

Wetlands Bureau Decision Report

Decisions Taken
11/02/2009 to 11/08/2009

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

**2009-00396 AW TOWNE REALTY TRUST
EPSOM Unnamed Wetland Unnamed Stream**

Requested Action:

Proposal to dredge and fill 18,197 sq. ft. of wetlands and associated streams for access to a proposed 25-lot residential subdivision. Compensatory Mitigation is in the form of a one time payment to the DES Aquatic Resource Mitigation (ARM) Fund.

Conservation Commission/Staff Comments:

ARM Fund payment due 3/8/2010.

APPROVE PERMIT:

Approval to dredge and fill 22,946 sq. ft. (includes 1,500 sq. ft. of restoration impacts) of wetlands and associated streams for access to a proposed 24-lot residential subdivision on an existing 124 acre parcel with one existing home lot and a new 48 acre Town lot. Wetlands impacts consist of installation of 5 box culverts embedded with natural stream bed materials, one elliptical culvert and associated grading and filling and temporary stream impacts for construction of the subdivision access road and restoration of an existing stream crossing. Compensatory Mitigation for the proposed wetlands impacts (and previously approved cumulative impacts of 8,200 sq. ft.) is in the form of a one time payment of \$77,891.50 dollars to the DES Aquatic Resource Mitigation (ARM) Fund.

With Conditions:

1. All work shall be in accordance with the Wetland restoration Plan by Aspen Environmental Consultants, LLC, as received by DES on May 22, 2009, plans sheet 6 through 18 of 31 by Rokeh Consulting, LLC, revision dated August 5, 2009 as received by DES on August 13, 2009, plan sheet 5 of 31 revision dated September 29, 2009 and plans by Joseph M. Wichert, LLS, Inc., sheets T1 and S1 revision dated September 30, 2009, narratives by Aspen Environmental Consultants, LLC, revised through October 1, 2009, as received by DES on October 14, 2009.
2. This approval is contingent on receipt by DES of a one time payment of \$77,891.50 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit is contingent on approval by the United States Environmental Protection Agency ("EPA") of the proposed vernal pool buffer, conservation easement and deed restrictions and language for proposed Map/Lot #R9-19, #R9-19-19, #R19-19-20 and #R19-19-21.
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. 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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Future wetlands impacts for access to the Town lot, would be considered with additional permitting.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
11. 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.
12. 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.
13. Work shall be done during low flow.
14. The proposed box culverts, temporary stream impacts and stream restoration shall be restored/constructed with natural round

stone or existing streambed materials and shall not include angular rip-rap.

15. A New Hampshire Certified Wetland Scientist ("CWS") shall monitor the project during construction to assure it constructed in accordance with the approved plans and narratives.
16. Wetland/bank restoration areas shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
17. The approved culvert removal and associated stream restoration work shall be conducted before or during construction of the new subdivision road.
18. A post-construction report documenting the status of the restored streambed and stream crossings shall be submitted to the Wetlands Bureau within 60 days of the completion of each impact and restoration area.
19. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
20. 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.
21. Unconfined work within the perennial streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
22. 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.
23. 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.
24. Temporary cofferdams shall be entirely removed immediately following construction.
25. 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.
26. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
27. 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.
28. 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.
29. 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.
30. 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).
31. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
32. 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.
33. 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 applicant has investigated alternative compensatory mitigation options and the payment to the DES Aquatic Resources Mitigation ("ARM") Fund was determined to be the most appropriate options.
6. The approval is contingent on receipt by DES of a one time payment of \$77,891.50 to the DES Aquatic Resource Mitigation (ARM) Fund. If the payment is not received by DES within 120 days of the date of the approval letter the application will be denied.
7. The mitigation proposal is in accordance with Administrative Rules Chapter Env-Wt 800.
8. DES Staff conducted a field inspection of the proposed project on April 30, 2009.
9. The applicant has provided five embedded box culverts and one elliptical culvert for stream/wetland crossings and has indicated that the box culverts are at least 1.2x bank full width.

10. The applicant has looked at alternative lot designs and has adjusted the layout to accommodate a connection from the identified vernal pools to the future Town lot and has provided buffers for the identified vernal pools.
11. The applicant has consulted with the United States Environmental Protection Agency ("EPA") and has provided buffer areas to protect the identified vernal pools.
12. The permit is contingent on review and approval by the EPA of the proposed buffers and deed restrictions associated with the identified vernal pools.
13. Review comments by the NH Fish and Game Department, Nongame and Endangered Species Program indicate that they are satisfied with the protection the EPA has placed on the vernal pool areas.
14. The project provides for a proposed 48-acre lot to be "dedicated" to the Town of Epsom. The proposed lot is connected to the identified vernal pool area and abuts an existing conservation easement lot and land bordering the Little Suncook River.
15. DES has not received any comments in opposition to the proposed project.
16. 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/riverine resource, as identified under RSA 482-A:1.

2009-00430 RUST, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Extend an existing dug in boat slip and docking facility on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com submitted comments stating proposal does not meet 402.06

Inspection Date: 08/10/2009 by Dale R Keirstead

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Extend an existing dug in boat slip and docking facility on Lake Winnepesaukee, Alton.

With Findings:

1. A request for additional information dated May 15, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-00873 NHDES DAM BUREAU
WEARE Perkins Pond

Requested Action:

Impact 3,300 sq. ft. of the Prime Wetland - Perkins Pond Marsh bank, dam outlet and prime wetland buffer to construct/extend cutoff walls and supporting foundations, repair undermined wall, replace stoplogs with flashboards and repair/replace existing riprap(Dam No. 247.19).

APPROVE PERMIT:

Impact 3,300 sq. ft. of the Prime Wetland - Perkins Pond Marsh bank, dam outlet and prime wetland buffer to construct/extend cutoff walls and supporting foundations, repair undermined wall, replace stoplogs with flashboards and repair/replace existing riprap(Dam No. 247.19).

With Conditions:

1. All work shall be in accordance with plans by the NH DES Dam Bureau dated February 13, 2009, and revised through September 16, 2009, as received by the DES Wetlands Bureau on September 18, 2009.
2. This permit is contingent upon the restoration/stabilization of 1,114 sq. ft. Perkins Pond Marsh bank temporary impact.
3. Work shall be done during annual low flow conditions
4. Work shall be done during drawdown.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
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 work 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. There shall be no excavation or operation of construction equipment in flowing water.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to construction. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. 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.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
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. 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 impacted by the project and to the satisfaction of the DES Wetlands Bureau. 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.
17. 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.
18. Post-construction photographs documenting the status of the completed repairs and restored/stabilized temporary work areas shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The Natural Heritage Bureau review has indicated the project will not impact an exemplary natural community or community with occurrences of state or federally listed Endangered or Threatened species.
3. No comments were received from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Weare Conservation Commission.
4. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present.
5. The applicant has received written consent from the owner of tax Map/lot 407/128, abutter to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation by a NH Certified Wetland Scientist by Env-Wt 301.01.
7. The applicant has stated that it would be an unnecessary financial burden on the State of NH resources to have the project area delineated by a NH Certified Wetland Scientist and that any employment of a NH Certified Wetland Scientist would not lead to information beyond that can be obtained from plans and photographs submitted with the application.
8. The proposed work will occur in the embankments of a Perkins Pond Marsh and the Perkins Pond Dam outlet channel. The jurisdictional boundaries of these resources are obvious.
9. 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 301.01.

10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
11. Proposed work will address DES Dam Safety concerns outlined in the October 18, 2007, memo based on a scheduled site inspection completed on August 20, 2007, including, overtopping of the dam and leaking water through the downstream right cutoff wall face, in addition to the right downstream training wall being eroded/undermined within the outlet channel.
12. The proposed project includes repairs to the dam that maintains the hydrology of the Perkins Pond Marsh prime wetland.
13. The pond will be drawn down 3 feet of ensure reduce/eliminate impacts to the surface water during repair work. Silt curtains are proposed downstream of repairs to the right training wall. Temporary impact areas from cut off wall repairs will occur above the high water line and in the dry.
14. The detailed engineering plans accurately locate high water line and topography of the bank of the Perkins Pond Marsh prime wetland.
15. The project as approved and constructed in adherence to the provided construction sequence, erosion and siltation controls and draw down will offset impacts from any increased erosion created by construction.
16. Pursuant to RSA 482-A:3 IV(a), DES that the proposed project will not result in the significant net loss of any of the values set forth in RSA 482-A:1 and the public hearing is not deemed necessary.
17. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
18. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
19. 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.
20. Based on findings no.'s one (1) through eighteen (18) above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

MINOR IMPACT PROJECT

**2005-02913 MILTNER REVOCABLE TRUST, KAREN
GILFORD Lake Winnepesaukee**

Requested Action:

Approve name change to: Karen M. Miltner Revocable Trust, 12 Landry Lane, Rochester, NH 03839 per request received 10/13/09.
Previous owner: David Potter.

Conservation Commission/Staff Comments:

12/10/07 Appeal Withdrawn by Paul Goodwin - np
Petition for Appeal received by DESWB on 6/26/07 filed by Paul W. Goodwin, agent on behalf of David Potter - np

APPROVE NAME CHANGE:

Construct a 761 sq ft perched beach with 6 ft wide steps to the water impacting 31 linear feet of shoreline on property having an average of 157.5 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised October 16, 2007, and received by DES on October 19, 2007.
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. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The exiting retaining wall shall be utilized to stabilize the beach front at the waterline. No new stone shall be placed along the beach front for the purpose of retaining sand.

5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 9 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
11. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. The approval does not authorize any work related to the existing dock facilities.
14. 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.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

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

2007-02395 SCOTT'S YARD CARE OF NEW LONDON
WILMOT Black Water River

Requested Action:

Proposal to impact and retain approximately 944 sq. ft. of wetlands for the widening of an access road for delivery vehicles.

WITHDRAW APPLICATION:

Withdraw permit application for 944 sq. ft. of wetland impacts, revised to span wetlands with bridge and restore all identified wetland impacts through the DES Wetland Compliance Section.

With Findings:

1. The applicant's agent submitted a application withdrawal request on October 21, 2009. The withdrawal includes revised plans to span wetlands with bridge and restore all identified wetland impacts through the DES Wetland Compliance Section.

2008-02525 FERRY REVOC TRUST, JULIA SCOTT
GILFORD Lake Winnepesaukee

Requested Action:

Amend permit to add a second permanent boatlift with a 14 ft x 30 ft seasonal canopy, dredge 6 cubic yards from 300 sq ft.

Conservation Commission/Staff Comments:

Con Com has comments

APPROVE AMENDMENT:

Replace a 4 ft x 26 ft permanent dock with a 4 ft x 25 ft 7 in permanent dock in a new location, relocate an existing 3 pile ice cluster, install a permanent boatlift and a 14 ft x 30 ft seasonal canopy in the center slip, install two seasonal PWC lifts in the easterly slip, relocate an existing permanent boatlift with a seasonal canopy to the dug in slip, dredge 6 cubic yards from 300 sq ft within the slip, install a 6 ft wide access stair from the dock to the waterbody, and construct a 286 sq ft perched beach, on an average of 197 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by David Dolan dated November 07, 2008, as received by DES on March 24, 2009, and amendment plans by Watermark Marine Construction revision dated Septemeber 15, 2009, as recieved by DES on September 17, 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. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
15. The 2 PWC lifts shall be of seasonal construction type. The seasonal support frame shall be removed for the non-boating season.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 160 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00479 QUINBY, RICHARD & DIANNE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Amend permit to increase the canopy size from 20 ft wide to 21 ft wide.

Conservation Commission/Staff Comments:

Con Com questions need for removing tree and stump and the requested bank impacts

APPROVE AMENDMENT:

Amend permit to read: Repair two existing 6 ft x 29 ft permanent docks attached to a 9 ft x 32 ft permanent walkway, and install a 21 ft x 32 ft seasonal canopy on an average of 454 feet of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co dated July 24, 2009, as received by DES on July 28, 2009 and amendment request plans by White Mountain Survey Co dated July 24, 2009, amendment dated September 11, 2009, as received by DES on September 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. 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. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
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 is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.

**2009-01037 NH DEPT OF TRANSPORTATION
DERRY Taylor Brook**

Requested Action:

Replace a deteriorated 9.5 ft. x 38 ft. bridge and concrete abutments with a 12 ft. x 38 ft. three sided pre-cast rigid frame and wing walls impacting 1,345 sq. ft. (490 sq. ft. temporary) of riverine wetlands and banks.

Conservation Commission/Staff Comments:

Cons. Comm. attended DES inspection - no written comments

Inspection Date: 10/13/2009 by Gino E Infascelli

APPROVE PERMIT:

Replace a deteriorated 9.5 ft. x 38 ft. bridge and concrete abutments with a 12 ft. x 38 ft. three sided pre-cast rigid frame and wing walls impacting 1,345 sq. ft. (490 sq. ft. temporary) of riverine wetlands and banks. NHDOT project #99021Z.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 9/2009, as received by the Department on Oct. 13, 2009, except as conditioned below.
2. The stream bed impacts shall be temporary and the natural stream bottom material shall remain or be replaced with the exception of limited stone protection for the wing walls and footings.

Requested Action:

Impact 400 sq ft within the previously developed 100-foot tidal buffer zone to add a 20 ft x 20 ft garage to the existing non-conforming structure and remove the existing front porch, existing shed, and the existing second driveway for net reduction of impervious surface of 431 square feet.

Conservation Commission/Staff Comments:

No comments were received by the Hampton Conservation Commission.

APPROVE PERMIT:

Impact 400 sq ft within the previously developed 100-foot tidal buffer zone to add a 20 ft x 20 ft garage to the existing non-conforming structure and remove the existing front porch, existing shed, and the existing second driveway for net reduction of impervious surface of 431 square feet.

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

With Conditions:

1. All work shall be in accordance with the Plan of Land by E.J. Cote & Assoc. Inc. dated August 8, 2009, as received by DES on September 9, 2009.
2. This approval includes a waiver of RSA 483-B:9, II and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This project shall result in no increase in the area of impervious surface within protect shorelands on this lot.
5. The project as proposed shall not impact any areas currently existing in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. All exposed soils shall be seeded with grass or otherwise stabilized following the removal of impervious surfaces.
13. 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(b), projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The applicant proposes to add a garage and remove a porch, shed, and second driveway. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. In a memo from the NH Natural Heritage Bureau ("NHB") dated April 20, 2009, several natural communities were identified and six (6) vertebrate species: Common Tern (*Sterna hirundo*); Saltmarsh Sharp-tailed Sparrow (*Ammodramus caudacutus*); Seaside Sparrow (*Ammodramus maritimus*); Horned Lark (*Eremophila alpestris*); Osprey (*Pandion Haliaeetus*); and, Piping Plover

(Charadrius melodus).

6. DES finds this project will not impact any of the aforementioned natural communities as the site, and surround area, is currently developed. 7. The existing non-conforming structure is located within the 50 ft primary building setback to the Hampton River saltmarsh and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.

8. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

9. The applicant has proposed to improve the buffer through removing impervious surfaces for a net reduction of 431 sq ft within the protected shoreland and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01903 MERRIMACK, TOWN OF
MERRIMACK Souhegan River**

Requested Action:

Impact a total of 4,942 sq. ft. within the embankments and flow channel of the Souhegan River for work associated with the superstructure replacement and widening of the Turkey Hill Road Bridge (NHDOT Bridge No. 085/119).

Conservation Commission/Staff Comments:

No comments were received from the Merrimack Conservation Commission on this application.

This project has been accepted on the list of bridge projects to receive "ARRA Related" funds.

NH DOT Project No. 15324

APPROVE PERMIT:

Impact a total of 4,942 sq. ft. within the embankments and flow channel of the Souhegan River for work associated with the superstructure replacement and widening of the Turkey Hill Road Bridge (NHDOT Bridge No. 085/119).

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated August 2009, as received by DES on August 17, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c)&(l).

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.

**2009-02242 WENTWORTH, TOWN OF
WENTWORTH Baker River**

Requested Action:

Propose to impact 2,160 square feet of the bank of Baker River and an intermittent stream for the rehabilitation of existing bridge over Baker River. Work involves 840 square feet of permanent impacts for the replacement an existing 12 inch culvert with a 15 inch culvert, the protection of the bridge abutments, and the stabilization of the intermittent stream channel; and 1,320 square feet of temporary impacts to the bank.

APPROVE PERMIT:

Impact 2,160 square feet of the bank of Baker River and an intermittent stream for the rehabilitation of existing bridge over Baker River. Work involves 840 square feet of permanent impacts for the replacement an existing 12 inch culvert with a 15 inch culvert, the protection of the bridge abutments, and the stabilization of the intermittent stream channel; and 1,320 square feet of temporary impacts to the bank.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King, Inc. entitled Saunders Hill Road Bridge Deck Replacement (Sheets 2-6; 9-13; 15-19 of 19) and Impact Plans (Sheet 1-2 of 3); as received by DES on September 24, 2009.
2. The Town shall obtain construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the easements to DES Wetlands File No. 2009-02242 prior to construction.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. 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 in the dry.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Area of temporary impact shall be regraded to original contours following completion of work.
11. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. 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.
16. 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.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

19. 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.

20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

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

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 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. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.
6. Temporary impacts will be restored to pre-construction conditions.
7. This project is scheduled to receive funding through the American Recovery and Reinvestment Act. The State Project # is 14517A.

**2009-02461 DANVILLE, TOWN OF
DANVILLE Unnamed Wetland Exeter River**

Requested Action:

Impact a total of 6,000 sq. ft. (4,400 sq. ft. permanent & 1,600 sq. ft. temporary) within the embankments and flow channel of the Exeter River and roadway sideslopes for work associated with the replacement and upgrade of the NH State Bridge No. 047/126 structure on Sandown Road.

Conservation Commission/Staff Comments:

No comments were received from the Danville Conservation Commission regarding this ARRA -related bridge replacement project.

APPROVE PERMIT:

Impact a total of 6,000 sq. ft. (4,400 sq. ft. permanent & 1,600 sq. ft. temporary) within the embankments and flow channel of the Exeter River and roadway sideslopes for work associated with the replacement and upgrade of the NH State Bridge No. 047/126 structure on Sandown Road.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated October 2009, as received by DES on October 16, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c)&(l).
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.

MINIMUM IMPACT PROJECT

2007-00220 PERKINS, SCOTT & TAMARA
RYE Unnamed Wetland

Requested Action:

Approve name change to: Scott & Tamera Perkins, 48 Moulton Ave., Greenland, NH 03840 per request received 11/4/09. Previous owner: Deborah Foss.

Conservation Commission/Staff Comments:

The Rye Conservation Commission has inspected the site and reports: "The Commission feels that the proposal will enhance the area with the drainage improvements and restoration and does not object to the application."

APPROVE NAME CHANGE:

Dredge and fill 900 sq. ft. of previously impacted wetlands (currently mown lawn over hydric soils) to develop a single family residential lot with drainage improvements and plantings of native wetlands species to enhance 2,000 sq. ft. of the remaining wetland area on this 0.43 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. dated January 24, 2007, as received by DES on January 29, 2007.
2. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
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. Wetland enhancement area 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.

With Findings:

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

2009-00431 JAMER, JOHN
HUDSON Unnamed Wetland

Requested Action:

Dredge and fill 2,140 sq. ft. of an isolated palustrine scrub-shrub wetlands/ drainage swale to construct a parking lot and stormwater detention area associated with a new building to be constructed in an existing industrial park.

Conservation Commission/Staff Comments:

No comments were received from the Hudson Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill 2,140 sq. ft. of an isolated palustrine scrub-shrub wetlands/ drainage swale to construct a parking lot and stormwater detention area associated with a new building to be constructed in an existing industrial park.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated September 17, 2009, as received by DES on October 06, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or other construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule 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(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00485 MAHER, ROBERT
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Proposal to impact 600 sq. ft. of wetlands and associated intermittent stream for installation of a 30 in. x 40 ft. culvert for construction of an access driveway to a proposed retail site.

APPROVE PERMIT:

Dredge and fill 600 sq. ft. of wetlands and associated intermittent stream for installation of a 48 in. x 40 ft. culvert and associated stone headwalls for construction of an access driveway to a proposed retail site. The project also includes construction of two stormwater treatment swales for runoff and a pervious pavement parking lot to reduce runoff from the site.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources, revision dated October 7, 2009, as received by DES on October 9, 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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during no flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. 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.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received concerns from an abutter regarding increased flooding from the proposed project.
6. The applicant/agent has increased the diameter size of the proposed culvert and added a pervious pavement parking lot to help address concerns of increased flooding.
7. The agent has also indicated that the flooding issue is due to undersized culverts on the abutter's property, which has caused ponding on the applicant's property.
8. The previous application depicted a conceptual crossing for access to the upland portion of this lot. This demonstrated that this lot would eventually be developed.
9. The new crossing design required a smaller wetlands impact than the conceptual design.
10. The agent has been able to investigate the stream system further since the previous application approval (File #2006-02651) and has found that the stream is actually intermittent not perennial as previously indicated.
11. The conservation commission submitted comments regarding the abutter's flooding concerns and noted that the permit will require planning board approval and the permit should be conditioned on that approval.
12. The applicant has attempted to address the abutter's concerns and all DES Wetlands Bureau approvals are conditioned that it does not relieve the applicant from obtaining other local, state and federal permits that may be required.

2009-01853 BARRETT, PAUL & DEBRA
HAMPTON Tidal Buffer Zone

Requested Action:

Impact a total of 3,752 sq. ft. within the previously disturbed/developed upland tidal buffer zone to construct a 691 sq. ft. addition to an existing dwelling and to construct a pervious pavement driveway and a rain garden.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of the wetlands permit ..."

APPROVE PERMIT:

Impact a total of 3,752 sq. ft. within the previously disturbed/developed upland tidal buffer zone to construct a 691 sq. ft. addition to an existing dwelling and to construct a pervious pavement driveway and a rain garden.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated June 22, 2009, as received by DES on August 13, 2009.
2. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas in wetlands jurisdiction for lot development or other construction activities.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

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

FORESTRY NOTIFICATION

2009-02484 SIGMAN, ROBERT
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:

Grafton Tax Map 5, Lot# 514

2009-02485 PIELER, ROBERT
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:

Alexandria Tax Map 416, Lot# 7

2009-02500 SPRAGUE, STACY
EATON Unnamed Stream

COMPLETE NOTIFICATION:

Eaton Tax Map R10, Lot# 17

2009-02502 LITTLE MONADNOCK REALTY TRUST
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:

Richmond Tax Map 407, Lot# 5

2009-02503 CASTLEMAN, SALLY
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 10, Lot# 2

2009-02527 CASTLEMAN, SALLY
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 9, Lot# 16

2009-02529 TOWN OF PELHAM
PELHAM Unnamed Stream

COMPLETE NOTIFICATION:

Pelham Tax Map/Lot# 29/7-13 & 30/7-12

2009-02530 DUBOIS, ANDRE
WILTON Unnamed Stream

COMPLETE NOTIFICATION:

Wilton Tax Map C, Lot# 33

2009-02532 RADER REAL ESTATE TRUST, HELEN
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:

Wilton Tax Map G, Lot# 1

2009-02533 HENNESSEY, FRANK
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 409, Lot# 64

2009-02535 OUELLETTE, DEARBORN
PLYMOUTH Unnamed Stream

Conservation Commission/Staff Comments:
Intent-to-Cut for Mr. Ouellette, TM 244, Lot# 1& 4. Access only to Mr. Ouellette's property through Mr. Zecco TM 244, Lot# 3.

COMPLETE NOTIFICATION:
Plymouth Tax Map 244, Lot# 4

2009-02536 MERAL, DIRK VAN TER
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 230, Lot# 8

2009-02542 BRYANT BROOK FALLS REALITY TRUST
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 233, Lot# 3

2009-02546 MACRI, ROBERT
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 15, Lot# 3

2009-02556 SMITH, CHARLES
WOLFEBORO Unnamed Stream

COMPLETE NOTIFICATION:
Wolfeboro Tax Map 182, Lot# 3

2009-02559 SAN DONATO, JOHN
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 405, Lot# 7

2009-02560 HEATH, RICHARD
BOSCAWEN Unnamed Stream

COMPLETE NOTIFICATION:
Boscawen Tax Map 94, Lot# 12

2009-02589 INDIAN POND LIMITED LIABILITY CORP
PIERMONT Unnamed Stream

COMPLETE NOTIFICATION:
Piermont Tax Map R3, Lot# 34 & 35

2009-02590 BURLEIGH LAND LTD. PARTNERSHIP
HOLDERNESS Unnamed Stream

COMPLETE NOTIFICATION:
Holderness Tax Map 215, Lot# 2

2009-02610 MERROW FAMILY TRUST ET AL, HARRY MERROW
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map 7, Lot# 35

EXPEDITED MINIMUM

2009-01359 EDWARDS, MARK
HILLSBOROUGH Franklin Pierce Lake

Requested Action:
Construct a 600 sq ft perched beach with access stairs over the bank, install a 6 ft x 30 ft seasonal dock on Franklin Pierce Lake, Hillsborough.

Conservation Commission/Staff Comments:
Con Com did not sign Exp Application

APPROVE PERMIT:
Construct a 600 sq ft perched beach with access stairs over the bank, install a 6 ft x 30 ft seasonal dock on Franklin Pierce Lake, Hillsborough.

- With Conditions:
1. All work shall be in accordance with plans by Meridian Land Services dated May 13, 2009, as received by DES on July 02, 2009.
 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
 3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property

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

4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 770). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. 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.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has an average of 147 feet of shoreline frontage along Franklin Pierce Lake.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The applicant submitted proof that they did submit the requested information in a timely manner.

Requested Action:

Construct a 600 sq ft perched beach and a 6 ft x 30 ft seasonal dock on Franklin Pierce Lake, Hillsborough.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a 600 sq ft perched beach and a 6 ft x 30 ft seasonal dock on Franklin Pierce Lake, Hillsborough.

With Findings:

1. 1. A request for additional information dated July 20, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-01604 RECINE, KAREN
MIDDLETON Sunrise Lake

Requested Action:

Construct a 540 sq ft perched beach with less than 10 cubic yards of sand, with 6 ft wide access stairs to the waterbody on Sunrise Lake, Middleton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 540 sq ft perched beach with less than 10 cubic yards of sand, with 6 ft wide access stairs to the waterbody on Sunrise

Lake, Middleton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 09, 2009.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. The wall placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
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 is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2009-02171 THURBER, WILLIAM
CANAAN Unnamed Stream

Requested Action:

Impact approximately 80 square feet of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 30 inch diameter by 24 foot long culvert and associated filling and grading.

APPROVE PERMIT:

Impact approximately 80 square feet of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 30 inch diameter by 24 foot long culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with driveway plans as received by DES on September 23, 2009.
2. Work shall be done during periods of non-flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culverts and associated natural embedding material shall be set at (match) original stream grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading 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.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

- 11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

- 1. This is a minimum impact project per 303.04(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 Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
- 6. No comments were submitted from the NHHF Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.

GOLD DREDGE

2009-02632 BRAMBLEY, JOHN
(ALL TOWNS) Unnamed Stream

TRAILS NOTIFICATION

2009-02482 BEAR BROOK STATE PARK
ALLENSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Allenstown Tax Map 407, Lot# 28
Deerfield Tax Map 413, Lot# 59

2009-02528 LESSARD, PIERRE
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:
Berlin Tax Map 106, Lot# 28

2009-02543 NH DRED TRAILS BUREAU
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:

Berlin Tax Mapm407, Lot# 9 - Jericho Mtn State Park

**2009-02558 BARRINGTON, TOWN OF
BARRINGTON Unnamed Wetland Unnamed Stream**

COMPLETE NOTIFICATION:
Barrington Tax Map 263, Lot# 13 - Outside 500 foot buffer of Prime Wetland

**2009-02561 COMERFORD, EDWARD
MIDDLETON Unnamed Stream**

COMPLETE NOTIFICATION:
Middleton Tax Map 9, Lot# 20

LAKES-SEASONAL DOCK NOTIF

**2009-02633 DUMAIS, BRIAN & DEBORAH
DERRY Big Island Pond**

COMPLETE NOTIFICATION:
Derry Tax Map 112, Lot# 1830 Big Island Pond

PERMIT BY NOTIFICATION

**2009-00532 BATCHELDER REVOC TRUST, CHRISTOPHER
NEW HAMPTON Unnamed Wetland**

Requested Action:
Disqualify PBN to impact 694 sq. ft. of wetland to place 15"x 30' culvert to install a driveway in a subdivision.

PBN DISQUALIFIED:
Disqualify PBN to impact 694 sq. ft. of wetland to place 15"x 30' culvert to install a driveway in a subdivision.

**2009-01416 MORROW, BRADLEY
BRADFORD Massasecum Lake**

Requested Action:
Applicant requests to install a PWC lift.

Conservation Commission/Staff Comments:
2005-1732 seasonal dock notification, complete
2008-1874 ENF, open

PBN DISQUALIFIED:
Applicant requests to install a PWC lift.

With Findings:
Applicant did not submit a timely response to Incomplete Notification letter dated July 10, 2009.

2009-02309 DAWSON, ROBERT
GILMANTON Unnamed Pond

Requested Action:
Dredge and fill ± 74 sq. ft. of a man-made pond for dry hydrant installation.

PBN IS COMPLETE:
Dredge and fill ± 74 sq. ft. of a man-made pond for dry hydrant installation.

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)(6), the excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02310 SHELLCAMP LAKE ASSOCIATION, ANDY HOOK
GILMANTON Shellcamp Pond

Requested Action:
Dredge and fill approximately 140 sq. ft. of Shellcamp Pond for dry hydrant installation.

PBN IS COMPLETE:
Dredge and fill approximately 140 sq. ft. of Shellcamp Pond for dry hydrant installation.

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)(6), the excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02311 PLOURDE, PRISCILLA
GILMANTON Rocky Pond

Requested Action:
Dredge and fill approximately 140 sq. ft. of Rocky Pond for dry hydrant installation.

PBN IS COMPLETE:

Dredge and fill approximately 140 sq. ft. of Rocky Pond for dry hydrant installation.

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)(6), the excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02312 SAWYER LAKE VILLAGE DISTRICT
GILMANTON Sawyer Lake

Requested Action:

Dredge and fill approximately 180 sq. ft. of Sawyer Lake for installation of a dry hydrant.

PBN IS COMPLETE:

Dredge and fill approximately 180 sq. ft. of Sawyer Lake for installation of a dry hydrant.

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)(6), the excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02313 SHELLCAMP LAKE ASSOCIATION, ANDY HOOK
GILMANTON Shellcamp Pond

Requested Action:

Dredge and fill approximately 120 sq. ft. of Shellcamp Pond for installation of a dry hydrant.

PBN IS COMPLETE:

Dredge and fill approximately 120 sq. ft. of Shellcamp Pond for installation of a dry hydrant.

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)(6), the excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02343 FIFIELD, OLIVER
CANTERBURY Unnamed Pond

Requested Action:

In-kind replacement of existing dam pipe drop structure.

PBN IS COMPLETE:

In-kind replacement of existing dam pipe drop structure.

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)(7), the maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. Per the construction sequence dated October 28, 2009, work will occur in the dry by draining the pond and pumping dry if necessary.

2009-02570 RYE CONSERVATION COMMISSION
RYE Morris Pond

Requested Action:

In-kind repair to the earthen dam at Morris Pond (Ice Pond).

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind repair to the earthen dam at Morris Pond (Ice Pond).

2009-02622 STUMB, CHARLES
BOW Unnamed Wetland

Requested Action:

Proposal to impact 450 sq. ft. of wetlands for the installation of a 15 in. x 18 ft. culvert for access to a future residential building site.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the permit by notification form waiving their right to intervene on the proposed project.

PBN IS COMPLETE:

PBN complete to impact 450 sq. ft. of wetlands for the installation of a 15 in. x 18 ft. culvert for access to a future residential building site.

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 previously approved wetland impacts in 1996 for 4 lots of the associated subdivision (File #1996-598) depicted the future access needed through wetlands for this lot. This crossing is in the same location as indicated in 1996.
3. The applicant/agent has provided documentation suggesting that the access was previously approved by the Town.
4. The Conservation Commission signed the permit by notification form waiving their right to intervene on the proposed project.

**2009-02630 JK LOVELL LLC
WAKEFIELD Lovell Lake**

Requested Action:

Repair 33 ft of existing retaining wall and install a 6 ft x 20 ft seasonal dock, on Lovell Lake, Wakefield.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair 33 ft of existing retaining wall and install a 6 ft x 20 ft seasonal dock, on Lovell Lake, Wakefield.

With Findings:

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

CSPA PERMIT

**2009-02261 HENDRICK, JAY
WAKEFIELD Great East Lake**

Requested Action:

Impact 2,585 sq ft for the purpose of repairing an existing retaining wall and constructing a new retaining wall.

APPROVE PERMIT:

Impact 2,585 sq ft for the purpose of repairing an existing retaining wall and constructing a new retaining wall.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated September 17, 2009 and received by the Department of Environmental Services ("DES") on October 1, 2009 and November 3, 2009.
2. No more than 15.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 24,018 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 16,288 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).
4. No natural ground cover or native vegetation within the waterfront shall be impacted by the proposed project.
5. Fertilizer shall be applied no closer than 25 feet to the reference line and when applied, shall only be composed of low-phosphorous, slow-release nitrogen fertilizers.
6. In accordance with Env-Wt 303.04, the proposed project shall be performed during lake draw down.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

- contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
 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.
 14. Silt fencing must be removed once the area is stabilized.

2009-02350 MURDOUGH JR, THOMAS G
CENTER HARBOR Squam Lake

Requested Action:

Name change: Sam & Gail Murdough Murdough Family Real Estate Trust, to,
Thomas G. Murdough Jr. Personal Residence Trust; Thomas G. Murdough , Jr. Trustee.

APPROVE NAME CHANGE:

Name change: Sam & Gail Murdough Murdough Family Real Estate Trust, to,
Thomas G. Murdough Jr. Personal Residence Trust; Thomas G. Murdough , Jr. Trustee.

2009-02451 FANJOY, RUSSELL AND SHARON
NORTHWOOD North River Lake

Requested Action:

Impact 2,290 sq ft to construct single family home on undeveloped lot.

APPROVE PERMIT:

Impact 2,290 sq ft to construct single family home on undeveloped lot.

With Conditions:

1. All work shall be in accordance with plans by Russell and Sharon Fanjoy dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 19, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 15.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 34,300 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. 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.

2009-02452 BURGDORFF, GLYNIS
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 2,247 sq ft to complete excavation beneath home and construction of retaining wall.

APPROVE PERMIT:

Impact 2,247 sq ft to complete excavation beneath home and construction of retaining wall.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc dated October 14, 2009 and received by the Department of Environmental Services ("DES") on October 14, 2009.
2. No more than 21.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,879 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02454 MILLER REVOCABLE TRUST, HEIDE
ORFORD Upper Baker Pond

Requested Action:

Impact 20,878 sq ft to construct house, deck, garage, septic system, lawn, and driveway.

APPROVE PERMIT:

Impact 20,878 sq ft to construct house, deck, garage, septic system, lawn, and driveway.

With Conditions:

1. All work shall be in accordance with plans by Blaisdell Survey, LLC dated September 28, 2009 and received by the Department of Environmental Services ("DES") on October 19, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. No more than 8.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 9,824 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,243 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. 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.

2009-02455 SOUTHEAST LAND TRUST OF NEW HAMPSHIRE
EPPING Lamprey River

Requested Action:

Impact 6,400 sq ft to demolish existing foundation and septic system.

APPROVE PERMIT:

Impact 6,400 sq ft to demolish existing foundation and septic system.

With Conditions:

- 1. All work shall be in accordance with plans by Eric C. Mitchell and Assoc. Inc. dated August 26, 2009 and received by the Department of Environmental Services ("DES") on October 19, 2009.
- 2. No more than 0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. The project as proposed will leave approximately 27,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 27,500 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).
- 4. 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.
- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. 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.

2009-02456 BROCK REVOC TRUST, CONSTANCE
PITTSBURG First Connecticut Lake

Requested Action:

Impact 11,513 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new septic system.

APPROVE AFTER THE FACT:

Impact 11,513 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new septic system.

With Conditions:

- 1. All work shall be in accordance with plans submitted by Karen L. Dickson received by the Department of Environmental Services ("DES") on October 20, 2009.

2. No more than 19.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 12,320 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,010 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).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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).
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. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent upon all necessary approvals by the DES Subsurface Systems Bureau.

2009-02457 CHEEK, DONALD
ALSTEAD Lake Warren

Requested Action:

Impact 3,824 sq ft for the installation of new foundation under an existing 2 bedroom home with septic and new garage.

APPROVE PERMIT:

Impact 3,824 sq ft for the installation of new foundation under an existing 2 bedroom home with septic and new garage.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated September 21, 2009 and received by the Department of Environmental Services ("DES") on October 20, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 16.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 31,567 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,773 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. 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.

2009-02492 FAMILY TRUST, STEPHEN TOCCO
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 2,020 sq ft to add to existing condominium structure two four-season rooms and to attached storage sheds.

APPROVE PERMIT:

Impact 2,020 sq ft to add to existing condominium structure two four-season rooms and to attached storage sheds.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, LLC dated October 8, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.
2. No more than 19.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 7,830 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 15,344 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02493 PAYNE, DAVID AND BEVERLY
NEW LONDON Pleasant Lake

Requested Action:

Impact 545 sq ft to extend existing fieldstone wall by 46 feet.

APPROVE PERMIT:

Impact 545 sq ft to extend existing fieldstone wall by 46 feet.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc dated September 28, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.
2. No more than 10.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 27,705 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 19,332 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).
4. 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.

- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. 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.

2009-02494 FRYER, RAYMOND AND JANICE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,260 sq ft to replace existing wood skirt around basement with concrete floor and walls, and replace deck and porch.

APPROVE PERMIT:

Impact 1,260 sq ft to replace existing wood skirt around basement with concrete floor and walls, and replace deck and porch.

With Conditions:

- 1. All work shall be in accordance with plans by Richard Murphy dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.
- 2. No more than 11.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. At least 2,500 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). Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an unaltered state.
- 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. 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.

2009-02495 CHAMPAGNE, JULIE
SPOFFORD Spofford Lake

Requested Action:

temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

APPROVE PERMIT:

temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

With Conditions:

- 1. All work shall be in accordance with plans by Forest Designs dated September 24, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.

2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,208 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,366 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02499 CRYSTAL LAKE DEVELOPMENT ASSOCIATION
GILMANTON Crystal Lake

Requested Action:

Impact 5,906 sq ft to replace pier foundation with full cellar.

APPROVE PERMIT:

Impact 5,906 sq ft to replace pier foundation with full cellar.

With Conditions:

1. All work shall be in accordance with plans by Matthew Moore Civil Engineering, PLLC dated October 21, 2009 and received by the Department of Environmental Services ("DES") on October 22, 2009.
2. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. 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.

2009-02512 NH FISH & GAME DEPARTMENT
DERRY Beaver Lake

Requested Action:

Impact 712 sq ft for repairs to an existing concrete planked boat ramp.

APPROVE PERMIT:

Impact 712 sq ft for repairs to an existing concrete planked boat ramp.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford and Thorndike dated September 25, 2009 and received by the Department of Environmental Services ("DES") on October 20, 2009.
2. No more than 57.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,533 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02531 BARKER, APRIL
CHICHESTER Suncook River

Requested Action:

Impact 25,000 sq ft to construct self storage facility.

APPROVE PERMIT:

Impact 25,000 sq ft to construct self storage facility.

With Conditions:

1. All work shall be in accordance with plans by McCourt Engineering Accociates, PLLC dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 22, 2009.
2. No more than 30% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 21,113 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,580 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02537 LLK TRUST, THOMAS WALKER
WOLFEBORO Lake Wentworth

Requested Action:

Impact 5,902 sq ft to rebuild existing barn and shed in kind, construct replacement footbridge.

APPROVE PERMIT:

Impact 5,902 sq ft to rebuild existing barn and shed in kind, construct replacement footbridge.

With Conditions:

1. All work shall be in accordance with plans by Water Mark Planning and Permits dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 25, 2009.
2. No more than 5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 34,591 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 54,885 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02538 MARKS, LAURA
NEWBURY Lake Sunapee

Requested Action:

Impact 30,536 sq ft to replace existing house with larger one.

APPROVE PERMIT:

Impact 30,536 sq ft to replace existing house with larger one.

With Conditions:

1. All work shall be in accordance with plans by DP Landscaping, LLC dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 26, 2009.
2. No more than 26.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,758 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,413 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).
4. 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.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. 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.

2009-02540 **MERRILL, ROBERT**
MEREDITH Wickwas Lake

Requested Action:

Impact 500 sq ft to construct a 24' x 36' detached garage.

APPROVE PERMIT:

Impact 500 sq ft to construct a 24' x 36' detached garage.

With Conditions:

1. All work shall be in accordance with plans by Charles Sargent dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 23, 2009.
2. No more than 17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation 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.
5. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. 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.

2009-02564 **LACONIA DPW, CITY OF**
LACONIA Lake Winnepesaukee

Requested Action:

Impact 2,600 sq ft to construct 520 linear ft of 5 ft wide sidewalk, replace 180 ft of drain pipe, and install granite curbing along Weirs Boulevard.

APPROVE PERMIT:

Impact 2,600 sq ft to construct 520 linear ft of 5 ft wide sidewalk, replace 180 ft of drain pipe, and install granite curbing along Weirs Boulevard.

With Conditions:

1. All work shall be in accordance with plans received by the Department of Environmental Services ("DES") on October 23, 2009.
2. 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.
3. 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.
4. 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.
5. 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.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2009-01470 CANOBIE LAKE PARK CORP
SALEM Canobie Lake

Requested Action:

Correct permit to accurately reflect proposed structures and impacts.

APPROVE AMENDMENT:

Correct permit to read: Impact 3206 sq ft to expand an existing non-conforming structure, including the construction a second story deck over an existing patio, replace existing impervious pavement with pervious pavers and install an infiltration trench.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be in accordance with plan sheet 3 by SFC Engineering Partnership Inc. revised August 24, 2009 and received by the Department of Environmental Services ("DES") on August 31, 2009.
2. This approval includes a waiver of RSA 483-B:9,II and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. There shall be no increase of impervious surface area on the lot of record for the purposes of completing the proposed project.
4. All pervious technologies and stormwater management systems shall be installed in accordance with the approved plans prior to the expansion of the existing, non-conforming structure.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 35.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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 or conditions 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.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Canobie Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The project as proposed would result in the increase in footprinting of an existing non-conforming structure.
4. The applicant has proposed to install an infiltration trench and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01471 VERDONCK, PAULA
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 60 sq ft for the purpose of expanding an existing, nonconforming primary structure.

Inspection Date: 07/16/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 60 sq ft for the purpose of expanding an existing, nonconforming primary structure.

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

VARIANCE APPROVED: RSA 483-B:9, (V)(g)(2) is varied to allow increases in impervious area greater than 20% without having to address existing deficient grid segments within the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, dated July 29, 1999, last amended October 6, 2009 and received by the Department of Environmental Services ("DES") on October 14, 2009.
2. This approval includes both a waiver of RSA 483-B:9, II (b) and a variance of RSA 483-B:9, (V)(g)(2), and therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. No natural vegetation will be impacted within the natural woodland buffer in order to remain compliant with RSA 483-B:9, (b), (2).
5. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install a drywell to increase stormwater infiltration.
4. The applicant has proposed to install a rain garden to infiltrate stormwater.
5. The applicant has proposed to improve stormwater treatment, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.
6. The applicant or their designated agent hereby requests a variance of RSA 483-B:9 V(g)(3) for the purpose of expanding an existing nonconforming structure.
7. The literal enforcement of the standard would result in an unnecessary hardship as the existing waterfront buffer is composed largely of ledge and boulders and there is little opportunity to provide additional plantings.
8. Granting the variance will not result in the diminution in the value of the surrounding properties as no additional impacts will occur to existing native vegetation on the subject lot.
9. Granting the variance will not be contrary to the spirit to RSA 483-B as there will be no adverse affects to adjacent surface waters.
10. Granting the variance will do substantial justice as the project will provide the same or greater degree of protection than those that currently exist as additional stormwater controls are proposed to increase infiltration of stormwater.

2009-01930 DANE, EDWARD
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Impact 540 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE PERMIT:

Impact 540 sq ft for the purpose of expanding a nonconforming primary structure.

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

With Conditions:

1. All work shall be in accordance with site plans submitted by Steven J. Smith & Associates received by the Department of Environmental Services ("DES") on August 27, 2009 and stormwater management plans received on November 3, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 9.22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 138,142 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 69,071 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
5. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The waterfront and natural woodland buffers of the 9.8 acre subject lot are completely wooded with natural, native vegetation.
4. The applicant has proposed to install a 3 foot by 3 foot drywell to capture and infiltrate stormwater runoff from the existing and proposed structures.
5. The applicant has proposed to install stormwater controls and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.