

Wetlands Bureau Decision Report

Decisions Taken
02/01/2010 to 02/07/2010

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

**2009-02851 DURLING MCNABB TRUST OF 1999, DIANNA
GILFORD Lake Winnepesaukee**

Requested Action:

Repair 47 linear ft of breakwater, remove approximately 900 sq ft of existing docking structures, drive three 3-piling ice clusters, construct a 12 ft x 20 ft piling pier accessed by a 6 ft x 46 ft 6 in cantilevered pier accessed by a 6 ft x 18 ft walkway over the bank on an average on 200 ft of frontage on Welch Island, on Lake Winnepesaukee.

APPROVE PERMIT:

Repair 47 linear ft of breakwater, remove approximately 900 sq ft of existing docking structures, drive three 3-piling ice clusters, construct a 12 ft x 20 ft piling pier accessed by a 6 ft x 46 ft 6 in cantilevered pier accessed by a 6 ft x 18 ft walkway over the bank on an average on 200 ft of frontage on Welch Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 24, 2009, as received by DES on November 30, 2009.
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 recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The breakwater repairs shall maintain the size, location and configuration of the pre-existing structure.
4. The breakwater shall have an irregular face to dissipate wave energy.
5. Modifications to the docking structures shall fully comply with those shown on the approved plan. All structures shown to be removed shall be completely and permanently removed from the frontage prior to the construction of any new docking structure.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
7. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. 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.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

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 project as proposed permanently removes approximately 300 sq ft of docking surface from Lake Winnepesaukee and reduces the number of boat slips provided on the frontage.
3. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
4. There no evidence that the existing breakwater has had any adverse impact on sand migration along this shoreline.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2009-01028 AIKENS JR, PETER
RYE Tidal Buffer

Requested Action:

Request that Project Specific Condition #1 be revised to show new site plan and delete PSC #7 on original permit since changes in site plan no longer requires this condition be applied on permit to: Impact a total of 35,766 sq. ft. within the previously developed upland tidal buffer zone for work associated with the redevelopment of the existing site currently having rental cabins, a swimming pool and other structures which will be replaced with a beach and swim club facility including 5,182 sq. ft. of building, 7,332 sq. ft. patio/pools, 12,984 sq. ft. parking, 2,191 sq. ft. storm drainage (rain gardens)and 8,077 sq. ft. for temporary grading & construction.

Conservation Commission/Staff Comments:

On May 22, 2009 the Rye Conservation Commission wrote: "The applicant has addressed and/or agreed to all of the recommendations as stated [in attached letter from Rye CC to NHSC,Inc]. As there are no further contingencies, the [Rye Conservation] Commission members do not object to the request. At the May 21, 2009 meeting, the members reviewed the matter and approved this project."

Inspection Date: 08/07/2009 by Frank D Richardson

APPROVE AMENDMENT:

Revise Project Specific Condition #1 to show new site plan and delete PSC #7 on original permit since changes in site plan no longer requires this condition be applied on permit to: Impact a total of 35,766 sq. ft. within the previously developed upland tidal buffer zone for work associated with the redevelopment of the existing site currently having rental cabins, a swimming pool and other structures which will be replaced with a beach and swim club facility including 5,182 sq. ft. of building, 7,332 sq. ft. patio/pools, 12,984 sq. ft. parking, 2,191 sq. ft. storm drainage (rain gardens)and 8,077 sq. ft. for temporary grading & construction.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated April 2009 (last revised 8/18/09 & 8/31/09), as received by DES on September 09, 2009.
 - 1a. Changes to amend site plan shall be in accordance with plans by Ambit Engineering, Inc. dated November 2009 (last revised 11/20/09)(Sheets C2,C3,C5&C6) as received by DES on November 24, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
6. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. 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.
9. The Invasive Species Management Plan prepared by NHSC, Inc. in conjunction with Northeast Wetlands Restoration, dated August 2009 as received by the DES on August 13, 2009, shall be implemented at the onset of site work and carried out through the 5-year duration of this permit with semi-annual photo-illustrated reports being submitted to the DES Wetlands Bureau following each late spring and early fall monitoring event.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt

marsh that do not meet the criteria of Env-Wt 303.02

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 07, 2009. Field inspection determined that the project as proposed should enhance the adjacent tidal marsh habitat by managing invasive species currently on site (Phragmites, Purple Loosestrife and Japanese Knotweed) and eliminating a point discharge of fresh water from the site which has heretofore provided favorable growth conditions for Phragmites & Purple Loosestrife.
6. The approved project will improve environmental conditions at the site by abandoning or removing five substandard septic systems within the tidal buffer zone and installing a compliant septic system with a pre-treatment component outside the tidal buffer zone.
7. This project has been designed to infiltrate much of the stormwater from the site, which receives no treatment under existing conditions, and rain gardens will be constructed to provide additional treatment.
8. Impervious surfaces on the property will be reduced through the use of pervious parking, sidewalks and patios.
9. No compensatory mitigation is required for this project since it is a redevelopment of a site which will result in enhanced environmental conditions for the adjacent tidal marsh including the Invasive Species Management Plan to be implemented from the onset of site work.
10. Concerns brought forth by Rye residents regarding this project have been duly considered. DES staff met with a representative of "Concerned Residents of Rye" to review the application file as well as responding to follow-up phone calls on this matter.
11. "Flood Hazard Study for Parson's Creek" at the subject location prepared by Ambit Engineering, Inc., dated August 11, 2009 and received by the DES on September 09, 2009, found that the filling within the 100 year flood plain proposed for this project will not cause an increase in flood elevations in this area.

**2009-02128 NEWBURY STATION BOAT CLUB, C/O HODAN PROPERTIES IN
NEWBURY Lake Sunapee**

Requested Action:

Dredge 13 cubic yards from 750 sq ft and backfill with 2 cubic yards in 195 sq ft with 6 in stone to prevent erosion of the lake bed at the toe of a boat ramp on Lake Sunapee, in Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp Application, however project is at least a minor project

APPROVE PERMIT:

Dredge 13 cubic yards from 750 sq ft and backfill with 2 cubic yards in 195 sq ft with 6 in stone to prevent erosion of the lake bed at the toe of a boat ramp on Lake Sunapee, in Newbury.

With Conditions:

1. All work shall be in accordance with plans by Pierre Bedard dated January 8, 2010, as received by DES on January 13, 2010.
2. 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.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed work will mitigate erosion of the lake bed from propeller wash during loading and un-loading of watercraft at an existing boat ramp.

**2009-02332 PERLMUTTER, MICHAEL
CARROLL Unnamed Wetland**

Requested Action:

Impact 4,800 square feet of wetlands for access to a single family residence. Work in wetlands includes two crossings: one with a 30" culvert, and one with a rock sandwich.

APPROVE PERMIT:

Impact 4,800 square feet of wetlands for access to a single family residence. Work in wetlands includes two crossings: one with a 30" culvert, and one with a rock sandwich.

With Conditions:

1. All work shall be in accordance with the plans by Headwaters Hydrology PLLC, entitled Michael Perlmutter Wetland Permitting (Sheets 1-3 of 3) as revised January 2010 and received by DES on January 12, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Culverts shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. 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.
8. 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.
9. 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.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per 303.03 (h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. There is an existing gravel road on the property that impacted 3,900 square feet without a permit. The 3,900 square feet wetland crossing will be improved by grading it to match the adjacent wetlands and installing a rock sandwich crossing.
6. Project revisions require the rock sandwich to be installed to match the grade of the wetland.
7. Project revisions added two sediment traps for stormwater treatment.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Carroll Conservation Commission.

2009-02714 STURM RUGER & COMPANY INC
NEWPORT Sugar River

Requested Action:

Dredge and fill ± 37 sq. ft. of the Sugar River to seal a raceway intake within an existing retaining wall.

APPROVE PERMIT:

Dredge and fill ± 37 sq. ft. of the Sugar River to seal a raceway intake within an existing retaining wall.

With Conditions:

1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. dated October 2009, as received by the Department on November 12, 2009.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. 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.
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 twenty (20) feet of undisturbed vegetated buffer.
7. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
8. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial

nontidal stream or river channel or its banks.

2. No comments of concern were submitted from the Natural Heritage Bureau or NH Fish and Game Department.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02729 GAGNON, JEAN
AUBURN Unnamed Wetland

Requested Action:

Dredge and fill a total of 8,580 sq. ft. of palustrine forested / scrub-shrub wetlands to upgrade 1,322 linear feet of an existing Class VI roadway to provide access to a 30-lot open space residential cluster subdivision, providing 43.31 acres of open space, on a 100-acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments were received from the Auburn Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill a total of 8,580 sq. ft. of palustrine forested / scrub-shrub wetlands to upgrade 1,322 linear feet of an existing Class VI roadway to provide access to a 30-lot open space residential cluster subdivision, providing 43.31 acres of open space, on a 100-acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc., Inc. dated November 5, 2009, as received by DES on December 02, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate in nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

MINIMUM IMPACT PROJECT

2009-01350 WHITMAN, LEWIS
CONWAY Unnamed Wetland

Requested Action:

Impact 2,100 square feet of wetlands for the construction of an access road to a single family building lot. Work in wetlands consists of one wetland crossing with two 18" diameter culverts and associated filling and grading.

APPROVE PERMIT:

Impact 2,100 square feet of wetlands for the construction of an access road to a single family building lot. Work in wetlands consists of one wetland crossing with two 18" diameter culverts and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated March 05, 2009, as revised January 05, 2010 and as received by the Department on January 08, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. 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.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Env-Wt 303.04 (z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has requested a waiver per Env-Wt 204.03, to the requirement that the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written

agreement from the affected abutter concurring with any impact that may result relative to the abutter's as required by Env-Wt 304.04 (a).

6. Access to the main body of the lot is along a 40 foot right of way, this area is not wide enough to accommodate the 20 foot setback and the proposed driveway.
7. The applicant has attempted to get written agreement from the abutters.
8. The abutters were notified of the project by certified mail.
9. No comments were submitted by the project abutters.
10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
11. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau

2009-02731 ZOLKOS, CHARLES & JANICE
PELHAM Tributary To Gumpas Pond Brook

Requested Action:

Dredge and fill 1,091 sq. ft. in a previously impacted area of an intermittent stream to install a culvert crossing and rip-rap scour protection needed to upgrade this Class VI section of Gumpas Hill Road to provide access to a telecommunication tower location.

Conservation Commission/Staff Comments:

"The [Pelham] Conservation Commission voted unanimously (5-0) to support this application."

APPROVE PERMIT:

Dredge and fill 1,091 sq. ft. in a previously impacted area of an intermittent stream to install a culvert crossing and rip-rap scour protection needed to upgrade this Class VI section of Gumpas Hill Road to provide access to a telecommunication tower location.

With Conditions:

1. All work shall be in accordance with plans by Dewberry-Goodkind, Inc. dated ND(last revised 07/01/09), as received by DES on November 17, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02756 LANIER, MARK
WEARE Unnamed Wetland

Requested Action:

Dredge and fill ± 2,635 sq. ft. of palustrine forested wetlands to install a 36-inch x 36-foot and 36-inch x 37-foot HDPE culvert

(corrugated interior) for two (2) wetland crossings for common driveway access to two (2) lots of a 3 lot subdivision on ± 22.27 acres.

APPROVE PERMIT:

Dredge and fill ± 2,635 sq. ft. of palustrine forested wetlands to install a 36-inch x 36-foot and 36-inch x 37-foot HDPE culvert (corrugated interior) for two (2) wetland crossings for common driveway access to two (2) lots of a 3 lot subdivision on ± 22.27 acres.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano, Jr. dated June 2009, and revised through October 2009, and Subdivision Plans by A.C. Engineering & Consulting dated September 09, 2009, and revised through December 09, 2009, as received by DES on December 16, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The applicant shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The Natural Heritage Bureau review indicated the presence of the state endangered Blanding's turtle in the project's vicinity.
3. The NHFG Nongame and Endangered Species Program inspected the site and requested upgraded culverts with a corrugated interior.
4. The project was revised to meet NHFG requests.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02790 TESTA REVOC TRUST, JOHN
HOLLIS Unnamed Wetland

Requested Action:

Dredge and fill 1,836 sq. ft. of palustrine forested wetlands to construct a roadway culvert crossing to access an eight(8)lot residential cluster style subdivision on a 36 acre parcel of land with 19.5 acres being set aside as open space.

Conservation Commission/Staff Comments:

No report or comments were received on this application from the Hollis Conservation Commission.

APPROVE PERMIT:

Dredge and fill 1,836 sq. ft. of palustrine forested wetlands to construct a roadway culvert crossing to access an eight(8)lot residential cluster style subdivision on a 36 acre parcel of land with 19.5 acres being set aside as open space.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated 11/17/09, as received by DES on November 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/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough 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.
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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00161 24 STRAWS POINT LLC, KAREN SWARTZ
RYE Tidal Buffer / Atlantic Ocean

Requested Action:

Impact a total of 11,963 sq. ft. within the previously developed tidal buffer zone (10,041 sq. ft. temporary construction and 1,922 sq. ft. permanent rip-rap) for work associated with the demolition of portions of the deteriorated concrete apron and the installation of large stone rip-rap to armor the face of the existing sea wall.

Conservation Commission/Staff Comments:

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

This application is subject to expedited review per DES SOP No. 201. Authorization issued by Commissioner Burack January 28, 2010.

Inspection Date: 01/02/2010 by Frank D Richardson

Inspection Date: 01/06/2010 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 11,963 sq. ft. within the previously developed tidal buffer zone (10,041 sq. ft. temporary construction and 1,922 sq. ft. permanent rip-rap) for work associated with the demolition of portions of the deteriorated concrete apron and the installation of large stone rip-rap to armor the face of the existing sea wall.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. Environmental Consultants dated 1/21/2010, as received by DES on January 23, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during periods of low tide.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering areas adjacent to surface waters.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or the 100 foot tidal buffer zone (100 feet landward of the tidal buffer zone).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2010-00012 SCOLA, KEVIN
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
Campton Tax Map 9-5, Lot# 13

2010-00071 KOZAK, PAULA
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R7, Lot# 55

2010-00128 BUNTING FAMILY V FORESTRY
STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
Stratford Tax Map R1, Lot# 3

**2010-00129 BUNTING FAMILY V FORESTRY
COLUMBIA**

COMPLETE NOTIFICATION:
Columbia Tax Map 405, Lot# 8

**2010-00150 SEIDLER, ROBERT & RENEE
HANOVER Unnamed Stream**

COMPLETE NOTIFICATION:
Hanover Tax Map 13, Lot# 32-1

**2010-00151 LOHSE, SUSAN
BROOKFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Brookfield Tax Map 2, Lot# 6

EXPEDITED MINIMUM

**2009-03000 NASHUA CITY HALL, CITY OF
NASHUA Unnamed Wetland**

Requested Action:

Impact 710 square feet of palustrine forested wetland within the bed and banks of an unnamed perennial stream to extend an existing 24-inch culvert to accommodate the construction of a 5-foot wide pedestrian sidewalk along the right-of-way of Gilson Road.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 710 square feet of palustrine forested wetland within the bed and banks of an unnamed perennial stream to extend an existing 24-inch culvert to accommodate the construction of a 5-foot wide pedestrian sidewalk along the right-of-way of Gilson Road.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. dated November 30, 2009, as received by DES on January 29, 2010.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Work shall be done during seasonal low flow conditions.
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. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
- 8. No fill shall be done for lot development.
- 9. No fill shall take place in Atlantic white cedar swamps.
- 10. Proper headwalls shall be constructed within seven days of culvert installation.
- 11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 12. Within three days of final grading 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.
- 13. 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).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
- 2. The 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.

PERMIT BY NOTIFICATION

2010-00139 JOSLIN JR, CHARLES
SUTTON Unnamed Wetland

Requested Action:

Dredge and fill ± 1,940 sq. ft. of palustrine forested wetlands and intermittent stream to install a 12-in. x 25-ft. and 18-in. x 20-ft. culvert (two crossings) for driveway access to an existing single family residential lot of record (± 16.7 acres).

PBN IS COMPLETE:

Dredge and fill ± 1,940 sq. ft. of palustrine forested wetlands and intermittent stream to install a 12-in. x 25-ft. and 18-in. x 20-ft. culvert (two crossings) for driveway access to an existing single family residential lot of record (± 16.7 acres).

With Findings:

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

2010-00162 MCLOON REVOC TRUST, NORMAN & BERTHA
ALTON Lake Winnepesaukee

Requested Action:

Repair existing docking structures "in kind".

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:
Repair existing docking structures "in kind".

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

2009-01244 WBTSCC INC, BOB DIODATI
RYE Tidal Buffer

Requested Action:

Applicant requests permit be amended to reduce impacts in eliminate work on Department of Transportation land.

APPROVE AMENDMENT:

Amend permit to read: Impact 23,911 sq ft for the purpose of removing 10 existing structures and constructing a pervious parking area, two swimming pools, a spa, a pervious pool deck, walkways and an addition onto an existing commercial structure, and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans C-2 and C-6 by Ambit Engineering Inc revised November 20, 2009 and received by the Department of Environmental Services ("DES") on November 24, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All proposed impacts within wetlands, surface waters, and their banks to include areas within the Tidal Buffer Zone (TBZ) shall require a Wetland Permit under RSA 482-A.
5. All pervious technologies and bio-retention areas shall be installed and maintained according to approved plan sets C-5 and D-4.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. 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 more than 25.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

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

15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01616 BRIENZE, PHILIP
WAKEFIELD Pine River**

Requested Action:

Impact 560 sq ft for the addition of a deck.

APPROVE PERMIT:

Impact 560 sq ft for the addition of a deck.

With Conditions:

1. All work shall be in accordance with plans by Philip Brienze dated January 1, 2009 and received by the Department of Environmental Services ("DES") on January 4, 2009.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. 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.
5. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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.

**2009-02917 PUGLIA, BRUCE
LACONIA Lake Winnepesaukee**

Requested Action:

impact 1,500 sq ft to tear down existing home and replace with new.

APPROVE PERMIT:

impact 1,500 sq ft to tear down existing home and replace with new.

With Conditions:

1. All work shall be in accordance with plans by K and R Construction dated December 1, 2009 and received by the Department of Environmental Services ("DES") on December 10, 2009.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

- 6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00022 SQUAM LAKES ASSOCIATION
HOLDERNESS Squam Lake

Requested Action:

Impact 8,923 sq ft to construct an addition to an existing structure and accessory structure.

APPROVE PERMIT:

Impact 8,923 sq ft to construct an addition an to existing structure and accessory structure.

With Conditions:

- 1. All work shall be in accordance with plans by David Driscoll Designs dated December 12, 2009 and received by the Department of Environmental Services ("DES") on January 6, 2010.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. No more than 18.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. The project as proposed will leave approximately 18,558 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 38,326 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00102 BEAUREGARD, WILLIAM & SUSAN
SPOFFORD Spofford Lake

Requested Action:

Impact 5,605 sq ft in the removal of an existing home and replace in the exact footprint.

APPROVE PERMIT:

Impact 5,605 sq ft in the removal of an existing home and replace in the exact footprint.

With Conditions:

- 1. All work shall be in accordance with plans by Forest Designs dated November 11, 2009 and received by the Department of Environmental Services ("DES") on January 20, 2010.
- 2. No more than 18% 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 13,233 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,616 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2009-02092 ROSE, RAYMOND
BELMONT Lake Winnisquam

Requested Action:

Impact 1,171 for the purpose of constructing a new residential dwelling and installing infiltration trenches.

Conservation Commission/Staff Comments:

1/6/10: Ray Rose is changing project proposal. Is going to erect a new structure with the sq footage of existing impervious area. Plans on submitting new plan by the later half of this week.

APPROVE PERMIT:

Impact 1,171 for the purpose of constructing a new residential dwelling and installing infiltration trenches.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with revised plans by Brian Bailey Associates, Inc. and Raymond Rose received by the Department of Environmental Services ("DES") on January 22, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 36.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively absorb and infiltrate stormwater.
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 New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnisquam and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to construct the new residential dwelling at a greater distance from the reference line.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches around the perimeter of the proposed primary structure.
5. The applicant has proposed to enhance the natural woodland buffer and install stormwater controls, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02581 BLAZAR, CAROL
GILFORD Lake Winnepesaukee

Requested Action:

Impact 5,265 sq ft for the purpose of expanding both a primary and an accessory structure and installing a new septic system.

APPROVE PERMIT:

Impact 5,265 sq ft for the purpose of expanding both a primary and an accessory structure and installing a new septic system.

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

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates, dated January 12, 2010 and received by the Department of Environmental Services ("DES") on January 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving approval from the NH DES Subsurface Bureau and the installation of the approved septic system.
4. No more than 7.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 9,995 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,435 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

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

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

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

3. The applicant has proposed to remove an existing, antiquated waste system within the waterfront buffer and install a new, state approved septic system within the natural woodland buffer.

4. The applicant has proposed to install a new state approved septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-03010 BALLINGER TRUST, WYNNE SHARPLES
MOULTONBOROUGH Squam Lake**

Requested Action:

Impact 7,565 sq ft for the purpose of expanding a primary structure and installing a new septic system.

APPROVE PERMIT:

Impact 7,565 sq ft for the purpose of expanding a primary structure and installing a new septic system.

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

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, dated November 16, 2009 and received by the Department of Environmental Services ("DES") on December 24, 2009.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. This permit is contingent upon receiving approval from the NH DES Subsurface Bureau and installing the proposed septic system.

4. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. The project as proposed will leave approximately 57,795 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 36,452 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).

6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined

to remain in an unaltered state.

7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove 175 sq ft of an existing driveway located within the natural woodland buffer and replant with native vegetation.
4. The applicant has proposed to plant additional blueberry bushes and white pines within the waterfront buffer.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system beyond the 150 foot natural woodland buffer.
6. The applicant has proposed to significantly enhance the waterfront and natural woodland buffers and install a new state approved septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.