

Wetlands Bureau Decision Report

Decisions Taken
07/06/2009 to 07/12/2009

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

2007-02841 FORD, DEBRA
DOVER Little Bay

Requested Action:

Impact an additional 320 sq. ft. in two locations (30 ft. long x 4 ft. wide and 50 ft. x 4 ft. wide) for a new rip-rap buttress to stabilize and protect shoreline. Impact an additional 83 sq. ft. of previously developed upland tidal buffer zone immediately adjacent to the existing seawall to repair sink holes within the existing lawn area.

Conservation Commission/Staff Comments:
Dover Con. Com. recommends approval.

Inspection Date: 02/07/2008 by David A Price
Inspection Date: 05/13/2009 by David A Price

APPROVE AMENDMENT:

Retain 80 sq. ft. of impacts (20 linear ft.) for the in-kind repair and reconstruction of an existing failing seawall conducted under DES emergency authorization issued on December 7, 2007. Impact a total of 680 sq. ft. (170 ft. long x 4 ft. wide) for a new rip-rap buttress to stabilize and protect shoreline. Impact approximately 308 sq. ft. of previously developed upland tidal buffer zone immediately adjacent to the existing seawall to repair sink holes within the existing lawn area.

With Conditions:

1. All work shall be in accordance with revised plans by Peter Wiggin dated July 20, 2008 as received by the DES on May 29, 2009.
2. No equipment shall be located within surface during repair and reconstruction of the seawall. 3. Any further alteration of areas within DES jurisdiction on this property will require an amendment and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be done during low tide.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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 major impact project per Administrative Rule Env-Wt 303.02(a), Projects in Tidal Wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing wall is experiencing

on-going deterioration, resulting in wall failure in some locations.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to the areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is: reconstructing the existing seawall, constructing a buttress to protect shoreline, and repairing sinkholes within the lawn area.

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

5. NH Fish & Game Department (NHF&G") Non-Game and Endangered Wildlife Program has record of the State endangered common tern (*Sterna hirundo*) within the vicinity of this project.

This species is known to occur on Hen Island located approximately 0.75 miles away from the project location. The project is within a previously developed area and will not likely impact this species.

6. NH Natural Heritage Inventory (NHNHI) has record of a State threatened plant species Small Spike-rush (*Eleocharis parvula*) within the vicinity of the project. NHNHI notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the proposed project does not involve ditching or tidal restrictions and the project will not likely cause an increased input of nutrients and pollutants over what currently exists. Therefore, it's not likely this project will impact this species.

7. DES personnel inspected the project on February 7, 2008 and May 13, 2009 and found that the application materials accurately depicted site conditions.

-Send to Governor and Executive Council-

**2008-00773 KILNWOOD ON KANASATKA, C/O MARK WHARY
MOULTONBOROUGH Lake Kanasatka**

Requested Action:

Applicant requests reconsideration of the Department's October 24, 2008 denial of the application for expansion of existing docking facilities.

Inspection Date: 07/18/2008 by Chris T Brison

APPROVE RECONSIDERATION:

Reconsider and approve request to: Add two 4 ft x 24 ft finger docks to extend from two 4 ft x 17 ft walkways to be attached to the previously permitted docking facilities consisting of two 4 ft x 24 ft seasonal piers connected to a 4 ft x 30 ft finger pier by two 4 ft x 17 ft 6 in walkways. The facility is accessed by an existing 4 ft x 151 ft walkway and 8 ft x 20 ft walkway on an average of 985 feet of frontage and includes the slips from the abutting, contiguous 135 ft of frontage, on Lake Kanasatka, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 14, 2008, as received by DES on May 12, 2008.
2. 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.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. All portions to the seasonal piers shall be removed from the lake for the non-boating season.
6. The Applicant shall file a restrictive covenant with the appropriate registry of deeds dedicating the shore frontage to the major docking structures.
7. 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:
Standards for Approval:

1. In accordance with Rule Env-Wt 303.02(d), construction or modification of a major docking system defined by Env-Wt 101.53 is classified as a Major impact project.
2. Pursuant to Rule Env-Wt 302.04, (a)(2) The alternative proposed by the applicant shall be the one with the least impact to wetlands or surface waters on site.
3. In accordance with Rule Env-Wt 402.03, (b), (4), Dimensions, larger than standard pier dimensions may be permitted in order to cluster docking facilities and reduce environmental impacts to adjacent areas.
4. Pursuant to RSA 482-A:11, II. "No permit for dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

Findings of Fact:

1. On May 12, 2008, the Wetlands Bureau received an application to expand an existing 12 boat slip seasonal docking facility to a 16 boat slip seasonal docking facility by adding two 4 ft x 20 ft seasonal finger piers on property identified as Moultonborough Tax Map 106, Lot 16 (the Property).
2. On May 5, 2008, the primary petitioner involved in a previous legal action with the Applicant objected to the further expansion of the existing nonconforming docking facility that already exceeds limits established as a result of that legal action.
3. On August 14, 2008 the Wetlands Bureau received a copy of a Superior Court Stipulation identified as No. 5068 from the March term of 1973 (the "Stipulation"). The Stipulation specifically stated that the docking system as approved by the Governor and Executive Council would be redesigned such that there would be only three 30 ft piers instead of the approved five 35 ft piers.
4. The stipulation further specifies that the use of the facility would be limited to no more than 16 motorized boats. No limit is specified for non-motorized watercraft using the facility.
5. The docking facility as described in the Stipulation would not provide adequate docking for 16 boats.
6. There is no language in the stipulation outlining the rationale for the limits placed on the docking facility or that there would in fact be any adverse impacts to the abutting properties.
7. The modification proposed by the Applicant will bring the capacity of the docking facility up to that sufficient to provide slips for the 16 motorized boats that would be allowed under the Stipulation.
8. There is no evidence to suggest that a 16 slip facility as allowed under the Stipulation would adversely affect the abutting properties.

RSA 482-A:11, II.

Rulings in Support of the Decision:

1. There is no clear evidence that the proposed modification of the docking facility is prohibited by the Stipulation or that it would adversely impact abutting properties and thus be prohibited under RSA 482-A:11, II.
2. The docking facility is designed to avoid impacts to near-shore emergent and aquatic vegetation and reduce other impacts by clustering all boating activities into one location along the frontage and meets the requirements of Rule Env-Wt 402.03,(b), (4) allowing larger than standard dimensions.

-Send to Governor and Executive Council-

2008-01601 MNTS LAND LLC
SWANZEY Unnamed Wetland

Requested Action:

Approve amendment to dredge and fill an additional 230 sq. ft. of wetlands to relocate the truck access.

APPROVE AMENDMENT:

Dredge and fill ± 62,770 square feet of palustrine wet meadow to construct ± 96,043 square feet of manufacturing facilities and associated access ways, parking facilities, and stormwater management structures. Preserve approximately 15.5 acres on an adjacent parcel (Swanzy Tax Map 19, Lot 97-5 and 102) and donate funds to the Monadnock Conservancy for the acquisition of a ± 100

acre conservation easement on the Johnson Farm in Swanzey.

With Conditions:

1. All work shall be in accordance with plans by Brickstone Masons, Inc. dated August 01, 2008, as received by the DES Wetlands Bureau on August 12, 2008, and plans dated June 16, 2008, and revised though October 13, 2008, and plans dated October 14, 2008, as received by the DES Wetlands Bureau on October 14, 2008 and plans by SVE Associates dated June 16, 2008, and revised through June 12, 2009, and plan dated October 14, 2008, and revised through June 19, 2009 as received by the DES Wetlands Bureau on June 25, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots shall contain condition # 3 of this approval.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. 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).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

Wetland mitigation:

14. This permit is contingent upon a deposit of \$50,000 to the Monadnock Conservancy for the protection of the Johnson Farm in Swanzey, NH as a form of compensatory mitigation for impacts to wetlands and surface waters.
15. This permit is contingent upon receipt of a copy of the deposit slip documenting the transfer of funds to the Monadnock Conservancy.
16. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final easement language.
17. This permit is contingent upon the execution of a conservation easement on 15.22 acres as depicted on conservation easement plans, dated September 10, 2008, as received by DES on September 22, 2008.
18. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
19. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
21. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

The DES Wetlands Bureau reaffirms original findings #1 - #13:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to

nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. In an October 1, 2008 communication the NH Fish and Game Department confirmed the project would not impact species identified in the August 04, 2008 Natural Heritage Bureau report and that no additional information was required.
3. The wetlands compensatory mitigation plan provided by the applicant, which includes off-site preservation of 15.22 acres and a deposit of \$50,000 to the Monadnock Conservancy to partially fund the acquisition of an approximate 100 acre conservation easement on the Johnson Farm in Swanzey, meets the requirements of the DES Wetlands Bureau's Wetlands Compensatory Mitigation Rules.
4. In email communication dated September 26, 2008 the Environmental Protection Agency indicated the proposed mitigation, including a \$50,000 deposit to the Monadnock Conservancy and the preservation of an adjacent 15.22 acre parcel, was approvable under the SPGP.
5. The proposed development site consists of 10.84 acres in the Business District and Industrial Park District in Swanzey.
6. The Town of Swanzey, in order to improve the tax base and the economic viability of the town, rezoned the subject parcel land to Industrial Park in 1995. In 1999 the Town created a Tax Increment Finance District, in part, to improve the roads and utilities in the Industrial Park District.
7. In 2005 the Town obtained DES Wetlands and Non-Site Specific Permit 2005-01141 to construct Safford Drive.
8. DES Alteration of Terrain Bureau approval was obtained in September 24, 2008 (WPS-8227), for phase I only of the proposed project.
9. This permit is contingent upon DES Alteration of Terrain Bureau approval for proposed phase II of this project.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
13. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2009-00062 RILEY, DANIEL
RYE Freshnet Creek / Tidal Marsh

Requested Action:

Construct a 181 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 6 ft. x 20 ft. permanent dock to be located in a small tidal creek to dock a 17 ft. outboard motor powered watercraft in the Awcomin salt marsh on a tributary to Rye Harbor known as Freshet Creek.

Conservation Commission/Staff Comments:

"The Rye Conservation Commission has very serious concerns with the project proposed on the Riley property at 1661 Ocean Boulevard in Rye (file no. 2009-00062) and very strongly urges denial of the application." See letter in file.

Inspection Date: 04/08/2009 by Frank D Richardson

Inspection Date: 06/12/2009 by Frank D Richardson

DENY PERMIT:

Construct a 181 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 6 ft. x 20 ft. permanent dock to be located in a small tidal creek to dock a 17 ft. outboard motor powered watercraft in the Awcomin salt marsh on a tributary to Rye Harbor known as Freshet Creek.

With Findings:

The decision to deny this permit application was based on the following findings:

1. Pursuant to RSA 482-A:1, approvals must be consistent with the findings of public purpose, which holds that it is in the public good to protect the state's waters from unregulated alteration:

a) Salt marsh ecosystems are one of the most valuable natural resources in the Gulf of Maine and in New Hampshire in particular, where only about 5,500 acres currently exist compared with nearly three times that amount estimated to have been present at the time of settlement.

b) The disappearance of the marshes is attributed to filling for road construction and real estate development as well as, more recently, by invasive plant species such as the Tall Reed (*Phragmites* sp.) and Purple Loosestrife (*Lythrum* sp.) colonizing areas where the hydrology has been altered and tidal flows have been interrupted or truncated due to a variety of anthropogenic activities.

c) Salt marshes provide a number of essential functions and values including: being a nursery for diverse species of shellfish and finfish, many of which are commercially important; wetland wildlife habitat for numerous species of birds and mammals; pollutant attenuation and removal of water borne pollutants from upland runoff; shoreline anchoring and abatement of storm surge during major ocean storm events and hurricanes; a 'living laboratory' for educational and research opportunities in many aspects of coastal ecology; they provide many opportunities for recreational activities such as fishing, hunting, shellfish harvesting, canoeing and kayaking and bird watching; and are of exceptional real estate value, by having considerable aesthetic appeal in their unspoiled and undeveloped condition.

d) Since 1990 a number of salt marsh restoration projects have been implemented in New Hampshire, restoring a total of about 650 acres of salt marsh by the removal of hydrologic restrictions to tidal flow and in some cases, such as the subject Awcomin salt marsh in Rye, by the removal of historic dredged materials which were disposed of on the marsh in 1941 and again in 1960.

e) The Awcomin salt marsh, where this project is proposed, has been the location of the most intensive salt marsh restoration effort in New Hampshire. This restoration program is ongoing at present.

f) The portion of the Awcomin salt marsh where this project is proposed is within about ¼ mile of the restoration site, is hydrologically connected and is subject to the same daily ebb and flow of the tides.

2. Pursuant to Env-Wt 302.01 Statement of Purpose (a) "For tidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of tidal wetlands. No project shall be allowed that intrudes into a tidal wetland unless the department finds it to be for the public good as set out in RSA 482:A-1. Preserving the integrity of saltmarshes and other tidal wetlands shall be given highest priority by the department, because of the high productivity and rarity of such wetlands and the difficulty in restoration of value and function for those environments."

3. Pursuant to Env-Wt 302.04(d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction:

a) In response to 302.04(a)(9) "The extent to which a project interferes with the aesthetic interests of the general public.", the applicant states: "This project will have limited visual impact, however, the construction techniques are congruent with numerous other tidal docking structures." NOTE: Field inspection by DES Wetlands Bureau staff found that there are NO other docking structures of the type proposed in this application located anywhere on this salt marsh.

4. Pursuant to Env-Wt 302.04(d)(2), the department shall not grant a permit if the project will contribute to significant degradation of the waters of the state.

5. Pursuant to Env-Wt 302.04(d)(3), the department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands:

a) In response to 302.04(a)(16) regarding Cumulative Impacts, the applicant does not adequately address this factor and did not provide the DES with the required documentation of the applicant's percentage of ownership of this wetland, which has multiple owners, and the percentage of that ownership that would be impacted.

b) The applicant failed to address Env-Wt 302.04(c)(1)(2)&(3) which states: "...the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas in and adjacent to tidal wetlands including the tidal buffer zone:

(1) The extent to which a project impacts beach or tidal flat sediment replenishment and movement of sediments along a shore;

(2) The impact on a tidal wetland's ability to dissipate wave energy and storm surge; and

(3) The impact of project runoff on salinity levels in tidal environments.

NOTE: The applicant did NOT respond to the specific request made in the DES Request for More Information dated April 10, 2009 which states: "Please provide a written response to Env-Wt 302.04(a) #s 1-20 as well as to Env-Wt 302.04(c) & (d)."

6. On 01/12/2009 the DES received an application to impact 844 sq. ft. of tidal marsh wetlands for the purpose of constructing a 181 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 6 ft. x 20 ft. permanent dock to be located in a small tidal creek to dock a 17 ft. outboard motor powered watercraft in the Awcomin salt marsh on a tributary to Rye Harbor known as Freshet Creek.

7. On January 15, 2009 the DES issued a notice the application was Administratively Incomplete.

8. On January 29, 2009 the DES received the item requested (USGS topographic map with the project location marked).

NOTE: This application is NOT COMPLIANT with Env-Wt 301.01(a)(c)(d)(e)&(f) Delineation of Wetlands Boundaries, in that this information was not provided with the application as required.

9. The application was accepted as Administratively Complete on January 29, 2009.

10. On January 22, 2009 the DES received a 3-page letter from the Rye Conservation Commission starting with the sentence: "The Rye Conservation Commission has very serious concerns with the project proposed on the Riley property at 1661 Ocean Boulevard in Rye (file no. 2009-00062) and very strongly urges denial of the application."

11. Concerns expressed by the Rye Conservation Commission include:

a) "...the applicant has not demonstrated any need for the structure, which will only allow access for a very limited time due to the tidal restrictions ..."

b) " The applicant does not need the structure in order to have a means of launching his boat into the ocean; the public access boat ramp at Rye Harbor is a short distance away."

c) Concerns regarding an outboard motor powered boat being docked in the marsh.

d) " The project surely will negatively affect the aesthetic interests of the general public."

e) Concerns for "copycat applications" if this application approved potentially resulting in other similar structures on the marsh.

f) "The State and Town, in the last few years, have expended a great deal of money to restore the Awcomin Marsh to its natural condition. This project is entirely inconsistent with these marsh preservation efforts."

12. On February 24, 2009 the DES received a letter from Pease International, Division of Ports and Harbors, Chief Harbor Master, Tracy R. Shattuck stating: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel." However, the navigation channel is in Rye Harbor and does not extend to Freshet Creek or northerly of US Rte 1A where the proposed project is located.

13. On 02/26/09 Michael Johnson of the US NOAA National Marine Fisheries Service reviewed the application and found it to be ineligible for the NH State Programmatic General Permit and would require an Individual Permit from the US Army Corps of Engineers.

14. On March 3, 2009 the New England District, Corps of Engineers issued a letter stating that this project is ineligible for authorization under the Federal permit known as the New Hampshire Programmatic General Permit due to concerns of the National Marine Fisheries Service regarding possible impacts to shellfish beds and essential fish habitat in the area, that the proposed construction has the potential for "significant adverse impacts to the salt marsh" and that "The limited "tidal window" for navigable access does not appear to be justifiable given the impacts to the salt marsh."

15. On March 16, 2009 the agent for the applicant, Paul W. Goodwin of Watermark Navigation Systems, LLC requested a copy of the Rye Conservation Commissions' comments.

16. On March 16, 2009 DES Wetlands Bureau Southeast Region staff provided a copy of the letter from the Rye Conservation Commission together with a copy of the US NMFS comments on the NH PGP Project Review Sheet to Paul W. Goodwin via fax.

17. On April 01, 2009 the DES received a 3-page letter from Paul W. Goodwin providing "information for inclusion in this file" in response to the issues raised by the Rye Conservation Commission.

18. Responses set forth in the letter from Paul W. Goodwin include:

a) "This marsh and creek are a recreational boating area."

b) "The impact is necessitated by a need and right for a boatslip."

c) "There is very little impact to the marsh proposed. ... As all the work will be completed by hand, there is little if any impact [due] to the construction itself."

d) "There will be no bank impacts from this proposal."

e) "... this dockage has specifically been designed to provide safe moorage for his 17 ft Boston Whaler outboard."

f) In response to the Commissions' concern for the potential for cumulative impacts of other similar structures on the marsh: "As the right to wharf out is protected for NH waterfront property owners, it would seem only fair that this application be considered on its own merits."

19. On April 10, 2009 the DES sent a "Request for More Information" (RFMI) to the applicant and the agent requesting:

a) "... a written response to Env-Wt 302.04(a) #s 1-20 as well as to Env-Wt 302.04 (c) & (d)" which was not submitted with the application as required for a Major project per Env-Wt 303.02(a).

b) "With respect to Env-Wt 302.04(d) [as cited above] ... Please explain the need for [the project as proposed] ... when there is a public launch ramp located only seven tenths (0.7 mi.) of a mile away from 1661 Ocean Blvd. at Rye Harbor." ... "A boat this size [17ft. Boston Whaler outboard] could be launched at the public launch ramp with a boat trailer."

c) Request to have exact location of structure staked in the field. [DES staff was not able to determine this during field inspection on April 08, 2009] and request explanation of how the "fixed dock" with what appears to be stairs, will function with the

rise and fall of the tides.

20. On June 09, 2009 the DES received a 3-page response to the RFMI from Paul W. Goodwin including "answers to the "20 Questions' under Env-Wt 302.04(a) (c) & (d).

21. Pursuant Env-Wt 302.04(d) the response to the RFMI states: " there is a right to "wharf out" to waterfront property owners protected by the NH constitution." In addition:

- a) "The impact is necessitated by a need and right for a boatslip."
- b) Two stakes were driven as well as a nail in the storage platform to "allow visualization of the proposed structure location."
- c) "The dock and steps do not float and are fixed just above the edge of the tributary creek."

22. On July 09, 2009 the DES received a letter from the NH Fish and Game Department expressing concerns about the proposed project and stating:

- a) "In concurrence with the aforementioned Statement of Purpose [Env-Wt 302.01(a)], the NH Fish and Game Department's Wildlife Action Plan, lists the Awcomin Marsh as one of the highest ranked habitats by ecological condition."
- b) "...two species have been identified by NHB as being listed endangered (state) in the general vicinity of the proposed dock and walkway; Dwarf Glasswort and Beach Grass. Further disturbance to the marsh area may further degrade the essential habitat needed for these species."
- c) "We would also like to note there may be very limited boating access from Freshet Creek to Rye Harbor due to tides and channel configuration (Figures 2 and 3) from the tributary where the dock is proposed while there is an all-tide boat launch available at Rye Harbor State Park (Figure 4) approximately ¼ mile from the residence."

23. Upon review of all materials submitted to the record on this application, the DES finds that this project does not represent the least impacting practicable alternative for the applicant to access the tidal waters contiguous with Rye Harbor with a 17ft. outboard motor powered watercraft and therefore is not compliant with Env-Wt 302.04(d)(1).

24. Upon review of all materials submitted to the record on this application and upon field inspections by Frank D. Richardson, Ph.D., a coastal ecologist on the Wetlands Bureau staff who reviewed this application, this project will, more than likely, contribute to the degradation of, and result in the loss of, the ecological integrity of the fragile tidal marsh ecosystem of the Awcomin salt marsh and therefore the DES shall not grant a permit pursuant to RSA 482-A:1 and Env-Wt 302.04(d)(2).

25. Given that there is a public launch ramp to access Rye Harbor within seven tenths (0.07 mi) of a mile from 1661 Ocean Boulevard, where the applicants' boat may launched from a trailer, there is a practicable and least environmentally impacting alternative to constructing a boat docking system in the tidal marsh, which would represent unnecessary destruction of wetlands, and therefore the DES shall not grant a permit pursuant to Env-Wt 302.04(d)(3).

26. The statements cited above, as submitted by the agent Paul W. Goodwin of Watermark Navigation Systems, LLC referring to the "right to "wharf out" to waterfront property owners protected by the NH Constitution" provide no corroborating statutory reference and have no legal grounding which supersedes the regulatory authority of the DES as promulgated under RSA 482-A:1.

2009-00637 SEAVIEW AT HAMPTON LLC
HAMPTON Hampton River

Requested Action:

Request After-the-Fact approval to retain the 1,600 sq. ft., 18 slip docking facility with a 2.5 ft. X 39.5 ft. gangway currently in place(attached to the existing permanent timber pier)on 429.50 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission strongly opposes the granting of the After-The-Fact wetlands permit for the existing ramp and float system, which was previously permitted under Permit #2005-00134." (see letter dated May 6, 2009 in file)

Inspection Date: 06/12/2009 by Frank D Richardson

DENY AFTER THE FACT:

Request After-the-Fact approval to retain the 1,600 sq. ft., 18 slip docking facility with a 2.5 ft. X 39.5 ft. gangway currently in place(attached to the existing permanent timber pier)on 429.50 linear feet of shoreline frontage.

With Findings:

The decision to deny this After-the-Fact permit application was based on the following findings:

1. Pursuant to RSA 482-A:1, Approvals must be consistent with the findings of public purpose, which holds that it is in the public good to protect the state's waters from unregulated alteration.
2. Pursuant to Env-Wt 302.04 (d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
3. Per Env-Wt 101.09 "Boat slip" means "boat slip" as defined by RSA 482-A:2, VIII, namely: "(a) On water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured."
4. The 'DOCK AS-BUILT PLAN' by Jones & Beach Engineers, Inc. dated 11/12/08 (last revised 3/27/09), and application received by the DES on April 09, 2009 for this After-the-Fact request report 429.50 linear feet of shoreline frontage.
5. Per Env-Wt 402.12 Frontage over 75' - To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use.
6. Calculating the number of boat slips on this frontage of 429.50 feet divided by 75 feet yields 5.73 plus 1 (for the first 2-slip structure) equaling 6.73 or a total of 7 (seven) boat slips on this frontage.
7. This application represents this docking facility as a marina for commercial use by requesting additional boat slips to the number allowed under Env-Wt 402.12.
8. Per Env-Wt 402.15(a)(2) The standard for marinas shall be one slip for every 25' of shoreline. More slips shall be permitted if the marina is enclosed by land of the applicant, or other evidence is provided to the department which indicates that the increase is in the public interest. High demand for slips shall be insufficient to establish public interest. If evidence is provided which shows that the project would pose a navigational hazard, fewer slips shall be permitted.
9. Per Env-Wt 402.15(b) Applicants for marina construction or expansion shall provide the department with plans showing the following:
 - (1) Designated wash areas for seasonal vessel cleaning;
 - (2) Storm water runoff and treatment designs;
 - (3) Location of pumpout facility;
 - (4) Location of abrasive blasting, painting operations, and hull sanding; and
 - (5) Location and disposal method for oil or other waste products.
10. None of the standards required for marina construction are met in this application nor are they shown on the aforementioned 'DOCK AS-BUILT PLAN' submitted with the application and therefore the number of boat slips requested is excessive and is hereby denied.
11. The DES will consider a revised plan requesting 7 (seven) boat slips on this frontage.

**2009-00684 WOLFEBORO DPW, TOWN OF
WOLFEBORO Back Bay - Lake Winnepesaukee**

Requested Action:

Proposal to impact approximately 25,400 sq. ft. (includes 22,260 sq. ft. of temporary impacts) of existing constructed drainage swale wetlands and approximately 100 linear feet of bank along Lake Winnepesaukee ("Back Bay"). Work in wetlands includes maintenance dredging and re-shaping the existing drainage swale and storm water basins identified as the Back Bay Swale and upgrade the associated drainage and stormwater treatment structures; maintenance dredge, re-grade, remove invasive plant species and upgrade associated drainage and stormwater treatment structures within and adjacent to the drainage swale along the Glendon Street Extension; reconstruct and upgrade the existing stormwater outfall of off of the Glendon Street Extension and remove the existing twin 48 inch RCP culverts within the Back Bay Swale and replace with a 6 ft. high x 12 ft. span open bottom box culvert.

Conservation Commission/Staff Comments:

1. The Conservation Commission has no objections to the proposed application.

APPROVE PERMIT:

Dredge and fill approximately 25,400 sq. ft. (includes 22,260 sq. ft. of temporary impacts) of existing constructed drainage swale wetlands and approximately 100 linear feet of bank along Lake Winnepesaukee ("Back Bay"). Work in wetlands includes maintenance dredging and re-shaping the existing drainage swale and storm water basins identified as the Back Bay Swale and upgrade the associated drainage and stormwater treatment structures; maintenance dredge, re-grade, remove invasive plant species and upgrade associated drainage and stormwater treatment structures within and adjacent to the drainage swale along the Glendon Street Extension; reconstruct and upgrade the existing stormwater outfall of off of the Glendon Street Extension and remove the existing twin 48 inch RCP culverts within the Back Bay Swale and replace with a 6 ft. high x 12 ft. span open bottom box culvert.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc., dated April 2009, as received by DES on April 16, 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 Water Engineering Bureau.
4. This permit is contingent on approval by the DES Watershed Management Bureau.
5. 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.
6. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit and conditions of other DES Sections if applicable. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. A copy of the plans approved for construction shall be submitted to DES prior to the required pre-construction meeting.
8. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
9. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
10. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
11. Work shall be done during low flow.
12. 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.
13. 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.
14. Unconfined work in wetlands and surface waters, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
15. 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.
16. 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.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. 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.
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. 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.
21. 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.

22. 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.
23. 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).
24. Restoration of temporary wetlands impacts shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
25. Wetlands restoration areas shall be replanted with an appropriate native wetland seed mix and/or plantings.
26. Areas from which vegetation has been cleared to gain access to the impact sites shall be replanted with like native plant species.
27. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
28. A post-construction report documenting the status of the restored temporary wetlands and bank impacts shall be prepared by a New Hampshire Certified Wetland Scientist ("CWS") and submitted to the Wetlands Bureau within 60 days of the completion of each phase of construction.
29. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
30. 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.
31. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is needed to address localized flooding and flooding surcharges to the municipal sewer system that results in sewage discharging to Back Bay.
6. The proposed work includes upgrading existing drainage structures and adding stormwater treatment structures.
7. The new drainage system will add stormwater treatment, stop sewage discharges, which should improve the quality of the water leaving the site and alleviate the health concerns related to contaminated stormwater discharges.
8. The permit is contingent on approval by the DES Alteration of Terrain Program, DES Waste Water Engineering Bureau and the DES Watershed Management Bureau.
9. The applicant has received approval from the DES Alteration of Terrain Program.
10. The project currently requires a Shoreland Permit, however, the Town has applied for an Urban Exemption, which is currently pending.
11. The Urban Exemption will need to be approved or a Shoreland permit obtained prior to the start of construction.
12. The applicant has indicated that they have obtained permission from all abutters with work in wetlands that is within 20 feet of the town property boundary in accordance with Administrative Rule Env-Wt 303.04(a). The applicant has provided copies of the written agreements.
13. The proposed rip-rap within the bed and bank of the lake is within existing impact areas and is needed to protect upgraded structures and is not for the purpose of making land.
14. The proposed dredge areas are within historically impacted and created wetland drainage swales.
15. The temporary impacts associated with the proposed maintenance dredging and grading areas within the wetland drainage swales will be restored and will not require compensatory mitigation.
16. DES has not received any comments in objection to the proposed project.
17. DES received a letter from the Wolfeboro Conservation Commission stating that they have no objections to the proposed project.
18. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine and lacustrine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

**2007-01912 MIDDLEBROOK, ROBERT & BONNIE
MEREDITH Lake Winnepesaukee**

Requested Action:

Retain and relocate a 4 ft x 40 ft seasonal pier and retain approximately 92 linear ft of retaining wall constructed without a permit around the landward perimeter of a 68 ft x 18 ft beach on an average of 200 ft of frontage on Black Cat Island, on Lake Winnepesaukee.

APPROVE AFTER THE FACT:

Retain and relocate a 4 ft x 40 ft seasonal pier and retain approximately 92 linear ft of retaining wall constructed without a permit around the landward perimeter of a 68 ft x 18 ft beach on an average of 200 ft of frontage on Black Cat Island, on Lake Winnepesaukee.

With Conditions:

1. All structures shall be maintained in accordance with as-built plans by Ames Associates dated May 12, 2008, as received by DES on May 19, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This approval shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded approval shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested.
4. These shall be the only structures on this water frontage and all portions of the seasonal pier shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. All future activities shall be conducted 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(k), projects impacting between 50 and 200 linear feet of shoreline.
2. The applicant completed the construction of the proposed structures prior to the issuance of the requested permit. No additional impacts are permitted under this approval.

**2009-00228 GCD INC
HOOKSETT Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 2693 sq. ft. of wetlands for the construction of a 13 ft. wide x 3.6 ft. high x 27 ft. run open bottom box culvert with a natural stream bed to provide access to a proposed self-storage facility, office, parking, utilities and stormwater detention and treatment structures (total land disturbance approximately 89,000 sq. ft.) on a 3.36 acre lot.

APPROVE PERMIT:

Dredge and fill 2693 sq. ft. of wetlands for the construction of a 13 ft. wide x 3.6 ft. high x 27 ft. run open bottom box culvert with a

natural stream bed to provide access to a proposed self-storage facility, office, parking, utilities and stormwater detention and treatment structures (total land disturbance approximately 89,000 sq. ft.) on a 3.36 acre lot.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering, sheet 2 of 12 revision dated January 5, 2009, sheet 4 of 12 revision dated January 6, 2009, sheet 7 of 12 dated November 2008, as received by DES on February 6, 2009 and revised plan sheets 1 of 1 dated June 4, 2009 and sheet 11 of 14 revision dated June 6, 2009, as received by DES on June 8, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program (if applicable).
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. Work shall be done during low flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. As requested by the New Hampshire Fish and Game Department any erosion control matting needed for the proposed project shall not include plastic netting.
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. 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.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Any impacts to the stream bed shall be approved by DES and be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
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.
12. 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).
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact 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 Env-Wt 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 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 Granite Hill Village, Board of Directors denied the request to tie the commercial access into the adjacent road. Therefore, the applicant needs to provide access across the onsite wetlands.
6. A "Zone of concern" was noted near the site by the New Hampshire Natural Heritage Bureau. The applicant was directed to the New Hampshire Fish and Game Department (NHFGD). NHFGD stated that they do not expect impacts to the Zone of concern and requested that erosion control matting not include plastic netting.

7. The permit was conditioned to address NHFGD's request.

2009-00467 LAWLESS, MICHAEL & DONNA
HANOVER Unnamed Wetland

Requested Action:

Propose to permanently impact 4440 sq. ft. of palustrine emergent wetland for construction of an access drive to a single family residence with equestrian accessory structures.

Conservation Commission/Staff Comments:

The Conservation Commission is concerned about water quality impacts to the wetlands and the brook. The Commission supports the application with comments.

APPROVE PERMIT:

Permanently impact 4440 sq. ft. of palustrine emergent wetland for construction of an access drive to a single family residence with equestrian accessory structures.

With Conditions:

1. All work shall be in accordance with the plans by Pathways Consulting, LLC entitled Revised Wetland Crossing Detail (Figure A) as received by DES on June 15, 2009 and Site Plan (Figure 2) as received by DES on June 30, 2009.
2. This permit is contingent on the permit holder owning the property.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Culverts shall be laid at original grade.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. 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).
15. 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.
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.

With Findings:

1. This is a minor impact project per 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The property owners authorized the applicant (a potential buyer) to apply for a permit.
6. The proposed driveway crosses the wetland at the most narrow location that also allows for safe access to the town road.
7. Project revisions added a second culvert to the crossing to help maintain the hydrological connection.
8. The Hanover Conservation Commission commented that they have concerns about water quality impacts to the wetlands and the brook.
9. The applicant designed the wetland crossing to maintain unimpeded surface and groundwater flow and stated that the proposed driveway will not cause a measurable change to the quality of surface water.
10. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-00478 LITTLETON WATER & LIGHT DEPT
BETHLEHEM North Branch Gale River

Requested Action:

Propose to repair and maintain a municipal water system intake facility involving 3850 square feet of permanent impacts to the bed and banks of the North Branch of Gale River, a perennial stream, and 60 sq. ft. of temporary impacts to an intermittent stream,. The permanent impacts involve placing fractured rocks in 700 square feet of stream bed to stabilize the existing gabion basket infiltration bed; removing sediment that has built up behind the dam (< 100 cubic yards) from 2000 square feet of stream bed; stabilizing 400 square feet of the stream bank; filling 750 square feet of stream bed below the concrete apron with large angular fractured rock. Temporary impacts are 60 sq. ft. to access the site by crossing an intermittent stream involving the installation of a 20'x18" diameter culvert. Impacts involve 120 linear feet of perennial stream channel, 40 linear feet of perennial stream bank, and 20 linear feet of temporary impacts to an intermittent stream.

APPROVE PERMIT:

Repair and maintain a municipal water system intake facility involving 3850 square feet of permanent impacts to the bed and banks of the North Branch of Gale River, a perennial stream, and 60 sq. ft. of temporary impacts to an intermittent stream,. The permanent impacts involve placing fractured rocks in 700 square feet of stream bed to stabilize the existing gabion basket infiltration bed; removing sediment that has built up behind the dam (< 100 cubic yards) from 2000 square feet of stream bed; stabilizing 400 square feet of the stream bank; filling 750 square feet of stream bed below the concrete apron with large angular fractured rock. Temporary impacts are 60 sq. ft. to access the site by crossing an intermittent stream involving the installation of a 20'x18" diameter culvert. Impacts involve 120 linear feet of perennial stream channel, 40 linear feet of perennial stream bank, and 20 linear feet of temporary impacts to an intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Littleton Water and Light Department with the assistance of Lobdell Associates Inc. dated February 2009, as received by the Department on March 18, 2009. 4.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
4. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. Appropriate turbidity/siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. 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. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
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. No equipment shall enter the water.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
14. 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.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. 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).
19. Area of temporary impact shall be restored to existing conditions following completion of work.
20. 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.
21. 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.
22. 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.

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. Recent storms caused damage to Littleton's water system intake facility.
6. The project will repair the Town of Littleton's water system intake facility.
7. The excavation depth will not be below the original impoundment level.
8. No comments were submitted from the NH Natural Heritage Bureau or the Bethlehem Conservation Commission.
9. NHFG Nongame and Endangered Wildlife Program fisheries biologist indicated that they have no concerns about the project, but would like work to be done using BMPs and for the work to be completed by October 1st to minimize impacts to any spawning trout downstream.

2009-00737 HANCOCK, TOWN OF
HANCOCK Norway Pond

Requested Action:

Regrade an existing 4112 sq ft public beach to reduce the slope and help prevent erosion of the beach into the waters of Norway Pond, in Hancock.

Conservation Commission/Staff Comments:

No Con Com comments by July 08, 2009

APPROVE PERMIT:

Regrade an existing 4112 sq ft public beach to reduce the slope and help prevent erosion of the beach into the waters of Norway Pond, in Hancock.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants, as received by DES on April 15, 2009.
2. All excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. This permit does not allow for the placement of any new sand on the beach.
6. 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(h), projects involving less than 20,000 sq feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceeds the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00936 FRANCETOWN, TOWN OF
FRANCETOWN Pleasant Pond & Collins Brook**

Requested Action:

Dredge and fill ± 12 sq. ft. and temporarily impact ± 1,800 sq. ft of Collins Brook at Pleasant Pond Road to replace an 83-inch x 30-foot and two 48-inch x 30-foot CMP's with a with a 22-foot x 6.8 foot x 30-foot precast rigid frame bridge.

APPROVE PERMIT:

Dredge and fill ± 12 sq. ft. and temporarily impact ± 1,800 sq. ft of Collins Brook at Pleasant Pond Road to replace an 83-inch x 30-foot and two 48-inch x 30-foot CMP's with a with a 22-foot x 6.8 foot x 30-foot precast rigid frame bridge.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC dated April 25, 2009, as received by the Department on May 11, 2009 and plans dated June 26, 2009 and revised through July 06, 2009, as received by DES on July 06, 2009.
2. This permit is contingent upon the restoration of 526 square feet of wetlands and restoration of 1,272 square feet of perennial stream channel and bank in accordance with plans received May 11, 2009 and July 06, 2009, within 15 days of the completion of construction.
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the temporary impact restoration areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

5. Work shall be done during annual low flow conditions.
6. 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.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. 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.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. 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).
18. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
19. The recreated stream channel bed (and box culvert) must maintain the natural and a consistent streambed elevation and not impede stream flow.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
27. 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.
28. 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.
29. 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.
30. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
31. Post-construction photographs documenting the status of the completed construction and restored wetland, streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system 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 minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of a perennial nontidal stream or river channel or its banks.
2. Pre-application comment for the proposed project was sought by the Agent in April 2009.
3. Letters of support from the Frankestown Selectmen and Conservation Commission were received on June 09, 2009.
4. Expedited review per SOP 201 was sought to allow for the completion of the project by the end of 2009 as required by the FEMA Hazard Mitigation Grant Program. The expedited review request was approved by DES on June 10, 2009.
5. The applicant has received written consent from the owner of lots 81, 88 and 88.1 (Tax Map 8), for proposed work on these properties.
6. In email correspondence received June 15, 2009, the Piscatacoug River Local Advisory Committee (PRLAC) stated the concern, "to create as natural a bottom as possible under the box culvert to encourage fish and amphibian transit even during low-flow conditions. Reference is made to Guidelines For Naturalized River Channel Design and Bank Stabilization, NHDES, February 2007, Section 8.5 - Design of Channel Cross Section. That section states "Engineers ... include features to mimic the naturally stable reference reach such as a low flow channel and small low flood plain, or flood bench." The design currently features a flat bottom that should be altered to include a low flow channel and should be constructed of rounded river stone, not angular stone."
7. The NHFG Fisheries Division requested a minor revision to proposed stream bed construction.
8. Revisions requested by the NHFG Fisheries Division and PRLAC were incorporated into the proposed design.
9. Drainage calculations were submitted that confirm the proposed structure will pass a 100-year storm.
10. No comments were submitted from the federal agencies, the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
12. 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.
13. 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.

2009-00938 BROOK SHIRE LLC
WEARE Huse Brook

Requested Action:

Dredge and fill ± 498 sq. ft. and temporarily impact ± 370 sq. ft. of Huse Brook bank to install a 24-foot x 6-foot x 33-foot precast concrete con-span bridge and associated temporary crossing for road access to a 31-lot subdivision, including two (2) open space lots on ± 117.5 acres.

APPROVE PERMIT:

Dredge and fill ± 498 sq. ft. and temporarily impact ± 370 sq. ft. of Huse Brook bank to install a 24-foot x 6-foot x 33-foot precast concrete con-span bridge and associated temporary crossing for road access to a 31-lot subdivision, including two (2) open space lots on ± 117.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated September 15, 2003, and November 18, 2003, and revised through September 07, 2005, as received by the Department on May 18, 2009.
2. This permit is contingent upon the restoration of 398 square feet of temporary impact to Huse Brook in accordance with plans received May 18, 2009, within 15 days of the completion of bridge 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. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. If required, this permit is contingent on approval by the DES Shoreland Program.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. Work shall be done during annual low flow conditions and in the dry.
11. In the event there is water diversion is required for bridge construction, a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
12. 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.
13. 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.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. There shall be no excavation or operation of construction equipment in flowing water.
17. 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.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
19. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. Temporary cofferdams shall be entirely removed immediately following construction.
22. Proper headwalls shall be constructed within seven days of culvert installation.
23. 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).
24. Riprap shall not be installed in the streambed.
25. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
26. 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.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
28. Banks shall restored to their original grades and to a stable condition within three days of completion of construction.
29. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
30. 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.
31. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
32. 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.
33. The schedule for construction of the temporary impact restoration area shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.

- 34. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the temporary impact restoration area is constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
- 35. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
- 36. A post-construction report documenting the status of the restored stream bed and bank and bridge construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
- 37. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
- 2. This project was previously approved by DES Wetlands and Non-Site Specific Permit 2004-00133.
- 3. The Huse Brook crossing was the only previously approved wetland impact area that was not completed prior to the expiration of DES Wetlands and Non-Site Specific Permit 2004-00133.
- 4. The Agent has confirmed Huse Brook's average channel width at the crossing is 10 feet and that the bridge has been sized to pass a 100-year storm.
- 5. In correspondence dated June 15, 2009, the Piscataquog River Local Advisory Committee stated due to the proximity of this project to the river, strict adherence to the design's sedimentation control elements and to work low water condition should be required.
- 6. The Natural Heritage Bureau indicated the presence of brook floater and blanding's turtle in the project vicinity.
- 7. In correspondence dated April 16, 2009, the NHFG Nongame and Endangered Species Program stated that if the project is for future development that plans be submitted for the proposed build-out.
- 8. The proposed project is limited to the subdivision that was previously approved by DES Wetlands and Non-Site Specific Permit 2004-00133.
- 9. In correspondence received April 28, 2009, the NH Division of Historical Resources stated that continued consultation is anticipated and that they are waiting for the results of the Phase IB testing.
- 10. This permit is conditioned that, "The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources."
- 11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 12. 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.
- 13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

**2008-01576 DRED, NH
STRATFORD Nash Stream**

Requested Action:

Amend permit to construct one additional porous rock weir that will help ensure that the main part of the channel flows directly under an existing bridge as well as provide additional trout habitat.

Conservation Commission/Staff Comments:

The goal of the project within the Nash Stream State Forest is to restore and enhance fish habitat along Nash Stream and their

tributaries that provide critical habitat to important wild brook trout populations.

APPROVE AMENDMENT:

Amend permit to read:

Dredge and fill approximately 4,500 square feet (impacting 3,670 linear feet) within the bed and banks of Nash Stream to restore and enhance habitat for Eastern brook trout by installing boulder clusters and porous rock weirs, by adding root wads and trees, and by removing berms along the stream to restore floodplain areas.

With Conditions:

1. All work shall be in accordance with plans by Field Geology Services, as received by DES on August 8, 2008; and in accordance with plan revisions done by NH Fish & Game Department staff dated June 30, 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. Construction shall be inspected daily by a qualified biologist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow conditions
6. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted in a manner so as to minimize the duration of construction in the watercourse.
7. 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.
8. 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.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. All temporary impact areas shall be properly restored.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore degraded wetland resources, specifically perennial stream resources that have been degraded through past logging, stream damming and dredging activities.
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 project is receiving funds from the USDA Natural Resources Conservation Service, the US Fish & Wildlife Service, and the NH Fish & Game Department. Supervision and oversight of the project comes from NH Fish & Game Dept., NH DRED Division of Forest & Lands, and Trout Unlimited.
6. The goal of the project within the Nash Stream State Forest is to restore and enhance fish habitat along Nash Stream and their tributaries that provide critical habitat to important wild brook trout populations.
7. The amendment was needed to construct one additional porous rock weir that will help ensure that the main part of the channel flows directly under the existing bridge and will provide additional trout habitat.

2009-00653 SNOWFLAKE REAL ESTATE TRUST, DANIEL PRAWDZIK
NELSON Unnamed Stream

Requested Action:

Dredge and fill ± 392 sq. ft. of an unnamed intermittent tributary to Nubanusit Lake to install a 36-inch x 20-foot ADS culvert for recreational access (10-ft. width) between existing lots of record (tax map/lot no. 1/44 and 1/15-2).

APPROVE PERMIT:

Dredge and fill ± 392 sq. ft. of an unnamed intermittent tributary to Nubanusit Lake to install a 36-inch x 20-foot ADS culvert for recreational access (10-ft. width) between existing lots of record (tax map/lot no. 1/44 and 1/15-2).

With Conditions:

1. All work shall be in accordance with plans by Sharon Monahan - Site Succor Design, LLC dated April 07, 2009, and revised through June 24, 2009, as received by the Department on July 01, 2009.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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. 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.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. The Applicant owns tax map/lot no.'s 1/15-2, 15-3, 43 and 44, all existing lots of record.
3. Existing access to tax map/lot no. 1/44 is off of Old Camp Rd., a private seasonal dead-end road.
4. NHDES Shoreland Program approval (Shoreland Permit 2009-00457) for the proposed project was obtained on 04/27/2009.
5. The proposed access way will allow for more direct recreational and maintenance access between lots owned by the applicant.
6. The Applicant's Agent has confirmed the access is for recreational use only.
7. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. 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.
10. 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.

2009-00727 PEMIGEWASSET CHAPTER OF TROUT UNLIMITED, TODD BALD
WOODSTOCK Pemigewasset River

Requested Action:

Dredge and fill 1,629,000 square feet (37.4 acres) within the bed and banks of the Pemigewasset River (impacting 2,290 linear feet) and within an adjacent floodplain pond using fluvial geomorphology based design standards to restore this reach of the river and

pond to a more stable condition that will reduce channel braiding, bank erosion and land loss, while enhancing in-stream and off-channel fisheries habitat.

Inspection Date: 08/23/2007 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 1,629,000 square feet (37.4 acres) within the bed and banks of the Pemigewasset River (impacting 2,290 linear feet) and within an adjacent floodplain pond using fluvial geomorphology based design standards to restore this reach of the river and pond to a more stable condition that will reduce channel braiding, bank erosion and land loss, while enhancing in-stream and off-channel fisheries habitat.

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering dated March 2009, as received by DES on April 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 further permitting by the Bureau.
3. This permit is contingent on approval by the DES Terrain Alteration Bureau.
4. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. All temporary construction easements shall be obtained prior to construction.
6. Restoration work within the river shall be done during periods of low flow.
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. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and shall be repaired prior to entering surface waters or wetlands.
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 their use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. All proposed work and access areas shall be evaluated daily for the presence of wood turtles, and nesting areas shall be fenced off and left undisturbed. If individual turtles need relocation from the core project area, then Biologists from the NH Fish & Game Department shall be immediately contacted for further guidance.
13. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
14. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to DES by December 1 of that year.
15. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction, and areas cleared of vegetation shall be revegetated as quickly as possible where applicable.
17. 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.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the purpose of the project is to restore a braided river channel with severe lateral bank erosion using fluvial geomorphology based design standards.

2. The project is being funded by a 319 grant awarded by NHDES with additional financial support from the NH Fish & Game Department and Trout Unlimited.
3. On August 23, 2007, DES attended an on-site pre-application meeting with staff from the NH Fish & Game Department, ACOE, and the US Fish & Wildlife Service to review the restoration area and to discuss design options.
4. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule 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.

FORESTRY NOTIFICATION

2009-01120 SANBORNTON REALTY TRUST, C/O LINDA GRIFFIN
WEBSTER Unnamed Stream

COMPLETE NOTIFICATION:
Webster Tax Map 1, Lot# 2

2009-01250 HARVEY, DAN
NEW HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
New Hampton Tax Map R3, Lot# 2

2009-01258 YOUNG/ ROLLINS, EUGENE E & CAROLYN H
ALTON Unnamed Stream

COMPLETE NOTIFICATION:
Alton Tax Map 1, Lot# 29

2009-01334 WOODWARD, COREY
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map U14, Lot# 10

EXPEDITED MINIMUM

2009-00399 GOFFSTOWN, TOWN OF
GOFFSTOWN Unnamed Stream

Requested Action:

Proposal to impact 850 sq. ft. of stream for the installation of a 5 ft. span x span x 5 ft. rise x 25 ft. run concrete box culvert with embedded fish baffles. The crossing is being used to replace a previous crossing (washed out) for a section of the Goffstown Rail Trail.

APPROVE PERMIT:

Impact 750 sq. ft. (includes 175 sq. ft. of temporary impact) of stream and associated wetlands for the installation of a 5 ft. span x span x 3.5 ft. rise x 25 ft. run natural embedded concrete box culvert with associated grading, filling and headwalls. The crossing is being used to replace a previous crossing (washed out) for a section of the Goffstown Rail Trail.

With Conditions:

1. All work shall be in accordance with plans by Town of Goffstown dated June 5, 2009, as received by DES on June 10, 2009.
2. The Town shall obtain temporary construction easements from affected landowners outside of the right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00399 prior to construction.
3. Work shall be done during low flow or no flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. The natural stream bottom design as noted on approved box culvert inlet and outlet side plans shall be followed.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. 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.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. 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 (pending requested Urban Exemption File #2008-00759).
12. 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.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed project will connect two sides of the Goffstown Rail Trail and provide public access to the trail.
6. The project is receiving grant funds from the New Hampshire Trails Bureau.
7. The proposed structure exceeds the maximum allowed grant by \$10,000 thousand dollars and expected to cost nearly \$35,000 dollars to complete.
8. The New Hampshire Natural Heritage Bureau ("NHB") review identified the State endangered brook floater and threatened spotted turtle, species of concern, wood turtle in the vicinity of the proposed project with a possible impact to the brook floater. The applicant was directed to the New Hampshire Fish and Game Department ("NHFGD").
9. The applicant worked with the NHFGD to revise the proposed crossing to remove the fish baffles, plunge pool and provide a natural streambed.
10. The NHFGD provided the applicant and DES with documentation (e-mail dated June 3, 2009) that their concerns have been addressed.
11. The applicant has applied for an Urban Exemption from the Comprehensive Shoreland Protection Act, RSA 483-B, which includes this section of the rail trail. The exemption is pending (File # 2008-00759).
12. The Picataquog River Local Advisory Committee (LAC) was notified of the project.
13. DES did not receive any comments from the LAC.
14. The applicant has looked at multiple designs from a single culvert design and various bridge types.
15. A standard culvert design was rejected by the Town Conservation Commission.
16. The applicant is providing a four sided box culvert with a constructed natural stream bed. The Town would have preferred a standard culvert design due to the cost of the box culvert.
17. The proposed box culvert is designed to pass a 100-year storm event and maintain and improve aquatic passage and alleviate erosion issues.
18. The applicant is finalizing an easement agreement with the abutter along the south side of the project and the permit is contingent on receipt by DES of a signed agreement before the start of construction.
19. The abutter to the south east side of the project has provided a signed written agreement for the work in wetlands that is within 20 ft. of the property in accordance with Administrative Rule Env-Wt 304.04(a).
20. The abutter within 20 ft. to the north has refused to sign an agreement and has raised several items of concern about the project.
21. In summary (the detailed abutter concerns are contained in the file, letter dated May 8, 2009, as received by DES on May 11, 2009) concerns consist of actual ownership of the land not just work within 20 ft.; the project would cause unnecessary environmental hardship that will negatively impact the shoreline and aquatic organisms and the town could pursue other practical alternatives; concerns that the culvert will provide easy access to the shoreline and requested a fence be installed because the public will be exposed to a hazard condition, the structure would be an advertisement for trespass, fences would provide a barrier to trash from entering the lake; the culvert will require dredging and they are concerned with sediment and erosion entering the lake and disruption to the natural forest block/buffer; the culvert site is a migratory feeding bed and breeding ground for turtles, ducks and geese; and feel the culvert will be an eyesore and negatively impact the views to the lake.
22. The applicant/Town provided DES with a response to the abutters concerns (the detailed response is contained in the file, letter dated June 8, 2009, as received by DES on June 10, 2009). In summary, the Town has received a stamped plan indicating the surveyed boundaries of the rail trail right-of-way; the town has worked with NHFGD to design an appropriate crossing, the town has looked at other alternatives and is trying to address cost and still provide access to the trail and views of the lake; the steep drop off along the trail is an existing conditions and the proposed culvert should not increase access because it is already accessible for those who choose to traverse steep terrain across private property, the project is already above the maximum grant available and the Town doesn't feel it is their responsibility to restrict passage onto private property, they would possibly have to provide a fence for all abutters who request it and the a fence would detract from the scenic views the trail offers; the site is an existing eroding gully eroding more toward the stream and lake each year and the installation box culvert and stabilization of the side slopes should reduce erosion, they will be using best management practices during construction, additional vegetation is planed in a future phase; the Town has worked with NHFGD to address concerns and provide proper aquatic passage and the height of the proposed crossing has been reduced to help mitigate their concerns as an eyesore, the current state of the proposed box culvert site is eroding and not very "scenic", the project will clean up the gully and create a safer passage for trail users, there is no natural formation of granite boulders, the granite slabs are part of the old railroad trestle which washed out many years ago, going on to the abutter's property to remove additional granite would increase wetlands impacts and bring disturbance closer to the lake, some granite in the impact area will be reused, there is a thick stand of growth that occurs in the spring/summer which will hide the box culvert outlet from the abutter's residence the proposed box culvert will provide access on the trail.
23. The trail is part of the Goffstown Rail Trail system and a crossing is needed and is a reasonable request to provide pedestrian passage on a trail that was intended for public use.
24. The culvert is sized to pass a 100-year storm event and has been revised to address concerns of the NHFGD.

- 25. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for impacts in wetlands that are within 20 feet of an abutting property lines, as required by Env-Wt 304.04.
- 26. The Town has attempted to acquire an agreement from the abutting property owner of land identified as tax map/lot 30/49.
- 27. The applicant has indicated that the abutter is not willing to provide a written agreement.
- 28. As noted in finding #20 the abutter also raised several items of concern which the applicant has responded to and tried to address.
- 29. The Town has provided plans that depicts the abutter's home is over 200 feet from the outlet of the proposed culvert and would only have limited views of the culvert.
- 30. The Town contends that the culvert will not negatively affect the scenic beauty and property values of the surrounding parcels, nor will it create an environmental hardship on the area.
- 31. The Town stated that the abutter has attended several meeting regarding the box culvert project and has voiced their disapproval of the general use of the rail trail.
- 32. The Town contends that moving the trail to the Mast Road sidewalk goes against the goals of the Rail Trail Committee which promotes recreational trail use for Goffstown residents and visitors to the community.
- 33. The Town contends that denying the application solely based on the abutter's refusal to give permission of the proposed project within 20 feet of their lot line is an economic hardship on the Town for reason described above (their response to DES) and request that a waiver be granted so that the Town can install the culvert which will allow safe trail passage, reduction in erosion and sediment migration to the lake and an overall improved stabilization to the site.
- 34. The photographs within the project file depict views of the site currently consist of the previous crossing slopes, granite, stream, vegetation, rip-rap slope, dwellings and transportation trailers (snowmobile/motorcycle).
- 35. As previously noted the Town has provided a culvert crossing that is suitable to the NHFGD and that is sized to pass a 100-year storm event. This suggests that the crossing itself should have no negative environmental impact on the site.
- 36. The closest abutters to the project have either given permission or are finalizing an easement agreement.
- 37. The existing slopes are steep and the Wetlands Bureau doesn't typically review or require fencing for safety.
- 38. The Town is proposing acceptable best management practices (i.e., erosion sedimentation and turbidity controls) during construction.
- 39. DES has not received in other comments in opposition to the proposed project.
- 40. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
- 41. The waiver to Administrative Rule 304.04(a) is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2009-01072 ROWSE, SAMUEL
NEW LONDON Lake Sunapee

Requested Action:

Repair an existing 12 ft x 110 ft crib supported dock with a 34 ft x 37 ft crib supported 2 slip boathouse with an adjacent 8 ft x 28 ft crib supported dock, on and average of 432 ft of frontage, Lake Sunapee, New London.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 12 ft x 110 ft crib supported dock with a 34 ft x 37 ft crib supported 2 slip boathouse with an adjacent 8 ft x 28 ft crib supported dock, on and average of 432 ft of frontage, Lake Sunapee, New London.

With Conditions:

- 1. All work shall be in accordance with plans dated July 06, 2009, as received by DES on July 07, 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.

2009-01073 153 PARADE ROAD LLC
MEREDITH Unnamed Wetland

Requested Action:

Temporarily impact 139 sq. ft. of emergent wetlands to install a waterline to be used for additional pressure and capacity for a sprinkler system.

Conservation Commission/Staff Comments:

- 1. The Meredith Conservation Commission signed this minimum impact expedited application.

APPROVE PERMIT:

Temporarily impact 139 sq. ft. of emergent wetlands to install a waterline to be used for additional pressure and capacity for a sprinkler system.

With Conditions:

- 1. All work shall be in accordance with plans by Associated Surveyors (stamped by Carl R. Johnson, Jr.) dated May 14, 2009, as received by DES on June 10, 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. The wetland impact area shall be regraded to original contours following completion of work.
- 4. Restoration of temporary wetlands impact shall have at least 75% successful establishment of native wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
- 5. Work shall be done during low flow.
- 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. 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(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.

**2009-01171 ASHFORD, WILLIAM
ALTON Lake Winnepesaukee**

Requested Action:

Repair/replace one 4 ft x 103 ft 5 in piling pier, five 2 ft x 20 ft 2 in finger piers, five 2 ft X 18 ft 2 in finger piers, one 2 ft x 30 ft 8 in piling pier connected by a 2 ft by 23 ft 10 in walkway to a 2 ft by 30 ft 8 in pier, replace a 47 ft timber retaining wall with 4 pilings with concrete block wall, a 28 ft 9 in timber retaining wall with 2 pilings with concrete block wall, and a 4 ft x 14 ft 6 in wharf in kind on 249 ft of frontage in Glidden Cove, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair/replace one 4 ft x 103 ft 5 in piling pier, five 2 ft x 20 ft 2 in finger piers, five 2 ft X 18 ft 2 in finger piers, one 2 ft x 30 ft 8 in piling pier connected by a 2 ft by 23 ft 10 in walkway to a 2 ft by 30 ft 8 in pier, replace a 47 ft timber retaining wall with 4 pilings with concrete block wall, a 28 ft 9 in timber retaining wall with 2 pilings with concrete block wall, and a 4 ft x 14 ft 6 in wharf in kind on 249 ft of frontage in Glidden Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated May 20, 2009, as received by DES on June 15, 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. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The repairs shall maintain the size, location and configuration of the pre-existing structures.
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.

2009-01297 **QUIMBY, VIRGINIA**
CLAREMONT **Unnamed Wetland**

Requested Action:

Temporarily impact ± 1,780 sq. ft. of palustrine emergent wetlands to construct a 540-foot municipal watermain.

APPROVE PERMIT:

Temporarily impact ± 1,780 sq. ft. of palustrine emergent wetlands to construct a 540-foot municipal watermain.

With Conditions:

1. This permit is contingent upon the restoration of 1,780 square feet of wetlands and in accordance with plans by Pathways Consulting, LLC, dated June 2009, and received June 10, 2009, within 15 days of the completion of construction of the 540-foot watermain.
2. Work shall be done during low flow.
3. 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.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
6. All material removed during work activities shall be placed out of DES's jurisdiction.
7. Area of temporary impact shall be regraded to original contours following completion of work.
8. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the temporary impact restoration area is constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
9. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
10. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
11. 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.
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 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. In correspondence dated May 27, 2009, the Conservation Commission expressed support for the project.
3. No comments were submitted from the federal agencies, NHRG 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.

GOLD DREDGE

2009-01284 BEDELL, GARY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01377 HUTCHINS, AMANDA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01378 ANTONICO, JUSTIN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01379 ALLEN, KELLY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01380 HEBERT, MICHAEL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2009-01381 OKESSON, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: bath ConCom

2009-01386 CARLSON, GLENN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath ConCom

2009-01387 HOOVER, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc: Bath ConCom

2009-01388 LIESENDAHL, GARY
(ALL TOWNS) Unnamed Stream

TRAILS NOTIFICATION

2009-01418 LALUMIERE, RICHARD
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map E5, Lot# 4-6

2009-01419 BARRY, SIMONE
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 2, Lot# 4-23

2009-01420 DUNBARTON CON COM, TOWN OF
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map D5, Lot# 1-6

2009-01421 BERGERON, MICHAEL
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map E5, Lot# 4-2

LAKES-SEASONAL DOCK NOTIF

2009-01384 MUISE, MICHAEL
LACONIA Lake Winnepesaukee

COMPLETE NOTIFICATION:
Laconia Tax map 110, Lot# 6 Lake Winnepesaukee

2009-01385 ORIORDAN, EDMUND
OSSIPEE Duncan Lake

COMPLETE NOTIFICATION:
Ossipee Tax Map 55, Lot# 10 Duncan Lake

2009-01414 LINGHAM, BRADFORD & CHRISTINA
HARRISVILLE Chesham Pond

COMPLETE NOTIFICATION:
Harrisville Tax Map 40, Lot# 11 Chesham Pond

PERMIT BY NOTIFICATION

2009-01156 MARTINDILL, CHARLES
LANCASTER Unnamed Wetland

Requested Action:
Dredge and fill 580 sq. ft. of wetlands to install a 15-inch by 20-foot culvert for the construction of an access driveway to a single family building lot and maintenance dredge the associated roadside ditch.

PBN IS COMPLETE:
Dredge and fill 580 sq. ft. of wetlands to install a 15-inch by 20-foot culvert for the construction of an access driveway to a single family building lot and maintenance dredge the associated roadside ditch.

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

2009-01158 COMEAU, ROBERT & NANCY
WHITEFIELD Unnamed Wetland

Requested Action:

Dredge and fill approximately 456 sq. ft. of wetlands for installation of a 12 foot wide access road with a 15 inch diameter by 20 foot long culvert to provide access to a wildlife management area.

PBN IS COMPLETE:

Dredge and fill approximately 456 sq. ft. of wetlands for installation of a 12 foot wide access road with a 15 inch diameter by 20 foot long culvert to provide access to a wildlife management area.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The proposed project is for recreation and service access for wildlife openings.
5. The proposed project is part of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program.

2009-01191 SHIP AHOY CONDOMINIUM ASSOCIATION
LACONIA Lake Winnepesaukee

Requested Action:

Install a boatlift in an existing slip.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Install a boatlift in an existing slip.

With Findings:

Install a boatlift in an existing slip pursuant to Env-Wt 506.01 and Env-Wt 303.04(ac).

2009-01316 GROVES LTD PARTNERSHIP, FOWLER
ALTON Lake Winnepesaukee

Requested Action:

Repair existing docking structures.

PBN IS COMPLETE:

Repair existing docking structures.

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.

**2009-01342 GARY COTTAGE TRUST
FREEDOM Ossipee Lake**

Requested Action:

In kind repair of existing retaining walls.

Conservation Commission/Staff Comments:

Con Com signed PBN form on June 16, 2009

PBN IS COMPLETE:

In kind repair of existing retaining walls.

With Findings:

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

**2009-01376 FORD, DEBRA
DOVER Boston Harbor**

Requested Action:

Impact 90 sq. ft. (3' x 30') to repair in-kind a 30 linear foot section of existing retaining wall.

PBN IS COMPLETE:

Impact 90 sq. ft. (3' x 30') to repair in-kind a 30 linear foot section of existing retaining wall.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. NH Fish & Game Department (NHF&G") Non-Game and Endangered Wildlife Program has record of the State endangered common tern (*Sterna hirundo*) within the vicinity of this project. This species is known to occur on Hen Island located approximately 0.75 miles away from the project location. The project is within a previously developed area and will not likely to impact this species.
4. NH Natural Heritage Inventory (NHNHI) has record of a State threatened plant species Small Spike-rush (*Eleocharis parvula*) within the vicinity of the project. NHNHI notes that threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. DES review finds that the proposed project does not involve ditching or tidal restrictions and the project will not likely cause an increased input of nutrients and pollutants over what currently exists. Therefore, it's not likely this project will impact this species.

**2009-01396 BODOZIAN, STEPHEN
ALTON Lake Winnepesaukee**

Requested Action:

Install a seasonal dock and anchor pad.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:
Install a seasonal dock and anchor pad.

2009-01415 PERRY, AUDREY
NEW LONDON Unnamed Wetland

Requested Action:
Dredge and fill 1,150 sq. ft. of palustrine forested wetlands to install two (2)
18-inch x 20-foot culverts and sewer line (two separate crossings) for driveway access to an existing single family residence lot of record.

PBN IS COMPLETE:
Dredge and fill 1,150 sq. ft. of palustrine forested wetlands to install two (2)
18-inch x 20-foot culverts and sewer line (two separate crossings) for driveway access to an existing single family residence lot of record.

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. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The subject lot was subdivided in 1967.

CSPA PERMIT

2009-00125 GONZALES, KATHLEEN
ACWORTH Crescent Lake

Requested Action:
Impact 3115 sq ft for the temporary impacts associated with replacing an septic system, drilling a new well, installing a culvert, re-routing a portion of an existing stream, removing existing culverts a shed and a bridge.

APPROVE PERMIT:
Impact 3115 sq ft for the temporary impacts associated with replacing an septic system, drilling a new well, installing a culvert, re-routing a portion of an existing stream, removing existing culverts a shed and a bridge.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 2009 and received by the Department of Environmental Services ("DES") on January 23, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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 9.0% 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 2511 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2511 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.

2009-00836 PARKER ISLAND LLC
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 304 sq ft for the purpose of constructing an addition onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 304 sq ft for the purpose of constructing an addition onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group revised June 12, 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Storm water management in the form of stone lined perimeter drip edges shall be installed as shown on the approved plans within 60 days of the construction of any proposed impervious surface.
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 5.9% 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 12,680 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 12,680 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.

**2009-00867 HOEY TRUST, THOMAS
EAST WAKEFIELD Lake Ivanhoe**

Requested Action:

Impact 7500 sq ft for the purpose of removing an existing non-conforming single-family dwelling and constructing a new conforming single-family dwelling with screen porch, deck, driveway detached 3 car garage and state approved septic system.

APPROVE PERMIT:

Impact 7500 sq ft for the purpose of removing an existing non-conforming single-family dwelling and constructing a new conforming single-family dwelling with screen porch, deck, driveway detached 3 car garage and state approved septic system.

With Conditions:

1. All work shall be in accordance with plan 3 by Jason Neville dated June 5, 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. 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 16.5% 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 3,450 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,244 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. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00891 ROYSTAN, ROBIN
HAVERHILL French Pond**

Requested Action:

Impact 3020 sq ft for the purpose of constructing an entrance road to an existing right-of-way.

APPROVE PERMIT:

Impact 3020 sq ft for the purpose of constructing an entrance road to an existing right-of-way.

With Conditions:

1. All work shall be in accordance with plans by Harry Burgess dated January 2008 and received by the Department of Environmental Services ("DES") on May 15, 2009.
2. The submitted NH Natural Heritage Bureau report has identified the project site as supporting the state threatened peregrine falcon (*Falco peregrinus anatum*) in accordance with NH Endangered Species Conservation Act (RSA 212-A), NHFG or its agent, requires access to the Roystan Pit, upon request, in order to evaluate for the presence of this species at least yearly. Please provide contact information for the appropriate person to arrange site visits.
3. All proposed 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 16.4% 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 34,472 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,236 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.

2009-00977 STANISEWSKI, DENISE
WARNER Warner River

Requested Action:

Impact 10,750 sq ft for the purpose of constructing a single family dwelling, detached garage, gravel driveway and installing a state approved septic system.

APPROVE PERMIT:

Impact 10,750 sq ft for the purpose of constructing a single family dwelling, detached garage, gravel driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated April 30, 2009 and received by the Department of Environmental Services ("DES") on May 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
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.
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 14.7% 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 1,373 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 858 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.

**2009-01169 NEW ENGLAND COLLEGE, PAULA AMATO
HENNIKER Contoocook River**

Requested Action:

Impact 8,725 sq ft for the purpose of removing an existing parking area and constructing a 76,000 sq ft artificial turf sports field.

APPROVE PERMIT:

Impact 8,725 sq ft for the purpose of removing an existing parking area and constructing a 76,000 sq ft artificial turf sports field.

With Conditions:

1. All work shall be in accordance with plans sheet 2 of 3 by Sebago Technics revised June 11, 2009 and received by the Department of Environmental Services ("DES") on June 11, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, 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 1.4% 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 493,278 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 246,639 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.

**2009-01172 MOOSILAUKE MERRIWOOD INC
ORFORD Upper Baker Pond**

Requested Action:

Impact 3500 sq ft for the temporary impacts associated with replacing a grandfathered cesspool with a state approved combination septic tank/pump station and associated force main.

APPROVE PERMIT:

Impact 3500 sq ft for the temporary impacts associated with replacing a grandfathered cesspool with a state approved combination septic tank/pump station and associated force main.

With Conditions:

1. All work shall be in accordance with plans by Hogg Hill Design LLC dated May 12, 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. Any impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. All impacts within the waterfront buffer shall be revegetated with native trees, shrubs and ground covers similar to the surrounding area or pre-construction conditions upon completion of project installation.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 28.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 227 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 227 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. 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.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01198 HOWES, DAVID/PATRICIA
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 10,330 sq ft for the purpose of removing an existing non-conforming dwelling and constructing a new single-family dwelling a detached garage, relocating an existing shed and reconfiguring and enlarging an existing driveway.

APPROVE PERMIT:

Impact 10,330 sq ft for the purpose of removing an existing non-conforming dwelling and constructing a new single-family dwelling a detached garage, relocating an existing shed and reconfiguring and enlarging an existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 3, 2009 and received by the Department of Environmental Services ("DES") on June 17, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. All proposed infiltration trenches shall be installed within 6 months of completion of the proposed foundations.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain 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. The project as proposed will leave approximately 4,240 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,577 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. 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.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.