

Wetlands Bureau Decision Report

Decisions Taken
01/26/2009 to 02/01/2009

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 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2006-00380 NH DEPT OF TRANSPORTATION
CAMPTON Mad River**

Requested Action:

Temporarily install 240 sq. ft. of stone for access to place 240 sq. ft. of fractured ledge to protect an additional 30 linear feet of eroding river bank.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

DES Rivers Coordinator recommended stream barbs

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

APPROVE PERMIT:

Temporarily install 240 sq. ft. of stone for access to place 240 sq. ft. of fractured ledge to protect an additional 30 linear feet of eroding river bank and remove stone already placed in excess of limits shown on the approved plan. NHDOT project #66020-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Rail and Transit dated 4/1/08, revised 7/08, as received by the Department on July 21, 2008.
2. This permit is contingent upon the submission of stamped engineering plans in accordance with Rule Wt 404.04 AND SHALL BE SUBMITTED PRIOR TO ANY FURTHER CONSTRUCTION.
3. This permit is contingent upon the submission of stamped engineering plans showing the as-built project indicating the limits of filled area and shall be submitted to the file prior to Sept. 1, 2009.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Construction equipment shall not be located within surface waters.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
8. There shall be no further cutting or removal of vegetation to complete this project.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Work shall be done during low flow and / or frozen conditions.
11. A post-construction report documenting the status of the bank stabilization shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. All temporary stone placed for access and stone in excess of the approved plan shall be removed and documented in accordance with condition #3 above.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of river channel or its banks.
2. On Feb. 10, 2006 the DES received an emergency request to rip rap 270 linear ft. of the Mad River to protect the southerly railroad abutment and the abutting field. The request included a plan and photocopies of photographs taken in May 2005 and January 2006.
3. On Feb. 13, 2006 the DES responded by requesting a complete application since the problem was known in May 2005.
4. On Feb. 21, 2006, at the monthly Natural Resource Agency meeting, the DOT presented a new design incorporating four stream barbs to deflect flow away from the bank and rip rap 350 linear feet of bank (4,200 sq. ft.). The DOT requested an emergency permit to temporarily place stone along the southerly embankment and install the barbs during summer low flow.

5. Having no objection from NH Fish and Game Dept., the DES agreed to issue an emergency permit with the condition that the stream barbs be installed once a dredge and fill permit was issued.
6. On March 1, 2006, the DES issued an emergency permit to ONLY protect the bank by placing 2,800 sq. ft. of fractured ledge along 350 linear feet of bank (8 ft. wide). Conditions of the emergency permit were that a follow-up application was expected by April 1st to include a total fill of 4,200 sq. ft. of river and bank to place fractured ledge along 350 linear feet of bank and construct four rock barbs to deflect flow toward the channel. It was specifically noted that the completed application required included plans and data meeting the requirements of Rule part Wt 404 and include a method of maintaining an undisturbed buffer from the top of bank.
7. On March 15, 2006, the DES received an application to rip rap 350 linear feet of riverbank and failed to address the requirements of Rule part Wt 404 or include a method of maintaining an undisturbed buffer from the top of bank.
8. DES Staff conducted a field inspection of the proposed project on May 26, 2006. Field inspection determined the area of bank erosion was approximately 250 linear feet, instead of the 350 ft. shown on the application and plan received March 15, 2006 to follow-up on the emergency authorization.
9. On August 18, 2006, the DES requested more information noting the incomplete application, inaccurate plan and lack of information required by the Emergency Authorization.
10. On April 19, 2007, the DES received a new application and a PE plan stamped a showing 3,090 sq. ft. of impact indicating 280 linear feet of bank stabilization and four rock "cross vanes" designed perpendicular to the bank.
11. On May 22, 2007, the DES requested more information noting that the design of the rock barbs did not deflect the flow toward the center of the next downstream barb, referenced a technical bulletin for guidance and included comments from the DES Rivers coordinator.
12. On August 17, 2007, the DES faxed the applicant a copy of the Emergency Approval noting the conditions and expectations.
13. On July 21, 2008, the DES received a response to the May 22, 2007 request for more information stating that the Bureau of Rail and Transit does not have the funds or expertise to design and construct the rock barbs and proposes only to stabilize the remaining 30 linear feet of bank.
14. The plan received on July 21, 2008 and not stamped by a PE, as required, shows the impact area from the top of bank to the toe of slope in the river to be six feet wide as shown on the plan view.
15. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
16. 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 and within the applicant's expertise.
17. 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.
18. DES finds that this project will have a benefit to public safety, will not have a significant impact on these riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

Requested Action:

Follow-up application to the EMERGENCY AUTHORIZATION ISSUED March 1, 2006 to protect an eroding river bank and railroad abutment by placing 2,800 sq. ft. of fractured ledge, 8 ft. in width, along the bank.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm EMERGENCY AUTHORIZATION ISSUED on March 1, 2006 to protect an eroding river bank and railroad abutment by placing 2,800 sq. ft. of fractured ledge, 8 ft. in width, along the bank. NHDOT project #66020-4.

With Conditions:

1. After the fact approval is contingent on compliance with the conditions noted on the permit to complete the remaining work.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of river channel or its banks.
2. The project was necessary to protect the railroad abutment and adjacent river bank of the Mad River.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on March 1, 2006 with specific conditions.
4. Review of the application submitted pursuant the emergency authorization indicates that work has not been completed in accordance with the emergency authorization.
5. The remaining work to be accomplished is approved with conditions that will meet most of the requirements of the emergency

approval.

2006-01392 JANIGAN, JOHN & MIRIAM
GOFFSTOWN Prime Wetland

Requested Action:

Request to dredge and fill approximately 25,505 sq. ft. of wetlands (includes 18,825 of permanent wetlands impacts and 6,680 sq. ft. of temporary wetlands impacts) for roadway access to a 218 unit/lot Retirement Community Manufactured Housing Development, identified as "Greystone Village of Goffstown" located on a 237.57 acre property. The proposed development includes an approximately 130 acre open space land parcel. The application was deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

Conservation Commission/Staff Comments:

Mitigation is in the form of an ARM fund payment of \$60,724.72 into the Merrimack River watershed.

Inspection Date: 09/11/2006 by William A Thomas, Cws

DENY PERMIT:

Deny request to dredge and fill approximately 25,505 sq. ft. of wetlands (includes 18,825 of permanent wetlands impacts and 6,680 sq. ft. of temporary wetlands impacts) for roadway access to a 218 unit/lot Retirement Community Manufactured Housing Development, identified as "Greystone Village of Goffstown" located on a 237.57 acre property. The proposed development included an approximately 130 acre open space land parcel. The application was deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Findings:

Standards for Approval:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.03(c), as wetland impacts are greater than 20,000 square feet.
2. Pursuant to Env-Wt 302.03(b), "For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800...".
3. Pursuant to Env-Wt 806.05(a), "...a project for which the department has notified the applicant of the acceptance of a proposed in-lieu payment as specified in Env-Wt 803.08(c), the department shall not issue the permit until the applicant has paid the full amount of the in-lieu fee payment as specified in the notice".
4. Pursuant to Env-Wt 806.05(b), "If the applicant does not pay the full amount of the in-lieu fee payment within 120 days of the date of the notice, the department shall deny the application".

Findings of Fact:

5. On June 5, 2006 DES received an application to impact 25,505 sq. ft. of wetlands for roadway access to a 218 unit/lot Retirement Community Manufactured Housing Development located on a 237.57 acre property.
6. On October 30, 2007 DES issued an approval notice for the proposed project which notified the applicant of acceptance of an ARM Fund payment. Condition #2 of the approval notice stated that, "This approval is contingent on receipt by DES of a one time payment of \$60,724.72 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days from the date of this approval letter (by February 30, 2008), or the application will be denied".
7. On November 29, 2007 DES received a request for a waiver of the ARM Fund payment "due to a local appeal by an abutters group and is pending a decision from the NH Superior Court".
8. In the November 29, 2007 DES decision, the waiver was deemed acceptable with the condition that "the DES file shall be updated monthly from the date of this letter as to the status of the court decision".
9. On January 27, 2008 DES sent a request to the applicant's agent for a status of the court case.
10. On January 28, 2008 the applicant's agent noted the applicant "lost in court on some technicality and the project has been abandoned".
11. As of January 29, 2008 DES has not received the required ARM Fund payment.

Ruling in Support of Denial:

12. DES did not receive the ARM Fund payment within the required 120 days or according to a granted waiver to the 120 day deadline and therefore the application has been denied.

2008-01091 AGGREGATE INDUSTRIES
MANCHESTER Black Brook

Requested Action:

Dredge and fill approximately 8761 sq. ft. of stream bank and associated stream bed and wetlands for bank stabilization and restoration and creation of a flood plain area along Black Brook in Manchester.

APPROVE PERMIT:

Dredge and fill approximately 8761 sq. ft. of stream bank and associated stream bed and wetlands for bank stabilization and restoration and creation of a flood plain area along Black Brook in Manchester.

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier, Inc., plan sheets numbers 1, 2, 3, 4 and 5 through 12 of 15 revision dated December 30, 2008, plan sheets 13, 14 and 15 of 15 revision dated November 5, 2008 and narratives revised through December 30, 2008, as received by DES on December 31, 2008.
2. The applicant's agent and New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the work is constructed in accordance with the approved plans and narratives and to assure no turbidity leaves the work area.
3. The applicant shall coordinate and obtain approval from the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program on the type of proposed erosion matting, netting and/or blanket materials to be used on the project.
4. Work shall be done during low flow.
5. 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.
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. 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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
11. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
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. All proposed plantings shall have at least 75% successful establishment after two (2) growing seasons, or it shall be replanted and re-established (where needed) until replicated in a manner satisfactory to the DES Wetlands Bureau.
15. Post-construction monitoring reports documenting the status of the project with photographs shall be prepared and submitted by the agent to the Wetlands Bureau within 60 days of the completion of construction and after each of the following two growing seasons.
16. Any needed remedial actions shall be identified within the reports.
17. 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.

18. 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.
19. 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.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
21. 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.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. 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.
24. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
25. 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 major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will help to correct and improve the historic man-made and recent storm event impacts within this section of Black Brook and its associated flood plain.
6. The proposal is the final phase of stabilization and restoration efforts that were started under Wetlands Bureau permit file #2006-2629.
7. DES inspected the site on November 11, 2006 and determined that an emergency authorization was needed to protect the property, Black Brook and to stabilize the site.
8. This phase of the project will further improve site conditions and quality of the riverine system and provide for long term stabilization of the site and adjacent areas.
9. The DES Watershed Management Bureau has reviewed the project proposal and submitted comments.
10. The applicant has addressed their concerns.
11. The DES Watershed Management Bureau has provided documentation that they have no further comments.
12. The approved project will further benefit the current dam removal project underway by the DES Watershed Management Bureau and Dam Bureau by providing additional improvements to aquatic species passage and water quality of Black Brook.
13. The DES Watershed Management Bureau has inspected the property and has been supportive of any restoration and stabilization efforts that would help improve the quality of Black Brook.
14. The applicant has provided a written agreement from an adjacent abutter within 20 feet of work proposed in wetlands in accordance with Administrative Rule Env-Wt 304.04(a).
15. The applicant has provided documentation from the DES Shoreland Protection section that a shoreland permit is not required because the project meets the requirements of Administrative Rule Env-Wq 1406.03(c) Exemption for Vested Rights.
16. The applicant has indicated that they have met with staff from DES Alteration of Terrain Program and no Alteration of Terrain permit will be required for the project.
17. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFG") submitted the following comments, "recommends that erosion control matting with plastic netting not be used as it is known to entrap snakes, some species of which may be rare, as are northern black racer. Racers are a species of special conservation concern and have been proposed to be placed on the threatened list, currently in revision. This species prefers early successional habitats which may be present at this location. We recommend that coco matting or other substitute that does not contain plastic netting be used at this location. We also recommend that the planting schedule be approved by Melissa Coppola at NHB".

- 18. This approval is conditioned on review and approval by New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program of any proposed erosion matting, netting and/or blanket materials to be used on the project.
- 19. There were no rare, threatened or endangered plants or exemplary natural communities known to be identified on the site according to documentation from the NH Natural Heritage Bureau ("NHB") on the site, therefore, the applicant was not required by DES to review the propose planting schedule with NHB. However, DES does recommend that they coordinate with NHB as requested by NHFG.
- 20. The proposed project utilizes combination stabilization methods including rip-rap, plantings and bioengineering and will help to protect the adjacent property and infrastructure.
- 21. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c) (2) and (d).
- 22. DES has not received any comments in opposition to the project.
- 23. DES has not received any comments from the Manchester Conservation Commission regarding this phase of the project. However, they were in support of the previous stabilization work conducted at the site under Wetlands Bureau ppermit file #2006-2629.
- 24. 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 riverine resource, as identified under RSA 482-A:1.

2008-02473 TRAGER, DEBBI-LYN
GILFORD Lake Winnepesaukee

Requested Action:

Reset rocks along 84 linear ft of breakwater and repair the associated "C" shaped docking facility, dredge 5.5 cu yd from 300 sq ft within the "C" shaped docking facility, remove a second "L" shaped crib pier, construct a 6 ft x 25 ft piling pier and a 4 ft x 25 ft piling pier connected in an "F" configuration by a 6 ft x 46 ft 6 in piling pier with a 14 ft x 30 ft seasonal canopy and two 3 piling ice clusters on property having an average of 422 feet of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Reset rocks along 84 linear ft of breakwater and repair the associated "C" shaped docking facility, dredge 5.5 cu yd from 300 sq ft within the "C" shaped docking facility, remove a second "L" shaped crib pier, construct a 6 ft x 25 ft piling pier and a 4 ft x 25 ft piling pier connected in an "F" configuration by a 6 ft x 46 ft 6 in piling pier with a 14 ft x 30 ft seasonal canopy and two 3 piling ice clusters on property having an average of 422 feet of frontage on Lake Winnepesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Watermark Marine Construction dated November 3, 2008, as received by DES on November 11, 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. The repairs shall maintain the size, location and configuration of the pre-existing structures.
- 4. Only rocks which have fallen from the existing breakwater shall be used for repair. No additional rocks may be brought on site.
- 5. All dredged or excavated material, and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. 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.
- 7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 8. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
- 9. Rocks shall not be stockpiled in jurisdiction.
- 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. Permittee for a shoreline structure defined as a major project shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage to those structures.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of Docking facilities providing 5 or more slips.
2. The applicant has an average of 422 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility, in combination with the existing docks will provide 5 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

MINOR IMPACT PROJECT

**2008-00029 JAWITZ, ROBERT
CONWAY Pea Porridge Pond**

Requested Action:

Deny permit request to impact 225 linear feet of intermittent stream temporarily impacting 841 square feet to install a residential hydro-electric system.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Impact 225 linear feet of intermittent stream temporarily impacting 841 square feet to install a residential hydro-electric system.

With Findings:

1. A request for additional information dated March 21, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), the applicant and the Department reached a written agreement to extend the 120 day denial date to January 1, 2009.
3. DES did not receive the requested additional information within the agreed upon timeframe and therefore the application has been denied.

**2008-01816 LAFLEUR, ROBERT & ESTELLE
BETHLEHEM Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,842 sq. ft. of poorly drained wetlands to complete construction of a wildlife pond and restore approximately 5,102 sq. ft. of non-permitted wetlands impacts associated with construction of the existing pond and logging activities conducted on the property.

APPROVE PERMIT:

Dredge and fill approximately 2,842 sq. ft. of poorly drained wetlands to complete construction of a wildlife pond and restore approximately 5,102 sq. ft. of non-permitted wetlands impacts associated with construction of the existing pond and logging activities conducted on the property.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc., dated August 1, 2008 and narratives dated August 20, 2008, as received by DES on September 8, 2008 and narratives dated December 29, 2008, as received by DES on January 2, 2009.
2. Work shall be done during low flow.
3. The applicant's agent or similar qualified environmental consultant ("agent") shall monitor the project during construction to assure the pond and restoration is constructed in accordance with the approved plans and narratives.
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. 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. Work shall be done during low flow.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. All wetlands restoration and site stabilization shall be completed by September 1, 2009 and shall be completed before or during pond construction.
9. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. A post-construction report prepared by the agent documenting the status of the project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after 1 full growing season.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The 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.
3. If the project had included the additional restoration activities it would have qualified for as a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact provided:
 - (1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
 - (2) There are no streams into or out of the proposed pond site;
 - (3) The project is not located in prime wetlands; and
 - (4) The project does not meet the requirements of Env-Wt 303.02(k).
4. The proposed pond utilizes a portion of uplands.
5. The proposed project results in only 2,842 sq. ft. of permanent wetlands impacts on the approximately 25 acre lot.

2008-02521 **NYCE, JAMES**
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Install a permanent boatlift and canopy and restore an illegally expanded 5 ft x 39 ft piling pier to the pre-existing dimensions of 4 ft x 39 ft on an average of 110 ft of frontage on Lake Winnepesaukee.

DENY PERMIT:

Install a permanent boatlift and canopy and restore an illegally expanded 5 ft x 39 ft piling pier to the pre-existing dimensions of 4 ft x 39 ft on an average of 110 ft of frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. Pursuant to 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.
2. Rule Env-Wt 101.82 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts.
3. Rule Env-Wt 101.29 "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.
4. Rule Env-Wt 101.65 "Permanent dock" means a dock in which the dock, its supports, or both are designed to remain in the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs in the water or can be cantilevered from the bank.
5. In accordance with Rule Env-Wt 402.06 Permanent Docks, a permanent dock shall be approved only when an applicant establishes that the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north, or when the applicant does not meet the requirements, above, the applicant documents the occurrence of 1 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed dock on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15.
6. Rule Env-Wt 303.04, Minimum Impact Projects, states "Minimum impact projects shall be those projects that meet any of the following criteria:... (o) Projects deemed minimum impact by the department based on the degree of environmental impact."
7. In accordance with Rule Env-Wt 303.03, Minor Projects, (d) construction or modification of piling supported docking facilities providing less than 5 slips is a minor impact project.

Findings of Fact

8. On November 18, 2008 the Department received an application to construct a piling supported boatlift and canopy and reduce an illegally expanded piling pier to the pre-existing dimensions on property identified as Moultonborough tax map 175, lot 8.
9. The application materials state: "the proposed overhead boatlift is designed to meet rule Env-Wt 303.04 (o). Seasonal boatlifts are generally considered to be the least impacting alternative."
10. Boatlifts serve the purpose of securing watercraft and, as such, meet the definition outlined in Rule Env-Wt 101.29 of "dock" or "docking structure".
11. Both the proposed boatlift and canopy would be piling supported and, therefore, neither structure can be considered a "seasonal dock" or "seasonal structure" as defined per Rule Env-Wt 101.82.
12. The proposed piling supported boatlift meets the definition of "permanent dock" per Rule Env-Wt 101.65.
13. The Department does not deem the construction or expansion of permanent docking facilities to be minimum impact under Rule Env-Wt 303.04 (o).
14. This project is classified as a minor impact project per Rule Env-Wt 303.03 (d).
15. The location of the proposed permanent docking structures fails to meet the fetch requirements necessary to justify the construction of permanent docks listed in Rule Env-Wt 402.06.
16. The Applicant failed to submit any photographic information as required to meet the alternative standard for the approval of permanent docks as outlined in Rule Env-Wt 402.06.
17. The Department does not permit piling for the purpose of supporting a canopy, which by definition, must be seasonal.
18. The Department does not prohibit the attachment of seasonal canopy supports to legally existing or permitted permanent structures where they are available.
19. The plan submitted with the application contains a notation stating "Remove 1' x 39' from edge of dockage to restore approved

dimensions (File #2002-0801; 4 ft x 39 ft)". This notation implies that the dimensions of the dock in question were evaluated and approved under Permit #2002-00801 in accordance with the Administrative Rules in effect at the time.

20. Permit #2002-00801 authorized the repair, in-kind, of a pre-existing 4 ft x 39 ft piling pier. The issuance of a permit for repair of a pre-existing structure in no way implies that the structure would comply with the criteria for new construction in effect at the time the repair permit was issued.

Rulings in Support of the Decision

21. The proposed structures would be permanent structures and, as such, the Applicant is required to submit evidence that the criteria in Rule Env-Wt 402.06 has been met. The Applicant has failed to submit the required evidence and, therefore, the application is denied.

2008-02530 CUNNINGHAM, JAMES LACONIA Lake Winnepesaukee

Requested Action:

Completely remove the existing dock and deck from the frontage and construct a 6 ft x 33 ft piling pier, accessed by a 5 ft 6 in x 26 ft 6 in walkway over the bank, protected by a 3 piling ice cluster, with a seasonal boatlift in the northernmost slip on an average of 63 ft of frontage on Paugus Bay, Lake Winnepesaukee.

APPROVE PERMIT:

Completely remove the existing dock and deck from the frontage and construct a 6 ft x 33 ft piling pier, accessed by a 5 ft 6 in x 26 ft 6 in walkway over the bank, protected by a 3 piling ice cluster, with a seasonal boatlift in the northernmost slip on an average of 63 ft of frontage on Paugus Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 12, 2008, as received by DES on November 21, 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 the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All seasonal structures shall be removed for the non-boating season.
9. 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.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), alteration of a 2 slip permanent docking structure.
2. The need for the proposed 6 ft wide pier has been demonstrated by the applicant per Env-Wt 402.03, Dimensions, (b)(3).
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.

MINIMUM IMPACT PROJECT

2008-01443 WATERVILLE COMPANY INC
WATERVILLE VALLEY Unnamed Stream

Requested Action:

Dredge approximately 5,775 sq. ft. of wetlands and associated drainage swales for maintenance of historically constructed and impacted intermittent streams, pond and drainage ditches within the Waterville Valley Golf Course.

APPROVE PERMIT:

Dredge approximately 5,200 sq. ft. (855 linear ft.) of wetlands and associated drainage swales for maintenance of historically constructed and impacted intermittent stream, pond and drainage ditches within the Waterville Valley Golf Course.

With Conditions:

1. All work shall be in accordance with plans and narratives by William W. Cantlin, narratives dated December 29, 2008, "Retention Pond" cross section and "Typical Ditch Cross Section" plan, as received by DES on December 30, 2008.
2. All work shall be done during no flow or low flow with appropriate turbidity controls.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. All exposed soils within the wetland impact areas shall be stabilized with an appropriate native wetland seed mix in addition to the proposed transplanted wetlands vegetation.
7. Appropriate erosion control blankets or matting shall be used within the proposed drainage ditch impact areas in order to maintain a stable channel during re-vegetation and potential high flows.
8. 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.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

- 17. 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.
- 18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 19. 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(k), Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ditches, and spillways.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES inspected the site on December 10, 2008. It appears that the proposed impact areas are historically created and impacted wetlands and intermittent streams that have been manipulated into drainage swales to convey stormwater runoff and stream flows across and around the golf course. A majority of the proposed impacts are currently eroding ditches with unstable banks. The proposed pond/detention pond dredge area appeared to be full of sediment. The applicant has indicated that the pond has become full of sediment from the runoff on Greeley Hill Road.
- 6. The applicant has indicated that the golf course is over 100 years old.

2008-01712 ANDOVER, TOWN OF
ANDOVER Unnamed Stream

Requested Action:

Confirm Emergency Authorization to dredge 500 sq ft to remove an existing 36-inch x 40-foot failed culvert and replace with twin 36-inch x 40-foot culverts.

CONFIRM EMERGENCY AUTHORIZATION:

Dredge 500 sq ft to remove an existing 36-inch x 40-foot failed culvert and replace with twin 36-inch x 40-foot culverts.

With Conditions:

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

With Findings:

- 1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x).
- 2. The project was necessary to replace an existing failed culvert on a dead end road to maintain access to 3 residences.
- 3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 26, 2008.
- 4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2008-01800 NH DEPT OF TRANSPORTATION
PORTSMOUTH Hodgson Brook

Requested Action:

Slipline four 84 in. pipes approximately 630 ft. in length under Interstate Route 95 temporarily impacting 1599 sq. ft.

Conservation Commission/Staff Comments:

Cons. Comm. recommends approval

APPROVE PERMIT:

Slipline four 84 in. pipes approximately 630 ft. in length under Interstate Route 95 temporarily impacting 1599 sq. ft. (NHDOT project #15304)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 8/2008 as received by the Department on Sept. 5, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Rule Env-Wt 303.04(j).
2. A review of the project relative to impaired waters finds all work is temporary and will have no additional loading or change in use.
3. This project was reviewed at the Natural Resource Agency Meeting of February 20, 2008 and one of the pipes is to be a polymer coated corrugated pipe to provide a rougher surface for aquatic organisms.
4. DES Staff conducted a field inspection of the proposed project on Sept. 11, 2008. Field inspection determined the culverts might be sliplined by diverting the flow away from the culvert to be lined and protect water quality.

**2008-02169 NH FISH & GAME, CHERI PATTERSON
GREENLAND Winnicut River**

Requested Action:

Dredge 3,300 sq. ft., Fill 2,900 sq. ft. and Temporarily Impact 25,000 sq. ft. within the embankments, flow channel and tidal buffer zone

of the Winnicut River for work associated with the removal of the existing dam and fish ladder to restore tidal flows, to enhance estuarine functions and values and construct a fishpass to provide unimpeded access for fish spawning runs in this tidal river.

Conservation Commission/Staff Comments:

NH F&G held a public hearing before the Greenland Conservation Commission on November 10, 2008. After the presentation, the Conservation Commission agreed with the proposal to remove the dam.

The Atlantic States Marine Fisheries Commission is in support of this project.

Inspection Date: 03/21/2008 by Frank D Richardson

Inspection Date: 10/15/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge 3,300 sq. ft., Fill 2,900 sq. ft. and Temporarily Impact 25,000 sq. ft. within the embankments, flow channel and tidal buffer zone of the Winnicut River for work associated with the removal of the existing dam and fish ladder to restore tidal flows, to enhance estuarine functions and values and construct a fishpass to provide unimpeded access for fish spawning runs in this tidal river.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. and Woodlot Alternatives, Inc. dated 9/17/2008, as received by DES on September 24, 2008.
2. The Construction Sequence and Methods set forth in section 6.0 of the project narrative including 6.1 Fishpass Construction (#s 1-10); 6.2 Dam Removal and Bank Stabilization (#s 1-10); as well as section 7.0 Planting Plan including 7.1 Upland Plantings and 7.2 Intertidal Plantings shall be strictly adhered to.
3. Any changes which may be proposed to the Construction Sequence and Methods necessary for the proper implementation of the project shall be reviewed and approved by the DES Wetlands Bureau prior to the work being done.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. The permittee shall provide the Wetlands Bureau with an annual report, each year in December, documenting all phases of the project, including photographs to be taken from established photo stations, during the five-year duration of this permit.
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. Dredged material and demolition debris shall be disposed of outside of areas under the jurisdiction of the DES Wetlands Bureau.
10. Work shall be done during drawdown and/or low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t)(1) Restoration of altered or degraded wetlands provided the project receives financial support and direct supervision of a New Hampshire state agency, the USEPA, the USACOE, the USDA NRCS or the USFWS.
2. This dam removal/estuary restoration project has received the support of the Atlantic States Marine Fisheries Commission.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02173 HIGGINS, LISA
NEW LONDON Pleasant Lake

Requested Action:

Approve name change to: Lisa M Higgins, 18 Elm St., Charlestown, Ma 02129 per request received 1/30/2009. Previous owner: Judith Oates

Conservation Commission/Staff Comments:

No Con Com comments by 12/23/08

APPROVE NAME CHANGE:

Install a 5 ft x 31 ft seasonal dock on Pleasant Lake, New London.

With Conditions:

1. All work shall be in accordance with plans dated December 17, 2008, as received by DES on December 18, 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 of the property to the northeast.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 31 feet from the shoreline at full lake elevation.
6. This permit does not allow for modification of the shoreline for the installation of the dock.
7. This permit does not allow for any dredge of the lake bed to provide slips.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2008-02436 BLUNTS ISLAND TRUST, WILLIAM BINNIE TRUSTEE
RYE Sagamore Creek

Requested Action:

Temporarily impact 2,988 square feet within the previously-developed 100-foot tidal buffer zone to replace a failed septic system for single family residential dwelling adjacent to Sagamore Creek.

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact 2,988 square feet within the previously-developed 100-foot tidal buffer zone to replace a failed septic system for single family residential dwelling adjacent to Sagamore Creek.

With Conditions:

1. All work shall be in accordance with plans by NHSC Inc. dated, October 2008, as received by DES on November 25, 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.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Appropriate siltation/erosion/turbidity controls shall remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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 project is classified as a minimum impact project per Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The project was necessary to replaced a failed septic system and protect Sagamore Creek.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on November 13, 2008.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2008-02799 NH DEPT OF TRANSPORTATION
CONCORD Unnamed Stream Merrimack River

Requested Action:

Replace a 36 in. culvert and headwalls temporarily impacting 298 sq. ft.

Conservation Commission/Staff Comments:

Cons. Comm. recommends approval.

Local River Advisory Committee supports the project with condition #10

APPROVE PERMIT:

Replace a 36 in. culvert and headwalls temporarily impacting 298 sq. ft. (NHDOT #15613)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 11/2008 as received by the Department on December 24, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. All work shall be conducted during low flow conditions to avoid disturbance to wildlife that use this conduit for passage during periods of high flow.

With Findings:

1. This is a minimum impact project per Rule Env-Wt 303.04(j).
2. An e-mail dated November 24, 2008 from NHFG indicates no concern with the project.
3. A review of the project relative to impaired waters finds all work is temporary and will have no additional loading or change in use.

FORESTRY NOTIFICATION

2008-01304 ALEXANDER, DANIEL
ANTRIM Unnamed Stream Contookcook River

COMPLETE NOTIFICATION:

Antrim Tax Map 217, Lot# 29

**2009-00056 MARKS, DONALD
MADISON Unnamed Stream**

COMPLETE NOTIFICATION:
Madison Tax Map 215, Lot# 3

**2009-00111 DRED, NH
NOTTINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Nottingham Tax Map 76, Lot# 2

**2009-00112 MAJOR WALDRON SPORTSMENS ASSOCIATION
BARRINGTON Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 237, Lot# 4

**2009-00113 YANKEE PUBLISHING
DUBLIN Unnamed Stream**

COMPLETE NOTIFICATION:
Dublin Tax Map/Lot# 7/75 & 17/12A & 15A

**2009-00116 NEW FORESTRY, LLC, C/O LANDVEST
GOSHEN Unnamed Stream**

COMPLETE NOTIFICATION:
Goshen Tax Map 407, Lot# 1

**2009-00117 ALURS, JOSEPH
WARREN Unnamed Stream**

COMPLETE NOTIFICATION:
Warren Tax Map 5, Lot# 63

**2009-00119 DRED, NH
LITCHFIELD Unnamed Stream**

**2009-00127 WEBSTER ASSOCIATES, DAVID WEBSTER
CANAAN Unnamed Stream**

COMPLETE NOTIFICATION:
Canaan Tax Map 7S, Lot# 72

**2009-00135 PAGE FAMILY TRUST
LOUDON Unnamed Stream**

COMPLETE NOTIFICATION:
Loudon Tax Map 11, Lot# 65

**2009-00136 HOEKSTRA, PTER & LISA
DUBLIN Unnamed Stream**

**2009-00137 FIJOL, LINDA
CHESTERFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Chesterfield Tax Map 8, Lot# 6

**2009-00138 FIJOL, LINDA
WESTMORELAND Unnamed Stream**

COMPLETE NOTIFICATION:
Westmoreland Tax Map R5, Lot# 14

**2009-00141 CORWIN, SWIFT
PETERBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:
Peterborough Tax Map 10, Lot# 22

EXPEDITED MINIMUM

**2008-02028 GLOVER, KEVIN
MOULTONBOROUGH Unnamed Stream Wetlands**

Requested Action:
Dredge and fill 998 square feet including installation of 3 culverts and restore approximately 1140 square feet of wetland.

APPROVE PERMIT:
Dredge and fill 998 square feet including installation of 3 culverts and restore approximately 1140 square feet of wetland.

With Conditions:
1. All work shall be in accordance with plans by Ames Associates dated August 12, 2008 and revised through January 21, 2009, as received by the Department on January 28, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
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. Restoration activities shall be completed prior to the sale of either lot and prior to construction of the proposed crossings.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Area of restoration shall be regraded to original contours.
10. All material removed during work activities shall be removed down to the level of the original hydric soils.
11. All material removed during work activities shall be placed out of DES's jurisdiction.
12. Mulch within the restoration area shall be straw.
13. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
14. Culvert inverts shall be placed at the existing grade or the material used to embed the culvert shall be placed at the existing grade.
15. Native material removed from the jurisdictional area during culvert installation, shall be stockpiled separately and reused to emulate a natural bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. 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.
18. Silt fencing must be removed once the area is stabilized.
19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has agreed to remove the historical impacts that are located on the new proposed lot 16-2-2.

2008-02654 HEFFRON LIVING TRUST, DAWN
LACONIA Lake Winnisquam

Requested Action:

Temporarily impact 162 sq ft of wetland to construct a single family home in Laconia.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application, however they submitted comments stating they have no concerns

APPROVE PERMIT:

Temporarily impact 162 sq ft of wetland to construct a single family home in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith and Associates dated December 24, 2008, as received by DES on December 29, 2008.
2. Area shall be regraded to original contours following completion of work.
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. This impact is only approved if a Shoreland permit is issued to locate the primary residence in the location as shown on the approved plan.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows.

TRAILS NOTIFICATION

**2009-00120 US FOREST SERVICE, WHITE MTN NATIONAL FOREST
BERLIN Unnamed Stream**

COMPLETE NOTIFICATION:
berlin Tax Map 408, Lot# 1

LAKES-SEASONAL DOCK NOTIF

**2009-00104 PAWLUK, WILLIAM
WAKEFIELD Belleau Lake**

COMPLETE NOTIFICATION:
Wakefield, NH Tax Map 23 Lot 13
Belleau Lake

**2009-00133 SALERA, DAVID
NOTTINGHAM Pawtuckaway Pond**

COMPLETE NOTIFICATION:
Nottingham, NH Tax Map 67 Lot 18
Pawtuckaway Lake

X-SHORELAND VARIANCE / WA

2007-00583 C & A EXQUISITE HOME BUILDERS LLC
GILFORD Lake Winnepesaukee

Requested Action:

Amend approval to include the construction a 240 sq ft garage beyond the primary building setback.

Inspection Date: 05/02/2007 by Thomas Gilbert

APPROVE AMENDMENT:

Amend permit to read: Raze an existing primary structure with a footprint of approximately 567 sq ft within the primary building setback (the "Setback"), and build a proposed primary structure that shall have a footprint of approximately 517 sq ft within the Setback and a 240 sq ft garage further than 50 ft back from the reference line on property with approximately 100 ft of frontage on Lake Winnepesaukee in Gilford.

WAIVER APPROVED: RSA 483-B:9,II, is waived to allow construction of the project within the primary building setback.

With Conditions:

1. All work related to the construction of the garage shall be conducted in accordance with plans by Roseen Survey, PLLC. dated November 3, 2008 and received by the Department of Environmental Services ("DES") on December 10, 2008.
2. All other work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by David M. Dolan Associates, P.C. dated April 4, 2007 and received by the Department of Environmental Services ("DES") on April 12, 2007.
3. This approval shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to DES by certified mail, return receipt requested.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
6. All proposed vegetation shall be planted by July 1 of the year of the projects completion. Plantings shall have a 90% survival success rate by October 31 of the year of the projects completion. An initial monitoring report shall be submitted to DES by November 15 of the year of the projects completion documenting the success of the plantings.
7. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
8. The Applicant shall file a deed restriction with the Carroll County Registry of deeds prohibiting the construction or installation of any new structures within the 50 Setback.
9. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
13. No more than 26.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
14. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
15. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
16. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
16. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

17. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing structure, as identified on the Town of Moultonborough Tax Map 160 Lot 44 is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 29 ft from the reference line, has a ridgeline height of approximately 15 ft, and occupies approximately 843 sq ft within the Setback, 593 sq ft of which is living space.
3. The proposed structure shall be located approximately 30 ft from the reference line, have a ridgeline height of approximately 27 ft 4 in, and shall occupy approximately 1,056 sq ft within the Setback, 933 square feet of which shall be living space.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to remove 100 sq ft of wooden patio and 380 sq ft of gravel walkway within the Setback.
6. The Applicant has proposed to install vegetated berms around the existing beach to prevent stormwater from eroding beach sand into the lake.
7. The Applicant has proposed to plant native vegetation including Mountain Laurel and Swamp Azalea along the lake side portion of the proposed structure and within the proposed berms, creating a total of approximately 500 square feet of vegetation.
8. The Applicant proposes to install stormwater controls consisting of a 3 foot wide pea stone buffer around the proposed structure for stormwater infiltration.
9. The Applicant's proposal will reduce the total impervious surface within the Setback by approximately 267 square feet, will increase the setback of the primary structure to the reference line, and improve stormwater management using native plantings and a pea stone buffer around the proposed.
10. The Applicant's proposal provides at least the same degree of protection to the public waters.
11. The Applicant's proposal is more nearly conforming and meets the requirements of RSA 483-B:11, II. Therefore, the waiver is approved.

PERMIT BY NOTIFICATION

**2009-00090 CHRISTMAS ISLAND RESORT CONDOMINIUM ASSOCIATION, B
LACONIA Lake Winnepesaukee**

Requested Action:

Existing docking structure does not match approved docking structure.

Conservation Commission/Staff Comments:

Con Com did not sign the PBN form

With Findings:

1. Pursuant to Env-Wt 303.04(v)(3)b, the repair of the existing docking structures provided the existing structures have been constructed in accordance with a previous issued wetlands permit. The existing structure has not been constructed in accordance with prior approvals.

**2009-00129 PSNH
GREENVILLE Unnamed Wetland Unnamed Stream**

Requested Action:

Approve permit by notification to temporarily impact 936 sq. ft. of palustrine scrub-shrub wetlands and intermittent stream to provide access to upland access for mowing activities along the 379 transmission line right-of-way.

PBN IS COMPLETE:

Approve permit by notification to temporarily impact 936 sq. ft. of palustrine scrub-shrub wetlands and intermittent stream to provide access to upland access for mowing activities along the 379 transmission line right-of-way.

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)(14), Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-00134 BARRETT, KEVIN
HOLDERNESS Squam Lake**

Requested Action:

Repair of existing retaining walls.

Conservation Commission/Staff Comments:

Con Com signed PBN on January 23, 2009

With Findings:

Repair of existing retaining walls pursuant to Env-Wt 506.01(a)(2).

CSPA PERMIT

**2008-02047 MERCIER, SANDRA FAMILY TRUST
NEWBURY Lake Sunapee**

Requested Action:

Install underground utility line from existing pole to structure, and fill aprox. 5'X20' area next to existing railroad bed with gravel for parking.

APPROVE PERMIT:

Install underground utility line from existing pole to structure, and fill aprox. 5'X20' area next to existing railroad bed with gravel for parking.

With Conditions:

1. All work shall be in accordance with plans by Mr. Brian Race dated January 11, 2009 and received by the Department of Environmental Services ("DES") on January 14, 2009.
2. All actions associated with any work to the septic system are contingent on approval by the DES Subsurface Systems Bureau.

3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. No other work within the protected shoreland other than the addition of the 5' by 20' parking area as described in the plans, and the installation of the underground utility line can be performed under this permit unless and amendment is applied for and approved.

2008-02116 DUNBRACK, BERNARD
NORTHWOOD Lucas Pond

Requested Action:
 Impact 359 sq ft to expand an existing single family dwelling.

Inspection Date: 12/10/2008 by Raymond M Reimold

APPROVE PERMIT:
 Impact 359 sq ft to expand an existing single family dwelling.

- With Conditions:
1. All work shall be in accordance with plans by Beaver Brook Environmental dated December 2, 2008 and received by the Department of Environmental Services ("DES") on December 23, 2008.
 2. No more than 26% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 3. The project will not alter any existing unaltered areas.
 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
 6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
 9. All new structures shall have appropriately designed and installed drip edges or rain gutters to infiltrate stormwater runoff.

2008-02641 CRAVEDI, STEFANIE, EMILY & LIA
CONWAY Saco River

Requested Action:
 Impact 4,278 sq ft for the purpose of constructing a single family dwelling with garage, deck and driveway.

APPROVE PERMIT:
 Impact 4,278 sq ft for the purpose of constructing a single family dwelling with garage, deck and driveway.

With Conditions:

1. All work shall be in accordance with plans by Mia Gannon revised January 30, 2009 and received by the Department of Environmental Services ("DES") on January 30, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
3. 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.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 2565 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2565 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02794 ELLAKONA REALTY LLC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 8500 sq ft for the purpose of constructing a single family dwelling with a garage and a driveway, and installing a septic system.

APPROVE PERMIT:

Impact 8500 sq ft for the purpose of constructing a single family dwelling with a garage and a driveway, and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revised January 14, 2009 and received by the Department of Environmental Services ("DES") on January 15, 2009.
2. This permit authorizes construction, excavation, and fill activities as they were found to meet the requirements of RSA 483-B. This permit in no way conveys any form of property right to the permit holder.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no alteration of wetlands for lot development, driveways, culverts, or for septic setback without obtaining a Wetlands Permit per RSA 482-A.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
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. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 13.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

10. The project as proposed will leave approximately 8,390 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,435 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In the Finding, Rulings and Decrees of State of New Hampshire Superior Court in the case of Kathy A. Grappone and James R. Grappone, Trustees of the James R. Grappone Revocable Trust of 1993 and Kathy A. Grappone, Individually and John T. Grappone and Ruth M. Grappone Verses Valley Stream Estates, INC., F/K/A Green Acres Mobile Homes, INC. and Thomas Grappone Verses Ellakona Realty, LLC (Intervener) the court finds, "Petitioners did not meet their burden of proof that Lot 12 was ever restricted to the extent that no one could ever build on the lot, and in fact the language of the easement, as discussed above, leads the court to the contrary conclusion".

2. Whereas Shoreland Permits issued under RSA 483-B do not convey property rights, property boundaries, or rights-of-way, the Department of Environmental Services (DES) Wetlands Bureau finds that issuing a Shoreland Permit according to plans by Ames Associates revised January 14, 2009 and received by DES on January 15, 2009 is consistent with both the court findings and the provisions set forth under RSA 483-B.

**2008-02831 SINGER, CHARLES/KAREN
WAKEFIELD Pine River Pond**

Requested Action:

Impact 4,739 sq ft for the purpose of building a 3 bedroom single family dwelling, a driveway, a 6 foot wide path to Pine River Pond, and installing a septic and a well.

APPROVE PERMIT:

Impact 4,739 sq ft for the purpose of building a 3 bedroom single family dwelling, a driveway, a 6 foot wide path to Pine River Pond, and installing a septic and a well.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp. dated December 2008 and received by the Department of Environmental Services ("DES") on January 26, 2009.

2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.

4. 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.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 18.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. The project as proposed will leave approximately 5,831 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,976 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

- 9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2008-01270 BOYLE, THOMAS & JANICE
ANTRIM Gregg Lake

Requested Action:
Impact 240 sq ft to expand a parking area for a single family dwelling.

WAIVER APPROVED: RSA 483-B:9, V, (a), (2), (c) is waived to allow the expansion of the existing parking area within the waterfront buffer.

Conservation Commission/Staff Comments:
Condition #5 amended for use of grass pavers.

APPROVE AMENDMENT:
Impact 240 sq ft to expand a parking area for a single family dwelling.

WAIVER APPROVED: RSA 483-B:9, V, (a), (2), (c) is waived to allow the expansion of the existing parking area within the waterfront buffer.

- With Conditions:
- 1. All work shall be in accordance with plans by Thomas and Janice Boyle received by the Department of Environmental Services ("DES") on September 29, 2008.
 - 2. This approval includes a shoreland redevelopment waiver of RSA 483:B-9 V(a)(2)(B) and 483:B-9 V(a)(2)(C). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
 - 3. The project as proposed will decrease the amount of impervious surface on the property by approximately 420 sq ft. There shall be no increase in impervious surface within the protected shoreland unless additional approval is obtained from DES.
 - 4. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
 - 5. The proposed pervious grass pavers shall be installed and maintained in accordance with the manufacturers specifications.
 - 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 - 7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
 - 8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
 - 9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
 - 10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

- With Findings:
- 1. The existing parking area is within the waterfront buffer and, therefore, fails to conform to the groundcover requirements set forth

in RSA 483-B:9, V, (a), (2), (c) of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to resurface the existing 400 sq ft parking area with pervious pavers and plant additional buffer areas and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02373 SIRACUSSA, JOSEPH/MARCIA
HAMPTON Atlantic Ocean**

Requested Action:

Impact 1426 sq ft to renovate two existing residential structures, and replace impervious driveway and patio surfaces with pervious surfaces.

Inspection Date: 01/13/2009 by Frank D Richardson

APPROVE PERMIT:

Impact 1426 sq ft to renovate two existing residential structures, and replace impervious driveway and patio surfaces with pervious surfaces.

WAIVER APPROVED: RSA 483-B:9,V(g)(1) is waived to allow modifications of structures which exceed 30% impervious surfaces within the protected shorelands.

With Conditions:

1. All work shall be in accordance with the revised plans by NHSC dated January 14, 2009 and received by the Department of Environmental Services ("DES") on January 15, 2009.
2. This approval includes a waiver of RSA 483-B:9, V, (g), (1) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. The Coastal Office of the Wetlands Bureau shall be notified in writing prior to commencement of work and upon its completion.
4. No more than 58% of the area of the lot within the protected shoreland shall be covered by impervious surfaces.
5. At least 65 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structures exceed the impervious surface limits set forth in RSA 483-B:9, V, (g) (1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a reduction of the impervious surface area on the property from 73% to 58%.

4. The applicant has proposed to significantly reduce the percentage of impervious surfaces on the lot, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.