

Wetlands Bureau Decision Report

Decisions Taken
06/22/2009 to 06/28/2009

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

2008-02822 OSS�PEE BLUFFS ASSOCIATION
OSS�PEE Ossipee Lake & Lovell River

Requested Action:

Applicant requests reconsideration of the Departments decision to deny approximately 119 feet of rip rap and approximately 135 feet of coir logs within Ossipee Lake, in Ossipee

Conservation Commission/Staff Comments:
No Con Com comments by 03/13/09

DENY RECONSIDERATION:

Reconsider and deny the applicants request to install approximately 119 feet of rip rap and approximately 135 feet of coir logs within Ossipee Lake, in Ossipee.

With Findings:

Grounds for Reconsideration

1. The applicant acknowledges the proposed work is located below or on elevation 410 on Ossipee Lake.
2. The applicant did not submit any new information to the with regards to the location of the proposed project and ownership of the land on which the proposed project is located.

Findings of Fact

3. In accordance with RSA 482-A:10,II, "The request for reconsideration shall describe in detail each ground for the request for reconsideration.
4. In accordance with RSA 482-A:10, Appeals, the "department shall receive and consider any new and additional evidence presented."
5. The applicant submitted a request for reconsideration of the Departments decision to deny the application on April 15, 2009.
6. The state retains ownership of all land below elevation 410 as part of Ossipee Lake.
7. The State of New Hampshire retains ownership to elevation 410 on Ossipee lake.
8. The plan submitted on December 31, 2008 in support of the application indicates rip rap and coir logs will be constructed below elevation 410.
9. The proposal appears to be the construction of rip rap and coir logs on lands owned by the State of New Hampshire.
10. The Applicant does not retain ownership of the property where the proposed work is to be installed.

Rulings in Support of Denial

11. The Applicant is proposing to install rip rap and coir logs on land the Applicant does not own. Therefore, in accordance with RSA 482-A:11 and Env-Wt 402.18, the project is denied.

2009-00595 SALEM, TOWN OF
SALEM 100' Buffer Of A Prime Wetland

Requested Action:

Impact a total of 200 sq. ft. of wetlands at two (2) previously developed municipal roadway locations for construction work associated with two (2) culvert replacements and routine roadway maintenance, totaling 4,650 sq. ft. in uplands, adjacent to (within 100 feet of) a designated prime wetland.

Conservation Commission/Staff Comments:

The Salem Conservation Commission recommended approval of the application.

APPROVE PERMIT:

Impact a total of 200 sq. ft. of wetlands at two (2) previously developed municipal roadway locations for construction work associated with two (2) culvert replacements and routine roadway maintenance, totaling 4,650 sq. ft. in uplands, adjacent to (within 100 feet of) a designated prime wetland.

With Conditions:

1. All work shall be in accordance with plans by Town of Salem/Robert E. Puff,Jr.,PE dated Mar 2009, as received by DES on April 06, 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/or further permitting by the Bureau.
3. NH DES Wetland 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 remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to prime wetlands designated under RSA 482-A:15
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Wetlands Bureau conducted a prime wetlands public hearing on this application on May 20, 2009.

MINOR IMPACT PROJECT

**2006-00272 GIOVINELLI, STEVEN & LISA
DEERFIELD Unnamed Wetland Hartford Brook**

Requested Action:

Request to change culvert design from a 36" x 60" x 29' open bottom box culvert, to an over-sized 5' diameter round or squash culvert with a buried and naturalized bottom.

Conservation Commission/Staff Comments:

Conservation Commission did not report.

APPROVE AMENDMENT:

Dredge and fill a total of 5,851 square feet of wetlands to construct two driveway crossings to access a single family house lot, including: 3,015 square feet of impact to install a 24" x 39' culvert in a wet meadow; and 2,836 square feet of impact to install an over-sized 5' diameter round or squash culvert with a buried and naturalized bottom to cross a perennial stream.

With Conditions:

1. AMENDED: All work shall be in accordance with revised plans by RSL Layout and Design, Inc. dated 3/14/2006, as received by DES on 3/15/2006, per detail of headwall slope stabilization dated 8/25/2008, received by DES on 8/25/2008; and per redesign of stream crossing dated 3/30/2009, as received by DES on 4/28/2009.
- 1a. AMENDED: The bottom medium of the redesigned culvert shall consist of natural stone and gravel material of varying size, not straight rip rap, pursuant to the recommendations of NH Fish and Game Department.
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. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
5. 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).
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. Silt fencing must be removed once the area is stabilized.
9. 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.
10. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. 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.
12. 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.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. 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.
16. 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.
17. 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.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. 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).
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
21. Work shall be done during low flow.

With Findings:

1. The applicant coordinated with NH Fish and Game Department in revising the culvert design, and incorporated NHFG's comments as to naturalizing the buried culvert bottom to facilitate aquatic species passage. The new design also increases stream flow capacity.
2. Based on finding no. 1 above, the revised design represents a reasonable alternative to the previous culvert design.

Requested Action:

Amend permit to modify the ramp to change the slope of the existing boat ramp from 15% to 12%.

Conservation Commission/Staff Comments:

11/17/06 Con Comm report received 11/20/06 -np

APPROVE AMENDMENT:

Remove an existing 20 ft x 50 ft asphalt boat ramp and construct a 12 ft x 60 ft concrete boat ramp in the same location on Manning Lake, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike LLC dated November 25, 2002, revision date August 20, 2008, as received by DES on June 08, 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. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Manning Lake.
5. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
6. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
7. The boat ramp shall be utilized indefinitely as a public access to Manning Lake and shall not change in use.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in nontidal surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00188 JWM GENERATIONS TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

Deny amendment request to add 102.5 sq ft of impact to the proposed boathouse foundation increasing the footprint from 899 sq ft to 1001.5 sq ft of impact and construct a 6 ft x 26 ft seasonal dock attached to a 6 ft x 4 ft permanent dock section on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

No Con Com comments by 04/11/08

DENY AMENDMENT:

Deny amendment request to add 102.5 sq ft of impact to the proposed boathouse foundation increasing the footprint from 899 sq ft to 1001.5 sq ft of impact and construct a 6 ft x 26 ft seasonal dock attached to a 6 ft x 4 ft permanent dock section on Lake Winnepesaukee, Tuftonboro.

With Findings:
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
3. Rule Env-Wt 302.04(d) states that the Department shall not grant a permit if "(1) [t]here is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction."
4. Pursuant to Rule Env-Wt 302.01 "for nontidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands."
5. In accordance with Env-Wq 1405.03, (b) Accessory structures shall: "(1) Not exceed 12 feet in height; or (2) Not exceed 20 feet in height if authorized by a permit under RSA 482-A, but located on the land rather than over public water, such as a dug-in boathouse.
(c) Subject to (d) and (e), below, accessory structures shall be:
(1) No larger than 1.5 square feet per linear foot of shoreline; or (2) No larger than 900 square feet per structure if authorized by a permit under RSA 482-A but located on the land rather than over the public water, such as a beach or a dug-in boathouse."
6. In accordance with Rule Env-Wq 1405.03, Accessory structures shall: "(a) Not exceed 20 feet in height; (b) Have a footprint no larger than 150 square feet."
7. In accordance with Rule Env-Wq 1405.04, Setback for Accessory Structures, "all accessory structures built after November 26, 1996, shall be set back at least 20 feet from the reference line."

Findings of Fact

8. On September 05, 2008, the Wetlands Bureau issued a permit to excavate 899 sq ft of bank and dredge 15 cubic yards from 269 sq ft of lake bed to construct a 29 ft x 31 ft dug in boathouse and install a 6 ft x 30 ft seasonal dock on an average of 185 ft of frontage on Lake Winnepesaukee, in Tuftonboro.
9. On April 09, 2009, the Wetlands Bureau received an request to amend the permit to add 102.5 sq ft of impact to the proposed boathouse foundation increasing the footprint from 899 sq ft to 1001.5 sq ft of impact and construct a 6 ft x 26 ft seasonal dock attached to a 6 ft x 4 ft permanent dock section on Lake Winnepesaukee, Tuftonboro.
10. The plan submitted in support of the amendment request indicates a boat house foundation of 1001.5 sq ft. This proposal increases the footprint of the proposed boat house from 899 sq ft to 1001.5 sq ft.
11. The plan submitted with the amendment request is labeled "foundation plan", clearly indicating this is an increase in the footprint of the boat house from 899 sq ft to 1001.5 sq ft.

Rulings in Support of Denial

12. The proposed amendment exceeds the requirements of Env-Wq 1405.03, therefore the amendment is denied.
13. The original approval for bank stabilization is less impacting than the proposed amendment request, therefore pursuant to Env-Wt 302.04, the amendment request is denied.

2008-00233
EXETER

EXETER REGION COOPERATIVE SCHOOL DISTRICT

Requested Action:
Request for Reconsideration from abutter of permit issued by DES.

Conservation Commission/Staff Comments:

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

Inspection Date: 10/24/2008 by Frank D Richardson

DENY RECONSIDERATION:

Reaffirm reconsideration with findings and rulings

With Findings:

Grounds for Reconsideration:

1. The appellant alleges that "the applicant has not demonstrated 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. This request is based on new evidence obtained by field observation on July 24, 2008 and on subsequent new analysis that validates concern over the potential impacts of the proposed project."
2. The appellant states "In particular, PEA has expressed the opinion that the project should provide for additional stormwater storage in order to mitigate the effects of a project that includes the introduction of major fill and additional impervious surface in an area already proven to be subject to significant flooding concerns."
3. "A field observation of storm water behavior during the recent storm event on July 24, 2008 (less than a 2 year rainfall event) led PEA to a renewed concern over the project parameters. In order to scrutinize the project more deeply, PEA retained Altus Engineering (Altus) to perform additional analysis, with the intent of determining whether a Request for Reconsideration could be validated."
4. Abutter, Phillips Exeter Academy (PEA) has the following concerns:
 - a. It appears that the stormwater flows from upstream runoff are significantly understated in the modeling efforts provided by the applicant.
 - b. The pre-development situation provides for some stormwater storage in the area of proposed significant fill (approximately 4 feet). It appears that applicant's drainage analysis did not include the loss of this storage volume for post-development conditions.
 - c. The proposed design includes the replacement of a catch basin on PEA property with an additional connection to primary drainage line. The proposed construction of the parking area will significantly change the hydraulics of the area serviced by this catch basin, but these impacts have not been included in the modeling.
 - d. Adequate stormwater treatment requirements for asphalt surface runoff do not appear to have been included in the project.

Findings of Fact

1. After receipt of the motion for reconsideration from abutter, Phillips Exeter Academy, DES requested the drainage report and additional engineering modeling and analysis by DES and by Exeter School District's engineer, Appledore Engineering (AEI).
2. On May 29, 2009 DES received a follow up comments to questions raised by DES Alteration Terrain Program Engineer - Ridgely Mauck.
3. AEI provided new drainage calculations and modeling based on a simplified outlet structure. These new calculations do not show a significant change from the drainage report prepared by AEI dated February 5, 2008.
4. Additional support was provided for the basis for presuming that the 300 feet sheet flow conditions in the hydrologic analysis.
5. A discrepancy in the calculations regarding the increase in 2 acres in hydrologic group A soils in the post-development condition was addressed.
6. An explanation as to why existing catch basin CB-4109 modeling was provided.
7. Grading plan detail referring to DMN-7834 has provided for DES review.
8. The additional wetland volume and control by CV-3364 has been modeled in the drainage calculations and does not show a significant change from the AEI drainage report dated February 5, 2008.
9. DES engineer Ridgely Mauck has reviewed the new engineering information and is satisfied that the project has been adequately designed to address floodwater issues and that there is no increase in flooding onto the abutter's property as a result of this project.
10. RSA 482-A:11, II provides that no permit shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
11. Env Wt 303.04(a)(14) requires an applicant to consider the potential of a proposed project to cause or increase flooding, erosion, or sedimentation.
12. Env Wt 303.04(13) requires an applicant to consider the impact of a proposed project on quality or quantity of surface and groundwater.

Ruling of Law:

1. The DES wetlands permit does not cause an increase in flooding on the abutting owners.
2. The DES wetlands permit does not infringe or unreasonably affect the value or enjoyment of the property of the abutters.

2008-00948 NICODEMUS, CHRIS
FRANCONIA Unnamed Wetland

Requested Action:

Proposal to dredge 980 sq. ft. of wet meadow wetlands (lawn) for creation of a wildlife pond and restoration of historically impacted wetlands.

APPROVE PERMIT:

Dredge 980 sq. ft. of wet meadow wetlands (lawn) for creation of a wildlife pond and restoration of historically impacted wetlands.

With Conditions:

1. All work shall be in accordance with plans and narratives by Christopher Nicodemus dated May 29, 2009, as received by DES on June 1, 2009.
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. Work shall be done during low flow.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Within three days of final grading or temporary suspension of work, 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. A post-construction report documenting the status of the project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
9. 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.
10. 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(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
3. The proposed impact area is a historically impacted wetland that currently consists of a reed canary grass dominated lawn area.
4. The proposed pond is adjacent to an unnamed perennial stream, however, there will be no connection from the pond area to the stream and an approximately 20 ft. to 30 ft. buffer will maintained.
5. The pond will include an area of open water and emergent wetlands.
6. The proposal includes planting of shrubs in the existing lawn area between the pond and the stream and allowing for a section of lawn between the stream and pond to revert back to natural wet meadow.
7. The project would have qualified as minimum impact project, however, the proposed pond area includes some areas of very poorly drained soils.
8. The New Hampshire Fish and Game Department did not submit comments.

2009-00082 LANCASTER, TOWN OF
LANCASTER Bunnell Brook

Requested Action:

Propose to permanently impact 3180 sq. ft. in two impact areas: (1) Permanently impact 2840 sq. ft. of the bed of Bunnell Brook, a perennial stream, for the installation of a water main and to rip-rap 105 linear feet of stream channel; (2) Permanently impact 340 sq. ft. of the bed and bank of Bunnell Brook to protect an existing bridge with rip-rap.

APPROVE PERMIT:

Temporarily impact 1440 sq. ft. of the bed and banks of Bunnell Brook, a perennial stream, for the installation of a water main; permanently impact 60 sq. ft. of the bank of Bunnell Brook to protect an existing bridge with rip-rap. There will be approximately 60 linear feet of temporary impacts to the stream bed and bank and 12 linear feet of permanent impacts to the stream bank.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering entitled Bunnell Brook Water Main Replacement- Site "A" (sheet 1 of 2) and Bunnell Brook Bank Stabilization-Site "B" (sheet 2 of 2) dated June 2009, as received by the Department on June 10, 2009.
2. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00082 prior to construction.
3. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
4. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
7. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
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 equipment shall work from adjacent banks or uplands and shall not enter flowing water.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Native material removed from the streambed during water main installation, shall be stockpiled separately and used to restore the natural channel bottom.
18. Area of temporary impact shall be regraded to original contours following completion of work.
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. 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).
21. 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.
22. 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.

23. 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.
24. 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.
25. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
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. Part of this application is a follow-up to Emergency Authorization 2008-02609.
6. Emergency Authorization 2008-02609 authorized stabilizing the water supply line and temporarily covering the existing pipe with a 1 foot thick layer of washed erosion control stone.
7. The current project will protect the town of Lancaster's water distribution system by installing an additional water main.
8. Project revisions reduced the impacts from 3180 sq. ft. of permanent impacts to 60 sq. ft. of permanent impacts and 1440 sq. ft. of temporary impacts.
9. Project revisions removed all of the proposed rip-rap from the stream bed.
10. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau or the Lancaster Conservation Commission.

2009-00317 LOWER BARTLETT WATER PRECINCT
BARTLETT Unnamed Wetland Ellis River

Requested Action:

Propose to temporarily impact 10030 sq. ft. of the bed and banks of a perennial stream, Ellis River, and two intermittent streams for the installation of a water main. Rip-rap approximately 95 linear feet of stream banks. There will be approximately 95 linear feet of temporary impacts to the stream beds.

APPROVE PERMIT:

Temporarily impact 10030 sq. ft. of the bed and banks of a perennial stream, Ellis River, and two intermittent streams for the installation of a water main. There will be approximately 95 linear feet of temporary impacts to the stream beds and 95 linear feet of temporary impacts to the stream banks.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering entitled Lower Bartlett Water Precinct Contract #3 Water Main Extension (sheets 5 and 8 of 13) revised June 01, 2009, as received by the Department on June 08, 2009.
2. The Lower Bartlett Water Precinct shall obtain easements from affected landowners and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00317 prior to construction.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff

treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

4. 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.
5. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
9. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the 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; 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. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Native material removed from the streambed during water main installation, shall be stockpiled separately and used to restore the natural channel bottom.
20. Area of temporary impact shall be restored to existing conditions following completion of work.
21. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
22. 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).
23. 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.
24. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
26. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
27. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03(1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.

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 project will provide safe drinking water to the Partridge Woods Development which is under EPA and NHDES Administrative Order to replace its current water supply due to excessive uranium.
6. Project revisions removed the proposal to rip-rap new areas of the banks of the Ellis River. Rip-rap will be replaced in areas were it currently exists.
7. All impact areas will be restored to existing conditions.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau or the Bartlett Conservation Commission.

2009-00418 KIMBALL, ADAM & PAMELA
WASHINGTON Millen Lake

Requested Action:

Install a 5 ft 3 in x 20 ft seasonal dock on a frontage with an existing 5 ft x 30 ft seasonal dock Millen Lake, Washington.

Conservation Commission/Staff Comments:

Con Com submitted comments about possible impacts to loons.

APPROVE PERMIT:

Install a 5 ft 3 in x 20 ft seasonal dock on a frontage with an existing 5 ft x 30 ft seasonal dock Millen Lake, Washington.

With Conditions:

1. All work shall be in accordance with plans as received by DES on March 13, 2009.
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 permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. 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.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 20 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The applicant has an average of 400 feet of shoreline frontage along Millen Lake.
3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00526 HUDSON, TOWN OF
HUDSON Tributary To Merrimack River

Requested Action:

Impact a total of 3,696 sq. ft. within the embankments and flow channel of Second Brook to replace the existing deteriorated wall with a rip-rap fill slope, designed as a dam, to stabilize the embankment supporting the carriage of Pelham Road over Second Brook.

Conservation Commission/Staff Comments:

No report or comments received from the Hudson Conservation Commission regarding this application.

APPROVE PERMIT:

Impact a total of 3,696 sq. ft. within the embankments and flow channel of Second Brook to replace the existing deteriorated wall with a rip-rap fill slope, designed as a dam, to stabilize the embankment supporting the carriage of Pelham Road over Second Brook.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated 03/09, as received by DES on March 20, 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/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Dam Safety Program.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. 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.
10. Temporary cofferdams shall be entirely removed immediately following construction.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
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(c), projects that involve dredge, fill or construction of a permanent structure in a stream or marsh that do not meet the criteria of Env-Wt 303.02.
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.

**2009-00586 UNITY, TOWN OF
UNITY Unnamed Wetland**

Requested Action:

Dredge and fill 8,955 sq. ft. of palustrine forested and scrub-shrub wetlands for closure of the Unity Landfill.

APPROVE PERMIT:

Dredge and fill 8,955 sq. ft. of palustrine forested and scrub-shrub wetlands for closure of the Unity Landfill.

With Conditions:

1. All work shall be in accordance with plans by Consulting Engineers, Inc. dated December 2008, and revised through June 2009, as received by the Department on June 12, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Waste Management Division.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.

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.
2. The applicant has obtained an easement and written permission for work on and within 20 feet of abutting parcel tax map/lot no. 7/820.
3. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00636 CHESTER, TOWN OF
CHESTER Wason Pond

Requested Action:

Impact a total of 5,249 sq. ft. (3,233 sq. ft. permanent & 2,016 sq. ft. temporary) within wetlands jurisdiction for work associated with the repairs and reconstruction of the Wason Pond Dam.

Conservation Commission/Staff Comments:

No report or comments were received from the Chester Conservation Commission regarding this application.

APPROVE PERMIT:

Impact a total of 5,249 sq. ft. (3,233 sq. ft. permanent & 2,016 sq. ft. temporary) within wetlands jurisdiction for work associated with the repairs and reconstruction of the Wason Pond Dam.

With Conditions:

1. All work shall be in accordance with plans by DuBois & King, Inc. dated May 2009, as received by DES on May 21, 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/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Dam Safety Program.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during drawdown.
7. Work shall be done during low flow.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
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(c), projects that involve dredge, fill or construction of a permanent structure in a stream or marsh that do not meet the criteria if Env-Wt 303.02.
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.

2009-00654 INMAN, ERNEST & BETTE
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 4 ft by 40 ft seasonal dock and stairs in the bank and install two 6 ft x 42 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, attached to two 6 ft x 5 ft granite steps in the bank, and a 14 ft x 30 ft seasonal canopy over the center slip on an average of 150 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing 4 ft by 40 ft seasonal dock and stairs in the bank and install two 6 ft x 42 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, attached to two 6 ft x 5 ft granite steps in the bank, and a 14 ft x 30 ft seasonal canopy over the center slip on an average of 150 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated March 23, 2009, as received by DES on April 10, 2009.

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 permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. 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.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 42 feet from the shoreline at full lake elevation.
7. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(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. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

**2008-00436 SWEENEY, SHELIA
FRANKLIN Webster Lake**

Requested Action:

Reconsider and approve applicants request to retain foundation repairs to an existing boat house on Webster Lake, Franklin.

APPROVE RECONSIDERATION:

Reconsider and approve applicants request to retain foundation repairs to an existing boat house on Webster Lake, Franklin.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated May 20, 2009, as received by DES on May 22, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Area shall be regraded to original contours following completion of work.
4. Area shall be replanted as indicated on the approved plan.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not

previously permitted or grandfathered.

7. This permit does not authorize work on any other frontages other than the applicant frontage.
8. Work shall be done during drawdown.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 96 feet of shoreline frontage along Webster Lake.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2009-00277 BACON FELT COMPNAY INC, JAMES OBRIEN
ROCHESTER Salmon Falls River**

Requested Action:

Dredge and fill 100 sq. ft. of bank of the Salmon Falls River to reconstruct a stormwater drainage outfall and headwall associated with municipal drainage and sewer system upgrades.

APPROVE PERMIT:

Dredge and fill 100 sq. ft. of bank of the Salmon Falls River to reconstruct a stormwater drainage outfall and headwall associated with municipal drainage and sewer system upgrades.

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson Inc. dated 9/10/2007, as received by DES on 2/17/2009.
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. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
4. This permit is contingent on the approval and conditions of the NPDES permit as applicable.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.
8. 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 minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of an existing non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The new outfall will replace an

existing outfall, eliminate another downstream outfall, and will reduce flooding at the Rochester Pump Station.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The stormwater drainage upgrade includes installation of a Vortech unit in the drainage system prior to the system's discharge at the subject outfall.

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. Per email response dated 5/20/2009, NH Fish and Game Department reports that the project is not expected to impact the purple martin, a listed species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.

5. The Rochester Conservation Commission did not report.

**2009-00669 MANCHESTER DEPT OF HIGHWAYS, CITY OF
MANCHESTER Merrimack River**

Requested Action:

Proposal to stabilize approximately 600 sq. ft. of failed intermittent drainage swale/stream (40 linear feet) and adjacent side slope between an existing 12 inch storm drain pipe, residential property and the Merrimack River.

CONFIRM EMERGENCY AUTHORIZATION:

Stabilize approximately 600 sq. ft. of failed intermittent drainage swale/stream (40 linear feet) and adjacent side slope between an existing 12 inch storm drain pipe, residential property and the Merrimack River.

With Conditions:

1. 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.
2. Within three days of final grading or temporary suspension of work, 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(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.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The slope needed to be stabilized to protect the adjacent property and stop erosion into the adjacent river.

**2009-00672 NH NORTHEAST CORP
WAKEFIELD Union Meadows Pond**

Requested Action:

Repair in-kind outlet ends of an existing 2' x 3' stone culvert and dredge 144 sq. ft. of accumulated sediment from outlet, for maintenance and repair of railroad culvert crossing of Union Meadow Pond.

APPROVE PERMIT:

Repair in-kind outlet ends of an existing 2' x 3' stone culvert and dredge 144 sq. ft. of accumulated sediment from outlet, for maintenance and repair of railroad culvert crossing of Union Meadow Pond.

With Conditions:

1. All work shall be in accordance with plans by Blue Moon Environmental, Inc. dated March 2009, as received by DES on 4/14/2009.

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. 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. Unconfined work within the waterbody, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. 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.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. 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.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Work shall be done during low flow.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. 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.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of non-docking structures such as a culvert or headwall.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Wakefield Conservation Commission did not report.

2009-00832 WOODMAN, MICHAEL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing 16 ft x 14 ft dock with a 10 ft x 48 ft dock "in kind" on an average of 170 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

No comments from Con Com by June 25, 2009

APPROVE PERMIT:

Repair an existing 16 ft x 14 ft dock with a 10 ft x 48 ft dock "in kind" on an average of 170 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by DES on May 06, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation

- action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
- 5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
- 10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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 project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-01049 ROARK, GREGORY & ELIZABETH
WOLFEBORO Lake Winnepesaukee

Requested Action:

Install a 14 ft x 30 ft seasonal canopy on an existing docking facility consisting of a 5 ft x 44 ft permanent dock connected to a 6 ft x 40 ft permanent dock by a 10 ft x 12 ft walkway on an average of 156 ft of frontage on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating they have no concerns

APPROVE PERMIT:

Install a 14 ft x 30 ft seasonal canopy on an existing docking facility consisting of a 5 ft x 44 ft permanent dock connected to a 6 ft x 40 ft permanent dock by a 10 ft x 12 ft walkway on an average of 156 ft of frontage on Lake Winnepesaukee, Wolfeboro.

With Conditions:

- 1. All work shall be in accordance with plans by Beckwith Builders dated May 19, 2009, as received by DES on May 22, 2009.
- 2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
- 3. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
- 4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, 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(o), projects deemed minimum impact by the department based on the degree of environmental impact.

FORESTRY NOTIFICATION

2009-01205 CANTERBURY SHAKER VILLAGE
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 15, Lot# 27 & 40

2009-01207 PLUM CREEK MAINE TIMBERLANDS LLC
WENTWORTHS LOCA Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 1628, Lot# 3 Wentworth 1.8

2009-01208 HADIK, ANDREW
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chester Tax Map 4, Lot# 68,68-3, 68-4

2009-01209 LEWIS, PAMELA
PLAINFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Plainfield Tax Map 256, Lot# 17

2009-01210 BEAL, SHAREN
TROY Unnamed Stream

COMPLETE NOTIFICATION:
Troy Tax Map 24, Lot# 2

2009-01211 BEAL, SHAREN
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:
Swanzey Tax Map 5, Lot# 2

2009-01213 RHOADS, KATHLEEN
RINDGE Unnamed Stream

COMPLETE NOTIFICATION:
Rindge Tax Map 8, Lot# 35-2

**2009-01214 SULLIVAN COUNTY FARM
UNITY Unnamed Stream**

COMPLETE NOTIFICATION:
Unity Tax Map 7, Lot# 622

**2009-01215 HOLT, STEVEN
LYNDEBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:
Lyndeborough Tax Map 6, Lot# 8

**2009-01217 TR DILLON LOGGING
BERLIN Unnamed Stream**

COMPLETE NOTIFICATION:
Berlin Tax Map 407, Lot# 13

**2009-01218 SIMONDS, DIANA
EATON Unnamed Stream**

COMPLETE NOTIFICATION:
Eaton Tax Map R7, Lot# 12

**2009-01219 EAMES, JEFFREY
ALLENSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:
Allenstown Tax Map 401, Lot# 14

**2009-01221 FUSCO, KRISTEN
HENNIKER Unnamed Stream**

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 726 & 726A

**2009-01222 TAFT, ROBERT
GREENVILLE Unnamed Stream**

COMPLETE NOTIFICATION:
Grenville Tax Map 2, Lot# 11A, 12, 13

**2009-01223 BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M
ERROL Unnamed Stream**

COMPLETE NOTIFICATION:

Errol Tax Map R19, Lot# 1

2009-01224 WEBSTER LAND CORP
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax Map 22, Lot# 21-2 & 151.2

2009-01225 HERTEL, VAN
MADISON Unnamed Stream

COMPLETE NOTIFICATION:

Madison Tax Map 214, Lot# 2

2009-01227 HOLDEN, DAVID & LAURINDA HILL
WAKEFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Wakefield Tax Map 117, Lot# 9

2009-01228 HOLDEN, DAVID & LAURINDA HILL
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Brookfield Tax Map 4, Lot# 21

2009-01230 THIBEAULT CORP OF NEW ENGLAND
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:

Raymond Tax Map 38, Lot# 10

2009-01231 AUGUSTINE, JOHN
SUNAPEE Unnamed Stream

COMPLETE NOTIFICATION:

Sunapee Tax Map 231, Lot# 16

2009-01232 S&M FOREST TRUST, C/O KATHY BOHRSON
CROYDON Unnamed Stream

COMPLETE NOTIFICATION:

Croydon Tax Map 12, Lot# 315A

**2009-01233 CONNECTICUT LAKES TIMBER COMPANY, C/O LYME TIMBER
PITTSBURG Unnamed Stream**

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, lot# 26

EXPEDITED MINIMUM

**2009-00920 BANNON, MARK & PAMELA
ALTON Lake Winnepesaukee**

Requested Action:

Replace 3 fender pilings and reset access steps on an previously permitted 6 ft x 30 ft docking structure on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Replace 3 fender pilings and reset access steps on an previously permitted 6 ft x 30 ft docking structure on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated June 15, 2009, as received by DES on June 16, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All 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 project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-01052 NH DEPT OF TRANSPORTATION, BUREAU OF RAILS & TRANS
LEBANON Unnamed Wetland**

Requested Action:

Propose to grade an area associated with a rip-rap plunge pool and apron designed to dissipate flows from a new stormwater treatment unit, impacting approximately 1500 sq. ft. of palustrine shrub-scrub wetland.

APPROVE PERMIT:

Grade an area associated with a rip-rap plunge pool and apron designed to dissipate flows from a new stormwater treatment unit, impacting approximately 1500 sq. ft. of palustrine shrub-scrub wetland.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce entitled City of Lebanon, NH CSO Separation- Contract #7 Railroad Crossing dated June 2009 as received by DES on June 23, 2009.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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. 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.
8. 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.
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. 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.
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
6. This project is scheduled to receive funding through the American Recovery and Reinvestment Act. The State Project Name is

Lebanon CSO Project.

7. This project is being reviewed by the DES Wastewater Engineering Bureau. Approval from the DES Wastewater Engineering Bureau is contingent on approval by the DES Wetlands Bureau.
8. NH Fish & Game commented that they do not expect potential impacts to dwarf wedgemussel as there will be no impacts to the Connecticut River riverbed or its banks.
9. NH Fish & Game commented that they do not expect impacts to bald eagle as the project does not involve the removal of potential perching and roosting trees along the Connecticut River.
10. US Fish and Wildlife Service commented that the project is expected to have no adverse impacts to federally listed dwarf wedgemussels.
11. The Connecticut River Joint Commission (CRJC) commented that the proposed project devolves from extensive development upslope of this area without adequate attention to the stormwater management. CRJC recommended to the city that opportunities to capture stormwater above the project area be sought in addition to this fix. CRJC further stated that the Connecticut River's bank is unstable in this area, partly because of the nearby development and also because of ice jams often caused by a Vermont tributary, the White River, just upstream.
12. The applicant addressed the Connecticut River Joint Commission comments by explaining that the project is not anticipated to increase stormwater flows to the Connecticut River; the project is anticipated to improve water quality. The project is intended to improve water quality by providing deep sump catchbasins and a stormwater treatment unit for sediment and debris removal, along with reducing the frequency and quantity of combined sewer overflows being discharged into the Connecticut River. This project is part of the City's multi-phase effort to separate the storm and sanitary flows. Once the project is complete, the sanitary flow will continue to the Wastewater Treatment Plant, decreasing the amount of water discharge at this location in the Connecticut River. As additional phases of the CSO separation project are completed, the sewer overflow will be eliminated, further reducing the flow to the river.
13. The applicant obtained permission for the work from the landowner (NH DOT) and supplied a copy of the permission to DES Wetlands Bureau.

**2009-01053 US ARMY CORPS OF ENGINEERS, NE DISTRICT
PETERBOROUGH Edward Macdowell Lake**

Requested Action:

Temporarily impact 2,272 sq. ft. of palustrine wet meadow/forested wetlands and intermittent stream for temporary road access to an existing steel cable and creosote-treated log boom at Edward MacDowell Lake for replacement with floatation logs.

APPROVE PERMIT:

Temporarily impact 2,272 sq. ft. of palustrine wet meadow/forested wetlands and intermittent stream for temporary road access to an existing steel cable and creosote-treated log boom at Edward MacDowell Lake for replacement with floatation logs.

With Conditions:

1. This permit is contingent upon the restoration of 2,722 square feet of wetlands and 12 linear feet of intermittent stream in accordance with plans and narrative received by the DES Wetlands Bureau on June 01, 2009.
2. Temporary impact areas shall be restored within thirty (30) days of the completion of construction.
3. Work shall be done during low flow conditions.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three (3) 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. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
7. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
8. All material removed during work activities shall be placed out of DES's jurisdiction.
9. Area of temporary impact shall be regraded to original contours following completion of work.

10. Wetland restoration areas shall be properly constructed, 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.
11. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
12. 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.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
14. 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.

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 wetlands.
2. Swamp mats will be utilized to minimize impacts.
3. The Conservation Commission signed the Minimum Impact Expedited Application.
4. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
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.

**2009-01095 NH DES DAM BUREAU, JIM GALLAGHER
STODDARD Highland Lake/island Pond Inlet**

Requested Action:

Dredge and fill 279 sq. ft. of Highland Lake/Island Pond to repair existing dam riprap retaining wall and install tilting weir gate in stop-log bay (Dam No. 223.01).

APPROVE PERMIT:

Dredge and fill 279 sq. ft. of Highland Lake/Island Pond to repair existing dam riprap retaining wall and install tilting weir gate in stop-log bay (Dam No. 223.01).

With Conditions:

1. All work shall be in accordance with plans by the NHDES Dam Bureau dated April 10, 2009, as received by the Department on June 03, 2009.
2. 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.
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 controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

- 7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 8. Proper headwalls shall be constructed within seven days of culvert installation.
- 9. Culverts shall be laid at original grade.
- 10. 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).
- 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(x), maintenance of a dam.
- 2. The Conservation Commission signed the Minimum Impact Expedited Application.
- 3. No comments were submitted from the federal agencies, NHTG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
- 4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01126 MEYERS, GLENN & BARBARA
DEERFIELD Unnamed Wetland

Requested Action:

Dredge and fill 1,800 sq. ft. of wetlands to install a 36" x 20' culvert for construction of a driveway crossing to a single family house lot.

APPROVE PERMIT:

Dredge and fill 1,800 sq. ft. of wetlands to install a 36" x 20' culvert for construction of a driveway crossing to a single family house lot.

With Conditions:

- 1. All work shall be in accordance with plans by Jones & Beach Engineers dated 3/20/2009, as received by DES on 6/10/2009.
- 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. 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.
- 4. 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.
- 5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
- 6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
- 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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to access a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some location to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Deerfield Conservation Commission signed the expedited application.

AGRICULTURE MINIMUM

2009-00612 STERN, BRIAN
DOVER Unnamed Wetland

Requested Action:

Impact a total of 600 sq. ft. of wet meadow wetland including 100 sq. ft. of impact to install a 10' x 10' stone ford crossing, and 500 sq. ft. of impact for placement of fill for maintenance on 5 crossing locations along existing farm road to access field areas.

APPROVE PERMIT:

Impact a total of 600 sq. ft. of wet meadow wetland including 100 sq. ft. of impact to install a 10' x 10' stone ford crossing, and 500 sq. ft. of impact for placement of fill for maintenance on 5 crossing locations along existing farm road to access field areas.

With Conditions:

1. All work shall be done in accordance with plans by Strafford County Conservation District dated 11/17/2008, as received by DES on 4/09/2009. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998. In particular, there shall be no driving across the stone ford crossing during periods of high water which overtop the crossing.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), maintenance of existing crop land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant needs proper access to existing farm fields consistent with best management practices for agriculture.
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. No species of concern were reported for the project vicinity by the NH Natural Heritage Bureau.

- 5. The Strafford County Conservation District signed the minimum impact agriculture application.
- 6. The Dover Conservation Commission did not report.

GOLD DREDGE

2009-01236 COTE, MATTHEW
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01299 CAPRON, KEVIN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

TRAILS NOTIFICATION

2009-01206 RICHARDSON, PETER
EXETER Unnamed Wetland

COMPLETE NOTIFICATION:
Exeter Tax Map 35, Lot# 2 Orange Trail

2009-01216 LEHNER, MICHAEL
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R5, Lot# 34.2

LAKES-SEASONAL DOCK NOTIF

2009-01079 LABOMBARD, ERNEST
CANAAN Goose Pond

COMPLETE NOTIFICATION:

Canaan Tax Map I-G 3, Lot# 1

2009-01282 MACLEAN, ROBERT
CANAAN Canaan Street Lake

COMPLETE NOTIFICATION:

Canaan Tax Map 1D, Lot# 42 Canaan Street Lake

ROADWAY MAINTENANCE NOTIF

2009-01237 ALTON, TOWN OF
ALTON Unnamed Wetland

COMPLETE NOTIFICATION:

Replace a 15" & 18" culverts in kind

2009-01267 NH DEPT OF TRANSPORTATION
ROLLINSFORD Unnamed Stream

COMPLETE NOTIFICATION:

Replace 10' of a 15" RCP culvert at the inlet end and repair the headwall.

2009-01268 NH DEPT OF TRANSPORTATION
STARK Unnamed Stream

COMPLETE NOTIFICATION:

Dredge ditch on out end of RCP culbert

2009-01269 NH DEPT OF TRANSPORTATION
ERROL Unnamed Stream

COMPLETE NOTIFICATION:

Dredeg ditch line

2009-01270 NH DEPT OF TRANSPORTATION
DIXVILLE Unnamed Stream

COMPLETE NOTIFICATION:

Replace an old steel culvert with plastic and dredge ditch lines

2009-01271 NH DEPT OF TRANSPORTATION
DUMMER Unnamed Stream

COMPLETE NOTIFICATION:

Dredge ditch lines

PERMIT BY NOTIFICATION

2009-01192 PSNH
PETERBOROUGH Unnamed Wetland

Requested Action:

Temporarily impact ± 1500 sq. ft. of wetlands for swamp mat installation for routine electrical line maintenance access.

PBN IS COMPLETE:

Temporarily impact ± 1500 sq. ft. of wetlands for swamp mat installation for routine electrical line maintenance access.

With Findings:

1. The Conservation Commission did not sign the PBN, and therefore did not waive their right to intervene pursuant to RSA 482-A:3:11.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.
3. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).

2009-01234 GIBSON, DANIEL
NEW DURHAM Unnamed Stream

Requested Action:

Dredge and fill 200 sq. ft. of intermittent stream to install a 12" x 26' culvert for construction of a driveway crossing to a single family house lot.

PBN IS COMPLETE:

Dredge and fill 200 sq. ft. of intermittent stream to install a 12" x 26' culvert for construction of a driveway crossing to a single family house lot.

2009-01235 BURKE, ANDREW
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Install a seasonal dock pursuant to Env-Wt 303.04(a).

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Install a seasonal dock pursuant to Env-Wt 303.04(a).

With Findings:

Install a seasonal dock pursuant to Env-Wt 303.04(a).

CSPA PERMIT

2009-00132 BURNS, JOHN
WHITEFIELD Burns Pond

Requested Action:

Impact 3,288 sq ft for the purpose of constructing a garage and an addition onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 3,288 sq ft for the purpose of constructing a garage and an addition onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by John Burns dated January 13, 2009 and received by the Department of Environmental Services ("DES") on April 13, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 12.4% 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 10,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. 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).
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. 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.

2009-00580 HASTINGS, JEFFREY & KATHY
LEBANON Mascoma River

Requested Action:

Impact 4,150 sq ft for the purpose of constructing a single-family dwelling with a front porch and a driveway and installing 2 bio-retention gardens.

APPROVE PERMIT:

Impact 4,150 sq ft for the purpose of constructing a single-family dwelling with a front porch and a driveway and installing 2 bio-retention gardens.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering Inc dated April 6, 2009 and received by the Department of Environmental Services ("DES") on April 6, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland 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 proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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 15.5% 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.

2009-00668 TRANSCANADA HYDRO NORTHEAST INC
LITTLETON Connecticut River

Requested Action:

Impact 5640 sq ft for the purpose of re-grading an existing access road and enlarging an existing parking area associated with a public boat launch and picnic area.

APPROVE PERMIT:

Impact 5640 sq ft for the purpose of re-grading an existing access road and enlarging an existing parking area associated with a public boat launch and picnic area.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group Inc. dated October 7, 2008 and received by the Department of Environmental Services ("DES") on June 2, 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. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. All temporary impacts within the waterfront buffer shall be re-vegetated with native trees, shrubs and ground covers upon completion of project installation.
5. Within three days of final grading or temporary suspension of work, 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 12.0% 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 315,650 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 315,620 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.

With Findings:

1. TransCanada is required by the terms of their December 2006 Federal Energy Regulatory Commission (FERC) project license (FERC No. 2077) to fulfill a Recreation Management Plan.
2. The submitted plan includes enhancement to the Moore Boat Launch recreation site that include impacts within the protected Shoreland.
3. The proposed impacts include the temporary disturbance of approximately 300 sq ft of the waterfront buffer that shall be re-vegetated upon completion of the proposed project.
4. According to RSA 483-B:9,IV-b, Public utility lines and associated structures and facilities, public roads, and public water access facilities, including boat ramps shall be permitted by the commissioner as necessary and consistent with the purposes of this chapter and other state law.
5. The purpose and intent of RSA 483-B is to fulfill the state's roll as trustee of its waters and to promote public health, safety, and the general welfare by providing for economic development in proximity to the water, conserving shoreline cover and points of access to inland and coastal waters, and protecting public use of waters and recreation.
6. The Department of Environmental Services ("DES") finds that plans by The Louis Berger Group Inc dated October 7, 2008 and received by the DES on June 2, 2009 provide sufficient evidence to meet the aforementioned purpose and intent of RSA 483-B.

2009-00711 MCCracken, RICHARD
FRANKLIN Webster Lake

Requested Action:

Impact 5,309 sq ft for the purpose of removing an existing driveway and shed and constructing a parking area, a garage, retaining walls and walkways.

APPROVE PERMIT:

Impact 5,309 sq ft for the purpose of removing an existing driveway and shed and constructing a parking area, a garage, retaining walls and walkways.

With Conditions:

1. All work shall be in accordance with plans by Richard McCracken revised June 5, 2009 and received by the Department of Environmental Services ("DES") on June 5, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. This permit does not authorize the holder any activities associated with the replenishment of the existing beach. This permit does not allow any sand to be placed on the beach.
4. The proposed walkway/stairs within the waterfront buffer shall be no greater than 6' wide and shall be constructed in such a manner so as not to contribute to erosion or concentrate stormwater runoff to the surface water body. Additionally, no portion of the

- proposed walkway/stairs shall impact the bank or be placed below full lake elevation.
5. The Department of Environmental Services strongly recommends that the area where existing driveway is to be removed should be re-vegetated with native trees, shrubs and ground covers upon completion of project installation.
 6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain in the unaltered.
 7. Within three days of final grading or temporary suspension of work, 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.
 8. 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.
 9. 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.
 10. 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.
 11. The project as proposed will leave approximately 3488 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2174 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).
 12. 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.
 13. 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.
 14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00770 SHANNON, GREGORY S & NANCY J
MEREDITH Lake Winnisquam**

Requested Action:

Impact 952 sq ft for the purpose of constructing a new garage within the footprint of the existing garage and driveway.

APPROVE PERMIT:

Impact 952 sq ft for the purpose of constructing a new garage within the footprint of the existing garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors revised May 28, 2009 and received by the Department of Environmental Services ("DES") on June 3, 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. 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),(i).
4. Within three days of final grading or temporary suspension of work, 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 33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not

previously permitted or grandfathered.

10. 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.

2009-00839 RICHARD, REJEAN
GOFFSTOWN Piscataqua River

Requested Action:

Impact 1521 sq ft for the purpose of removing the existing primary structure and constructing a single-family dwelling with deck.

APPROVE PERMIT:

Impact 1521 sq ft for the purpose of removing the existing primary structure and constructing a single-family dwelling with deck.

With Conditions:

1. All work shall be in accordance with plans by Richard ReJean dated May 7, 2009 and received by the Department of Environmental Services ("DES") on May 7, 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. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
4. Within three days of final grading or temporary suspension of work, 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 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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.

2009-00852 36 OLD BEACH ROAD LLC
RYE Atlantic Ocean

Requested Action:

Impact 3100 sq ft for the purpose of installing sewer lines connecting to the municipal sewage collection system.

APPROVE PERMIT:

Impact 3100 sq ft for the purpose of installing sewer lines connecting to the municipal sewage collection system.

With Conditions:

1. All work shall be in accordance with plan sheets titled C-1A & C1-B by Altus Engineering Inc dated May 1, 2009 and received by the Department of Environmental Services ("DES") on May 8, 2009.

2. All proposed impacts within the Tidal Buffer Zone 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, 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 new impervious surfaces shall be constructed within the protected shoreland for the completion of the proposed project. No more than 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. 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), (i).
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. 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.

2009-00864 SCHONEBERGER, ERIC & WENDY
DERRY Big Island Pond

Requested Action:

Impact 2670 sq ft for the purpose of expanding an existing leech field to accommodate adding a bedroom to an existing single-family dwelling with no change in footprint.

APPROVE PERMIT:

Impact 2670 sq ft for the purpose of expanding an existing leech field to accommodate adding a bedroom to an existing single-family dwelling with no change in footprint.

With Conditions:

1. All work shall be in accordance with plans by Gregsak Engineering Inc dated March 16, 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 11.0% 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 6000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. 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).

9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

10. 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.

**2009-00866 ROCHESTER SCHOOL DEPARTMENT, CITY OF
ROCHESTER Cocheco River**

Requested Action:

Impact 80,735 sq ft for the purpose of constructing a high school athletic facility and fields.

APPROVE PERMIT:

Impact 80,735 sq ft for the purpose of constructing a high school athletic facility and fields.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates revised June 2, 2009 and received by the Department of Environmental Services ("DES") received June 4, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All impacts within wetlands, surface waters, and their banks shall require a Wetland 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, 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 1.9% 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 41,584 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 36,195 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.

**2009-00885 LEBANON, CITY OF
LEBANON Connecticut River**

Requested Action:

Impact 2431 sq ft for the purpose of replacing an existing sewer main and associated structures for connection to a sewer interceptor.

APPROVE PERMIT:

Impact 2431 sq ft for the purpose of replacing an existing sewer main and associated structures for connection to a sewer interceptor.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated April 2009 and received by the Department of Environmental Services ("DES") on Mat 14, 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. The project proposes to leave 1,500 sq ft in the unaltered state between 50' and 150' of the reference line.
4. All temporary impacts associated with the completion of the proposed project within the waterfront buffer shall be re-vegetated with native trees, shrubs and ground covers upon completion of project installation
5. Within three days of final grading or temporary suspension of work, 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 18.85% 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.

**2009-01061 FIGLER, DAVID & DONNA
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 4,900 sq ft for the purpose of constructing an addition and an attached garage onto an existing single-family dwelling and enlarging an existing driveway.

APPROVE PERMIT:

Impact 4,900 sq ft for the purpose of constructing an addition and an attached garage onto an existing single-family dwelling and enlarging an existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated May 19, 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 19.5% 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 8,125 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,910 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.

2009-01066 DOUGLAS, DAVID
MEREDITH Lake Wicwas

Requested Action:

Impact 150 sq ft for the purpose of expanding an existing deck and converting a section of deck to a sunroom.

APPROVE PERMIT:

Impact 150 sq ft for the purpose of expanding an existing deck and converting a section of deck to a sunroom.

With Conditions:

- 1. All work shall be in accordance with plans by Associated Surveyors dated April 17, 2009 and received by the Department of Environmental Services ("DES") on June 2, 2009.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
- 4. Within three days of final grading or temporary suspension of work, 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 15.3% 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 3,345 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,345 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2009-00753 RICE NOV 2004 REVOC TRUST, PETER
ALTON Lake Winnepesaukee

Requested Action:

Impact 3,370 sq ft to repair sections of the foundation of an existing nonconforming structure, construct a 16'x 20' addition, remove existing detached garage and shed, reconfigure existing drive, remove portion of deck extending over the bank, and convert a deck into a screened in porch.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 3,370 sq ft to repair sections of the foundation of an existing nonconforming structure, construct a 16'x 20' addition, remove existing detached garage and shed, reconfigure existing drive, remove portion of deck extending over the bank, and convert a deck into a screened in porch.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback

With Conditions:

1. No new impervious surfaces shall be constructed until 1.7' of the deck is removed.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes a Waiver of RSA 483-B:9,II,(b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. All work shall be in accordance with plans by Ames Associates dated June 4, 2009 and received by the Department of Environmental Services ("DES") on June 5, 2009.
5. No more than 34.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 1,560 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,074 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).
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. 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.
9. 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.
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 a decrease in impervious surfaces from 35.5% to 34.0%.
4. The applicant has proposed to remove a shed and a portion of the existing driveway in the waterfront buffer, use pervious technologies, and plant native vegetation, remove a drainage pipe that discharges directly into the Lake, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

Requested Action:

Impact 4,352 sq. ft. to construct an addition to an existing non-conforming structure, enlarge an existing porch and enclose a walkway.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 4,352 sq. ft. to construct an addition to an existing non-conforming structure, enlarge an existing porch and enclose a walkway.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Gerard Land Surveying Company dated June 6, 2009 and received by the Department of Environmental Services ("DES") on June 15, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes a Waiver of RSA 483-B:9,II,(b)and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 28.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,502 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).
5. 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.
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 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. 1. This permit is contingent on approval by the DES Subsurface Systems Bureau.

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 increase in impervious surfaces from 23.6% to 28.7%.
4. The applicant has proposed to install infiltration trenches along the proposed addition, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00988 BAKER, TIMOTHY & TAMARA
MOULTONBOROUGH Lake Kanasatka

Requested Action:

Impact 7,100 sq ft to construct an addition to an existing non conforming structure, reconfigure driveway, install a septic system, and use pervious technologies.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 7,100 sq ft to construct an addition to an existing non conforming structure, reconfigure driveway, install a septic system, and use pervious technologies.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. This permit is contingent on approval by the DES Subsurface Systems Bureau.
2. This approval includes a Waiver of RSA 483-B:9(II)(b)and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. All work shall be in accordance with plans by Ames Associates dated June 8, 2009 and received by the Department of Environmental Services ("DES") on June 15, 2009.
4. No more than 20.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 6,415 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,075 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Kanasatka 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 a decrease in impervious surfaces from 22.0% to 20.9%.
4. The applicant has proposed to plant native trees and shrubs in the waterfront buffer, remove a foundation drain so it no longer discharges directly into the Lake, and reduces 315 sq ft of impervious surfaces in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.