq. ft. of palustrine wetlands outside the tbz for work associated with the installation of a pumping system at the pond on the 18th hole to abate flooding conditions during storm events, including 115 linear feet of 20 ft. wide stone-lined swale connecting to 100 linear feet of 50 ft. wide shallow vegetated treatment swale prior to discharging from the tbz to the adjacent tidal marsh.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission has reviewed this application, requested an extension, but did not provide additional comments specific to the application.

Inspection Date: 11/16/2006 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill and/or otherwise alter terrain to a total of 4,685 sq. ft. of which 4,087 sq. ft. is within the previously disturbed tidal buffer zone (tbz) and 598 sq. ft. of palustrine wetlands outside the tbz for work associated with the installation of a pumping system at the pond on the 18th hole to abate flooding conditions during storm events, including 115 linear feet of 20 ft. wide stone-lined swale connecting to 100 linear feet of 50 ft. wide shallow vegetated treatment swale prior to discharging from the tbz to the adjacent tidal marsh.

With Conditions:

1. All work shall be in accordance with plans by AMES MSC Architects & Engineers dated November 4, 2006 (last revised 02/21/07), as received by DES on May 07, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a)(b)&(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 16, 2006. Field inspection determined there is a demonstrated need for the project and it will not have an adverse affect on the adjacent tidal marsh.
6. This project review was coordinated with the DES Watershed Management Bureau and the US EPA Region 1 Office where it was determined that no NPDES permit was required for the project as proposed.

**2007-00315                      TIM CHI HOLDINGS LLC, TIMOTHY FARRIS**  
**AMHERST   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 8,250 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway system with box culvert crossings of seasonal streams and a 24 ft. arch span over a perennial stream to access a 45-lot open space residential subdivision on a 120.5 acre parcel of land of which 40.2 acres will be dedicated, in perpetuity, as open space.

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Conservation Commission/Staff Comments:

"The [Milford Conservation] Commission supports the project as presented."

APPROVE PERMIT:

Dredge and fill a total of 8,250 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway system with box culvert crossings of seasonal streams and a 24 ft. arch span over a perennial stream to access a 45-lot open space residential subdivision on a 120.5 acre parcel of land of which 40.2 acres will be dedicated, in perpetuity, as open space.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated October 18 & 20, 2006 (last revised 8/20/07 & 8/31/07) as received by DES on September 11, 2007.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Work shall be done during low flow.
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The original proposed wetland impact for this project was 18,100 sq. ft.; the revised and approved plans reduced the impact to a total of 8,250 sq. ft..

**2007-02036 NH DEPT OF TRANSPORTATION  
MONT VERNON Black Brook**

Requested Action:

Replace two 48 in. (35 ft. and 34 ft.) culverts with two 48 in. x 40 ft. culverts impacting 2,000 sq. ft. of riverine and palustrine wetlands. NHDOT project #M510-1.

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Conservation Commission/Staff Comments:

Cons. Comm., no comment

APPROVE PERMIT:

Replace two 48 in. (35 ft. and 34 ft.) culverts with two 48 in. x 40 ft. culverts impacting 2,000 sq. ft. of riverine and palustrine wetlands.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 5 (undated) as received by the Department on August 27, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
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. Construction equipment shall not be located within surface waters.
5. 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.
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. 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.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
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; 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.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02510 LAKE SHORE PARK ASSOCIATION  
GILFORD Lake Winnepesaukee**

Requested Action:

Remove 40 ft of temporary stabilization and failed wall, and repair 40 feet of the shoreline with natural stone on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com requested a 40 day hold on October 23, 2007, no comments received by December 28, 2007.

APPROVE PERMIT:

Remove 40 ft of temporary stabilization and failed wall, and repair 40 feet of the shoreline with natural stone on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 17, 2007.
2. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Repair shall maintain existing size, location and configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
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 minor impact project per Administrative Rule Env-Wt 303.03(j), repair of a wall.
2. This is a repair of a wall which has failed and been temporarily stabilized. The temporary stabilization was conducted under emergency authorization 2005-2673.

**MINIMUM IMPACT PROJECT**

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**2007-00521                      GRACE FELLOWSHIP CHURCH OF NASHUA**  
**NASHUA   Unnamed Wetland Prime Wetlands**

Requested Action:

Construct a 14-space paved parking lot on a previously disturbed upland site within 100 feet of the Nashua River. No construction work or any other alteration of terrain will occur within 75 feet of the Nashua River.

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Conservation Commission/Staff Comments:

The Nashua Conservation Commission provided a "favorable recommendation [for the project] ... with no stipulations."

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

**APPROVE PERMIT:**

Construct a 14-space paved parking lot on a previously disturbed upland site within 100 feet of the Nashua River. No construction work or any other alteration of terrain will occur within 75 feet of the Nashua River.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. dated November 20, 2006, as received by DES on March 19, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All site drainage and stormwater runoff shall be directed away from the Nashua River as per narrative dated February 9, 2007 submitted with the application.

**2007-00697                      SEABROOK CIRCLE REALTY TRUST, NORMAND JUTRAS**  
**SEABROOK   Unnamed Stream**

Requested Action:

Impact 531 sq. ft. within the banks and flow channel of an existing channelized and/or culverted portion of a stream for work associated with debris removal and stream bank restoration and stabilization.

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Conservation Commission/Staff Comments:

No report was received from the Seabrook Conservation Commission on this application.

Inspection Date: 06/15/2007 by Frank D Richardson

**APPROVE PERMIT:**

Impact 531 sq. ft. within the banks and flow channel of an existing channelized and/or culverted portion of a stream for work associated with debris removal and stream bank restoration and stabilization.

**With Conditions:**

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Mar. 26, 2007, as received by DES on April 06, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. 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).
6. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

**2007-00904                      SAKURAI, KEN  
HAMPTON   Unnamed Wetland**

**Requested Action:**

Reconsideration Requested on December 5, 2007

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**DENY RECONSIDERATION:**

Deny reconsideration

**With Findings:**

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

1. The applicant only responded by supplying the missing information requested by DES.

**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 May 3, 2007 and was determined to be administratively complete on May 7, 2007.
3. By email dated June 5, 2007, DES requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, DES requested the applicant to address the following:
  - a. Please find the attached comments from Kim Tuttle, NHFG, and respond to them accordingly;
  - b. Nowhere on the provided plans was there any mention as to what kind of plantings would be at this site. Please provided [sic] a planting list to include, but is not limited to, the placement of aquatic, herbaceous, and shrub vegetation for the pond. Doing so would greatly encourage amphibian, reptilian, avian, and mammal usage."
4. On August 23, 2007 DES did receive an incomplete response to the RFMI. The planting plan was still needed.
5. Based on RSA 482-A:3, XIV(c) DES denied the application because the issues raised in the RFMI were not addressed.
6. The request for reconsideration does not assert that DES's decision was erroneous, but rather appears to concur with the decision by asserting that the issues raised - and more information requested are supplied in the motion for reconsideration.
7. The Requestor has not met his burden of proving that the DES's decision was unlawful or unreasonable.

**2007-02685                      LOCKE, MATTHEW**  
**ALTON   Unnamed Wetland**

**Requested Action:**

Dredge and fill 330 square feet of palustrine forested wetland including installation of twin 18-inch x 20 foot culverts for driveway access to an existing single family residential lot.

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**Conservation Commission/Staff Comments:**

The conservation commission initially refused to sign the application as the impacts were on the adjacent lot.

**APPROVE PERMIT:**

Dredge and fill 330 square feet of palustrine forested wetland including installation of twin 18-inch x 20 foot culverts for driveway access to an existing single family residential lot.

**With Conditions:**

1. All work shall be in accordance with plans by NHSC dated October 30, 2007, as received by the Department on November 16, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent upon the execution of the driveway easement across lot 28 for the benefit of lot 29.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on lot 28 or lot 29.
5. The deed which accompanies the sales transaction for lots 28 and 29 shall contain condition #4 of this approval.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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.
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).

**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 proposal is for a common driveway to benefit two lots.
4. 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.
5. 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.
6. The proposal is for impacts to lot 28 for the benefit of lot 29. The permit is contingent upon successful execution of the easement.

**FORESTRY NOTIFICATION**

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**2007-02994                      DRED**  
**WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax Map 24, Lot# 1

**2007-02995                      DRED**  
**WINCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Winchester Tax Map 11, Lot# 17

**2007-02996                      CONNECTICUT LAKES TIMBER COMPANY, C/O LYME TIMBER**  
**PITTSBURG   Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map 1, Lot# 26

**2007-02997                      CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER**  
**CLARKSVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Clarksville Tax Map R6, Lot# 2

**2007-02998                      CONNECTICUT LAKES TIMBER COMPANY, C/O LYME TIMBER**  
**STEWARTSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stewartstown Tax Map B-2, Lot# 7

**2007-02999                    KIMBERLY, WILLIAM  
PLAINFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Plainfield Tax Map 206, Lot# 11

**2007-03000                    GORHAM, TOWN OF  
RANDOLPH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Randolph Tax Map R5, Lot# 3

**2007-03001                    MEADOWSEND TIMBERLANDS LTD  
NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newport Tax Map/Lot# 60/721 & 60/531

**2007-03002                    CHAMPAGNE, ROY  
WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax Map 5, Lot# 6

**2007-03009                    ROYSTAN, ROBERT & JUDITH  
BATH   Unnamed Stream**

**2007-03011                    ROYSTAN, LISA/ROBIN  
BATH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bath Tax Map 21, Lot# 9

**2007-03012                    ROYSTAN, LISA/ROBIN  
ORFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Orford Tax Map 8, Lot# 14B

**2007-03013                    KDRM LLC, DAVID DROWNE  
DUMMER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map 10, Lot# 1

**2007-03014                    HARRIS CENTER  
HANCOCK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R12, Lot# 12 & 13

**2007-03015                    POWERS, SCOTT  
UNITY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Unity Tax Map 193, Lot# 1 & 3

**2007-03017                    NE FORESTRY FOUNDATION  
WASHINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Washington Tax Map 15, Lot# 42

**EXPEDITED MINIMUM**

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**2007-01500                    ROYSTAN, LISA/ROBIN  
ORFORD   Unnamed Stream**

Requested Action:

Dredge and fill approximately 723 sq. ft. of wetlands to include impacting approximately 60 linear feet associated with crossing two intermittent streams to install a 5 ft. x 20 ft. arched culvert and a 4 ft. x 30 ft. culvert for road construction to facilitate upland access for a single family residence.

\*\*\*\*\*

Conservation Commission/Staff Comments:

RFMI Letter sent. Await revised plans as per phone con. 12/19/2007. See Phone Log in database. Received waiver on 28 Dec 2007. Complete this date

APPROVE PERMIT:

Dredge and fill approximately 723 sq. ft. of wetlands to include impacting approximately 60 linear feet associated with crossing two intermittent streams to install a 5 ft. x 20 ft. arched culvert and a 4 ft. x 30 ft. culvert for road construction to facilitate upland access for a single family residence.

With Conditions:

1. All work shall be in accordance with plan entitled: Wetland Crossing Plan for Robin & Lisa Roystan, prepared and submitted by Harry J. Burgess, dated May 2007 and Revised Nov 07, Dec. 07, as received by the Department on December 24, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during periods of low-flow.
4. 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.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
7. Proper headwalls shall be constructed within seven days of culvert installation.
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 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
10. 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. More information was requested by this office on November 1, 2007, and an initial response was received on November 28, 2007. On December 19, 2007, the Bureau was notified by the applicant via phone call that revised plans are necessary and the submitted plans were to be superceded pending our receipt of new plans for the culvert crossings to be submitted. The applicant was notified that additional information was required and until received, the application is incomplete. They acknowledged. See log in file.
6. Revised plans were received on December 24, 2007, however, the file remained incomplete for processing as the setback requirement and any supporting documentation relating to project/work within 20 feet to abutters was not received in accordance with request for More Information letter sent November 1, 2007, item number 4. The applicant was made aware that this was not adequately addressed at this time and we could not process. The applicant requested a "waiver" to setback requirements. See log/notes in file dated December 27, 2007.
7. Due to the narrow width of the lot, recently acquired, the travel access and culvert installation resulted in a placement of the work within the 20 feet setback requirement as per Rule Env-Wt 304.04 Setback From Property Lines, the applicant attempted to acquire a Letter of No Objection from the affected abutter and was denied, as the abutter stated that she was against any logging operation, which is the applicant's initial intent prior to constructing a residential dwelling. It must also be noted that the abutter sold the property to the applicant.
8. The applicant was advised to submit a waiver in accordance with Env-Wt 204 and that information was received on December 28, 2007. Based on a review of the submitted information in accordance with said rules for "Waivers," the applicant has satisfied said rule and is therefore granted a waiver to Env-Wt 304.04, requiring a 20 foot setback for all work. No further action on this matter is required.
9. Based on these findings and the submitted information in the record, the Department authorizes the activities to commence as per conditions, accordingly.

**2007-01640                      HART, NIGEL & AYODELE**  
**LYME   Unnamed Wetland**

Requested Action:

Replace an existing deteriorated outlet pipe that has caused a large sink hole impacting 1625 sq. ft. of a mowed wetlands area.

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Conservation Commission/Staff Comments:

RFMI Letter sent 30 Aug 2007. DAM safety requested info to address possible DAM structure. No Info received as of 02 January 2008. Untimely Denial issued 02 Jan 2008.

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Replace an existing deteriorated outlet pipe that has caused a large sink hole impacting 1625 sq. ft. of a mowed wetlands area.

**With Findings:**

1. A request for additional information dated August 30, 2007, addressed to the applicant, 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. Due to construction of impoundment, it was determined that the existing structure may be classified as a DAM, as per state criteria. Applicant was informed of above and as part of the RFMI letter sent by the Department in August, was required to submit supportive documentation. To date, no information has been received by this office or contained in the file.
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.

**2007-02503                      MILLBROOK VALLEY MAINTENANCE CORP, CARLTON KILMER  
THORNTON   Mill Brook**

**Requested Action:**

Dredge and fill approximately 80 sq. ft. of stream bank with associated backfill to install a dry hydrant for fire protection.

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**Conservation Commission/Staff Comments:**

Impact 80 sq. ft. for dry hydrant installation. Complete for processing on 24 Dec 2007.

**APPROVE PERMIT:**

Dredge and fill approximately 80 sq. ft. of stream bank with associated backfill to install a dry hydrant for fire protection.

**With Conditions:**

1. All work shall be in accordance with plan entitled: Dry Hydrant, Millbrook Road, dated 09/09/07, as received by the Department on December 24, 2007.
2. Work shall be done during periods of low-flow.
3. No excavation or change in bottom elevation to the bed of the stream is permitted.
4. No equipment shall enter the water.
5. All work shall be done from the top of the bank.
6. 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.
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. 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

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w); Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry

hydrant.

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 via phone on December 13, 2007, to complete the file for processing. See log in file. On December 24, 2007, information and clarifications was received by the Department. The file was determined to be complete for processing.
6. The project as proposed is of minimal impact to the banks and bed of Mill Brook, as determined by a review of the submitted information. The project conforms to the above rule, will be in the overall public's best interest and will serve as a benefit to the needs and welfare of the people in the local area.
7. Based on these findings and the submitted information contained in the record, the Department authorizes the activity to commence as per conditions, accordingly.

**2007-02654                      BACON, THEODORE & SARAH**  
**NEW LONDON Pleasant Lake**

Requested Action:

Impact 150 sq ft of bank to replace existing stairway with 6 ft wide stone steps with cheek walls to tie into existing walkway on 139 ft of frontage in New London on Pleasant Lake.

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APPROVE PERMIT:

Impact 150 sq ft of bank to replace existing stairway with 6 ft wide stone steps with cheek walls to tie into existing walkway on 139 ft of frontage in New London on Pleasant Lake.

With Conditions:

1. All work shall be in accordance with revised plans by Pellettieri Associates Inc. dated January 2, 2008, as received by DES on January 3, 2008.
2. 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.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. Repair shall not exceed existing size, location and configuration.
5. Seasonal docks shall be removed from the lakebed 5 months during the nonboating season.
6. Stairs shall not exceed a 6 ft width.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet)

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of stairs.
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.

**2007-02839 REILLY, JANICE**  
**DOVER Tidal Buffer Zone**

Requested Action:

Impact a total of 2,737 sq. ft. of the developed upland tidal buffer zone including 1,045 sq. ft. for construction of a new garage; 308 sq. ft. of driveway made of pervious pavers; and 1,384 sq. ft. of temporary impacts associated with removal of existing deteriorated garage and shed.

\*\*\*\*\*

APPROVE PERMIT:

Impact a total of 2,737 sq. ft. of the developed upland tidal buffer zone including 1,045 sq. ft. for construction of a new garage; 308 sq. ft. of driveway made of pervious pavers; and 1,384 sq. ft. of temporary impacts associated with removal of existing deteriorated garage and shed.

With Conditions:

1. All work shall be in accordance with plans by NHSC Inc. dated October 2007, as received by DES on 12/6/2007.
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 or documentation to DES that the lot is served by municipal sewer.
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. 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.
15. 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(b), projects in previously-developed upland areas within 100 ft. of the highest observable tide line that are not major or minor, as defined in Env-Wt 303.02 or Env-Wt 303.03 respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 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. There were no species of concern reported by the NH Heritage Bureau; the project has been conditioned relative to the one-mile impaired water buffer.
5. The Dover Conservation Commission signed the expedited application.

6. This project complies with the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

**2007-02951                      MCCOUBREY, ANN & JEAN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Correct permit to accurately read proposed impacts.

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APPROVE AMENDMENT:

Corrected permit to read: Install a 6 in wide bulkhead continuing from the most southerly abutting property line and ending at the 8 ft 2 in x 25 ft 6 in crib supported docking structure on 95 ft of frontage in Alton on Lake Winnepesaukee.

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.

**2007-02964                      DIORIO, ROBERT**  
**ALTON   Unnamed Pond Lake Winnepesaukee**

Requested Action:

Install a 14 ft x 30 ft seasonal canopy and seasonal boatlift within the existing center slip of a cantilevered "U-shaped" docking facility, repair existing breakwater and cantilevered permanent dock, and install two seasonal personal water craft lifts on 165 ft of frontage in Alton on Lake Winnepesaukee.

\*\*\*\*\*

**APPROVE PERMIT:**

Install a 14 ft x 30 ft seasonal canopy and seasonal boatlift within the existing center slip of a cantilevered "U-shaped" docking facility, repair existing breakwater and cantilevered permanent dock, and install two seasonal personal water craft lifts on 165 ft of frontage in Alton on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans revised by Robert Diorio as received by DES on December 20, 2007.
2. This permit is invalid until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Seasonal dock, boatlifts, and personal watercraft lifts shall be removed from the lakebed for five months during the non-boating season.
4. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for five months during the non-boating season.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Repairs/replacement shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
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. No shoreline structures on this frontage shall encroach within any 20 ft abutting property line setback and its extension over water.
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 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.

**GOLD DREDGE**

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**2007-03019  
(ALL TOWNS)**

**SARGENT, KEVIN**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2007-03020 DAMI, MIKE  
BELMONT Winnisquam Lake**

COMPLETE NOTIFICATION:  
Belmont, NH Tax map 107 Lot 122  
Winnisquam Lake

**PERMIT BY NOTIFICATION**

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**2007-02983 TUFTONBORO, TOWN OF  
TUFTONBORO Copps Pond**

Requested Action:  
Disqualify request to construct an 8'X 8' bird watching platform on the bank of Cobb Pond and a 3' X 30' wooden walkway for access to the proposed platform.

\*\*\*\*\*

PBN DISQUALIFIED:  
Deny request to construct an 8'X 8' bird watching platform on the bank of Cobb Pond and a 3' X 30' wooden walkway for access to the proposed platform.

- With Findings:
1. The proposed project does not meet any of the project types listed in Env-Wt 506.01(a).
  2. The proposed project does not meet the requirements of RSA 483-B, The Comprehensive Shoreland Protection Act.

**2007-02984 LANDRY, STEPHEN  
LACONIA Lake Winnepesaukee**

Requested Action:  
After-the-fact installation of a seasonal boat lift.

\*\*\*\*\*

PBN DISQUALIFIED:  
After-the-fact installation of a seasonal boat lift.

- With Findings:
1. "Confirmation of Project Completion for Permit By Notification" Form was submitted with the application on December 27, 2007. Pursuant to Rule Env-Wt 506.01(b) after-the-Fact applications do not qualify for the permit by notification process.