

Wetlands Bureau Decision Report

Decisions Taken
01/11/2010 to 01/17/2010

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

**2002-01268 FALLS WAY GREENLAND II LLC, C/O FRANK CATAPONO MEM
GREENLAND Unnamed Wetland**

Requested Action:

Approve name to: Falls Way Greenland II LLC, 123 Water St, Unit 4 SE, Exeter NH 03833 per request received 12/8/09. Previous owner: Falls Way Greenland LLC, 123 Water St, Unit 4 SE, Exeter NH 03833

Conservation Commission/Staff Comments:

Rec'd 3/30/04 - Greenland Conservation Commission's petition of appeal dated 3/28/04, re: Endicott General Partnership, c/o Malcolm McNeill, Atty., McNeil, Taylor & Gallo, P.A., Dover NH - copies made for Dori and J. Patterson sent messenger mail

Inspection Date: 08/13/2002 by Dori A Wiggin

Inspection Date: 08/13/2002 by David A Price

Inspection Date: 01/22/2008 by David A Price

APPROVE NAME CHANGE:

Fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for the construction of a 100 linear foot bridge, for a 79-lot subdivision on 212 acres. Approval includes, as mitigation, the preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and, creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain; and, execution of the Atlantic White Cedar Management Plan as prepared by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated 3/10/03 for driveway locations; as received by the Department on 3/18/03, and per bridge plan by Beals Associates entitled "Plan and Profile P2" dated 11/12/03, received by DES 11/18/03.
2. This permit is contingent upon submission of, and approval by DES of, revised plans depicting the following:
 - a. Elimination of the road design for the September Drive access, except for such portion outside of wetlands jurisdiction as may be necessary to ensure sufficient road frontage and/or driveway access for lot 1. As noted in the DES decision on reconsideration, DES is willing to consider a proposal, complete with an appropriate showing of need, to construct the September Drive access within the five-year period of this permit, and will not consider such a proposal to be a "further wetlands impact" under Wt 304.09(c). The right-of-way depiction on the plan may remain, and this area may be designated as "potential future emergency access location";
 - b. Replacement of culvert drainage structures with open-bottomed con-span structures, designed in accordance with appropriate drainage calculations, with a minimum vertical clearance of 2 feet, and elimination of associated outlet rip rap, to allow wildlife movement and minimize artificial conditions in wetlands, in the following locations: at station 4+00 between lots 8 and 21; at station 3+00 between lots 28 and 31; and, at station 8+00 between lots 19 and 21.
3. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations.
4. This permit is contingent on approval or sign off by the DES Dam Safety Program.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. This permit is contingent upon submission of restoration plans for areas where wells are proposed to be installed in the natural buffer area of the conservation easement, to prevent any impacts as a result of well installation.
8. Restoration of temporary well installation impact areas shall have at least 75% successful establishment of buffer vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional vegetated buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.

9. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. All designated filter strip areas are to remain natural and untouched, with the exception of enhancement plantings, however no grading or artificial construction of the filter strip shall occur.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
14. 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).
15. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non-erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
16. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
17. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
19. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. 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.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
24. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Land Resources Preservation:

1. This permit is contingent upon demonstration by the applicant that the Greenland Conservation Commission (or other appropriate town or suitable entity) is willing to accept the conservation easement deeds.
2. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations. This plan shall include revised mitigation acreage totals, based on the changes described herein, for each element of the mitigation. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
3. This permit is contingent upon the execution of the final conservation easement approved by DES as described in this approval and revised according to condition 2 above.
4. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of the Land Resources Preservation section of this approval.
6. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

7. The final conservation easement plan approved by DES for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
8. The applicant shall prepare a report summarizing existing conditions within the conservation area. The report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
9. The applicant shall submit seasonal monitoring reports monitoring the health of the vernal pool area over 5 years post-development to assure that the vernal pool located adjacent to the wetlands crossing for the access from Breakfast Hill Rd. is thriving with the 80' minimal buffer area.
10. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
11. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
12. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
13. This permit is contingent upon full implementation of the Atlantic White Cedars Management Plan prepared by Carex Ecosystems dated 12/6/02 as received by DES on 12/6/02.

Wetland construction:

1. This permit is contingent upon the creation of 24,829 sq. ft. of wetlands in accordance with plans received.
2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

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

2007-00860 BREWER, EUGENE & DEBORAH
ALTON Lake Winnepesaukee

Requested Action:

Applicant requests amendment to allow the construction of cribs rather than the driving of piling.

Inspection Date: 07/06/2007 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Reconfigure existing breakwater docking system to a 50 linear ft breakwater with a 6 ft gap at the shoreline attached to a "W-shaped" docking system consisting of a 4.5 ft x 39 ft cantilevered dock, a 4.5 x 32 ft crib supported dock and a 4.5 x 27 ft crib supported dock accessed by a 6 ft x 45 ft walkway, and restore 10 ft x 50 ft of access road with native vegetation on 165 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by Diversified Marine Construction dated, as received by the Department on November 12, 2008 and breakwater cross section plans as received January 11, 2010.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Breakwater slope shall be 1:1.5, rise to run, or greater.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. The 6 ft gap between the breakwater and the shoreline shall remain open to allow the passage of shoreline currents.
17. Cribs shall be spaced a minimum of 12 ft apart.
18. The planting plan as received on August 24, 2007 shall be implemented by the next growing season whether or not docking facility is reconfigured under this permit.
19. After the initial construction, repairs to the docking system can be conducted for the duration of this permit after notifying the Department and the local conservation commission in writing, of the repair work entailed.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 165 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per Rule Env-Wt 101.09 Boat slip, and, therefore, meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on July 6, 2007, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on July 6, 2007 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**2009-00754 SWANZEY, TOWN OF
WEST SWANZEY Ashuelot River**

Requested Action:

Amend permit to reflect a change in the planting plan and to allow a change in the timing of the construction of the bridge repair and dam removal, as the 2 projects will be advertised separately.

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 87,212 square feet within the bed and banks of the Ashuelot River (impacting approximately 650 linear feet) to remove an existing dam (Homestead Woolen Mill Dam) and install 3 stone cross vanes and associated channel reshaping to restore this reach of the Ashuelot River to a free flowing condition. Impacts include installing stream barbs directly upstream of an existing historic bridge (Thompson Covered Bridge) and installing stone scour protection measures along the toe of the existing abutments and center pier to protect this important historic structure.

With Conditions:

1. All work shall be in accordance with revised plans by Hoyle, Tanner & Associates (HTA) dated January 2010 and Vanasse Hangen Brustlin (VHB) dated July 2009 (except plan sheet C-7 which was last revised on December 29, 2009), as received by DES on July 7, 2009 and January 13, 2010.
2. At least 2 weeks prior to the start of construction, the selected contractor(s) shall submit a final river diversion/dewatering plan to DES for review and approval.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Water Division staff to review the conditions of the wetland permit. It shall be the responsibility of the permittee(s) to schedule the pre-construction meeting, and the meeting shall be attended by the permittee(s), his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Dam removal/river restoration activities shall be conducted simultaneously with the installation of scour protection measures for the bridge, if possible, in order to minimize the duration of in-stream activities.
5. The applicant(s) shall be responsible for mitigating the project's effect on known populations of the federally-endangered dwarf wedgemussel through survey and relocation, as agreed upon with the US Fish & Wildlife Service.
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. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
9. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. Riparian buffer and upland areas that are disturbed from construction activities shall be properly stabilized and planted in accordance with the "Planting Plan" by VHB, last revised on December 29, 2009, and plantings shall be installed in a manner that doesn't impede future access to the Ashuelot River.
12. The permittee(s) shall attempt to control invasive species (e.g. Japanese knotweed, Oriental bittersweet, Honeysuckle, etc.) by measures outlined in the revised plans submitted by HTA and VHB and agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
13. Riparian buffer and upland areas shall have at least 75% successful establishment of native vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. The permittee(s) shall designate a qualified professional(s) who will be responsible for monitoring and ensuring that the project is constructed in accordance with the final plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional(s) prior to the start of work and if there is a change of status during the project.
15. 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.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid, and faulty equipment shall be repaired prior to entering surface waters or wetlands.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. This permit is contingent on approval of the project and authorization to proceed with work under the jurisdiction of the DES Dam Bureau.
21. Post-construction reports documenting the status of the completed projects with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
22. Any further alteration of areas on these properties that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
23. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owners are responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c) & (i), as impacts are greater than 20,000 square feet and greater than 200 linear feet within the bed and banks of the Ashuelot River.
2. The project proposes to restore this reach of the Ashuelot River to a free flowing condition by removing the dam and installing stone cross vanes. Additionally, scour protection measures will be installed upstream to protect the historic covered bridge.
3. The River Restoration Task Force, which is made up of staff from the USFWS, ACOE, NMFS, NHF&G, DES, TU, and LAC's, have been reviewing and planning this dam removal/restoration/stabilization project for more than a decade.
4. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspection of the proposed project on January 13, 2006. Field inspection determined that the dam was in disrepair and is a good candidate for removal because of the poor condition.
8. The project meets Mitigation Rule Env-Wt 803.06(a) and (b), as the project proposes to have greater benefit to water quality, wildlife and their habitats, fisheries, and other functions and values of wetlands and surface waters identified in RSA 482-A:1; and the project proposes to restore the functions and values within a degraded jurisdictional area.
9. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.90.

10. The amendment request is for a change in the planting plan, and to allow a change in the timing of the construction of the bridge repair and dam removal, as the 2 projects will be advertised separately.

2009-00814 NH FISH & GAME DEPARTMENT
BOW Turee Pond - Prime Wetland

Requested Action:

Impact 1484 sq ft to remove an existing boat ramp and relocate the ramp to a new location on the same lot, on Turee Pond, in Bow.

Conservation Commission/Staff Comments:

No comments from Con Com by July 13, 2009

Inspection Date: 09/16/2009 by Dale R Keirstead

DENY PERMIT:

Impact 1484 sq ft to remove an existing boat ramp and relocate the ramp to a new location on the same lot, on Turee Pond, in Bow.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example.
3. In accordance with Env-Wt 302.04, (a), (2), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example that alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
4. In accordance with Env-Wt 302.04, (d), (1), Requirements for Application Evaluation, the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
5. In accordance with Env-Wt 302.03, (b), Avoidance, Minimization, and Mitigation, for all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800.

Findings of Fact

1. On April 6, 2009, the Wetlands Bureau received a Standard Dredge and Fill application to impact 1484 sq ft to remove an existing boat ramp and relocate the ramp to a new location on the same lot, on frontage on Turee Pond, in Bow.
2. The existing and proposed location for the boat ramp is located within an area designated as a prime wetlands located in Bow.
3. On October 26, 2009, the Wetlands Bureau sent a Request for More Information letter to the applicant. The letter requested information addressing the requirements all of Env-Wt 700 relative to projects in designated prime wetlands to include required mitigation pursuant to Env-Wt 700 and Env-Wt 302.03.
4. The Request for More Information letter dated July 13, 2009 also requested clarification of whether the proposed work would be on an easement or ROW through lot 65, and information clearly indicating property lines, easement, or ROW limits as well as the limits of work within these areas.
5. The Request for More Information letter dated July 13, 2009 explained that the Department can not approve a plan which indicates the structure crossing the abutter's property line or the imaginary extension of the property line over the water body and requested plans showing the 20- foot setback from the imaginary extension of the property lines over the water.
6. The Request for More Information letter dated July 13, 2009 requested an explanation of how removing the existing ramp and constructing a new ramp, altering a new area, would be less impacting than repairing the existing ramp.
7. The Request for More Information letter dated July 13, 2009 also requested that the Applicant demonstrate the need for the

impacts to wetlands and surface waters

8. The applicant submitted a response to the Request for More Information letter on July 24, 2009. The response included plans showing the original proposal to impact 1,484 sq ft to remove the existing boat ramp and relocate the ramp to a previous undisturbed, new location on the same lot.
9. The Department conducted a field inspection in September 2009, field inspection found the ramp located on a small waterbody. The re-location of the ramp would impact large areas of existing aquatic vegetation within the prime wetland. This impact is not identified on the plans.
10. The Department conducted a public hearing on the proposed relocation of the boat ramp on October 12, 2009 at DES office. Comments were taken from the public in opposition to the proposed relocation of the boat ramp.
11. The proposed work exceeds the limits of the easement on lot 65.

Rulings in Support of Denial

1. The proposed ramp re-location would impact 7686 sq ft within the prime wetland buffer, while the repair of the existing boat ramp would impact 312 sq ft within the prime wetland buffer. The proposed boat ramp is not the least impacting alternative, therefore in accordance with Env-Wt 302.04(d) the application is denied.
2. The applicant failed to provide mitigation for the proposed permanent impacts within this prime wetland habitat, therefore the application is denied.
3. The project as proposed would impact property not owned or controlled by that Applicant. The Department can't grant a permit to impact these areas without the written consent of the affected land owners.

**2009-00999 CARINE, JANICE
GILFORD Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's October 27, 2009 denial of a permit for docking structures and beach construction on the basis of revised plans submitted.

Conservation Commission/Staff Comments:

Con Com has no concerns with proposed project

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

APPROVE RECONSIDERATION:

Reconfigure 68 linear ft of breakwater with a 9 ft gap at the shoreline such that the breakwater as measured at normal high water shall not extend more than 50 ft lakeward of the the normal high water shoreline. Construct a 14 ft x 20 ft perched beach, add a 4 ft x 34 ft piling supported finger to an existing dock adjacent to a breakwater, and install a 14 ft x 30 ft seasonal canopy over the center slip on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Diversified Marine Construction as received by the Department on December 12, 2009.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. The breakwater shall have an irregular face to dissipate wave energy.
13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. Material excavated for the construction of the beach shall be placed outside of the DES Wetlands Bureau jurisdiction.
15. 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.
16. The steps installed for access to the water shall be located completely landward of the normal high water line.
17. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
18. This permit shall be used only once, and does not allow for annual beach replenishment.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. 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.
21. 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.
22. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking facility including a breakwater.
2. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2009-01771 PETRILLO, BRIAN & JOANNE
MEREDITH Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Department's December 21, 2009 decision to deny the request to modify the dug-in boathouse on the basis of the merits of a revised proposal submitted.

Conservation Commission/Staff Comments:

Con Com submitted comments stating a dug in boathouse is not the least impacting alternative

APPROVE RECONSIDERATION:

Excavate 800 sq ft of bank and shoreland and dredge 38 cu yd from 480 sq ft of lakebed to construct a 24 ft x 33 ft 4 in dug in boathouse and install a 6 ft x 30 ft seasonal dock attached to a 2 ft x 6 ft concrete anchor, on an average of 197 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by T.R. Selling Engineering, P.C. as revised January 6, 2010 and received by DES on January 7, 2010 with the exception that the roof dimensions of the boathouse shall not exceed 24 ft 11 in x 34 ft 3 in.
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 prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible maintaining compliance with Shoreland Permit #2009-1770 and obtaining any future approvals that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major impact project per Rule Env-Wt 303.02 (g), dredge of more than 20 cu yd of material from public waters.
2. Active Permit 2005-1333 approved by the Department on previously approved a larger, boathouse having greater impacts on this frontage. This project would replace that larger more impacting project.
3. The shoreland impacts associated with this projects were approved under Shoreland Permit 2009-1770
4. The applicant has an average of 197 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2,VIII, and therefore meets Rule Env-Wt 402.12.
7. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of the Lake Winnepesaukee ecosystem.

-Send to Governor and Executive Council-

**2009-02113 MAUS, GERARD & SUSAN
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Remove an existing 11 ft x 36 ft permanent pier and a 29 ft x 27 ft boathouse over public waters, retain an existing 8.5 ft x 39 ft permanent pier, construct a 6 ft x 40 ft seasonal pier, dredge 25 cy yd from 293 sq ft of lakebed, place 9 cu yd of rip-rap in the lake bed and bank to stabilize side slopes, and excavate at least 900 sq ft of shoreland and bank for the construction of a 25 ft x 36 ft 2-slip, dug-in boathouse on an average of 341 ft of frontage on Lake Winnepesaukee in Wolfeboro.

DENY PERMIT:

Remove an existing 11 ft x 36 ft permanent pier and a 29 ft x 27 ft boathouse over public waters, retain an existing 8.5 ft x 39 ft permanent pier, construct a 6 ft x 40 ft seasonal pier, dredge 25 cy yd from 293 sq ft of lakebed, place 9 cu yd of rip-rap in the lake bed and bank to stabilize side slopes, and excavate at least 900 sq ft of shoreland and bank for the construction of a 25 ft x 36 ft 2-slip, dug-in boathouse on an average of 341 ft of frontage on Lake Winnepesaukee in Wolfeboro.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, I, "All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 482-A:11, Administrative Provisions, II, "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."
3. Pursuant to RSA 482-A:3, Excavating and Dredging Permit; Certain Exemptions, XIV, (a), (2), "Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."
4. In accordance with RSA 482-A:3, Excavating and Dredging Permit; Certain Exemptions, I, (b), "The permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both."
5. In accordance with Rule Env-Wt 501.02, Additional Data Requirements, (a), (2), The Applicant shall submit with the application a drawing or drawings showing, among other things, the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project, the existing proposed topography, including a reference elevation, and the limits of all temporary and permanent impacts in jurisdiction, including wetlands, surface water and their banks.
6. In accordance with Rule Env-Wt 501.02, Additional Data Requirements, (d) In addition to the information required in (a), for projects within the protected shoreline as defined by RSA 483-B, the applicant shall supply the reference line, the location of all existing structures between the primary building line and the reference line, the location of all proposed structures; and the total disturbed area within the protected shoreline.

Findings of Fact

1. On September 9, 2009, the Department received an application for the modification of docking facilities including the removal of a structure meeting the Department's definition of "boathouse" from public waters and the construction of a new dug-in, 2-slip, boathouse near the opposite property line.
2. The proposed boathouse location is the only location on the frontage that a boathouse could be sited without creating a situation where the Applicant's residence would fail to meet the 50 ft primary building setback established under RSA 483-B.
3. On November 3, 2009, Department staff inspected the site and noted the proximity of the proposed boathouse to the abutting property line and structures on the adjacent property. It was also noted during the inspection that low-lying areas within the proposed boathouse footprint very similar in character to adjacent, flagged wetlands, had not been flagged as jurisdictional wetlands.
4. On November 10, 2009 the Department issued a Request for More Information Letter to the Applicant requesting plans showing the effect that excavating the shoreline and thus relocating the reference line establishing the jurisdictional boundary of RSA 483-B, would have on both the applicants property and the abutters property. The Letter specifically request plans showing "the effect of the relocation of the reference line on the primary building setback, protected woodland buffer, and septic setback, particularly as it may effect (sic) those lines on the abutting property."
5. The November 10, 2009 Request for More Information Letter also requested information in support of the classification of the low-lying area in the proposed boathouse footprint as upland.
6. On December 18, 2009 the Department received a response to the November 10, 2009 Request for More Information Letter.
7. The narrative submitted stated that the relocation of the reference line would not have an adverse impact on the abutter's ability to develop or utilize their property but the submittal did not include plans actually demonstrating the affect on all of the setbacks as requested. Additionally of note, the Department has not received plans showing the location of the Applicants existing septic system

relative to the relocated reference line.

- 8. The response to the Request for More Information Letter included a letter from a Certified Wetland Scientist in support of the classification of the low-lying area in the proposed boathouse footprint as upland, however, the documentation specifically requested to support the classification was not submitted.
- 9. The plans submitted fail to show any temporary impacts in the bank and protected shoreline associated with the proposed dug-in boathouse construction as required per Rule Env-Wt 501.02.
- 10. The Applicant failed to submit \$1,800.00 in filing fees for the proposed 900 sq ft, permanent docking structure (boathouse).

Rulings in Support of the Decision

- 1. The Applicant has failed to submit the information requested by the Department on November 10, 2009, and therefore, is denied in accordance with RSA 482-A:3, XIV, (2).
- 2. The Applicant failed to submit the appropriate filing fee for the impacts requested in the application.
- 3. The Applicant has failed to provide the information necessary for the Department to determine that the issuance of a permit for this project would comply with the requirements and standards of RSA 483-B. Therefore, in accordance with RSA 483-B:3, Consistency Required, the issuance of a permit for the project under RSA 482-A, by the Department, is prohibited.
- 4. The Applicant has failed to provide the information necessary for the Department to determine that the project would not adversely affect the ability of the abutting property owner to develop and utilize their property. Therefore, in accordance with RSA 482-A:11, Administrative Provisions, the issuance of a permit for the project by the Department is prohibited.

MINOR IMPACT PROJECT

**2008-01231 DUPUIS, MARCEL
HOOKSETT Merrimack River**

Requested Action:

Proposal to reduce approved shoreline and bank impacts to 1,570 square feet (98 linear feet).

APPROVE AMENDMENT:

Dredge and fill 1,570 square feet along 98 linear feet of the bank of the Merrimack River further described as follows: Install a rip-rap toe to 6 feet above the reference line (elevation 176) to elevation 182, bio-stabilize 8 feet above the rip-rap to the top of bank (elevation 190) using a combination of "BIOD-ROLL 50 SEDIMENT LOG" "BIOD-OLF 30 EROSION FABRIC" soil lifts and native upland, bank and wetlands plantings, install 18-24 inch round river stone at each end of the bank stabilization areas and install a curved 6 foot high (maximum height) x approximately 36 feet long (at elevation 190) retaining wall in the bank above elevation 182 at the location of the existing structures. Remove the existing dock and deck systems and replace by installing a 16-foot long x 4-foot wide seasonal dock accessed by a 4-foot wide x 18-foot long seasonal walkway in a "T" configuration extending no more than 22 feet into the water from the reference line on approximately 230 feet of shoreline frontage on the Merrimack River, Hooksett.

With Conditions:

- 1. All work shall be in accordance with plans and revised narratives by CLD Consulting Engineers, Inc., plan sheets C2, C3 and C4, revision dated June 5, 2009, as received by DES on June 5, 2009, with approved amendments depicted on plans and narratives prepared by Michael A. Lambert, Environmental Scientist, Figure 1 dated October 19, 2009, Figure 2 dated October 22, 2009, Figure 3 (no date), Figure 4 dated October 24, 2009 and narratives and construction sequence, as received by DES on November 2, 2009.
- 2. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit.
It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
- 3. The New Hampshire Certified Wetland Scientist working on the project shall monitor construction to assure all work is

conducted in accordance with the amended design/plans and narratives.

4. Work shall be done during low flow, and preferably during drawdown of the river.
5. This permit shall not be effective until it has been recorded with the Merrimack 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.
6. A follow-up report with photographic documentation prepared by a qualified environmental professional shall be filed with the DES Wetlands Bureau within 60 days of the completion of work and after one full growing season.
7. Planted vegetation shall have at least 75% successful establishment after one growing seasons, or it shall be replanted and re-established until it is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. No equipment shall enter the adjacent surface water (i.e., equipment shall work from the bank and top of bank).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
13. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
16. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas or woodland buffer.
17. Erosion control structures must be removed once the area is stabilized.
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, banks or wetlands during construction.
21. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
22. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

DES reaffirms findings 1 through 14 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.02(1), projects that alter the course or disturb less than 200 linear feet of intermittent or perennial noontide stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The stabilization is needed to repair erosion damage, storm event damage, and to protect the existing infrastructure and mature trees on the property.
6. The applicant has reduced the proposed project from an approximately 14 feet high 185 linear feet of "REDIROCK" retaining wall and permanent dock structure to a combination of rip-rap toe and bank and bio-stabilization with soil lifts, bio-rolls and native plantings and a approximately 16 linear foot (face) section of REDIROCK retaining wall.
7. The site was identified by the New Hampshire Natural Heritage Bureau for being in the vicinity of State listed endangered Brook Floater Mussel and Bald Eagle.
8. The New Hampshire Fish and Game Department (NHFG) commented that they were okay with the project if they plant "strongly horizontally branching tree species- white pines and oaks preferably."

9. The applicant has revised the plans per NHFG comments.
10. The NHFG has approved the amended plantings.
11. The applicant has provided written agreements from affected abutters within 20-feet of the property line in accordance with Administrative Rule Env-Wt 304.04.
12. The existing docking system is being removed and replaced with a seasonal dock and seasonal ramp
13. The applicant submitted a letter from Public Service of New Hampshire indicating they have no objections to the proposed dock structure as long as it generally conforms to the stipulations in their draft dock license agreement and indicated they would formally execute and agreement in the future.
14. DES Staff conducted a field inspection of the site on November 21, 2008. Field inspection determined that the entire bank appeared to be unstable and discussed the use of a rip-rap toe and vegetation/stabilization on the upper portions of the slope.
Additional findings:
15. The approved amendment is a significant reduction in permanent impacts.
16. The conservation commission has reviewed and approved the amended changes.
17. The NHFG has reviewed and approved the amended changes.

2009-01570 CLAIRMONT, DAVID
GILMANTON Unnamed Wetland

Requested Action:

Proposal to dredge and fill 5392 sq. ft. of wetlands and associated intermittent stream for re-alignment of an existing access road for safe passage by construction vehicles. Work in wetlands consists of installation an 18 in. x 65 ft. culvert associated retaining wall, grading, filling, outlet protection, installation of a 15 in. x 74 ft. culvert with associated grading, filling and inlet and outlet protection and installation of a 60 foot extension to an existing 18 in. drainage pipe and associated filling, outlet protection and manhole.

APPROVE PERMIT:

Dredge and fill 5392 sq. ft. of wetlands and associated intermittent stream for re-alignment of an existing access road for safe passage by construction vehicles. Work in wetlands consists of installation an 18 in. x 65 ft. culvert associated retaining wall, grading, filling, outlet protection, installation of a 15 in. x 74 ft. culvert with associated grading, filling and inlet and outlet protection and installation of a 60 foot extension to an existing 18 in. drainage pipe and associated filling, outlet protection and manhole.

With Conditions:

1. All work shall be in accordance with plans by Mathew Moore Civil Engineering, PLLC dated November 29, 2009, as received by DES on December 18, 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 low flow.
5. 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.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

- 12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
- 13. 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.
- 14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The previous permit application and design was denied (Wetlands Bureau File 2007-00450).
- 6. The proposed work is realignment of an existing access road.
- 7. The applicant has provided a response to the conservation commission comments.
- 8. The proposed culverts will pass a 25-year storm event as requested in the previous file.
- 9. The applicant's New Hampshire Certified Wetland Scientist ("CWS") has walked the remaining property, reviewed available site data and provided a drawing depicting the remaining wetlands on the site.
- 10. The applicant's CWS identified a vernal pool on the property, however, there is no work proposed near the identified pool.
- 11. The applicant is not proposing any additional development of the site at this time other than normal forestry practices.
- 12. DES did not receive any comments from the NH Fish and Game Department.
- 13. DES has note received any public comments in opposition to the proposed project.
- 14. This approval is conditioned on further permitting for any future wetland/surface water impacts.

FORESTRY NOTIFICATION

2009-02936 WEBSTER LAND CORP
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map 22, Lot# 2, 12 & 15

2009-03065 WILCOX, ROBERT & LAURIE
RUMNEY Unnamed Stream

2010-00013 RUOTSALA, JOHN
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 8, Lot# 50-2

2010-00030 **HECKEN, MICHAEL**
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 12, Lot# 42

2010-00031 **GROVER, JOHN & RUTH**
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 231, lot# 1

2010-00032 **ROSE, CHARLES**
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 236, lot# 17

2010-00034 **ANDERSON, RICHARD**
JACKSON Unnamed Stream

COMPLETE NOTIFICATION:
Jackson Tax Map/Lot# R9 / 21,22 & R17 / 2

2010-00035 **CZARNECKI, JOHN & DORIS**
CHESTERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Chesterfield Tax Map 24, Lot# D-E

2010-00048 **WEBSTER LAND CORP**
HOLDERNESS Unnamed Stream

COMPLETE NOTIFICATION:
Holderness Tax Map 207, Lot# 9

2010-00049 **JOHNSON, ESTHER**
LYNDEBOROUGH

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 220, Lot# 28

2010-00050 **VAN HAM, HELEN**
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 208, lot# 5

2010-00051 **PARTIN, KARYN**
GRANTHAM Unnamed Stream

COMPLETE NOTIFICATION:
Grantham Tax Map 211, Lot# 70

OTHER BUSINESS

2009-02629 **JW CHIPPING INC**
DALTON Unnamed Wetland

Requested Action:

Proposal to withdraw the pending application to dredge and fill approximately 6,650 square feet of wetlands for construction of a one-quarter mile drag strip with circulation roads, spectator stands, pit area and parking area.

WITHDRAW APPLICATION:

Application withdrawn by the applicant for the pending proposal to dredge and fill approximately 6,650 square feet of wetlands for construction of a one-quarter mile drag strip with circulation roads, spectator stands, pit area and parking area.

With Findings:

1. On January 8, 2010, the department received a letter (by electronic mail) from the applicant's agent requesting withdrawal of the pending application to dredge and fill approximately 6,650 square feet of wetlands for construction of a one-quarter mile drag strip with circulation roads, spectator stands, pit area and parking area.
2. The department has processed the request and no further permitting action will be taken on the applications/file.
3. Any proposed or 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.

EXPEDITED MINIMUM

2009-02703 **COTT, WILLIAM & JUDITH ANN**
GILFORD Lake Winnepesaukee

Requested Action:

Replace an existing 37 linear feet of concrete retaining wall with a wooden wall, replace the existing concrete steps with wooden steps in the same location, on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 37 linear feet of concrete retaining wall with a wooden wall, replace the existing concrete steps with wooden steps in the same location, on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 17, 2009, as received by DES on December 18, 2009.
2. Work shall be done during drawdown.
3. Repair shall maintain existing size, location and configuration.
4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
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. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

2009-02792

PSNH

FARMINGTON Unnamed Wetland Unnamed Stream

Requested Action:

Temporarily impact a total of 5,775 sq. ft. of wetlands over 5 locations for installation of 20 new power poles.

APPROVE PERMIT:

Temporarily impact a total of 5,775 sq. ft. of wetlands over 5 locations for installation of 20 new power poles.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering Inc. dated 11/4/2009, as received by DES on 11/23/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on 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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during frozen conditions or low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af), temporary impacts associated with the maintenance or repair of an existing utility line that meet the criteria of Env-Wt 303.04(af)(1)-(10).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The work represents necessary power line pole maintenance.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03. The work is temporary and will be conducted under frozen conditions to the extent possible.

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. Species of concern were reported by the NH Natural Heritage as a result of a review of the entire 10-mile 386 line corridor. The species reported occur in Rochester, not in the area of Farmington that is the subject of the application.

5. The Farmington Conservation Commission signed the expedited application.

**2009-02868 BANCROFT, JAY
SOMERSWORTH Unnamed Wetland**

Requested Action:

Replace existing drainage structure with twin 12" x 70' culverts and stone and mortar headwalls, impacting a total of 350 sq. ft. of wetlands jurisdiction.

APPROVE PERMIT:

Replace existing drainage structure with twin 12" x 70' culverts and stone and mortar headwalls, impacting a total of 350 sq. ft. of wetlands jurisdiction.

With Conditions:

1. All work shall be in accordance with plans by Chris Jacobs P.E., City of Somersworth dated 9/23/2009, as received by DES on 12/4/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a non-docking structure such as a culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project vicinity.
5. The Somersworth Conservation Commission signed the expedited application.

AGRICULTURE MINIMUM

**2009-02880 MOYER, DERRICK
HAMPSTEAD Unnamed Wetland**

Requested Action:

Impact 4,080 square feet of forested wetland (poorly drained soils) for the construction of an access road and installation of a 12-inch culvert for agricultural purposes on approximately 28 acres.

Conservation Commission/Staff Comments:

The Rockingham County Conservation District signed the Application for Minimum Impact Agricultural Projects.

APPROVE PERMIT:

Impact 4,080 square feet of forested wetland (poorly drained soils) for the construction of an access road and installation of a 12-inch culvert for agricultural purposes on approximately 28 acres.

With Conditions:

1. All work shall be in accordance with plans and supplemental materials by the USDA NRCS received by DES on December 7, 2009.
2. This permit shall be recorded with the Rockingham County Registry of Deeds office by the permittee.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
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. A memo dated November 25, 2009 from the NH Natural Heritage Bureau (the "NHB") identified a Red maple-black ash-swamp saxifrage swamp as a natural community and Green Adder's Mouth (*Malaxis unifolia*) as a State-threatened plant species within the vicinity of the proposed impacts.
6. A memo dated December 2, 2009 from the NHB states that the "NHB does not expect impact to the exemplary wetland community or rare plant species."

LAKES-SEASONAL DOCK NOTIF

2010-00019 KING, FRANCES
NEW LONDON Messer Pond

COMPLETE NOTIFICATION:

New London Tax Map 105, Lot# 6 Messer Pond

PERMIT BY NOTIFICATION

2009-02255 RICHMAN, BARRY
MANCHESTER Unnamed Wetland

Requested Action:

PBN proposal to maintenance dredge an existing drainage swale.

Conservation Commission/Staff Comments:

1. No comments were submitted by the conservation commission.

PBN IS COMPLETE:

PBN complete to maintenance dredge and restore (loam and seed) 7,500 sq. ft. of an existing drainage swale.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways and Env-Wt 506.01(a)(3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
2. The applicant obtained abutter permission.
3. The plan was revised to remove the proposed rip-rap and re-create the vegetated swale.

2009-02563 NEW ENGLAND POWER COMPANY
HINSDALE Unnamed Wetland

Requested Action:

Temporarily impact approximately 40,220 square feet of palustrine emergent, scrub-shrub and forested wetlands along the existing G-33 transmission line right-of-way for swamp mat installation providing access for transmission line component replacement in Hinsdale. Intermittent and perennial streams will be crossed with timber mat bridges to avoid all stream impacts. Work on poles 608 through 610 will be deferred until August or until the adjacent eagle nest fails. Natural Heritage Bureau sensitive areas will be flagged and avoided.

PBN IS COMPLETE:

Temporarily impact approximately 40,220 square feet of palustrine emergent, scrub-shrub and forested wetlands along the existing G-33 transmission line right-of-way for swamp mat installation providing access for transmission line component replacement in Hinsdale. Intermittent and perennial streams will be crossed with timber mat bridges to avoid all stream impacts. Work on poles 608 through 610 will be deferred until August or until the adjacent eagle nest fails. Natural Heritage Bureau sensitive areas will be flagged and avoided.

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)(14), Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
3. See related PBN 2009-02724 for the portion of this project occurring in Chesterfield.
4. The Natural Heritage Bureau (NHB) report for the portion of this project occurring in Hinsdale identified occurrences of the state endangered dwarf wedge mussel, state endangered pygmy weed, and state endangered bald eagle in the vicinity of the project.
5. A nature recourse assessment performed by the Agent for Hinsdale and Chesterfield documented the occurrences of the state threatened fern-leaved false foxglove, state endangered spherical panic-grass, state endangered trailing bush-clover, state endangered leafy bulrush, state threatened sweet goldenrod, and state threatened Canadian germander.

6. A stick nest survey completed by the Agent observed a bald eagle nest approximately 300 feet off the right-of-way near the Connecticut River and in close proximity to the Vernon Dam in Hinsdale.
7. The New Hampshire Fish and game Department (NHFG) Nongame and Endangered Species Program stated that the bald eagle is a state threatened species protected by RSA 212-A, the New Hampshire Endangered Species Conservation Act. In order to avoid take (harm, harassment, killing, etc.) NHFG recommend work proposed on the transmission corridor by poles 608 through 610 be completed by mid-January or postponed until August (or until nest-failure). NHFG also recommended that helicopter use should not be conducted within 1/2 mile of the nest site.
8. In email correspondence dated January 06, 2010, the Applicant agreed to post-pone work on Poles 608 through 610 until August 1 (or until the adjacent eagle nest fails if sooner than August 1). NHFG has agreed to allow construction equipment to use the existing road in the right-of-way (on the opposite side of the ROW from the nest) to access Structure 612 at the Vernon Dam for a period of time within the breeding season.
9. In correspondence dated December 15, 2009, NHB requested the following: 1) all identified sensitive areas are flagged prior to construction; 2) that travel along the old Boston and Maine Railroad is restricted to south the Prospect Street to avoid the leafy brush population; 3) maps are referenced to avoid impact to the Canadian germander population on the west side of the access road near Pole 611 if the road must be expanded.
10. In written correspondence dated December 18, 2009, and received by the DES Wetlands Bureau on December 23, 2009, the Agent on behalf of the Applicant agreed to the December 15, 2009, NHB requests.

2009-02724 NEW ENGLAND POWER COMPANY
CHESTERFIELD Unnamed Stream Wetlands

Requested Action:

Temporarily impact approximately 16 linear feet of intermittent stream along the existing G-33 transmission line right-of-way for swamp mat installation providing access for transmission line component replacement in Chesterfield. Natural Heritage Bureau sensitive areas will be flagged and avoided.

PBN IS COMPLETE:

Temporarily impact approximately 16 linear feet of intermittent stream along the existing G-33 transmission line right-of-way for swamp mat installation providing access for transmission line component replacement in Chesterfield. Natural Heritage Bureau sensitive areas will be flagged and avoided.

With Findings:

1. The Conservation Commission did sign the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
3. See related PBN 2009-02563 for the portion of this project occurring in Hinsdale.
4. The Natural Heritage Bureau (NHB) identified the state and federal endangered dwarf wedge mussel, the Appalachian oak - mountain laurel forest natural community and dry Appalachian oak - hickory forest natural community, state endangered butterfly weed, state endangered downy false foxglove, state threatened fern-leaved False Foxglove, Houghton's Umbrella sedge and state endangered large whorled pogonia and the cerulean warbler.
5. A nature recourse assessment performed by the Agent for Hinsdale and Chesterfield documented the occurrences of the state threatened fern-leaved false foxglove, state endangered spherical panic-grass, state endangered trailing bush-clover, state endangered leafy bulrush, state threatened sweet goldenrod, and state threatened Canadian germander.
6. In correspondence dated December 15, 2009, NHB requested the following: 1) all identified sensitive areas are flagged prior to construction; 2) that travel along the old Boston and Maine Railroad is restricted to south the Prospect Street to avoid the leafy brush population; 3) maps are referenced to avoid impact to the Canadian germander population on the west side of the access road near Pole 611 if the road must be expanded.
7. In written correspondence dated December 18, 2009, and received by the DES Wetlands Bureau on December 23, 2009, the Agent on behalf of the Applicant agreed to the December 15, 2009, NHB requests.

CSPA PERMIT

2009-01428 MCWILLIAMS, ROGER & LINDA
ENFIELD Crystal Lake

Requested Action:

Impact 180 sq ft for the purpose of expanding an existing deck.

Inspection Date: 07/23/2009 by Jeffrey D Blecharczyk

DENY PERMIT:

Impact 180 sq ft for the purpose of expanding an existing deck.

With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Within 30 days of receipt of an application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application."
2. On July 23, 2009 the Department issued a Request for More Information Letter to the Applicant notifying them that additional Information was required to complete their shoreland impact permit application.
3. The Department's letter specified that if the information requested was not received by October 16, 2009, the application would be denied.
4. The Applicant failed to submit the requested information by October 23, 2009 and, therefore, the application is denied in accordance with RSA 483-B:5-b, V, (a).

2009-01652 PASCARELLA, DAVID
FREEDOM Ossipee Lake

Requested Action:

Impact 1,711 sq ft for the purpose of constructing new retaining walls.

DENY PERMIT:

Impact 1,711 sq ft for the purpose of constructing new retaining walls.

With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Within 30 days of receipt of an application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application."
2. On August 29, 2009 the Department issued a Request for More Information Letter to the Applicant notifying them that additional Information was required to complete their shoreland impact permit application.
3. The Department's letter specified that if the information requested was not received by October 25, 2009, the application would be denied.
4. The Applicant failed to submit the requested information by September 25, 2009 and, therefore, the application is denied in accordance with RSA 483-B:5-b, V, (a).

**2009-01932 WITCH ISLAND CONDOMINIUM ASSOCIATION, AMY AGNEW
HAMPTON Meadow Pond**

Requested Action:

Impact 30,000 sq ft for the purpose of constructing 6 new condominium units.

APPROVE PERMIT:

Impact 30,000 sq ft for the purpose of constructing 6 new condominium units.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers, Inc. last revised September 28, 2009 and received by the Department of Environmental Services ("DES") on October 7, 2009.
2. No more than 4.4% 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 pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. The project as proposed will leave approximately 85,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 44,000 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. No impacts associated with this project shall occur to wetlands jurisdictional under RSA 482-A unless all necessary approvals are received from the NH DES Wetlands Bureau.
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. 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).
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.

**2009-02740 KOLMORGEN, RICHARD
RINDGE Pool Pond**

Requested Action:

Impact 4,799 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 4,799 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

With Conditions:

1. All work shall be in accordance with revised plans by Monadnock Septic Designs, LLC dated September 18, 2009 and received by the Department of Environmental Services ("DES") on January 12, 2010.

2. No more than 11.14% 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 2,050 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain 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.
11. 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).
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 NH DES Subsurface Systems Bureau.

**2009-02891 NH DRED
HAMPTON Atlantic Ocean**

Requested Action:

Impact 18,000 sq ft for the purpose of constructing a new public beach visitor center, bath houses and associated accessory structures.

APPROVE PERMIT:

Impact 18,000 sq ft for the purpose of constructing a new public beach visitor center, bath houses and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. received by the Department of Environmental Services ("DES") on December 3, 2009.
2. Upon completion of the proposed project, no increases in impervious area of the lot within the protected shoreland will occur unless additional approval is obtained from DES.
3. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
4. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
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.

**2009-03057 HANNINEN, ROBERT & ETHELIND
ALSTEAD Lake Warren**

Requested Action:

Impact 2,425 sq ft for the purpose of expanding an existing residential dwelling and constructing new foundations.

APPROVE PERMIT:

Impact 2,425 sq ft for the purpose of expanding an existing residential dwelling and constructing new foundations.

With Conditions:

1. All work shall be in accordance with plans by Robert Hanninen received by the Department of Environmental Services ("DES") on December 21, 2009.
2. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
3. This permit is contingent upon receiving all necessary approvals from the NH Wetlands Bureau for proposed impacts jurisdictional under RSA 482-A.
4. No more than 7.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES
5. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
6. The project as proposed will leave approximately 142 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. 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.
10. 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.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. 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).
14. 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.

15. Silt fencing must be removed once the area is stabilized.