

# Wetlands Bureau Decision Report

Decisions Taken  
07/14/2008 to 07/20/2008

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

Requested Action:

Due to project design changes that applicant is able to relocate the existing stream within an open stream channel rather than a closed box culvert. The applicant has requested to remove the proposed CMP culvert restoration area, associated bank plantings and grading work from the project, replace the approved open bottom box culvert with an open stream channel and bank plantings along the south side of the stream bank.

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Conservation Commission/Staff Comments:

The Hooksett Conservation Commission did not comment on this application.

APPROVE AMENDMENT:

Dredge and fill 1200 square feet of wetland including diversion of 100 linear feet of perennial stream for the construction of a sewer clarifier in an existing waste water treatment plant. Mitigate for the stream impacts by recreating a new stream channel with bank plantings.

With Conditions:

1. All work shall be in accordance with plans by Graves Engineering, plan sheets C1, C4, C10, C11, and C12, revision dated June 2008, as received by the Department on July 14, 2008 and plan sheets C17 and C18, as received by the Department on July 17, 2008.
2. This permit is contingent on approval by the DES Waste Water Treatment Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Work shall be done during low flow.
7. Work shall be conducted during low water conditions.
8. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. No equipment shall enter the water.
12. All work shall be done from the top of the bank.
13. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
14. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
15. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.

17. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
18. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
19. Native material similar to the material within the existing streambed, shall be utilized within the proposed stream channel and any new material shall not include angular rip-rap.
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Proper headwalls shall be constructed within seven days of culvert installation.

Mitigation Conditions:

22. This permit is contingent upon the recreation of approximately 100 linear feet of perennial stream channel and bank in accordance with plans by Graves Engineering, Inc. revision dated June 2008, as received on July 17, 2008.
23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
24. This permit is contingent upon the review by a qualified wetland scientist of the proposed planting plan, site conditions and viability of plant success. The planting plan shall be revised as necessary and approved by DES.
25. The required planting plan shall note a diversity of native species similar to those found on site and shall include ground covers planted 2 feet on center, shrubs planted 5 feet on center and trees/saplings planted 20 feet on center.
26. The schedule for construction of the stream creation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
27. The stream creation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans and remedial actions taken that may be necessary to create functioning jurisdictional area similar to those of the stream impacted by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, and changing channel width gradient and depth.
28. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the approved plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
29. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
30. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
33. Stream bank and upland buffer plantings shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a stable native community is replicated in a manner satisfactory to the DES Wetlands Bureau.
34. The permittee shall attempt to control invasive, weedy species by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The proposal is to expand an existing waste water treatment facility.
3. The site of the existing facility is limited by the existing infrastructure and positive hydraulic gradient.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 5. DES Staff conducted a field inspection of the proposed project on August 15, 2007. Field inspection determined that the stream in question is perennial and is part of the 100-year flood plain associated with the Merrimack River. The site also has an Exemplary Natural Community located within it.
6. DES Staff conducted a second field inspection of the proposed project on October 1, 2007, this second site inspection found small fish fry in the stream channel.

7. The site is limited by the steep slopes.
8. The project has been redesigned due to the deletion of a return sludge pump station, which allowed the new secondary clarifier to be moved approximate 20 feet. This allowed for enough area to remove the approved box culvert and re-create and open stream channel.
9. 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.
10. The applicant proposes to mitigate for the impacts to the stream by recreating the stream channel approximately 30 feet to the south and planting the southerly bank and adjacent slope.
11. The proposed project is an attempt to meet current EPA standards for waste water treatment facilities.
13. The project impacts will not significantly impair the resources of this riverine ecosystem.
14. The creation of the new channel and plantings serves as mitigation on the project site.

**2007-02429                      TOM & C REALTY LLC**  
**BERLIN   Unnamed Wetland**

Requested Action:

Dredge and fill 28,230 square feet of wetland to construct access roads that will serve an 85-unit manufactured home park on 60.29 acres of land with office and maintenance buildings. Mitigate impacts by making payment into the Aquatic Resource Mitigation (ARM) Fund in the amount of \$63,638.76.

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Conservation Commission/Staff Comments:

The applicant will make in-lieu fee payments into the DES Aquatic Resource Mitigation (ARM) Fund in the amount of \$63,638.76 to the Androscoggin River Watershed Account, with installments based on unit sales. For each unit sold Tom & C Realty LLC will pay \$1,000 until the \$63,638.76 is paid in full. The applicant will provide a report to DES documenting the number of units sold in each 6 month period along with a payment in the appropriate amount. These reports will be due on January 1 and July 1 of each year with the first report due on January 1, 2009. This condition is imposed to satisfy the requirements of the US Army Corps of Engineers, New England District and the US Environmental Protection Agency, Region One. Copies of the reports shall be submitted to both federal agencies.

APPROVE AMENDMENT:

Dredge and fill 28,230 square feet of wetland to construct access roads that will serve an 85-unit manufactured home park on 60.29 acres of land with office and maintenance buildings. Mitigate impacts by making payment into the Aquatic Resource Mitigation (ARM) Fund in the amount of \$63,638.76.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated February 2008, as received by DES on May 22, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Each lot /unit Lessee in the " manufactured home park " who shall purchase, place, relocate or occupy manufactured housing upon a lot shall receive and be bound by a lease agreement and or rules and regulations of the park which shall contain the terms and restrictions of condition # 2 of this approval and permit.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail.
5. This approval is contingent on approval by the DES Alteration of Terrain Program.
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. Work shall be done during low flow.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. 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).
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. 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.

12. 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.

13. 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.

14. 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).

15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### MITIGATION CONDITIONS:

16. The applicant will make in-lieu fee payments into the DES Aquatic Resource Mitigation (ARM) Fund in the amount of \$63,638.76 to the Androscoggin River Watershed Account, with installments based on unit sales. For each unit sold, Tom & C Realty LLC will pay \$1,000 into the fund until the \$63,638.76 is paid in full. The applicant will provide a report to DES documenting the number of units sold in each 6 month period along with a payment in the appropriate amount. These reports will be due on January 1 and July 1 of each year with the first report due on January 1, 2009.

17. The applicant has the option of paying the outstanding balance of the in lieu fee at any time.

18. In the event that the full amount of the in lieu fee (\$63,638.76) is not received by DES on or before June 27, 2013 any outstanding balance will be due in full at that time.

#### With Findings:

1. This project is classified as a Major Project per Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

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

5. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

6. The payment calculated for the proposed wetland loss equals \$63,638.76, which will be paid through installments based on unit sales. For each unit sold Tom & C Realty LLC will pay \$1,000 into the ARM Fund until the \$63,638.76 is paid in full. Any amount outstanding at the permit expiration date of 6/27/2013 will become due in full at that time.

7. The payment into the ARM fund shall be deposited in the DES fund for the Androscoggin River watershed per RSA 482-A:28.

8. This in lieu fee mitigation payment plan was developed at the request of US Senator John Sununu's office in order to provide assistance to an economically depressed region of the state.

9. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the wetland resource, as identified under RSA 482-A:1.

10. Amendment is to clarify ownership issue.

**2007-02789 CHANDLER, SCOTT  
MOULTONBOROUGH Lake Winnepesaukee**

#### Requested Action:

Remove a 640 sq ft jetty, stabilize and restore 30 linear ft of shoreline, fill 675 sq ft of lakebed to construct 37 linear ft of breakwater with 7 ft gap at the shoreline and a 5 ft x 32 ft cantilevered pier connected to a 5 ft x 32 ft piling pier by a 6 ft x 12 ft walkway

accessed by a 6 ft x 15 ft walkway from shore, drive 1 three piling ice cluster, drive 4 pilings to support two permanent boatlifts, install two 14 ft x 30 ft seasonal canopies, and two seasonal personal watercraft lifts on an average of 147 ft of frontage on Lake Winnepesaukee, in Moultonborough.

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Conservation Commission/Staff Comments:

No Con Com comments by 01/22/08

Inspection Date: 01/24/2008 by Chris T Brison

**APPROVE PERMIT:**

Remove a 640 sq ft jetty, stabilize and restore 30 linear ft of shoreline, fill 675 sq ft of lakebed to construct 37 linear ft of breakwater with 7 ft gap at the shoreline and a 5 ft x 32 ft cantilevered pier connected to a 5 ft x 32 ft piling pier by a 6 ft x 12 ft walkway accessed by a 6 ft x 15 ft walkway from shore, drive 1 three piling ice cluster, drive 4 pilings to support two permanent boatlifts, install two 14 ft x 30 ft seasonal canopies, and two seasonal personal watercraft lifts on an average of 147 ft of frontage on Lake Winnepesaukee, in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction as revised May 27, 2008, and received by the Department on July 9, 2008 with the exception that no piling shall be driven for the sole purpose of supporting the seasonal canopy.
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 registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The 30 linear ft of shoreline shall be stabilized and restored prior to the construction of any new docking structures on the frontage.
4. 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.
5. 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.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. 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.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. All jetty material not used in the construction of the new breakwater shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area and that all temporary pilings used to stabilize the turbidity controls have been removed from the frontage shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future 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.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 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.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
17. All seasonal structures shall be removed from the lakebed for the non-boating season.
18. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
19. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 147 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived based with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2008-00271**                      **BEGOR, MARK & KRISTEN**  
**SUNAPEE Lake Sunapee**

Requested Action:

Drive 6 pilings to support a boatlift and canopy, adjacent to a non-conforming, "C" shaped, crib supported, docking facility on property having an average of 378 ft of frontage on Lake Sunapee.

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DENY PERMIT:

Drive 6 pilings to support a boatlift and canopy, adjacent to a non-conforming, "C" shaped, crib supported, docking facility on property having an average of 378 ft of frontage on Lake Sunapee.

With Findings:

Standards for Approval

1. Pursuant to Rule Env-Wt 402.05, an application for a permanent dock shall be approved only when an applicant establishes that the proposed dock will be located on a lake of over 1,000 acres and the site for the dock is exposed to radial fetch of at least 1 mile between compass headings 300 to 360 or 0 to 30 degrees, or a radial fetch of at least 2 miles between compass headings 31 to 299 as measured from true north. When the applicant does not meet these requirements the Department shall approve the permanent dock only after the Applicant documents sufficient wave activity at the site of the proposed dock.
2. In accordance with Rule Env-Wt 101.03 "Accessory docking structure" means a structure supplementary to a dock or wharf that assists in securing watercraft or protecting the dock or watercraft such as, for example, an ice cluster, piling, boat lift, or canopy.
3. In accordance with Rule Env-Wt 101.14 "Canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.
4. In accordance with Rule Env-Wt 101.28 "dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure is in the water or not.
5. In accordance with Rule Env-Wt 101.79 "Seasonal dock or seasonal structure" means a dock and any associated supports designed to be completely removed from the water during the non-boating season and includes pipe docks or floating docks.
6. In accordance with Rule Env-Wt 402.02 Dimensions, (a), (1), the approvable standard width for a dock in a lake or pond of 1,000 acres or more shall not exceed 6 ft.
7. In accordance with Rule 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.
8. Pursuant to RSA 482-A:3, XIV, (b) any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.

Findings of Fact

1. On February 25, 2008, the Department issued a Notification of Administrative Completeness letter relative to an application to drive 6 pilings to support a boatlift and canopy, adjacent to a non-conforming, "C" shaped, crib supported, docking facility on property identified as Sunapee tax map 112, lot 12, having an average of 378 ft of frontage on Lake Sunapee.
2. This project is classified as a major impact project in accordance with Rule Env-Wt 303.03 (d) modification of a permanent docking facility providing 5 or more slips.
3. The existing "C" shaped, crib supported, docking facility exceeds the width dimensions allowed under Rule Env-Wt 402.02, Dimensions, and, therefore, is a non-conforming structure and subject to Rule Env-Wt 402.20.
4. The site of the existing "C" shaped, crib supported, docking facility does not meet the criteria of Rule Env-Wt 402.05, Permanent Piers, and, therefore, is a non-conforming structure and subject to Rule Env-Wt 402.20.
5. The proposed boatlift and canopy would be supported by pilings and would fail to meet the definition of seasonal structures.
6. On May 5, 2008, the Department issued a Request for More Information Letter to the Applicant notifying them that the Department needed additional information to complete the application and that failure to submit a single and complete response to the request for More Information within 120 days of the Request date would result in the denial of the project.
7. The May 5, 2008 Request for More Information informed the Applicant that the Applicant would need to reduce the construction surface area and number of slips provided in order to bring the structure into compliance with the current Administrative Rules and address Rule Env-Wt 402.20.
8. The May 5, 2008 Request for More Information also informed the Applicant that the site failed to meet the criteria for a permanent pier and, therefore, only a seasonal boatlift and canopy would be approved.
9. On June 27, 2008 the Department received a response from the Applicant.
10. The Applicant states in the June 27, 2008 response that canopies are defined as accessory structures and, therefore, are not considered as construction surface area.
11. The Applicant states in the June 27, 2008 response that the Department has allowed canopies to be attached to other non-conforming structures on other sites and, therefore, canopies should be allowed to be attached to the Applicant's non-conforming structure.
12. The Applicant provided no evidence that the site meets the criteria for a permanent docking structure as outlined in Rule Env-Wt 402.05.
13. The Applicant failed to provide revised plans for the installation of seasonal structures.

Rulings in Support of the Decision

1. Pilings are permanent supports and the proposal to drive pilings for the purpose of supporting the canopy and boatlift fails to meet the definition of "canopy" or "seasonal structure" and, therefore, is not be approvable.
2. The proposed canopy will result in a 360 sq ft increase in construction surface area over public submerged lands and, therefore, fails to meet the requirements of Rule Env-Wt 402.20.
3. The Department shall not approve additional permanent structures in a location that fails to meet the requirements of Rule Env-Wt 402.05.
4. All structures, including "accessory docking structures" have construction surface area.
5. This project has been denied in accordance RSA 482-A:3, XIV, (b) because the failed to submit the revised plans requested by the Department on May 5, 2008.

**MINOR IMPACT PROJECT**

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**2005-01772                      DELLASELVA, RAYMOND**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Amend permit to: remove existing 4 ft x 20 ft pipe dock and 4 ft x 10 ft connecting walkway, and replace a 6 ft x 24 ft pipe dock extending from a 12 ft 6 in x 25 ft 11 in boathouse with a 4 ft x 28 permanent piling supported pier with two tie-off pilings and a permanent boatlift within the southerly boatslip on 100 ft of frontage in Gilford on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Extension given for March 15, 2006 to meet More Information request

APPROVE AMENDMENT:

Amend permit to: remove existing 4 ft x 20 ft pipe dock and 4 ft x 10 ft connecting walkway, and replace a 6 ft x 24 ft pipe dock extending from a 12 ft 6 in x 25 ft 11 in boathouse with a 4 ft x 28 permanent piling supported pier with two tie-off pilings and a permanent boatlift within the southerly boatslip on 100 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as revised May 8, 2008, and received by the Department on May 9, 2008.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Both of the existing seasonal piers shall be completely removed from the frontage prior to the construction of the piling pier.
4. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. The minimum clear spacing between piles shall be 12 feet center to center.
6. Piling pier shall not exceed a 4 ft width.
7. 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.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d) modification of a permanent docking system providing less than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has met administrative rule Env-Wt 402.20 by reducing the amount of surface area constructed over surface waters.

**2006-01640 NH DEPT OF TRANSPORTATION  
DALTON Unnamed Stream Connecticut River**

Requested Action:

Replace a 60 in. x 64 ft. culvert with an 8 ft. x 6 ft. x 70 ft. box culvert embedded 12 in. impacting 4,125 sq. ft. of bank and stream.

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Conservation Commission/Staff Comments:

River Comm. concur with enlarged culvert and request plants.

Cons. Comm. and Trout Unlimited were concerned with maintaining existing culvert size.

Inspection Date: 05/26/2006 by Gino E Infascelli

APPROVE PERMIT:

Replace a 60 in. x 64 ft. culvert with an 8 ft. x 6 ft. x 70 ft. box culvert embedded 12 in. impacting 4,125 sq. ft. of bank and stream.

NHDOT project #99003W.

With Conditions:

1. All work shall be in accordance with the amended plans by NHDOT Maintenance District 1 dated 6/27/08, as received by the Department on July 3, 2008.

2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless utilized as substrate in the embedded culvert or as restoration of the embankment.
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. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Sediment removal is limited to 60 feet upstream of the culvert and is allowed for use in repairing the south westerly embankment.
12. The applicant shall continue to work with the NH Fish and Game on the baffle and substrate design.
13. The applicant shall salvage and replant shrubs wherever practicable.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), 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.
5. Department of Environmental Services (DES) Staff conducted a field inspection of the proposed project on May 26, 2006. Field inspection noted the road was damaged from a recent storm event collapsing the end of the culvert, sloughing of the embankment and found channel scouring upstream and downstream of the undersized culvert.
6. On June 1, 2006 the DES received information that the project should have no impact on dwarf wedgemussel.
7. On June 27, 2006 the DES received an application to replace a 60 in. culvert with a 14 ft. span bridge.
8. On June 30, 2006 the DES received a letter from the Conn. River Joint Commissions concurring that the project should move ahead and that a woody riparian buffer be planted where possible.
9. On July 17, 2006 the DES received additional plans reducing work at the outlet limiting impacts to the swimming hole.
10. On Oct. 31, 2006 the DES met at the applicant's request to discuss the slope of the stream, the availability of materials and the detour of traffic. Additional plans were expected.
11. On Oct. 31, 2006, the DES received a note from the National Marine Fisheries Service that the project was eligible, as proposed, for the US Army Corps of Eng. State Programmatic General Permit.
12. On Jan. 11, 2007 the DES received an amended application reducing the scope of the project to extending the culvert 10 feet upstream and 5 feet downstream due to budget constants.
13. On Feb. 22, 2007 the DES received a letter from the Riverbend Subcommittee of the Conn. River Joint Commissions noting concerns the amended application would perpetuate damage to the aquatic habitat and increase scouring downstream.
14. On Feb. 23, 2007 the DES received information that the applicant was searching for funding through the USFWS.
15. On Feb. 26, 2007 the DES received a letter from the Dalton Conservation Commission stating the existing culvert is too small, should be properly replaced and questioned if such a proposal would be allowed for a private landowner.
16. On March 6, 2007 the DES received information from the applicant that the estimated cost to extend the culvert 15 feet was \$91,000 and the cost for the original design to install a 14 ft. span was \$400,000 to \$500,000 if the road was closed and traffic detoured through Vermont. It was noted that if no detour was available and the construction was staged the cost would be \$600,000 to \$700,000.
17. On March 12, 2007 the DES received copy of a letter to the applicant from Ammonoosuc Trout Unlimited requesting they reconsider the original plan with a natural stream bottom and note that stream crossings are deficient and are highly significant

contributors to stream sedimentation and habitat segmentation. They suggested consultation with NH Fish and Game (NHFG), Trout Unlimited and Eastern Brook Trout Joint Venture.

18. On March 22, 2007, the DES received a copy of a response from the NH Dept. of Transportation (NHDOT) to the above letter noting the amount of fill over the culvert and avoiding a lengthy detour are factors that significantly increase overall costs. Budget constraints require moving forward with repair of the culvert although they are pursuing funding from the US Fish and Wildlife Service for culvert replacement.

19. On March 22, 2007, the DES received a copy of a letter from the NHDOT to the US Fish and Wildlife Service with a proposal to fund the culvert replacement with a natural-bottomed structure.

20. The DES Wetlands Bureau requested the DES Dam Safely Bureau review the file and it was determined that the road is considered a dam using the culvert rule.

21. The DES Wetlands Bureau started a Stream Rule Workgroup, has held at least nine meetings to date and will continue to move toward rulemaking to help clarify issues such as this one.

22. On June 17, 2008, the DES was informed that the applicant was continuing to re-design the project and a second amendment would be submitted in July.

23. On July 3, 2008 the applicant submitted a second amendment modifying the request to replace the 60 in. x 64 ft. culvert with an 8 ft. x 6 ft. x 70 ft. box culvert embedded 12 in. and reducing the impacts to 4,125 sq. ft. of bank and stream.

24. On July 7, 2008 the NHFG requested details on the baffles to be within the culvert.

25. The existing road situation needs to be repaired and in order to limit the stream impacts the work is to be during low flow.

26. The DES finds that the repair is an improvement over the current design and should move forward to protect the traveling public.

**2006-02783 DOXON REALTY TRUST, SYLVIA TENN  
LONDONDERRY Unnamed Wetland**

**Requested Action:**

Amendment proposal to impact an additional 3,225 sq. ft. of wetlands due to project configuration changes, access design changes and access design requirements of the Town of Londonderry Public Works Department and an additional 10 sq. ft. of wetlands impact required for replacement of a drainage pipe on an abutting property.

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**APPROVE AMENDMENT:**

Dredge and fill approximately 6,983 sq. ft. of wet meadow and scrub-shrub wetlands (includes 808 sq. ft. of temporary impacts) for access and sewer line connection for a proposed 43-unit condominium development, identified as "Cider Mill Crossing". Work in wetlands consist of connection to municipal sewer, installation of twin 24 in. x 68 ft. culverts, associated grading and outlet protection for construction of an access road crossing from Mammoth Road, filling grading for access to units along the south side of the property and drainage pipe changes and associated rip-rap apron on an abutting property. The wetlands impacts for the sewer line connection and access to the south side of the property were previously approved under Wetlands Bureau permit #2003-2375, the previously approved project was not constructed.

**With Conditions:**

1. All work shall be in accordance with plans by Sublime Civil Consultants, Inc. plan sheet #C1 and #S1 revision dated November 27, 2007 and plan sheet #D1, revision dated August 24, 2007, as received by the Department on January 9, 2008 and plan sheet #C2, #C5 and #W5, dated and revision dated June 20, 2008, as received by the Department on June 20, 2008.
2. This permit shall supercede previous Wetlands Bureau permit file #2003-2375 issued for wetlands impacts on the property.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. The temporary wetlands impacts for the proposed sewer line connection shall be restored with "in-kind"/same native wetlands plant species. Wetland restoration must result in a functioning wetland to the satisfaction of the Department. Restoration shall be completed immediately following the completion of the sewer line connection.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. 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.

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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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 minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 sq. ft. of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The previous permit file #2003-2375 approved impacts to 1,698 sq. ft. of wetlands. The new permit adds an additional 2,050 sq. ft. of wetlands impacts on an additional lot that was added to the property.
6. The previous permit was for impacts for commercial development. This approval is for residential development.
7. The New Hampshire Fish & Game Department, Nongame and Endangered Wildlife Program did not submit comments.
8. The Conservation Commission voted to approve the original project with addition of double culverts in place of the proposed single culvert.
9. The applicant provided new Conservation Commission meeting minutes dated May 22, 2007 voting in favor of the additional wetlands impacts.
10. The applicant provided DES with a authorization form signed by the abutting property owner.

**2007-02559                      NH DEPT OF TRANSPORTATION**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair an 8 ft 5 in x 36 ft concrete surfaced full crib pier in-kind, dredge 8 cu yd from 206 sq ft of lakebed immediately adjacent to said dock, repair 105 linear ft of dry stone retaining wall, replace 6 fender piling along said wall, reset 3 rocks adjacent to the boat ramp, replace a 3 piling ice cluster, relocate 7 boulders posing hazard to navigation, and restore 24 linear ft of shoreline with a combination of boulders and native plantings to maintain the mixed use public access facility at Harilla Landing on an average of 291 ft of frontage on Lake Winnepesaukee, in Moultonborough.

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APPROVE PERMIT:

Repair an 8 ft 5 in x 36 ft concrete surfaced full crib pier in-kind, dredge 8 cu yd from 206 sq ft of lakebed immediately adjacent to said dock, repair 105 linear ft of dry stone retaining wall, replace 6 fender piling along said wall, reset 3 rocks adjacent to the boat ramp, replace a 3 piling ice cluster, relocate 7 boulders posing hazard to navigation, and restore 24 linear ft of shoreline with a combination of boulders and native plantings to maintain the mixed use public access facility at Harilla Landing on an average of 291 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work related to the repair and replacement of structures and the dredge of the 8 cu yd shall be in accordance with plans by Watermark Navigation dated September 17, 2007, as received by DES on October 25, 2007 and cross sections by Watermark Navigation dated February 4, 2008, as received by DES on May 2, 2008.
2. All work related to the relocation of 7 rocks, including the specified deposition site, shall be in accordance with plans by Watermark Navigation dated February 4, 2008, as received by DES on May 2, 2008.
3. All work related to the restoration of the shoreline shall be in accordance with plans by Watermark Navigation dated February 4, 2008 and April 29, 2008, as received by DES on May 2, 2008.
4. All work related to the restoration of the shoreline shall be completed prior to the initiation of any of the other work authorized by this approval.
5. The restored shoreline shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the shoreline is not adequately stabilized and restored.
6. The shoreline restoration area shall have at least 75% successful establishment of appropriate vegetation after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
7. Restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the shoreline during this same period.
8. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
9. Repairs shall maintain the existing size, location, and configuration of structures.
10. 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.
11. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
12. 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.
13. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau with the exception that the rocks to be relocated shall be deposited in the lake in the location identified on the approved plan.
15. Only rocks which have fallen from the wall shall be used for repair of the existing retaining wall. No additional rocks shall be brought on site for this purpose.
16. 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.
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(g), removal of less than 8 cu yd of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The abutting property owners have certified that they are aware of the deposition site proposed for the boulders to be relocated, do not object to the proposed deposition site, and will not apply for the removal of the boulders for any purpose in the future.

**2007-02621 HARRINGTON, WILLIAM**  
**DERRY Beaver Lake**

Requested Action:

Retain 58 linear feet of retaining wall installed to replace an existing retaining wall on Beaver Lake, Derry.

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Conservation Commission/Staff Comments:

No Con Com comments by February 21, 2008

APPROVE AFTER THE FACT:

Retain 58 linear feet of retaining wall installed to replace an existing retaining wall on Beaver Lake, Derry.

With Conditions:

1. All work shall be in accordance with plans as received by DES on June 24, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Future repairs will require a permit from the NH DES Wetlands Bureau or it's successor and shall maintain existing size, location and configuration of the wall.
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 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 retaining a wall.
2. The after the fact approval does not allow for any further work on this frontage.

**2007-03008                      SHAKY POND DEVELOPMENT**  
**NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill 6,600 sq. ft. of Bog Brook and an unnamed intermittent stream to install two (2) 10-foot open-bottomed box culverts for road access to a 19-lot (18 building lots) subdivision on ± 108 acres.

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Conservation Commission/Staff Comments:

Related files 2006-02986 (6,900) 2004-02715 (2,078 square feet), 2005-02916 (270), 2005-02917 (2,140), and possibly 2003-02526 (5,150) .

APPROVE PERMIT:

Dredge and fill 6,600 sq. ft. of Bog Brook and an unnamed intermittent stream to install two (2) 10-foot open-bottomed box culverts for road access to a 19-lot (18 building lots) subdivision on ± 108 acres.

With Conditions:

1. All work shall be in accordance with plans dated December 21, 2007, and revised through April 24, 2008, as received by DES on June 17, 2008 and subdivision plans dated December 20, 2007 and revised through May 28, 2008, as received by the DES on June 17, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. 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.

8. Work shall be done during annual low flow conditions.
9. In the event stream diversion is required at the time of construction, this permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion 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.
10. 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.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
22. 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.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. Two pre-application meetings were held at DES on March 06, 2007, and December 04, 2007.
3. The applicant has revised the preliminary proposal to eliminate a loop road, second Bog Brook crossing, second intermittent stream crossing and reduce the number of proposed building lots.
4. The applicant has provided open-bottom box culverts that span the average bankfull width of the streams.
5. Army Corps of Engineers (ACOE) correspondence dated February 25, 2008, relayed Environmental Protection Agency (EPA) and U.S. Fish and Wildlife Service (USFWS) concerns. Concerns included the absence of a vernal pool survey and details regarding protection of the easement. The proposed lot, house and septic locations in relation to the vernal pools were also mentioned.
6. Agent response to the March 18, 2008 Request for More Information, including a vernal pool survey was received by DES on June 17, 2008. The ACOE, EPA and New Boston Conservation Commission were copied on the submittal.
7. In email correspondence date June 25, 2008, the USFWS indicated they would not be commenting on the project.
8. Additional comments from the EPA were not received by DES.
9. In correspondence dated April 24, 2008, the New Hampshire Fish and Game Department indicated they did not require any additional information given the conservation easement and stream crossings were proposals were those discussed during the pre-application meetings.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. 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.

12. 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.

**2008-00106 PORTSMOUTH, CITY OF  
MADBURY Bellamy Reservoir**

**Requested Action:**

Conduct improvements to the Bellamy Reservoir municipal water intake system including 1)install reservoir aeration system including a 6' diameter diffuser tower with associated stratification modules; 2) install 350 linear ft. of baffle curtain weighted to the reservoir bottom; and 3)rehabilitate existing intake by demolishing existing structure, removing accumulated sediment, and constructing a new intake structure in same location. Total impact approximately 1,006 sq. ft.

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**APPROVE PERMIT:**

Conduct improvements to the Bellamy Reservoir municipal water intake system including 1)install reservoir aeration system including a 6' diameter diffuser tower with associated stratification modules; 2) install 350 linear ft. of baffle curtain weighted to the reservoir bottom; and 3)rehabilitate existing intake by demolishing existing structure, removing accumulated sediment, and constructing a new intake structure in same location. Total impact approximately 1,006 sq. ft.

**With Conditions:**

1. All work shall be in accordance with plans by Underwood Engineers Inc. dated February 2008, as received by DES on 6/23/2008.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Appropriate siltation/erosion 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. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
7. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. 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.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
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. Work shall be done during low flow.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal 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. The Bellamy Reservoir is the source of municipal drinking water for the City of Portsmouth, and needs to conduct improvements to its intake system in order to replace deteriorated elements, and improve water quality at the intake area in the reservoir.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project. The NH Heritage Bureau has reported that there are no expected impacts to the Banded Sunfish located downstream as long as erosion/sedimentation controls are properly utilized.

5. The Madbury Conservation Commission did not report.

**2008-00170 MUTTI, DUANE  
MEREDITH Lake Winnepesaukee**

Requested Action:

Remove waterline, disturbing 4.6 cubic yards of fill and stabilize with native vegetation on 113.5 ft of frontage in Meredith on Lake Winnepesaukee.

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APPROVE PERMIT:

Remove waterline, disturbing 4.6 cubic yards of fill and stabilize with native vegetation on 113.5 ft of frontage in Meredith on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by NH Environmental Consultants LLC as received by DES on July 9, 2008.
2. No more than 5 cubic yards of material shall be disturbed.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Vegetation plan shall be implemented by the growing season immediately following disturbance to promote soil retention.
7. All planted vegetation shall be maintained. Vegetation shall be replaced within one year of mortality with more appropriate species if deemed insufficient to environmental conditions.
8. The planting of invasive species is strictly prohibited.
9. 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.
10. Retaining wall construction and the use of rip-rap is prohibited.
11. The unnecessary removal of vegetation is prohibited.
12. This permit does not authorize lakebed dredging activities.
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 minor impact project per Administrative Rule Env-Wt 303.03(g), the removal of no more than 20 cubic yards of material.
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.

**2008-00233 EXETER REGION COOPERATIVE SCHOOL DISTRICT  
EXETER**

Requested Action:

Dredge and fill a total of 9,571 sq. ft. of previously disturbed and/or low value palustrine wetlands, of which 9,016 sq. ft. is currently in use as a playfield, to construct a 58-space parking lot adjacent to the existing lot at the Main Street School to eliminate on-street parking and abate the associated safety issues.

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Conservation Commission/Staff Comments:

The Exeter reviewed and commented on this application. Their concerns and comments have been addressed in the findings for approval of this project.

APPROVE PERMIT:

Dredge and fill a total of 9,571 sq. ft. of previously disturbed and/or low value palustrine wetlands, of which 9,016 sq. ft. is currently in use as a playfield, to construct a 58-space parking lot adjacent to the existing lot at the Main Street School to eliminate on-street parking and abate the associated safety issues.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated February 5, 2008, as received by DES on February 12, 2008.
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. NH DES Wetlands Bureau Southeast Region staff and the Exeter Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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).

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. In response to concerns expressed by the Exeter Conservation Commission and an abutter to the project: a) storm water discharged from the new parking lot will be treated and will not adversely effect remaining wetlands in the environs.  
b) Pre-existing drainage issues associated with previous residential and commercial development upslope of this project are not affected by this project.  
c) Hoyle Tanner and Associates provided a drainage analysis of the site.  
d) The engineered design of the parking lot for storm water management includes hooded, deep sump catch basins to minimize water quality impacts.  
e) The need for the expanded parking area and safety concerns have been demonstrated and established.  
f) This project will have no adverse effect on the concerned abutter whose home is over 1000 feet upstream of the project and is approximately twenty feet higher in elevation.  
g) Existing soil conditions in the area to be utilized as the parking lot preclude the use of pervious pavement.

**2008-00552 NH DEPT OF TRANSPORTATION  
CARROLL Ammonoosuc River**

Requested Action:

Install rip rap along 99 linear feet of river to repair and protect the collapsed embankment along and south easterly of the wing wall of the bridge impacting 1,500 sq. ft.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 06/25/2008 by Gino E Infascelli

**APPROVE PERMIT:**

Install rip rap along 99 linear feet of river to repair and protect the collapsed embankment along and south easterly of the wing wall of the bridge impacting 1,500 sq. ft. (NHDOT project #M112-08-01)

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Maintenance District 1 revised 7/1/08 as received by the Department on July 7, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless used during the bank restoration.
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. Work shall be done during low flow.
10. Rip rap shall be placed utilizing geotextile as shown on the cross section received with the original application on April 10, 2008.
11. Installation of root wads, woody debris and re-establishment of vegetation shall be with material salvaged from on site.
12. Runoff from the roadway shall be directed to avoid erosion.
13. A 15 ft. wide buffer (no mow zone) is to be established to encourage shrubs where possible.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of river and bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The project was coordinated utilizing the monthly Natural Resource Agency meeting held at the NHDOT on March 19, 2008.
6. On June 25, 2008 a site inspection was conducted by the NHDES, NH Fish and Game, NHDOT, US Forest Service, Ammonoosuc Local Advisory Committee and an abutter where there was either consensus or no objections noted to the approval as written.

**2008-01110 DEERFIELD, TOWN OF  
DEERFIELD Lamprey River**

**Requested Action:**

Dredge and fill a total of 950 sq. ft. of stream banks to install a pre-cast concrete bridge over the Lamprey River as replacement for bridge lost during the April 2007 floods.

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**APPROVE PERMIT:**

Dredge and fill a total of 950 sq. ft. of stream banks to install a pre-cast concrete bridge over the Lamprey River as replacement for

bridge lost during the April 2007 floods.

With Conditions:

1. All work shall be in accordance with plans by Frederick J. McGarry, P.E. dated 6/16/2008, as received by DES on 6/19/2008.
2. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. 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.
4. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
5. Faulty equipment shall be repaired prior to entering jurisdictional areas.
6. 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.
7. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), project that disturb less than 200 linear ft. of the banks or channel of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The original bridge was lost during the April 2007 floods.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The pre-cast full-span bridge will impact only the banks for placement of its abutments and headwalls. The replacement bridge will be placed in better alignment with the stream, and be 4' wider bank to bank than the previous bridge, to improve stream flow capacity.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for this project location.
5. The Deerfield Conservation Commission did not report.

**MINIMUM IMPACT PROJECT**

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**2008-00664 CARGEX MANCHESTER LTD PARTNERSHIP, C/O CARGEX MANA  
LONDONDERRY Unnamed Wetland Existing Detention Pond**

Requested Action:

Dredge and fill 1,030 sq. ft. of palustrine emergent wetlands to construct rip-rap outlet protection aprons to an existing detention basin to reduce stormwater velocities and minimize the re-suspension of accumulated sediments within the basin.

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Conservation Commission/Staff Comments:

"The [Londonderry Conservation] Commission voted to recommend approval of the application as presented."

APPROVE PERMIT:

Dredge and fill 1,030 sq. ft. of palustrine emergent wetlands to construct rip-rap outlet protection aprons to an existing detention basin to reduce stormwater velocities and minimize the re-suspension of accumulated sediments within the basin.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstorm Associates, Inc. dated March 2007 (last revised 03/04/08), as received by DES on April 24, 2008.
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. 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. 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).
5. Work shall be done during low flow.

**2008-00673 MORRELL CORPORATION**  
**BARTLETT Unnamed Stream Wetland**

Requested Action:

Dredge and fill approximately 950 sq. ft. of forested wetlands, man-made pond and associated intermittent stream for widening of an existing railroad bed at Camp Kisangami within Story land. The railroad track widening is being conducted to address safety concerns in case of derailment of the train. Work in wetlands includes replacing an existing 18 in. x 25 ft. culvert with a 36 in. x 40 ft. culvert, stone headwalls and side slope grading for a 2:1 grade, lengthening twin 24 in. culverts, stone headwalls and side slope grading for a 2:1 slope.

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APPROVE PERMIT:

Dredge and fill approximately 950 sq. ft. of forested wetlands, man-made pond and associated intermittent stream for widening of an existing railroad bed at Camp Kisangami within Story land. The railroad track widening is being conducted to address safety concerns in case of derailment of the train. Work in wetlands includes replacing an existing 18 in. x 25 ft. culvert with a 36 in. x 40 ft. culvert, stone headwalls and side slope grading for a 2:1 grade, lengthening twin 24 in. culverts, stone headwalls and side slope grading for a 2:1 slope.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated April 9, 2008, as received by the Department on April 28, 2008.
2. All work shall be done during low flow and under draw down conditions of the pond.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. 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.
5. 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.

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. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Machinery shall not be located within surface waters.
12. Machinery shall be staged and refueled in upland areas.
13. There shall be no excavation or operation of construction equipment in flowing water.
14. 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.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. 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.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
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.
20. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a 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 is to create a level area along a section of elevated railroad bed with steep side slopes. The level area is needed to address safety concerns in case of a train derailment.
3. The impacts are along the edge of a man-made esthetic pond and railroad bed within an existing amusement park.
4. DES has issued permits for similar activities at the amusement park.

**2008-00693**                      **FOEMMEL, RICHARD**  
**NASHUA Man-made Pond**

Requested Action:

Maintenance dredge by hydro-raking 8,000 sq. ft. of invasive plant species surrounding an existing man-made pond.

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Conservation Commission/Staff Comments:

The Nashua Conservation Commission recommends approval of this application.

APPROVE PERMIT:

Maintenance dredge by hydro-raking 8,000 sq. ft. of invasive plant species surrounding an existing man-made pond.

With Conditions:

1. All work shall be in accordance with plans by Aquatic Control Technology, Inc. dated April 2008, as received by DES on April 30, 2008.
2. NH DES Wetlands Bureau Southeast Region staff and the Nashua Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. A photo log of the project documenting the site conditions, before, during and upon completion shall be provided to the DES Wetlands Bureau and the Nashua Conservation Commission
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. This permit shall be used only once for hydro-raking activity only. Future hydro-raking shall require a separate application and permit.

**2008-00904                      HARTFORD, HOWARD  
EPPING   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 605 sq. ft. for upgrade of pre-jurisdictional woods roads into two driveway crossings, including 185 sq. ft. of impact and installation of 18" x 22' culvert; and 420 sq. ft. of impact and installation of 18" x 20' culvert, for a 3-lot subdivision on 33+ acres.

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APPROVE PERMIT:

Dredge and fill a total of 605 sq. ft. for upgrade of pre-jurisdictional woods roads into two driveway crossings, including 185 sq. ft. of impact and installation of 18" x 22' culvert; and 420 sq. ft. of impact and installation of 18" x 20' culvert, for a 3-lot subdivision on 33+ acres.

With Conditions:

1. All work shall be in accordance with plans by Landry Survey LLC dated 5/23/2008, as received by the Department on 6/12/2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
5. No fill shall take place in Atlantic white cedar swamps.
6. 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.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
13. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has utilized the path of pre-existing woods roads to minimize impacts, and is only creating 3 lots on 33+ acres.
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 for the project vicinity by the NH Heritage Bureau.
5. The Epping Conservation Commission did not report.

**2008-00931 FORGET, JEFFREY & ELLEN  
DOVER Unnamed Wetland**

Requested Action:

Temporarily impact 1,029 sq. ft. of wetlands, and permanently impact 13 sq. ft. of wetlands, for installation of a connection to an existing cross-country municipal sewer line.

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APPROVE PERMIT:

Temporarily impact 1,029 sq. ft. of wetlands, and permanently impact 13 sq. ft. of wetlands, for installation of a connection to an existing cross-country municipal sewer line.

With Conditions:

1. All work shall be in accordance with plans by Berry Survey & Engineering dated 5/14/2008, as received by the Department on 5/28/2008.
2. Restoration of temporary impacts shall be in accordance with "Wetland Impact Restoration Program For Forget Property, 53 Toftree Lane, Dover, NH" by Marc E. Jacobs, CWS, dated 5/7/2008, as received by the Department on 5/28/2008.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.
8. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving the alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The proposed sewer connection is necessary to provide service to a new residential/commercial development proposed to be located in the upland.
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. All but approximately 13 square feet of wetlands impact is temporary, and the applicant has provided an extensive restoration plan for the temporary impact.
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. NH Fish and Game Department has provided comments dated

4/30/2008 stating that there are no impacts to the New England Cottontail anticipated as a result of this project. No other species of concern were reported for the project vicinity by the NH Heritage Bureau.  
5. The Dover Conservation Commission signed the expedited application form.

**2008-01180                      WOLFEBORO MUNICIPAL ELECTRIC DEPT**  
**WOLFEBORO Back Bay**

Requested Action:

Permanently remove an existing permanent 42 ft x 6 ft 10 in dock with a 12.5 ft x 12 ft pump house located at the lakeward end of the dock, completely remove all supports and utilities from the lakebed, remove and cap two 12 inch intake cooling pipes and restore the bank to original conditions on Back Bay, Lake Winnepesaukee, in Wolfeboro.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing permanent 42 ft x 6 ft 10 in dock with a 12.5 ft x 12 ft pump house located at the lakeward end of the dock, completely remove all supports and utilities from the lakebed, remove and cap two 12 inch intake cooling pipes and restore the bank to original conditions on Back Bay, Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by PLM Electric Power Engineering dated October 19, 2006, as received by DES on June 27, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. All structures, including their supporting structures shall be completely removed from the waterbody to the elevation of the existing lakebed.
4. The shoreline shall be completely restored and replanted with native vegetation to match the existing conditions immediately adjacent to the project
5. 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.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The removal of the permanent docking structure from public waters is a public benefit and less of an environmental impact than repairing and maintaining the docking structure.
4. The structure is being removed as part of the decommissioning of the power generation facility.

**FORESTRY NOTIFICATION**

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**2008-01255                      EMERSON, DENLEY**  
**SANDWICH Unnamed Wetland**

COMPLETE NOTIFICATION:  
Sandwich Tax Map 10, Lot# 1 & 4

**2008-01282                    SCHULTZ, FRED**  
**LEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lee Tax Map 18, Lot# 11

**2008-01283                    SPAGNA, MIKE**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 51, Lot# 5-1

**2008-01284                    CARLSON, GARY**  
**STRAFFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 3, Lot# 9-1 & 9-2

**2008-01285                    MACMILLIAN, MARY**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 419, Lot# 5

**EXPEDITED MINIMUM**

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**2008-00354                    COOKSON, EUGENE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:  
Repair/replace existing wooden retaining wall with a stone retaining wall behind existing beach on 100 ft of frontage in Moultonborough on Lake Winnepesaukee.  
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APPROVE PERMIT:  
Repair/replace existing wooden retaining wall with a stone retaining wall behind existing beach on 100 ft of frontage in Moultonborough on Lake Winnepesaukee.

- With Conditions:
1. All work shall be in accordance with plans by Walter Begley & Co. as received by the Department on March 10, 2008.
  2. Replacement wall shall maintain existing length, height and configuration.
  3. Replacement retaining wall shall not come closer to the water than the existing wall.

4. 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.
5. 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.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
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. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall 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.
10. Wall shall not reflect or re-direct currents towards adjacent wetlands or structures, or otherwise contribute to erosion.
11. If the new wall, identified as being 30 ft back from the normal high water mark elevation as depicted on the plans, was not constructed prior to July 1, 2008, the applicant will need a shoreland permit prior to conducting this portion of the proposal.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c) repair of replacement of existing retaining walls.
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.

**2008-00550 COLBY, PETER & LINDA  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Amend permit to include a 16 ft x 12 ft perched beach.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Replace an existing 100 linear ft of retaining wall, relocate and existing 4 ft x 40 ft seasonal dock and install a 4 ft x 4 ft concrete anchor pad for the seasonal dock, construct a 16 ft x 11 ft 8 in perched beach, on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated February 2008, revision date July 2008, as received by DES on July 17, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. 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.
5. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Repair shall maintain existing size, location and configuration.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. This permit does not allow for maintenance dredging.
10. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
11. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal pier shall be removed from the lake for the non-boating season.
13. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
14. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
15. 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.
16. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
17. This permit shall be used only once, and does not allow for annual beach replenishment.
18. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
19. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
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(v), repair of existing 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 an average of 105 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2008-00903                      MONAHAN, ROBERT**  
**DEERING   Deering Reservoir**

Requested Action:

Construct a 6 ft x 24 ft seasonal dock with a 6 ft x 12 ft seasonal section on the end in a "T" shaped configuration on Deering Reservoir, Deering.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 6 ft x 24 ft seasonal dock with a 6 ft x 12 ft seasonal section on the end in a "T" shaped configuration on Deering Reservoir, Deering.

With Conditions:

1. All work shall be in accordance with plans by Robert B Todd amended date May 09, 2008, as received by DES on June 02, 2008.
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 installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property

lines or the imaginary extension of those lines into the water.

- 4. Seasonal pier shall be removed from the lake for the non-boating season.
- 5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
- 6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant 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 156 feet of shoreline frontage along Deering Reservoir.
- 5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
- 6. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2008-00937                      STRUBLE, LINDA**  
**DOVER    Piscataqua River**

Requested Action:

Replace two deteriorated pilings on an existing legal tidal dock structure.

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APPROVE PERMIT:

Replace two deteriorated pilings on an existing legal tidal dock structure.

With Conditions:

- 1. All work shall be in accordance with plans revised by Spencer Struble dated 5/30/2008, as received by DES on 6/4/2008.
- 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.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing pilings.
- 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 Natural Heritage Bureau for this project vicinity.
- 5. The Dover Conservation Commission signed the expedited application.

**2008-01170                      FERNS, ELEANOR**  
**GILFORD    Lake Winnepesaukee**

Requested Action:

Repair an existing 8 ft by 30 ft concrete dock supported by a full crib, repair 28 linear feet of bulkhead on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 8 ft by 30 ft concrete dock supported by a full crib, repair 28 linear feet of bulkhead on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans dated June 19, 2008, as received by DES on June 27, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit does not allow for maintenance dredging.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Repairs shall maintain existing size, location and configuration.
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 there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**2008-01173                      LLK TRUST, THOMAS WALKER**  
**WOLFEBORO   Lake Wentworth**

Requested Action:

Excavate 366 sq ft along 33 linear ft of shore line to construct a perched beach with 4 ft wide steps to the water, repair and existing 11 ft 6 in x 35 ft crib supported pier in kind, and install 2 personal watercraft lifts on an average of 1,105 ft of frontage on Lake Wentworth, in Wolfeboro.

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APPROVE PERMIT:

Excavate 366 sq ft along 33 linear ft of shore line to construct a perched beach with 4 ft wide steps to the water, repair and existing 11 ft 6 in x 35 ft crib supported pier in kind, and install 2 personal watercraft lifts on an average of 1,105 ft of frontage on Lake Wentworth, in Wolfeboro.

With Conditions:

1. All docking structure work shall be in accordance with plans by Watermark Marine Construction dated May 25, 2008, as received by DES on June 27, 2008.
2. All beach construction work shall be in accordance with plans by Watermark Marine Construction dated May 30, 2008, as received by DES on June 27, 2008.
3. 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.
4. Repair of the docking structure shall maintain existing size, location and configuration of the structure. Any rock removed from the perimeter of the crib to facilitate repairs shall be restored to the perimeter of the crib immediately upon completion of the crib repairs.
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. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. 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.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. 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.
10. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
11. 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 534.20). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
12. The steps installed for access to the water shall be located completely landward of the normal high water line. No work associated with proposed beach and water access shall occur below the normal highwater line.
13. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
14. This permit shall be used only once, and does not allow for annual beach replenishment.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
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 minimum impact project per Administrative Rule Env-Wt 303.04(m), projects impacting less than 50 linear ft of the shoreline of a lake or pond and Administrative Rule Env-Wt 303.04(v), repair of existing structures, in-kind.
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.

**2008-01244 MORITZ, RAYMOND**  
**MEREDITH Lake Waukewan**

Requested Action:

Repair an existing 11 ft x 7 ft concrete boat ramp in kind, replace the existing stone dock access steps with new stone steps with no change in location, construct a 15 ft x 20 ft perched beach with 4 ft wide access steps, on Lake Waukewan, Meredith.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 11 ft x 7 ft concrete boat ramp in kind, replace the existing stone dock access steps with new stone steps with no change in location, construct a 15 ft x 20 ft perched beach with 4 ft wide access steps, on Lake Waukewan, Meredith.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants dated June 23, 2008, as received by DES on July 07, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

- and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
  5. 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 540). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
  6. The steps installed for access to the water shall be located completely landward of the normal high water line.
  7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
  8. This permit shall be used only once, and does not allow for annual beach replenishment.
  9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
  10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
  11. 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.
  12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

**2008-01263                      COOK, DOUGLAS & JANE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair 26 linear feet of an existing 62 ft breakwater with a 4 ft x 68 ft cantilevered dock, with a boatlift and seasonal canopy in the slip provided on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 26 linear feet of an existing 62 ft breakwater with a 4 ft x 68 ft cantilevered dock, with a boatlift and seasonal canopy in the slip provided on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated April 20, 2008, as received by DES on July 09, 2008.
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 replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. This permit does not allow for maintenance dredging.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs 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 there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

**PERMIT BY NOTIFICATION**

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**2007-02550                    NELSON, TOWN OF**  
**NELSON   Unnamed Stream**

Requested Action:

Dredge and fill 160 sq. ft. of surface waters for maintenance and repair of an existing retaining wall and stone box culvert associated with the Granite Lake Dam (Dam # 166.02, Nelson).

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PBN IS COMPLETE:

Dredge and fill 160 sq. ft. of surface waters for maintenance and repair of an existing retaining wall and stone box culvert associated with the Granite Lake Dam (Dam # 166.02, Nelson).

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), the maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. On October 30, 2007, DES issued a Notice of Incomplete PBN.
5. On November 19, 2007, DES received a letter addressed to the Commissioner of DES from the Office of the Nelson Selectmen requesting a time extension.
6. On December 06, 2007, DES granted a waiver to Env-Wt 506.02(g), to allow the applicant sufficient time to respond to the October 30, 2007, Notice of Incomplete PBN.
7. On July 09, 2008, DES received response to the October 30, 2007, Notice of Incomplete PBN.
8. The submittal received July 09, 2008, clarified that the Town of Nelson owns Mill Pond Road, which is above the dam and the Granite Lake Village District owns the dam.
9. The submittal received July 09, 2008, obtained written consent from the Granite Lake Village District, owners of dam for the proposed project activities.
10. The proposed project is considered a repair, and therefore, a DES Dam Bureau permit is not required.

**2008-01131                    DELABREUERE, BERT**  
**CLAREMONT   Sugar River**

Requested Action:

Temporarily impact 665 sq. ft. of the Sugar River for the maintenance/repair of an existing building foundation retaining wall and the installation of a 133 linear foot sandbag cofferdam.

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PBN IS COMPLETE:

Temporarily impact 665 sq. ft. of the Sugar River for the maintenance/repair of an existing building foundation retaining wall and the installation of a 133 linear foot sandbag cofferdam.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(2), the repair or replacement of an existing retaining wall that meets the criteria in Env-Wt 303.04(c); and Env-Wt 506.01(a)(4), the construction of a temporary cofferdam and other water control devices that meet the criteria in Env-Wt 303.04(l).
3. The applicant has received written consent from the owner of lot 2 (Tax Map 120), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
4. The applicant has received written consent from the owner of lot 7 (Tax Map 120), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
5. The applicant has received written consent from the owners of the Sugar River flowage rights, the Central Vermont Public Service Corporation, for the proposed project.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2008-01278 COLBY, DAVID & MARGUERITE  
SUNAPEE Unnamed Wetland**

Requested Action:

Dredge and fill 140 sq. ft. of palustrine forested wetlands for driveway access to a single family residence.

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PBN IS COMPLETE:

Dredge and fill 140 sq. ft. of palustrine forested wetlands for driveway access to a single family residence.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.