

# Wetlands Bureau Decision Report

Decisions Taken  
03/23/2009 to 03/29/2009

## **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**

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**2004-00377                      MOTORSPORTS HOLDINGS LLC, JOHN GHIRINGHELLI  
TAMWORTH Unnamed Wetland**

Requested Action:

Amend permit to allow a 4 year time extension of the originally approved permit which is set to expire on July 29, 2009.

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Conservation Commission/Staff Comments:

The Tamworth Conservation Commission intervened on the application and has submitted several letters and emails outlining concerns about the proposed project. See file for specific details.

Inspection Date: 11/14/2003 by Craig D Rennie

Inspection Date: 05/04/2004 by Craig D Rennie

APPROVE AMENDMENT:

Dredge and fill 14,759 square feet of palustrine forested/scrub shrub/emergent wetlands and impact 16,952 square feet (1,510 linear feet) of intermittent streams to construct a motorsports country club that includes a 3.1 mile long European-style road course with associated support services for repair, servicing and garaging of vehicles, as well as a hotel/restaurant with associated access road and parking on 251 acres of land. Mitigate impacts by restoring 450 square feet (25 linear feet) of an on-site intermittent stream/wetland through the removal an existing logging road crossing, and by placing a conservation easement on 107 acres of undeveloped land in Sandwich, NH (within the Bearcamp River watershed) that is comprised of 53 acres of wetlands/streams and 54 acres of uplands.

With Conditions:

1. All work shall be in accordance with revised plans by ESS Group, Inc. dated July 9, 2004, as received by the Department on July 26, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on the receipt of an approved 401 Water Quality Certificate, as issued by the DES Watershed Management Bureau.
6. The applicant shall notify in writing NHDES Wetlands Bureau and the Tamworth Conservation Commission of their intention to start construction no less than five (5) business days prior to the commencement of construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. The Wetlands Bureau shall be notified of any change in ownership or legal authority so that the wetlands permit can be transferred to the appropriate responsible party.
9. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.

14. Construction equipment shall not be located within surface waters.
15. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Stone aprons shall be installed at culvert outlets to prevent scouring.
18. 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.
19. 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.
20. 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.
21. 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).
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### MITIGATION CONDITIONS:

##### Restoration

23. This permit is contingent upon the restoration of 450 square feet (25 linear feet) of an on-site intermittent stream/wetland through the removal an existing logging road crossing, in accordance with revised plans received July 26, 2004.
24. The schedule for restoring the area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
25. Restoration areas shall be properly constructed, planted, monitored and remedial actions taken when necessary to properly restore the intermittent stream. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
27. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
28. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
29. A post-construction report documenting the status of the restoration area shall be submitted to the Wetlands Bureau within six (6) weeks of the completion of construction.

##### Preservation:

30. This permit is contingent upon the execution of a conservation easement on 107 acres of undeveloped land as depicted on plans received June 29, 2004.
31. Any modifications to the existing preservation proposal shall be submitted to the Wetlands Bureau for review and approval.
32. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
33. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
34. The conservation easement area shall be surveyed by a licensed surveyor, and marked by permanent monuments, signs or stakes prior to construction.
35. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

36. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

FINDINGS OF FACT:

1. The Department of Environmental Services (DES) held pre-application meetings with the applicant and their agents on October 15, 2003, December 17, 2003, December 30, 2003, January 9, 2004 and on January 30, 2004 to provide regulatory guidance on ways to minimize overall project impacts associated with the preliminary design of a private motorsports country club. This preliminary design included additional condos, garages, and road crossings through intermittent streams, which have been eliminated from the final design.
2. DES staff inspected the site on November 14, 2003 to investigate resource impacts associated with the preliminary design. This inspection revealed that the majority of the property is steep with several intermittent streams and drainages. The northern end of the property (adjacent to Route 25) has several forested wetlands that are proposed to be crossed.
3. On March 5, 2004, DES received a Standard Dredge and Fill application requesting 16,578 square feet of wetland impacts and 13,999 square feet (2,077 linear feet) of stream impacts associated with the construction of the project.
4. On March 8, 2004, DES received a letter from the Tamworth Conservation Commission (TCC) seeking to intervene on the wetlands application pursuant to RSA 482-A:11.
5. In a letter dated March 11, 2004, DES issued a "Notice of Administrative Completeness" explaining that the application had been found to contain the basic items necessary to be considered administratively complete.
6. In a letter dated April 2, 2004, DES issued a notice that the Wetlands Bureau would hold a public hearing in Tamworth on Tuesday, April 27, 2004 at 6:30 pm.
7. On April 26, 2004, DES received written comments from the TCC in accordance with RSA 482-A:11, III.(a), that expressed a number of concerns and issues as well as a recommendation that DES should not grant a permit "as it now stands".
8. On April 27, 2004, DES held a public hearing in Tamworth which was attended by approximately 300 people. Several hours of public testimony for and against the project, as well as a number of written comments were received and made a part of the file.
9. DES staff inspected the site again on May 5, 2004 with Army Corps of Engineers (ACOE) staff, TCC members, and the applicant's agents to determine the accuracy of delineated wetlands on the entire property. Several additional areas of wetlands and seasonal drainages were found during the field inspection. These areas have been incorporated through revisions to the original plan set.
10. On May 17, 2004, DES received a letter from the TCC providing additional comments to their earlier comment letter which was received by DES on April 26, 2004.
11. On May 21, 2004, the DES issued a "Request for More Information" letter to the applicant formerly requesting nine (9) specific items that needed additional technical information and clarification. This request was based upon review of all the information in the file and incorporated the comments provided by the TCC and the local community, and was limited to those issues that were germane to the statutory authority of DES as set forth in RSA 482-A.
12. On June 15, 2004, DES received revised plans and a partial response from the applicant to the DES "Request for More Information" letter.
13. On June 29, 2004, DES received the remaining additional information from the applicant which completed their reply to the DES "Request for More Information" letter.

FINDINGS RELATIVE TO THE TAMWORTH CONSERVATION COMMISSION (TCC) COMMENTS:

14. In comment letters from the TCC (received April 26, 2004 and May 17, 2004), several "Overarching Recommendations" were made to DES for consideration. The list below summarizes each TCC recommendation (in italics) followed by the DES finding:
  - a) *The permit should not be granted until all the recommendations are addressed and additional information is provided.* DES requested additional information from the applicant on May 21, 2004. This request incorporated the comments from the TCC and the local community. The applicant provided the required additional information on June 15 and June 29, 2004.
  - b) *Further work is needed to properly and completely delineate all of the existing wetlands.* During an inspection on May 5, 2004, several additional wetlands and intermittent drainages were identified and agreed to by DES, ACOE, TCC, and the applicant's agents. Revised plans provided by the applicant on June 15, 2004 included all the additional wetland areas.
  - c) *DES staff should carefully review the stormwater management plans and their impacts to wetlands from runoff discharges and volumes.* DES Site Specific Program staff are responsible for reviewing the alteration of terrain permit application which evaluates post-development stormwater treatment and detention methods, as well as any potential impacts to abutting properties.
  - d) *DES should require the applicant to develop off-site and on-site alternatives that further reduce wetland impacts.* Based on the

DES request for additional information, the applicant has reduced the scope of the overall project to decrease wetland impacts. Several garages and condos were removed, the hotel and associated parking was reduced, a wetland crossing was removed, the track layout was modified to avoid vernal pool buffer impacts, and several crossings were redesigned with span arch culverts to reduce impacts to intermittent streams.

e) DES should require the applicant to submit any modifications to the TCC for review. In the May 21, 2004 "Request for More Information" letter, DES required that the applicant provide revised plans to the local conservation commission for review. The applicant has provided revised plans to the TCC.

f) Given that there is no limit on the amount of noise the applicant is allowed to produce, DES should require additional details regarding the noise levels. DES Wetlands Bureau does not have the jurisdictional authority over noise pollution issues; however, the applicant did provide a noise study to address local concerns, relative to this issue.

15. Comment letters from the TCC (received April 26, 2004 and May 17, 2004), several "Specific Issues and Recommendations" were made to DES for consideration based on NH Administrative Rule Wt 302.04(a) Requirements for Application Evaluation. The list below summarizes each TCC recommendation (*italics*) followed by the DES finding:

a) TCC finds that the need for the racetrack and some of the components of the development are not sufficiently demonstrated. DES should require the applicant to submit a revised application with plans to reduce impacts to wetlands, provide increased buffers, and to address other recommendations made by the TCC. The need for the wetland impacts is the construction of a motorsports country club that includes a 3.1 mile long European-style road course with associated support services for repair, servicing and garaging of vehicles, as well as a hotel/restaurant with associated access road and parking all located on 251 acres of land. Based on the DES request for additional information, revised plans were submitted by the applicant that reduced the scope of the overall project so as to decrease wetland impacts, avoid vernal pool buffer impacts, and address other recommendations suggested by the TCC.

b) DES should require the applicant to reconsider alternatives that further minimize wetland impacts. Based on the DES request for additional information, the applicant has reduced the scope of the overall project to decrease wetland impacts. Several garages and condos were removed, the hotel and parking was reduced, a wetland crossing was removed, the track layout was modified to avoid vernal pool buffer impacts, and several existing crossings were redesigned with span arch culverts to reduce impacts to intermittent streams.

c) Particular attention should be paid to refining the wetlands delineations and the wetland classifications were not found on the plans. DES staff inspected the site on May 5, 2004 and found several additional areas of wetlands and seasonal drainages, which have been incorporated through revisions to the original plan set. The revised plans submitted on June 15, 2004 depict all wetland boundaries as agreed to by DES, ACOE, TCC and the applicant's agents, and indicate the classification of the wetland types.

d) The TCC finds that there is a potential for increased flow volumes, sedimentation, and trace pollutants to impact the water quality of wetlands and surface waters downstream. As required by federal law, the applicant has submitted an application for a 401 Water Quality Certificate through the DES Watershed Management Bureau to review potential impacts to surface water quality. The DES Site Specific Program is responsible for ensuring that stormwater runoff is properly treated, post-development flows are adequately detained, and that all erosion controls and construction sequencing meet state standards.

e) Vernal pools should be provided with the additional protection needed to ensure its functions are not destroyed and should take into account unlimited noise, dust, light and glare. Based on the DES request for additional information, the applicant has modified the design to maximize upland buffer areas adjacent to the existing vernal pool to the greatest extent possible.

f) DES should require the applicant to accurately portray the surface area of wetlands to be impacted. Based on the DES request for additional information, the applicant provided revised wetland boundaries and impact area plans, detailed information about potential indirect impacts from arch spans, as well as the locations of all proposed fencing. Wetland impacts associated with the construction of any required noise barriers are not proposed as part of this project.

g) DES should require the applicant to minimize potential impacts to the vernal pool, review the potential for threatened and endangered species to occur on this site, review and protect species at the extremities of their ranges, evaluate migratory patterns of wildlife utilizing the site, and to conduct a more thorough field assessment of the potential presence of exemplary natural communities. Revised plans submitted to DES show that the design has been modified to maximize upland buffer areas adjacent to the existing vernal pool to the greatest extent possible. DES communications with NH Fish & Game Department biologists confirm that there are no threatened or endangered species known to occur within the project area. Although black birch (*Betula lenta*) may be at the extremities of their known range, no state law requires protection of this tree species. On June 29, 2004, the applicant provided a detailed wildlife movement report which concluded that a 200' undeveloped wildlife corridor should be provided between the hotel and steep ledge on the southern end of the property, and that significant impacts to wildlife movement patterns will not occur as a result of this project. In addition, on July 22, 2004, the applicant provided a detailed rare plant survey that concluded no exemplary natural communities occur in the project area, and that no rare or endangered species were observed.

h) Off-site impacts are not sufficiently addressed by the applicant, especially noise and visual impacts on recreation based tourism.

The project has been designed to incorporate existing physical and landscape features to maintain a low visual profile relative to the surrounding land. Overall, the application and supporting materials demonstrate that the project will not significantly impair the existing recreation based tourism.

- i) DES should require the applicant to provide plans and provisions for mitigating noise and light pollution, viewshed degradation, and for all aesthetic impacts. The application and supporting materials demonstrate that the project will not significantly impact the aesthetic interest of the public.
- j) DES should require the applicant to further address impacts from runoff upon abutting owners pursuant to RSA 482-A:11, II. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts to abutting properties as a result of stormwater runoff.
- k) DES should require the applicant to formally commit to, in writing, specific benefits to be provided to the Town and should demonstrate that the proposed facility will not be injurious, noxious, or offensive to the community. The application stated that community enhanced benefits (i.e. driving training for local police and fire department, driver education, emergency response rescue service) will be available to the Town of Tamworth. The proposal incorporates emergency spill response plans and rescue services to ensure that public safety are not threatened by the project.
- l) DES should require the applicant to provide further details regarding stormwater runoff impacts, determine the recharge rate of the aquifer and the transmissivity rate of the soils, and provide detailed provisions for spill avoidance, containment, and clean-up. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. The proposal incorporates emergency spill response plans to ensure that spill avoidance, containment, and clean-up are adhered to in accordance with state and federal regulations.
- m) The TCC feels that the applicant should provide measures for decreasing post-development stormwater runoff and provide adequate erosion and sedimentation controls during construction. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. In addition, the contractor responsible for completion of the work is required to 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).
- n) DES should require the applicant to address the impact on existing stream banks from a greater volume of water channeled into these streams. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts to wetlands, streams and abutting properties as a result of stormwater runoff.
- o) DES should require the applicant to address impacts to all affected abutters. Pre and post-construction flow rates at known discharge points near the property boundaries are evaluated by the DES Site Specific Program to ensure that abutters are not adversely affected by the proposed project.
- p) TCC recommends a more detailed analysis of impacts to groundwater and wetlands, including recharge/discharge impacts, contamination issues, water withdrawal impacts, sediment/toxicant retention, nutrient removal, and flood flow alteration. The application and supporting materials demonstrate that the project will not significantly impair the existing wetlands, surface waters, and groundwater resources.
- q) DES should establish, as a condition of the permit, a noise limit to ensure the protection of remaining wetlands and wildlife resources, and should require the applicant to address noise impacts on nearby conservation lands and Natural Landmarks. DES Wetlands Bureau does not have the jurisdictional authority to issue noise conditions/restrictions on the wetlands permit. The noise study submitted by the applicant concluded that "the project would have a relatively benign effect on the existing acoustic environment".
- r) DES should carefully review and investigate the plans for stormwater management during and after construction. DES Site Specific Program are responsible for reviewing the alteration of terrain permit application which details post-development stormwater treatment and detention methods, as well as any potential impacts as a result of stormwater runoff. In addition, a pre-construction meeting and construction monitoring will be required by various DES permit conditions.

#### FINDINGS FOR APPROVAL:

- 16. This project is classified as a Major Project per NH Administrative Rule Wt 303.02(i), as impacts to intermittent streams are greater than 200 linear feet.
- 17. The need for the proposed impacts has been demonstrated by the applicant per NH Administrative Rule Wt 302.01.
- 18. 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 NH Administrative Rule Wt 302.03.

19. In accordance with NH Administrative Rules - Chapter Wt 800, the applicant is proposing to mitigate impacts by restoring 450 square feet (25 linear feet) of an on-site intermittent stream/wetland through the removal an existing logging road crossing, and by placing a conservation easement on 107 acres of undeveloped land in Sandwich, NH (within the Bearcamp River watershed) that is comprised of 53 acres of wetlands/streams and 54 acres of uplands.

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

21. On March 9, 2009, the applicant's agent requested a rule waiver of the 5 year permit duration per Rule Env-Wt 502.01 so that the permit could be extended for an additional 4 years.

22. DES finds that the request for rule waiver meets the Procedures of Rule Env-Wt 204.02, and the request also meets the Content and Format of Requests of Rule Env-Wt 204.03.

23. The waiver is being requested due to the project construction delays resulting from ongoing legal challenges made by the opposition group Focus:Tamworth.

24. After review of the waiver request, DES finds that the strict compliance with the rule will cause an operational or economic hardship to the applicant; therefore, DES approves the waiver of Rule Env-Wt 502.01, so that the permit can be extended by 4 years and will expire on July 29, 2013.

**2006-01168                      FREUDENBERG-NOK GENERAL PARTNERSHIP**  
**BRISTOL    Newfound River**

Requested Action:

Amend permit to match the plans as constructed due to changes in field conditions, and concerns related to long term stability of the site.

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APPROVE AMENDMENT:

Dredge 70680 square feet within the bed and banks of the Newfound River and associated flood plain wetlands for the removal of a dam and reconstruction of a naturalized river channel and rock ramp to meet grades.

With Conditions:

1. All work shall be in accordance with revised plans by The HL Turner Group dated July 25, 2008, and revised through January 30, 2009 as received by the Department on February 25, 2009.
2. All work shall be conducted during low flow conditions and in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. The required plantings shall only be installed within the growing season. Stream banks shall be restored to a stable condition upon completion of construction and shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a well vegetated bank is replicated in a manner satisfactory to the DES Wetlands Bureau.
4. By June 1 , 2009 the permittee or designee shall complete the embankment restoration and the rock finger consolidation in accordance with the November 21, 2008 site inspection.
5. The permittee or a designee shall conduct annual follow-up inspections for the first two growing seasons, to review the success and stability of the rock ramp design, monitor the success of the plantings and biostabilization measures implemented and schedule remedial actions if necessary. A report including photographs of the stationed monitoring locations and outlining any follow-up measures and a schedule for completing the remedial work shall be submitted to the DES Wetlands Bureau by December 1 of each year.

With Findings:

1. This approval is issued in accordance with the Court Settlement Agreement originally made February 19, 2008 as amended July 15, 2008.

**2008-02762                      LITTLETON REGIONAL HOSPITAL**  
**LITTLETON    Unnamed Wetland**

Requested Action:

Permanently impact a total of 23,733 square feet of wetlands for the relocation of Hilltop Road to accommodate expansion of the Littleton Hospital campus. Restore 10,800 square feet of filled wetland on-site.

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**APPROVE PERMIT:**

Permanently impact a total of 23,733 square feet of wetlands for the relocation of Hilltop Road to accommodate expansion of the Littleton Hospital campus. Restore 10,800 square feet of filled wetland on-site.

**With Conditions:**

1. All work shall be in accordance with plans by Horizons Engineering entitled: Medical Office Building Addition (Sheet 1,3-9 of 9) printed December 12, 2008 as received by DES Wetlands December 17, 2008; Medical Office Building Addition (Sheet 2 of 9) revised December 2008 as received by DES Wetlands March 18, 2009; Hilltop Road Relocation (Sheet 1-4 of 5) printed December 12, 2008 as received by DES Wetlands December 17, 2008; Hilltop Road Relocation (Sheet 5 of 5) revised March 2009 as received by DES Wetlands March 18, 2009.
2. This permit is contingent upon the restoration of 10,800 square feet of wetlands in accordance with plans by Headwaters Hydrology entitled: Wetland Restoration Grading and Planting Plan revised March 16, 2009 as received by DES Wetlands March 18, 2009.
3. This approval is contingent on approval by the DES Alteration of Terrain Bureau.
4. This approval is contingent on receipt by DES of a one time payment of \$32,505.59 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
5. The applicant shall notify in writing DES Wetlands Bureau and the Littleton Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
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.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Proper headwalls shall be constructed within seven days of culvert installation.
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. Silt fence(s) must be removed once the area is stabilized.
16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
17. 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.
18. Any future work for the geothermal wells will require registration (Geothermal System Registration for Industrial, Commercial and Institutional (ICI) Facilities) with the DES Drinking Water and Groundwater Bureau.

**RESTORATION CONDITIONS**

19. Wetland restoration areas shall be properly restored, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
20. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration

areas are restored in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

21. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restoration site.

22. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

23. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during restoration and during the early stages of vegetative establishment.

With Findings:

1. This is a Major Project per NH Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The proposed impacts are for the relocation of Hilltop Road to accommodate expansion of the Littleton Hospital campus.
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(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has reviewed on-site options for mitigation, and will restore 10,800 square feet of filled wetland on-site.
7. The restoration area will be completed immediately after road construction due to the need to maintain continual function of Hilltop Road.
8. The Department has determined that the additional 12,933 square feet that is not being mitigated via restoration, is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
9. The payment calculated for the proposed wetland loss equals \$32,505.59.
10. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
11. The payment shall be deposited in the DES ARM fund for the Connecticut-Johns River to Waits River watershed per RSA 482-A:29.
12. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the wetland resources, as identified under RSA 482-A:1.

**2009-00048                      BROWN REVOC TRUST, DONNA**  
**RYE Sagamore Creek**

Requested Action:

Reconstruct an existing 269 ft. long x 4 ft. wide timber pier on pilings including a 31 ft. x 8 ft. wide section to which is attached a 21 ft. hinged ramp landing on a 10 ft. x 30 ft. float with an added 4.5 ft. x 8 ft. section, having a length overall of 277 ft., as does the existing structure, on 140 linear feet of shoreline frontage on Sagamore Creek.

In addition, install 411 sq. ft. of stone armour underlain by filter fabric to provide needed shoreline stabilization.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission conducted a site walk and reported that they have no objections to the application.

Inspection Date: 01/19/2009 by Frank D Richardson

**APPROVE PERMIT:**

Reconstruct an existing 269 ft. long x 4 ft. wide timber pier on pilings including a 31 ft. x 8 ft. wide section to which is attached a 21 ft. hinged ramp landing on a 10 ft. x 30 ft. float with an added 4.5 ft. x 8 ft. section, having a length overall of 277 ft., as does the existing structure, on 140 linear feet of shoreline frontage on Sagamore Creek.

In addition, 411 sq. ft. of stone armour underlain by filter fabric will provide needed shoreline stabilization.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Planning & Permits dated 10/28/08, as received by DES on January 09, 2009.
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
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. Work shall be done during periods of low tide as practicable.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. 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.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a).
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)&(c)., Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 19, 2009. Field inspection determined the proposed replacement of this 35 year old structure is reasonable and will not result in any adverse environmental impact. The installation of stone rip-rap is necessary to protect against further shoreline erosion on this frontage.
6. The NOAA National Marine Fisheries Service has reviewed this application and finds it " Eligible as Proposed" for the NH State Programmatic General Permit.
7. The removal of several piling clusters and replacement by single pilings will reduce the overall footprint of this structure in tidal waters by 28 sq. ft.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2007-01389                      DALTON INVESTMENTS LLC**  
**SEABROOK    Shepherds Brook**

Requested Action:

Request name change from: Bruce & Cynthia Brown, 60 Centennial Street, Seabrook, NH 03878  
to: Dalton Investments, LLC, Attn: Michael Green  
11 Lafayette Road, North Hampton, NH 03862

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway with drainage structures and a storm water management system to service a 51-lot single family residential development on a 22 acre parcel of land of which 10.34 acres will be dedicated, in perpetuity, as conservation land.

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Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has been proactive during all phases of the review of this project proposal and especially regarding lessening impacts to the tidal buffer zone through supporting innovative storm water management design thereby protecting the integrity of the adjacent tidal wetlands.

Inspection Date: 03/28/2007 by Frank D Richardson

APPROVE AMENDMENT:

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway with drainage structures and a storm water management system to service a 51-lot single family residential development on a 22 acre parcel of land of which 10.34 acres will be dedicated, in perpetuity, as conservation land.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated April 19, 2007 & June 07, 2007 (last revised 12/15/08) and Conservation Easement Sheet (sht 9/34) dated Dec. 15, 2008 as well as revised Grading Plan (sht 12/34) dated April 18, 2007 (last revised 3/12/09), as received by DES on December 23, 2008 and March 13, 2009 respectively.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. The Environmental Monitoring Program and Inspection and Maintenance Plan for Beckman Woods prepared by West Environmental, Inc. in cooperation with Millennium Engineering, Inc. dated December 22, 2008 and received by the DES on March 03, 2009 is accepted by the DES to be implemented as submitted without exception.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Environmental Monitoring Program and Inspection and Maintenance Plan for Beckman Woods prepared by West Environmental, Inc. in cooperation with Millennium Engineering, Inc. dated December 22, 2008 and received by the DES on March 03, 2009 is accepted by the DES to be implemented as submitted without exception.
6. The above referenced monitoring, inspection and maintenance plan was developed in response to concerns expressed by the Federal Resource Agencies: NMFS, USEPA & USACOE. This plan, together with additional tidal buffer zone conservation easement areas provided by the permittee, satisfies those concerns.
7. DES Staff conducted a field inspection of the proposed project on March 28, 2007. Field inspection determined that the main concern about the development of this site is the protection of the tidal buffer zone and hence to keep development as far away as possible from the adjacent salt marsh. Innovative storm water management, reducing the space required for standard detention ponds will provide a better solution to preserving the integrity of the tidal wetlands.
8. The Seabrook Conservation Commission has been proactive during all phases of the review of this project proposal and especially regarding lessening impacts to the tidal buffer zone through supporting innovative storm water management design thereby protecting the integrity of the adjacent tidal wetlands.
9. This project does not require compensatory wetlands mitigation, however, 10.34 acres of this 22 acre parcel of land will be dedicated, in perpetuity, as conservation land.

Requested Action:

Request name change from: Bruce & Cynthia Brown,60 Centennial Street,Seabrook, NH 03878  
to: Dalton Investments, LLC, Attn: Michael Green  
11 Lafayette Road,North Hampton, NH 03862 per request received 3/11/09.

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APPROVE NAME CHANGE:

Approve name change to:  
Dalton Investments, LLC  
Attn: Michael Green  
11 Lafayette Road  
North Hampton, NH 03862

**2008-01706                    MARY HITCHCOCK MEMORIAL HOSPITAL  
LEBANON   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 8740 sq. ft of wetlands for access and parking for a proposed outpatient services facility identified as the "Upper Valley Medical Office Building".

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APPROVE PERMIT:

Dredge and fill 8740 sq. ft of wetlands for access and parking for a proposed outpatient services facility identified as the "Upper Valley Medical Office Building".

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated July 11, 2008, as received by DES on December 10, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. 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.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. 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.
15. 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 need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted application for a similar project that was denied by the department due to an untimely response.
6. On September 25, 2008, the department received comments from Lebanon Conservation Commission recommending approval of the proposed project with 4 conditions/comments.
7. The department provided the comments to the applicant in it's Request for More Information letter dated November 6, 2008.
8. On December 9, 2008, the applicant provided a response to the comments to the department and the Lebanon Conservation Commission.
9. The department has not received any further comments from the Lebanon Conservation Commission.
10. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the 20 ft. setback agreement requirement of Administrative Rule Env-Wt 304.04(a).
11. The applicant has provided supplemental information documenting that they have discussed the project with the person responsible ("abutter") for the adjacent property and that they have requested a written agreement.
12. The applicant has indicated that the abutter is willing to provide the written agreement but it has not been received.
13. The permit is conditioned that it does not convey a property right, nor authorize any injury to property of other, nor invasion of rights of others.
14. The department has not received any objections from the abutter or others regarding the proposed project.
15. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04(a).
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

**2008-02529**                      **SANDLER, DAVID & SUZANNE**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Construct a 6 ft x 39 ft permanent dock supported by two 6 ft x 6 ft cribs connected to an existing 6 ft x 39 ft permanent dock with a 6 ft x 10 ft "L" supported by three 6 ft x 6 ft cribs by a 6 ft x 12 ft permanent walkway, install a permanent boatlift in the center slip

with a 14 ft x 30 ft seasonal canopy on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com has several concerns

DENY PERMIT:

Construct a 6 ft x 39 ft permanent dock supported by two 6 ft x 6 ft cribs connected to an existing 6 ft x 39 ft permanent dock with a 6 ft x 10 ft "L" supported by three 6 ft x 6 ft cribs by a 6 ft x 12 ft permanent walkway, install a permanent boatlift in the center slip with a 14 ft x 30 ft seasonal canopy on Lake Winnepesaukee, Moultonborough.

With Findings:

Standards for Approval

1. This project is classified as a minor impact per Rule Env-Wt 303.03(d), "construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04."
2. In accordance with Env-Wt 402.06, Permanent Docks, an application for 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 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.
3. In accordance with Env-Wt 402.06 (e) and (h), Permanent Docks, all applications for permanent installations shall indicate that reasonable investigations have been undertaken to determine the impossibility of driving pilings before alternate construction methods shall be approved. After an applicant has demonstrated that pilings cannot be driven and that a seasonal structure cannot be maintained on the frontage, a crib dock shall be approved.
4. In accordance with Env-Wt 402.21 "Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."

Findings of Fact

5. On November 20, 2008, the Wetlands Bureau received an application for surface water impacts on the lot identified as Moultonborough tax map 249, lot 5, to construct a permanent dock supported by two 6 ft x 6 ft cribs connected to an existing permanent dock with an "L" supported by three 6 ft x 6 ft cribs by a permanent walkway, install a permanent, piling-supported, boatlift in the center slip and a seasonal canopy on Lake Winnepesaukee, in Moultonborough.
6. The Wetlands Bureau received comments on December 11, 2008 from the Moultonborough Conservation Commission. The Conservation Commission stated the dock was not located in an area that would normally be qualified for a permanent dock and recommended the application not be approved.
7. On January 12, 2009, the Wetland Bureau received comments dated December 31, 2008, from David Dolan Associates in response to the Moultonborough Conservation Commission comments. The response included a statement that the Wetlands Bureau approved a permanent dock in 1991 on this site and wind data indicating winds "sufficient to generate one-foot high waves" from 5 different occasions spanning 18 years.
8. On January 28, 2009, the Wetlands Bureau sent a Request for More Information letter requesting four items from the applicant.
9. Item number #1 in the Request for More Information letter stated the proposed dock did not meet the requirements of Env-Wt 402.06 and the modification of a non-conforming structure to a more non-conforming structure was not approvable and requested the applicant submit plans for a seasonal "U" shaped docking structure which meets the current criteria in the shoreline structures rules.
10. The applicant submitted a response to the Request for More Information letter dated February 23 2009. The response included a copy of the information submitted on January 12, 2009 and a plan of the same docking structure as originally proposed.

Rulings in Support of Denial

11. The site of proposed docking facility does not meet the fetch requirements of Env-Wt 402.06, Permanent Docks, and the Applicant has failed to submit data documenting the occurrence of wave activity on 4 occasions within the same boating season as required pursuant to Env-Wt 402.06, and therefore, the application for additional permanent docking is not approvable.
12. The proposed modifications on this frontage would reduce the total numbers of slips provided by 1 but the proposal to remove 184 sq ft of seasonal dock and construct 306 sq ft of permanent docking structure with a 420 sq ft seasonal canopy would increase the construction surface area over public submerged lands and, therefore, fails to meet the requirements of Env-Wt 402.21.
13. The Applicant's proposal to drive piling to support the boatlift indicates that the requirements of Env-Wt 402.06 (e) and (h) have not been met and, therefore, construction of new cribs at this location would not be approvable.

**2009-00158 NH DEPT OF TRANSPORTATION  
LEBANON Connecticut River**

**Requested Action:**

Request amendment to retain 2,411 sq. ft. of the temporary area as permanent impact in anticipation of the eventual replacement structure requiring scour protection.

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**Conservation Commission/Staff Comments:**

Conservation Comm. approves original application and requests to comment if amended.  
Conn. River Joint Commissions notes their strong support regarding the original application.

**APPROVE AMENDMENT:**

Construct a temporary bridge by installing a temporary causeway, two piers and a trestle impacting 13,251 sq. ft. (10,135 sq. ft. temporary) of riverine wetlands and banks. NHDOT project #14957A.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Environment dated 1/09, REVISED 3/18/2009 as received by the Department on Mar. 23, 2009.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau prior to any construction. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04 and shall be received prior to any construction.
4. All vegetation root systems shall remain in place where there are temporary impacts.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. 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.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
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; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. 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. Matting and pinning shall stabilize slopes steeper than 3:1.

15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.

17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

19. The impacts associated with the temporary work shall be restored as soon as practicable following construction.

20. Impacts to vegetation in the temporary impact areas are limited to cutting and shall not be dredged or filled.

21. The work trestle shall be a temporary bridge type structure and not a causeway in the river.

22. The temporary causeway shall be removed within two weeks of the temporary pier construction.

23. This permit is contingent on the approval of a NHDES Shoreland Protection permit.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of bank and channel.
2. The amendment is to include impacts expected to remain after a new bridge is constructed and the temporary bridge is removed.

**MINIMUM IMPACT PROJECT**

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**2007-00858                      ASHFORD, WILLIAM**  
**ALTON   Unnamed Stream**

Requested Action:

Install a 15-inch x 20 foot culvert within an intermittent stream in the same location as the preexisting failed stone culvert for access.

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APPROVE PERMIT:

Install a 15-inch x 20 foot culvert within an intermittent stream in the same location as the preexisting failed stone culvert for access.

With Conditions:

1. All work shall be in accordance with plans by William and Joanne Ashford dated February 29, 2008, as received by the Department on February 29, 2008.
2. 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.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All work shall be done from the top of the bank.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n); Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow;
2. There was a previously existing culvert at this location, this is simply a replacement of a failed culvert.
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.
6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the 20 foot setback as required by Env-Wt 304.04.
7. The previously existing culvert was within the 20 foot setback and the proposed driveway and the proposed culvert reaches no closer to the property line than the previously existing culvert.
8. The applicant has attempted to get written agreement from the abutter on several occasions.
9. The abutter in question was notified via certified mail and has not provided comment to the file.
10. It would be an economic hardship for the owner to not be able to replace the previously existing culvert.
11. The culvert has been properly sized and should not change the hydrology of the system.
12. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04(a).
13. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

**2008-02545 STRICKLAND, JAMES**  
**DALTON Unnamed Stream**

Requested Action:

Proposal to confirm emergency authorization request (issued 11/26/09) to repair and replace a failing wooded support and deck bridge over an approximately 5 ft. wide perennial stream. Proposed work consists of removing the existing bridge, stabilize banks and replacing bridge with a wider span steel beam and wooden deck bridge impacting approximately 30 linear feet of stream bank for stabilization.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization request (issued 11/26/09) to repair and replace a failing wooded support and deck bridge over an approximately 5 ft. wide perennial stream. Work consisted of removing the existing bridge, stabilize banks and replacing bridge with a wider span steel beam and wooden deck bridge impacting approximately 30 linear feet of stream bank for stabilization.

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.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. 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. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill

- to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
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 new bridge/repairs were needed immediately in order to provide safe access to the existing residence for emergency equipment and heating fuel deliveries.
  5. The new bridge appears to be a wider span, which required limited impacts to the stream banks.
  6. The bank stabilization appears to be in the "footprint" of the original bridge impacts and will further stabilize erosion impacts created by previous storm events.
  7. The bridge is a clear span bridge that maintains the natural stream bed.

**2009-00099                      DIXON, DOUGLAS**  
**MANCHESTER   Tributary To Merrimack River**

Requested Action:

Proposal to dredge and fill 296 sq. ft. (25 linear feet) of intermittent stream/drainage ditch for maintenance and safety concerns associated with the 6 foot deep drainage ditch that connects three closed drainage pipes.

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Conservation Commission/Staff Comments:

No comments were submitted from the Conservation Commission.

APPROVE PERMIT:

Dredge and fill 296 sq. ft. (25 linear feet) of intermittent stream/drainage ditch for maintenance and safety concerns associated with the existing 6 foot deep drainage ditch that connects three closed drainage pipes.

With Conditions:

1. All work shall be in accordance with plans by the City of Manchester Department of Highways Engineering Division, dated January 2009, as received by DES on January 21, 2009.
2. Work shall be done during low flow or no flow.
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. 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. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All 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.
9. 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.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the

department based on the degree of environmental impact.

2. The 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 impact area is a small drainage ditch area that connects flow from multiple drainage pipes. The new structure will connect these flows with a closed drainage pipe, manhole structures and a catch basin.
6. The applicant provided a letter of agreement and authorization to conduct the work from the landowner.
7. The existing ditch and headwalls are in disrepair and is a safety hazard.
8. Due to the slope and size of the area it provides little if any area to collect or detain stormwater runoff.
9. The new structure will alleviate safety concerns and provide a structure that the City can easily clean with a vacuum system.
10. The applicant provided comment from the New Hampshire Fish and Game Department, Nongame and Endangered Species Program suggesting that they did not expect impacts to the brook floater mussels or bald eagle because the scope of the project is limited and no large trees will be cut.
11. The applicant has obtained a Shoreland Protection Permit for the proposed work.

**FORESTRY NOTIFICATION**

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**2007-02739                      CHANDLER, RICHARD**  
**NORTHWOOD   Unnamed Stream Northwood Prime Wetland**

COMPLETE NOTIFICATION:  
Northwood Tax Map 114, Lot# 8

**2007-02740                      CHANDLER, RICHARD**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tx Map 204, Lot# 39

Requested Action:  
Disqualified Forestry Notification  
\*\*\*\*\*

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:  
Project located within a 100 feet of a Designated Prime Wetland - major project

**2009-00402                      BOLES, RALPH**  
**CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
canterbury Tax Map 210, Lot# 8

**2009-00509                      BURNE, RICHARD & MARQUERITE**  
**WENTWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wentworth Tax Map 4, Lot# 5-3

**EXPEDITED MINIMUM**

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**2006-03194                      CAREY, DAVID & ANNE**  
**SPRINGFIELD    Unnamed Wetland**

Requested Action:

Approve name change to: David & Anne Carey, 602 Burpee Hill Rd., New London, NH 03257 per request received 3/18/09.

Previous owner: James C. Lauderdale.

\*\*\*\*\*

APPROVE NAME CHANGE:

Dredge and fill 693 square feet of palustrine forested wetlands to install an 18-inch x 24-foot HDPE culvert for driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated November 16, 2006, as received by the Department on December 21, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Springfield Conservation Commission did not sign the expedited application and they felt the impact will be greater than necessary and that an alternate crossing with lesser impact is available.
4. The applicant's agent indicated a crossing area with less square feet of impact exists, but requires crossing a defined stream channel.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. 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.
7. 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.
8. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-01746                      ELDREDGE, ROBERT**  
**SANBORNVILLE   Lovell Lake**

Requested Action:

Remove a pre-existing 6 ft x 16 ft seasonal pier and replace it with a 6 ft x 30 ft seasonal pier on 150 ft of frontage on Lovell Lake, in Wakefield.

\*\*\*\*\*

APPROVE PERMIT:

Remove a pre-existing 6 ft x 16 ft seasonal pier and replace it with a 6 ft x 30 ft seasonal pier on 150 ft of frontage on Lovell Lake, in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Robert Eldredge as received by DES on August 25, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. All 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(a), Construction or modification of a seasonal pier or wharf if no more than 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00200                      ST GERMAIN, ADAM**  
**HOOKSETT   Unnamed Wetland**

Requested Action:

Dredge and fill 2943 square feet of palustrine forested wetland including installation of two embedded 20-ft x 38-in x 60-in culverts for access to a single family residence.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2943 square feet of palustrine forested wetland including installation of two embedded 20-ft x 38-in x 60-in culverts for access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental dated December 23, 2008, and revised through February 11, 2009, as received by the Department on March 5, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for this lot shall contain condition #3 of this approval.

5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. The permittee shall provide the NH Fish and Game Non-Game and Endangered Species Program or any successor program the opportunity to review any future changes or proposals to Map 20, Lot 1-23.
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. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
10. Dredged material not being used within the culverts shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a 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; and Administrative Rule Env-Wt 303.04(n); Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
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 proposed project was part of a subdivision approval 1998-01980, this previous permit limited impacts on this lot per conditions 3 and 4 of this approval.
6. The proposal at this time is for a lesser impacting alternative so DES Wetlands is granting this approval as the original impacts were greater and the permit expired prior to the crossing being installed.

**2009-00338                      SALEM, TOWN OF**  
**SALEM    Canobie Lake**

Requested Action:

Impact a total of 240 square feet of palustrine forested wetland to include 6 linear feet of shoreline on Canobie Lake for the improvement of the existing stormwater structures on West Duston Road, Lakeside Street, and, Community Street.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Salem Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 240 square feet of palustrine forested wetland to include 6 linear feet of shoreline on Canobie Lake for the improvement of the existing stormwater structures on West Duston Road, Lakeside Street, and, Community Street.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineering, Inc. dated December 2008, as received by DES on February 27, 2009.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final erosion control plans. Those plans shall detail temporary siltation/erosion/turbidity control measures to be implemented.
3. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. Any future work on these properties 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.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
6. This permit is contingent on the approval and conditions of the NPDES permit.
7. This permit is contingent on approval by the DES Waste Management Division.
8. Work shall be done during seasonal low flow conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
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. Culvert outlets shall be properly rip rapped.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
18. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The goal of this project is to provide enhanced protection to Canobie Lake, Town of Salem's drinking water supply. This project will extend existing sewers to these properties and discontinue private septic systems adjacent to the lake. Additionally, stormwater treatment units will be installed to provide improved street runoff treatment. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Currently, this community has antiquated stormwater infrastructure and private septic systems. Therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Town of Salem obtained authorization to impact private property of the affected abutters outside the right-of-way of Salem's streets.
6. A memo from the NH Natural Heritage Bureau ("NHB") dated December 30, 2008 identified three (3) vertebrate species within the vicinity of the project. More specifically, Banded Sunfish (*Enneacanthus obesus*), Swamp Darter (*Etheostoma fusiforme*), and the Common Loon (*Gavia immer*) were found within Canobie Lake.
7. DES finds that none of the aforementioned species in the NHB memo will be adversely impacted from this project. These species will benefit from the improved water quality from the improvements of the stormwater treatment and the connection of sewer lines to those properties with private septic systems.
8. This project is exempt from RSA 483-B, the Comprehensive Shoreland Protection Act, under rule Env-Wq 1406.02(2) and Env-Wq 1406.03(b)(1).

**2009-00339                      TURGEON, BRIAN**  
**SOMERSWORTH   Unnamed Wetland**

Requested Action:

Dredge and fill 529 sq. ft. of wetlands to extend an existing 24" driveway culvert an additional 20 linear feet to upgrade driveway to road width for subdivision road.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 529 sq. ft. of wetlands to extend an existing 24" driveway culvert an additional 20 linear feet to upgrade driveway to road width for subdivision road.

With Conditions:

1. All work shall be in accordance with plans by Civil Consultants dated 12/2/2008, as received by DES on 2/27/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Work shall be done during low flow.
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Additional width is necessary to upgrade the driveway to road width.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Heritage Bureau.
5. The Somersworth Conservation Commission signed the expedited application.

**2009-00422                      NH DEPT OF TRANSPORTATION**  
**LEMPSTER   Tributary To Dodge Brook**

Requested Action:

Remove and replace the top of a 4 ft. x 8 ft. x 36 ft. concrete box culvert temporarily impacting 96 sq. ft. of stream.

\*\*\*\*\*

APPROVE PERMIT:

Remove and replace the top of a 4 ft. x 8 ft. x 36 ft. concrete box culvert temporarily impacting 96 sq. ft. of stream (NHDOT project #M215-18).

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated 2/24/09 as received by the Department March 13, 2009.
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. Work shall be done during low flow.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
13. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
14. No fill shall take place in Atlantic white cedar swamps.

**2009-00461 NEW HAMPSHIRE ELECTRIC COOPERATIVE  
GILFORD Lake Winnepesaukee**

Requested Action:

Temporary impacts associated for maintenance and repair of existing utility lines.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on 03/17/09

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af).

**GOLD DREDGE**

\*\*\*\*\*

**2009-00471                   HAMMOND, JOSHUA**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2009-00494                   WEBSTER, CHARLES**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00496                   KUPSTAS, RICHARD**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00499                   MILLER, EUNICE**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00501                   LESSARD, RONALD**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00512                   POULIN, ROGER**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2006-00718                   MESNA/ MUSSON, INGER J & KEITH**  
**MADISON Pea Porridge Ponds**

COMPLETE NOTIFICATION:  
Madison Tax Map 205, Lot# 8 Big Pea Porridge Pond

**2009-00489**                    **TIGHE, CYNTHIA**  
**WINDHAM** Cobbett's Pond

COMPLETE NOTIFICATION:  
Windham, NH Tax Map 24B Lot 17-J-142  
Cobbetts Pond

**2009-00490**                    **BOLLN, NANCY & GEORGE**  
**HEBRON** Newfound Lake

COMPLETE NOTIFICATION:  
Hebron, NH Tax Map 18A Lot 14  
Newfound Lake

**2009-00515**                    **KLUMB, BARBARA & DAVID**  
**WEBSTER** Pillsbury Lake

COMPLETE NOTIFICATION:  
Webster, NH Tax Map 10 Lot 2  
Pillsbury Lake

**PERMIT BY NOTIFICATION**

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**2009-00412**                    **FLUCKIGER, MARCEL/SILVIE**  
**BROOKFIELD** Unnamed Stream

Requested Action:  
Dredge and fill 93 square feet of wetlands to install a 24" x 20' culvert for a driveway crossing to a single family lot.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Conservation Commission signed the PBN.

PBN IS COMPLETE:  
Dredge and fill 93 square feet of wetlands to install a 24" x 20' culvert for a driveway crossing to a single family lot.

**2009-00413**                    **FLUCKIGER, MARCEL/SILVIE**  
**BROOKFIELD** Unnamed Stream

Requested Action:

Dredge and fill 87 square feet of wetlands to install a 24" x 20' culvert for a driveway crossing for a single family house lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission signed PBN.

PBN IS COMPLETE:

Dredge and fill 87 square feet of wetlands to install a 24" x 20' culvert for a driveway crossing for a single family house lot.

**2009-00469                      NEW ENGLAND POWER COMPANY  
HUDSON   Unnamed Wetland**

Requested Action:

Temporarily impact 3,784 square feet of wetland by laying down timber mats for access to perform upgrades to the existing utility line.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hudson Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 3,784 square feet of wetland by laying down timber mats for access to perform upgrades to the existing utility line.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
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.

**2009-00505                      GIBB, MATTHEW & GLENETT  
ALTON   Lake Winnepesaukee**

Requested Action:

Install a concrete pad for a seasonal dock.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form on 03/23/09

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ab), construction of an anchoring pad for a seasonal dock.

**CSPA PERMIT**

\*\*\*\*\*

**2008-02761                      LATULIPPE, MICHAEL**  
**ASHLAND   Little Squam Lake**

Requested Action:

Impact 415 sq ft for the purpose of temporary impacts associated with the installation of stormwater runoff controls.

\*\*\*\*\*

APPROVE PERMIT:

Impact 415 sq ft for the purpose of temporary impacts associated with the installation of stormwater runoff controls.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc dated February 10, 2009 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. All proposed impacts to wetlands will require a Wetlands permit under RSA 482-A.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the completion of the proposed project unless otherwise permitted under RSA 482-A.
4. All temporary impacts associated this project shall be replanted with native vegetation upon the completion of the project.
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. 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.

**2009-00260                      GLOVER, WILLIAM**  
**CONWAY   Dollof Pond**

Requested Action:

Impact 1690 sq ft for the purpose of constructing the entrance of an access road to a proposed subdivision.

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APPROVE PERMIT:

Impact 1690 sq ft for the purpose of constructing the entrance of an access road to a proposed subdivision.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering LLC dated December 2008 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any wetlands impacts associated with the completion of the proposed project will require a Wetlands Permit under RSA 482-A
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. No more than 1.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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.

**2009-00261                      STEVENS, MARK/ROSE**  
**WEBSTER   Warner River**

Requested Action:

Impact 1680 sq ft for the purpose of constructing a single family dwelling partially within the protected shoreland.

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APPROVE PERMIT:

Impact 1680 sq ft for the purpose of constructing a single family dwelling partially within the protected shoreland.

With Conditions:

1. All work shall be in accordance with plans by BAG Land Consultants dated February 4, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any wetland impacts will require a Wetlands permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. No more than 2.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 31,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 15,600 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).
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00275                      HANNON, RICHARD**  
**WINDHAM   Canobie Lake**

Requested Action:

Impact 8,646 sq ft for the purpose of constructing a single family dwelling with driveway, installing a septic system and removing an existing garage, shed and tennis court.

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APPROVE PERMIT:

Impact 8,646 sq ft for the purpose of constructing a single family dwelling with driveway, installing a septic system and removing an existing garage, shed and tennis court.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Associates Inc. dated March 11, 2009 and received by the Department of Environmental Services ("DES") on March 12, 2009.
2. This permit is contingent on approval of a Voluntary Lot Merger by the Town of Windham Planning Board.
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 impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 25.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00366 BELLETTE, DANA  
BELMONT Lake Wiinsquam**

Requested Action:

Impact 4,900 sq ft for the purpose of excavating and regrading the waterfront buffer, restoring a beach and pathway, restoring a retaining wall, repairing an existing seasonal dock platform, and replacing an existing deck with a larger wrap around deck.

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DENY PERMIT:

Impact 4,900 sq ft for the purpose of excavating and regrading the waterfront buffer, restoring a beach and pathway, restoring a retaining wall, repairing an existing seasonal dock platform, and replacing an existing deck with a larger wrap around deck.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:9, V(a)(2)(C) no permit shall be granted for projects proposing the removal of natural ground cover except as necessary for a foot path to the water as provided under RSA-B:9, V(a)(2)(D)(vii), cutting those portions that have grown over 3 feet in height for the purpose of providing a view, or as specifically approved by the department, pursuant to RSA 482-A or

483-B:11,II.

2. In accordance with RSA 483-B:3, I, Consistency Required, "All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
3. Pursuant to Rule Env-Wq 1405.05, Slope Limitation for Accessory Structures, no accessory structure shall be built on or into land having greater than 25% slope.
4. Pursuant to 483-B:6, I,(b) Other Required Permits and Approvals, "Within the protected shoreland, any person intending to construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."

Findings of Fact

1. On March 4, 2009 the DES Wetlands Bureau received an application requesting to impact 4,900 sq ft of protected shoreland on the applicant's lot identified as Belmont tax map 111 lot 52. The application proposed to excavate and regrade the natural slope throughout the center portion of the waterfront buffer in order to terrace the frontage.
2. The materials submitted with the application state that the project would restore a beach and pathway within the water front buffer.
3. The photographic evidence submitted with the application fails to support the claim that the property has, or has ever had, an existing beach.
4. The photographic evidence submitted with the application indicates that the project will impact slopes steeper than 25%.
5. The terracing of the frontage would result in the removal of all natural ground cover in the impacted areas.
6. The plans also indicate the repair of an existing seasonal dock platform.
7. The photographic evidence submitted with the application indicates that the beach and dock impacts will occur within the bank of Lake Winnisquam and will require a permit under RSA 482-A.
8. The repair of the docking facility will not require a permit under RSA 483-B once a permit is issued under RSA 482-A

Rulings in Support of the Decision

1. The project as proposed would impact slopes steeper than 25% and, therefore, is prohibited by Rule Env-Wq 1405.05.
2. Issuance of a permit that would remove 4,900 sq ft of natural ground cover specifically protected under RSA 483-B:9, V(a)(2)(C), would not be consistent with the intent and purposes of the Act and, therefore, the issuance of a permit for the requested activities is prohibited by RSA 483-B:3, I.

**2009-00393                      MCCREE, DONALD**  
**SUNAPEE    Lake Sunapee**

Requested Action:

Impact 3,868 sq ft for the purpose of improving stormwater runoff management to include: upgrading a culvert drainage system, installing a catch basin, a infiltration well, a bio-infiltration area, extending an existing stone retention wall and constructing a hot tub/grill area.

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APPROVE PERMIT:

Impact 3,868 sq ft for the purpose of improving stormwater runoff management to include: upgrading a culvert drainage system, installing a catch basin, a infiltration well, a bio-infiltration area, extending an existing stone retention wall and constructing a hot tub/grill area.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 2009 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or 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 26% 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 3,726 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,726 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.

**2009-00397                      117 KEEWAYDIN REALTY TRUST**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Impact 633 sq ft for the purpose of converting 233 sq ft of driveway to a vegetative buffer and constructing a 400 sq ft gravel parking area.

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APPROVE PERMIT:

Impact 633 sq ft for the purpose of converting 233 sq ft of driveway to a vegetative buffer and constructing a 400 sq ft gravel parking area.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated January 16,2009 and received by the Department of Environmental Services ("DES") on March 10, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or 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 20.0% 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 5,265 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,468 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.

**2009-00408 ANTRIM, TOWN OF  
ANTRIM Grant Brook**

Requested Action:

Impact 15,500 sq ft for the purpose of replacing the existing Water Street Bridge over Great Brook with a new pre-cast open bottom bridge structure with wing-walls and resurfacing the existing road.

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APPROVE PERMIT:

Impact 15,500 sq ft for the purpose of replacing the existing Water Street Bridge over Great Brook with a new pre-cast open bottom bridge structure with wing-walls and resurfacing the existing road.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants LLC dated March 4, 2009 and received by the Department of Environmental Services ("DES") on March 11, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or 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. 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.
8. 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.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/WAIVER**

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**2008-02759 DORNER AND FEDUS, LYDIA & VLADIMIR  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 4000 sq ft for the purpose of constructing a deck and an addition to an existing non-conforming dwelling and installing a state approved septic system.

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APPROVE PERMIT:

Impact 4000 sq ft for the purpose of constructing a deck and an addition to an existing non-conforming dwelling and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated October 9, 2008 and received by the Department of Environmental Services ("DES") on March 9, 2009.
2. This permit is contingent on the installation of a septic system approved by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or 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 12.47% 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 10,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,090 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.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, 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 an overall increase in impervious surface by 484 sq ft.
4. The Applicant has proposed to install a state approved septic system, install infiltration trenches under driplines of the existing and proposed structures, remove 28 sq ft of stairs from the waterfront buffer, construct a berm to direct stormwater to naturally vegetated areas and enhance the vegetation within the waterfront buffer with additional plantings, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.