

Wetlands Bureau Decision Report

Decisions Taken
02/08/2010 to 02/14/2010

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

**2008-01707 PSNH
NEW HAMPTON Pemigewasset River**

Requested Action:

Confirm Emergency Authorization to dredge 750 cubic yards of debris from intake pipe.

CONFIRM EMERGENCY AUTHORIZATION:

Dredge 750 cubic yards of debris from intake pipe.

With Conditions:

1. 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.

With Findings:

1. This project is classified as a major impact project per Rule Env-Wt 303.02(g); removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The project was necessary to clean out and maintain the existing dam structure as well as provide for safe power generation.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 27, 2008.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2008-01818 DURHAM, TOWN DPW
DURHAM Lamprey River**

Requested Action:

Amend permit to change the time frame specified in condition number 3e. for re-watering of the river from mid-February to mid-March.

Inspection Date: 02/17/2009 by Dori A Wiggin

APPROVE AMENDMENT:

Dredge and fill a total of 5,724 sq. ft. of river and bank impacts to construct a freespan bridge as replacement for the previous Wiswall Bridge over the Lamprey River, including: a)3,855 sq. ft. (approximately 120 linear ft.) of temporary impact including removal of the existing piling structure from the center of the river to restore full stream flow; construction of two temporary closed cell coffer dams for construction of crane access bridge; and construction of access ramp on riverbank; and b)1,868 sq. ft. (approximately 180 linear ft.) of permanent impact for construction of bridge abutments and installation of protective shoreline and abutment toe rip rap.

With Conditions:

1. All work shall be in accordance with plans and narrative materials by CLD Engineering Inc. dated 2/26/2009, as received by DES on 3/2/2009.
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. Pursuant to the recommendations of NH Fish and Game Department, the following conditions shall be required, to protect fish, shellfish, amphibians, reptiles and wildlife species of concern:

- a. Drawdown of the impoundment of the Lamprey River upstream of the Wiswall Dam for bridge construction shall occur no earlier than middle to late August, and no later than October 1.
- b. The dewatering shall occur very slowly, to allow fish, shellfish, amphibians, reptiles and wildlife to adjust to the change in water levels.
- c. The construction shall be phased so that work is being completed and/or staged as the water levels are receding or refilling. This shall occur so that when the impoundment has been dewatered there are very few days of work needed at the lowest river level before rewatering of the impoundment can start.
- d. Stream flows above and below the dam shall be maintained throughout the project construction phases and rewatering of the impoundment shall follow the commonly used guideline of storing 10% while releasing 90% of the inflow once low-level construction is completed, to assure downstream riverine habitat is maintained for fish and wildlife.
- e. AMENDED: The rewatering process shall start no later the middle of March.
- f. The utmost precautions shall be taken to ensure that there is no siltation produced by the project present in the river during the period of time when rainbow smelt are present, and later spawning, specifically at the head of tide from mid-December through April.
4. The methods of in-river work chosen for equipment access and construction procedures shall represent the alternative(s) which result in the least in-river environmental impact practicable.
6. A post-construction survey of the Knotty Pondweed community shall be conducted by the applicant in coordination with the NH Natural Heritage Bureau during the first possible season appropriate to such a survey. The results of the survey shall be reported to DES within 30 days of the completion of the survey.
7. Placement of fill for the temporary construction access "causeway" shall be confined to the riverbank/ wetland margin at the edge of the river, and not extend riverward of the limit of the existing roadbed abutment.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. 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 according to the restrictions specified by NHFG in conditions 3a.- 3f. above.
12. Temporary cofferdams shall be entirely removed immediately following construction, in accordance with the timing restrictions stated above.
13. 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.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. 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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. The request to extend the re-watering deadline from mid-February to mid-March was presented to NH Fish and Game Department ("NHFG"). NHFG indicated their concurrence with the proposal pursuant to their letter to DES dated January 5, 2010, stating that the four week extension to the length of the drawdown would have no significant negative impacts to the fish or wildlife inhabiting the Lamprey River.

**2009-02020 FORUM GROUP LLC
PORTSMOUTH Piscataqua River**

Requested Action:

Construct a tidal dock structure, including a 6' x 35' permanent pier with 4' x 4' landing running parallel to shore, to a 3' x 22' ramp to a 10' x 34' float, over all structure length 16' , providing one slip on 35' of frontage on the Piscataqua River.

Inspection Date: 01/27/2009 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal dock structure, including a 6' x 35' permanent pier with 4' x 4' landing running parallel to shore, to a 3' x 22' ramp to a 10' x 34' float, over all structure length 16' , providing one slip on 35' of frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 6/30/2009, as received by DES on 8/31/2009, and per revised project purpose materials dated 12/3/2009, as received by DES on 12/10/2009.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. There shall be no use of any portion of the docking structure for restaurant or other commercial or non-commercial service including, but not limited to, seating, standing service, or any other extension of land-based activities. Such use will constitute a violation of the permit and result in permit revocation and removal of the dock.
4. This permit shall not be effective until recorded at the Rockingham 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.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Construction of this tidal docking structure consisting of a 6' x 35' permanent pier with 4' x 4' landing running parallel to shore, to a 3' x 22' ramp to a 10' x 34' float, over all structure length 16' , providing one slip on 35' of frontage on the Piscataqua River, shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no functional docking structure on the property to provide access to the water.
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 Wt 302.03. The dock is designed parallel to the shore in an urbanized, commercial shorefront area of Portsmouth and is exactly the same as the abutter's dock, which DES approved under permit 97-2088.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Fish and Game Department has commented that the project will not negatively impact the peregrin falcon reported for the project vicinity. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 11/5/2009; and the applicant has obtained written permission from both abutters to be construct the dock within 20 feet of the abutting property lines.
5. The Portsmouth Conservation Commission recommended denial of the project, based on the project's stated purpose of providing expanded restaurant seating on the permanent pier over the public trust; the applicant has revised the project purpose to eliminate that proposal, and to confine use of the dock to its allowed purpose pursuant to Env-Wt 402.09(c).

6. DES staff field inspection on 1/27/2010 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2009-02050 REICH REVOC TRUST, ROBERT
WOLFEBORO Back Bay Lake Winnepesaukee**

Requested Action:

Dredge 44 cu yd from 599 sq ft of lakebed and excavate 1,497 sq ft along 50 ft of shoreline to construct a 1600 sq ft, 3-slip, dug-in boathouse, install a 7 ft x 4 ft concrete pad landward of the normal highwater line to anchor a 6 ft x 40 ft seasonal pier, and remove "man-made debris" from the Smith River, on property have an average of 672 ft of frontage along Lake Winnepesaukee and the Smith River.

DENY PERMIT:

Dredge 44 cu yd from 599 sq ft of lakebed and excavate 1,497 sq ft along 50 ft of shoreline to construct a 1600 sq ft, 3-slip, dug-in boathouse, install a 7 ft x 4 ft concrete pad landward of the normal highwater line to anchor a 6 ft x 40 ft seasonal pier, and remove "man-made debris" from the Smith River, on property have an average of 672 ft of frontage along Lake Winnepesaukee and the Smith River.

With Findings:

Standards for Approval

1. Pursuant to RSA 482-A:3, XIV, (a), (2), Excavating and Dredging Permit; Certain Exemptions, "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."
2. 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. II. When the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control."
3. In accordance with Rule Env-Wt 501.02, (a), (2), (j), Additional Data Requirements, the applicant shall submit the completed application to the department along with at least plans showing "the location of wetlands delineated in accordance with Env-Wt 301.01."
4. In accordance with Rule Env-Wq 1405.03, (c), (2), Limitations on Accessory Structures within the Waterfront Buffer, accessory structures shall be "no larger than 900 square feet per structure if authorized by a permit under RSA 482-A but located on the land rather than over the public water, such as a beach or a dug-in boathouse."
5. The project is classified as a major project per Rule Env-Wt 303.02 (g), dredge of more than 20 cu yd of material from public waters.

Findings of Fact

1. On October 14, 2009, the Applicant was notified that the Bureau had received an Administratively Complete application for impacts to the jurisdiction of the Wetlands Bureau for the construction of a 1600 sq ft, 3-slip, dug-in boathouse and installation of a seasonal pier on Lake Winnepesaukee, and removal "man-made debris" from the Smith River.
2. On November 18, 2009, the Department issued a Request for More Information Letter to the Applicant requesting among other things, plans to restore ground cover vegetation to the 50 ft waterfront buffer described in RSA 483-B, a delineation of the wetlands on the property by a Certified Wetland Scientist, and that the Applicant address the 900 sq ft size limit placed on water dependent accessory structures by Rule Env-Wq 1405.03, (c), (2).
3. The Request for More Information Letter clearly explained that failure to submit the requested information by January 17, 2010 would result in the denial of the application.
4. On January 14, 2010, the Department received a response to the Request for More Information Letter.
5. The January 14, 2010 response did not include the wetlands delineation requested by the Department.

6. The January 14, 2010 response did not address the requirements of Rule Env-Wq 1405.03 other than to say that the Applicant did not believe the Rule should apply as a structure already exists in the area of impact.
7. The proposed boathouse construction would result in a 170 sq ft increase in the size of the already over-sized structure within the waterfront buffer.
8. The January 14, 2010 response did not include plans to restore ground cover to the waterfront buffer described in RSA 483-B. The Applicant claimed that the area had been maintained as an open area and, therefore, was grandfathered as such however no evidence was included to support this claim.

Ruling in Support of the Decision

1. The Applicant has failed to provide the information requested by Department on November 18, 2009. Therefore, in accordance with RSA 482-A:3, XIV, (a), (2) this application is denied.
2. The water dependant accessory structure proposed by the Applicant fails to meet the requirement of Rule Env-Wq 1405.03, (c), (2). Therefore, pursuant to RSA 483-B:3, the Department cannot issue a permit for this project.

2009-02628 MORAN, BRUCE
HOLLIS Flint Pond

Requested Action:

Remove 2,155 cu yd of vegetative material and floating islands from approximately 51,600 sq ft of Flint Pond in Hollis.

APPROVE PERMIT:

Remove 2,155 cu yd of vegetative material and floating islands from approximately 51,600 sq ft of Flint Pond in Hollis.

With Conditions:

1. All work shall be in within those areas identified on the plans by Nashua Regional Planning GIS dated February 1, 2010 as modified by the Flint Pond Improvement Association, and received by DES on February 5, 2010.
2. The NH DES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified in writing of the date on which dredging will begin 14 days prior to the beginning of the project.
3. If, at any time during the dredging, DES determines that rising water levels pose significant risk to the containment of the site, DES may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by DES.
4. All spoil materials shall be dewatered on the Town of Hollis property identified as Tax map 58, lot 18 in an area that is: 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.
5. Once dewatered to the point of containing no free liquid as required per the requirements of the DES Solid Waste Management Bureau, the spoil materials shall be tested for Arsenic. Upon receipt of the testing results the spoil materials shall be disposed of in accordance with all applicable DES Solid Waste Management Bureau requirements.
6. This permit shall be used only once for hydro-raking activity only. Future hydro-raking shall require a separate application and permit.
7. Appropriate turbidity controls shall be installed prior to raking, shall be maintained during raking such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the raking, to prevent the escape of all aquatic plant fragments from the site.
9. All hydro-raked material ("spoil material") shall be completely removed from surface waters and shall be deposited as outlined in Conditions 4 and 5 above.
10. The final deposition area of all spoil material shall be located outside of the DES Wetlands Bureau jurisdiction.
11. No spoil material shall be deposited within 250 feet of any surface water.
12. Equipment initially entering surface waters shall be completely free of any imported aquatic plants and animals.

- 13. Equipment and watercraft washing/rinsing shall not take place in areas in Wetlands Bureau jurisdictional areas.
- 14. All work shall be done in a manner so that no water quality degradation results from this aquatic weed control project.
- 15. 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.
- 16. Equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- 17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 18. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 19. 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.
- 20. No shoreland vegetation between the reference line and the 150 ft natural woodland buffer zone setback shall be disturbed.
- 21. 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 major impact project per Administrative Rule Env-Wt 303.02(g), dredge of more than 20 cu yd of material from a public water.
- 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 have conducted multiple inspections on the proposed project since 2000. Field inspections determined that the areas to be impacted are infested with invasive aquatic weeds and could benefits from this large scale weed control project.
- 6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project will not have a significant impact on or adversely affect the values of the Flint Pond ecosystem as identified under RSA 482-A:1.
- 7. The intent of this project is restore ecosystem functions which have been degraded by those invasive species that are to be removed, therefore, no mitigation shall be required.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2008-02346 CJ WINNY LLC
TUFTONBORO Unnamed Wetland

Requested Action:

Dredge and fill a total of 18950 for access in the subdivision of 82.717 acres into 28 unit cluster subdivision and mitigate for the impacts by placing approximately 55 acres (15.5 acres of upland, 39 acres of wetland) into conservation easement.

APPROVE PERMIT:

Dredge and fill a total of 18950 for access in the subdivision of 82.717 acres into 28 unit cluster subdivision and mitigate for the impacts by placing approximately 55 acres (15.5 acres of upland, 39 acres of wetland) into conservation easement.

With Conditions:

- 1. All work shall be in accordance with plans by Holden Engineering and Surveying dated October 3, 2006, and revised through June 25, 2007 as received by the Department on March 16, 2009.

2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. 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.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific 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.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion 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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. 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.
15. 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.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. 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.
19. This permit is contingent upon the execution of a conservation easement on approximately 55 acres as depicted on plans by the approved plans.
20. 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.
21. 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 prior to the start of construction.
22. 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.
23. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said 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.
24. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
25. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
26. 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.
27. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

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 applicant has provided 55 acres of preserved lands adjacent to Lake Winnepesaukee to offset the impacts to the wetlands destroyed by this project.
6. The Conservation Commission has accepted the Conservation Easement.
7. The applicant has met all of the requirements of Env-Wt 304.09(a).

2009-01994 OSSIPÉE, TOWN OF
OSSIPEE Ossipee Lake

Requested Action:

Remove an existing "L" shaped docking structure and access stairs in the bank and place 181 linear feet of rip rap on the bank to stabilize a road bed on Ossipee Lake, in Ossipee.

Conservation Commission/Staff Comments:

No comments from Con Com by November 04, 2009

APPROVE PERMIT:

Remove an existing "L" shaped docking structure and access stairs in the bank and place 181 linear feet of rip rap on the bank to stabilize a road bed on Ossipee Lake, in Ossipee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co. revision dated January 12, 2010, as received by DES on January 19, 2010.
2. The existing docking structure and access stairs shall be permanently removed from the waterbody and bank prior to the start of construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done during low water conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
8. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
9. 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(k), projects that disturb between 50 and 200 linear feet,

measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has 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 June 25, 2009. Field inspection found unpermitted structures within the impact area, and supported the need for the requested impact.

2009-02330 UNION SCHOOL DISTRICT SAU-29
KEENE Unnamed Wetland

Requested Action:

Dredge and fill ± 14,500 sq. ft. of palustrine forested wetlands for the construction of the Keene Middle School multipurpose fields. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

APPROVE PERMIT:

Dredge and fill ± 14,500 sq. ft. of palustrine forested wetlands for the construction of the Keene Middle School multipurpose fields. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated January 06, 2010, as received by the Department on January 11, 2010.
2. This approval is contingent on receipt by DES of a one time payment of \$49,752.41 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. The Natural Heritage Bureau (NHB) review documented the presence of wood turtle in the project vicinity.
3. Abutter concerns were provided in correspondence dated October 01, 2009. Concerns include impacts of the proposed wetlands fill on flooding currently experienced by the abutter at times of Ashuelot River high flows.

4. The Agent response outlines that the abutter is upgradient from the project location and that the project requires approval from the DES Alteration of Terrain Program (AOT), which reviews stormwater runoff.
5. An intent to intervene was received from the Keene Conservation Commission on October 02, 2009.
6. In correspondence dated October 06, 2009, the NHFG Nongame and Endangered Species Program recommended that efforts continue to decrease the wetland impact associated with the project and that the proposed mitigation area focus on preservation under the protection of a conservation easement rather than a deed restriction in order to protect the remaining terrestrial and wetland habitat for wood turtle in this area. Further development of the area nearest the wetland for recreational/educational purposes should be minimized as loss of wood turtles from the wild from collection is thought to be a significant source of mortality for the species.
7. The proposed alternative will not impact more valuable wetland resource on the parcel, Tenant Swamp. Also, the project is located away from the Ashuelot River and is not located within the 100-year floodplain.
8. In correspondence dated November 03, 2009, the Keene Conservation Commission provided mitigation recommendations.
9. In correspondence dated December 01, 2009, the Department of the Army, New England District, Corps of Engineers (ACOE) stated the project was ineligible for authorization under the New Hampshire Programmatic General Permit (PGP) because the Environmental Protection Agency (EPA) expressed concerns related to the project. Concerns include unclear mitigation plans.
10. In email correspondence dated December 14, 2009, the EPA indicated ARM fund mitigation was appropriate and the project was eligible for authorization under the NHPGP.
11. In correspondence dated December 17, 2009, the Department of the Army, New England District, Corps of Engineers (ACOE) stated the project was ineligible for authorization under the New Hampshire Programmatic General Permit (PGP) because the NH Division of Historic Resources expressed concerns about the project.
12. The Applicant is coordinating with the NH Division of Historic Resources to complete required surveys and mitigation.
13. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
14. The payment calculated for the proposed wetland loss equals \$49,752.41.
15. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
16. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut-Ashuelot River Vernon Dam to Millers River watershed per RSA 482-A:29.
17. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
18. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
19. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02424 PALMER, PETER & SUSAN
LACONIA Lake Winnepesaukee**

Requested Action:

Dredge 14 cubic yards from 360 sq ft within an existing dug-in boat basin on an average of 149 ft of frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No comments by Con Com by 12/08/2009

APPROVE PERMIT:

Dredge 14 cubic yards from 360 sq ft within an existing dug-in boat basin on an average of 149 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction, revision dated January 15, 2010, as received by DES on January 20, 2010.
2. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation and erosion 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. 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.
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 sand, gravel, 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 dredge is within an existing dug in boat basin.
4. The applicant has an average of 149 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The existing docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-02505 BENSON, CHARLES & GEORGE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 7 ft 2 in x 6 ft concrete pad and 5 ft x 32 ft seasonal pier from public waters, construct a 6 ft x 4 ft concrete pad in the bank, and install two 6 ft x 35 ft seasonal piers connect by a 6 ft x 12 ft walkway in a "U" configuration on 280 ft of contiguous frontage on Little Bear Island on Lake Winnepesaukee.

APPROVE PERMIT:

Permanently remove an existing 7 ft 2 in x 6 ft concrete pad and 5 ft x 32 ft seasonal pier from public waters, construct a 6 ft x 4 ft concrete pad in the bank, and install two 6 ft x 35 ft seasonal piers connect by a 6 ft x 12 ft walkway in a "U" configuration on 280 ft of contiguous frontage on Little Bear Island on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised January 11, 2010, and received by DES on January 27, 2010.
2. All portions of the pre-existing pier and concrete pad shall be completely removed from the jurisdiction of the DES Wetlands Bureau prior to the installation of the new docking structures.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. These shall be the only structures on these combined frontages and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal docking structures shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
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 project is classified as a minor impact project per Rule Env-Wt 303.03, (d), construction of a 3 slip docking facility.
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

**2008-02537 FRANCISCO, CRAIG
WEARE Unnamed Wetland**

Requested Action:

Dredge and fill ± 2,050 sq. ft. of intermittent stream and palustrine forested wetlands to install a 14-foot x 4-foot x 14-foot open-bottomed span and 24-inch x 20-foot CPP culvert for driveway access to an existing single family lot of record.

APPROVE PERMIT:

Dredge and fill ± 2,050 sq. ft. of intermittent stream and palustrine forested wetlands to install a 14-foot x 4-foot x 14-foot open-bottomed span and 24-inch x 20-foot CPP culvert for driveway access to an existing single family lot of record.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants, Inc. dated November 14, 2008, and revise through December 21, 2009, as received by the Department on January 19, 2010.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during annual low flow conditions.
5. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. 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.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. 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.
12. 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.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Culverts shall be laid at original grade.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

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

21. Areas cleared of vegetation shall be revegetated with native like species within three days of the completion of this project.

22. 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.

23. 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.

24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks; and Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.

2. See reconsideration approval findings.

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(b) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Approve reconsideration request to dredge and fill ± 2,050 sq. ft. of intermittent stream and palustrine forested wetlands to install a 14-foot x 4-foot x 14-foot open-bottomed span and 24-inch x 20-foot CPP culvert for driveway access to an existing single family lot of record.

APPROVE RECONSIDERATION:

Approve reconsideration request to dredge and fill ± 2,050 sq. ft. of intermittent stream and palustrine forested wetlands to install a 14-foot x 4-foot x 14-foot open-bottomed span and 24-inch x 20-foot CPP culvert for driveway access to an existing single family lot of record.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration increased the width of the proposed stream crossing.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.

2. RSA 482-A:10, III provides that on reconsideration, the department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.

4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. A Standard Dredge and Fill Application was received on November 21, 2008, to dredge and fill 580 square feet of wetlands and intermittent stream to install a 48-inch x 24-foot HDPE culvert for access to an existing single family residential lot.

2. The application was deemed administratively incomplete on November 25, 2008, for lack of submittal of Natural Heritage Bureau (NHB) information

3. The NHB information was submitted and application deemed complete on December 01, 2008.

4. The Piscataquog River Local Advisory Committee (PRLAC) was notified of the project via letter dated December 05, 2009.

5. The NH Division of Historical Resources confirmed no historic resources would be affected by the project in correspondence received December 10, 2008.

6. PRLAC comments dated December 15, 2008, questioned the wetland delineation.
7. A Request for More Information (RFMI) dated February 04, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
8. The February 04, 2009, RFMI requested clarification and additional information pursuant to Env-Wt 304.09, lots of record, proposed subdivision, and existing upland access to the lot, including the variance request submitted to the Town of Weare.
9. A response to the February 04, 2009, RFMI was received on February 20, 2009.
10. In correspondence dated March 17, 2009, DES clarified and requested outstanding items relative to the Town of Weare variance request and upland access to the lot. Given upland access to the lot exists, DES requested additional stream information and an upgraded crossing. DES also requested culvert sizing information and clarification of methods of offset construction in the 100-year floodplain.
11. A response to the March 17, 2009, letter was received on April 03, 2009.
12. The April 03, 2009, response addressed some items of the March 17, 2009, letter and revised the wetland delineation to include a greater portion of the lot and increase the proposed impacts to wetlands.
13. A meeting was held at DES with the Applicant and Agent. Information previously requested by DES was discussed and clarified and DES informed the Agent and Applicant the revision to the proposed wetland impacts may meet the criteria of a significant amendment pursuant to RSA 482-A:3 XIV(e).
14. In correspondence dated April 30, 2009, DES confirmed the proposed amendment to the wetland impacts submitted in the April 06, 2009, response did meet the criteria of a significant amendment and DES requested items outlined in the March 17, 2008 RFMI.
15. A response received May 07, 2009, provided information required for a significant amendment, narrative response to the March 17, 2008, RFMI and drainage calculations.
16. A RFMI dated June 30, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
17. The June 30, 2009, RFMI outlined concerns for the proposed size of the culvert given drainage calculations indicate the proposed culvert would only freely pass flows under a 25-year storm. DES clarified that undersized structures in the vicinity of the project is not justification for the installation of another undersized structure. DES emphasized concern for appropriate culvert sizing given the subject stream and wetland flow to a Piscataquog River segment designated as a natural river and that impacts will occur in a 500 foot designated prime wetland buffer and in the 100-year floodplain. DES requested an upgraded culvert. DES also requested additional stream type and width information to justify the proposal.
18. A response to the June 30, 2009, RFMI was received on August 29, 2009.
19. The August 29, 2009, Agent response stated DES has no formal rules in place to dictate the formal design of wetland crossings or drainage specifications for storm events and that they felt the Applicant had gone above and beyond the design specification of up and downstream structures. Drainage calculations were referenced, intermittent stream classification confirmed and top-of-bank width provided.
20. The application was denied on September 24, 2009.
21. A request for reconsideration was received on October 23, 2009. The request revised the crossing to a wider 14-foot span.
22. By letter dated November 19, 2009, the department requested more information, including detail cross-section and profile plans.
22. Revised plans were received on January 19, 2010.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-02537.

2009-02462 JACOBSON, WILLIAM & JOYCE
GILFORD Lake Winnepesaukee

Requested Action:

Remove an existing 4 ft wide set of steps to the water and construct a new set of 6 ft wide steps to the water on approximately 150 ft of frontage on Lake Winnepesaukee, in Gilford.

APPROVE PERMIT:

Remove an existing 4 ft wide set of steps to the water and construct a new set of 6 ft wide steps to the water on approximately 150 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised January 9, 2010, and received by DES on January 11, 2010.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The existing 4 ft wide steps shall be completely removed and the area shall be regraded to original contours and replanted with non-invasive species prior to the construction of the new steps.
4. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. 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.
6. No work is authorized to the existing docking facilities.
7. This permit does not authorize dredge for any purpose.
8. Work shall be done during low water conditions.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04, (m), projects that disturb less than 50 linear ft of shoreline on a lake or pond.

2009-02726 WILDER, MIKE
HARRISVILLE Unnamed Wetland

Requested Action:

Applicant withdrew application and file was referred to enforcement for restoration approval.

WITHDRAW APPLICATION:

Applicant withdrew application and file was referred to enforcement for restoration approval.

2009-02951 FOX, JENNIFER
GREENFIELD Sunset Lake

Requested Action:

Permanently remove an un-permitted sloped beach and construct a 29 ft x 19 ft perched beach with 6 ft wide access stairs, re-establish 21 linear ft of shoreline to pre-existing natural conditions on 96 ft of frontage on Sunset Lake, in Greenfield.

Conservation Commission/Staff Comments:

No comments by Con Com by Feb 10, 2010

APPROVE PERMIT:

Permanently remove an un-permitted sloped beach and construct a 29 ft x 19 ft perched beach with 6 ft wide access stairs, re-establish 21 linear ft of shoreline to pre-existing natural conditions on 96 ft of frontage on Sunset Lake, in Greenfield.

With Conditions:

1. All work shall be in accordance with plans by Christopher K Danforth and Associates dated November 21, 2009, as received by DES on December 11, 2009.
2. This permit is issued to correct a violation of RSA 482-A on the frontage. Failure to complete the project will be considered a

knowing and willful violation of RSA 482-A subject to compliance action by the Department.

3. The Applicant shall submit photographic evidence of the completed project, to the Department, within 30 days of completion of the project.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. 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 871).
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
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 is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The proposed perched beach is to bring the frontage into compliance with the Department rules.

FORESTRY NOTIFICATION

2010-00152 CHIPPY CO LLC
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map/Lot# 407/82 & 408/12

2010-00153 ROLFE, JOSEPH & CINDY
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 224, lot# 19

2010-00155 CORLISS, MICHAEL & KAREN
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map 15, Lot# 10

2010-00157 LAKES REGION CONSERVATION TRUST, DON BERRY
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 15, Lot# 28

2010-00158 **LANGLOIS, DOUGLAS**
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax Map 410, Lot# 92

2010-00171 **VAN BLARCOM, EDWARD**
TROY Unnamed Stream

COMPLETE NOTIFICATION:
Troy Tax Map 19, Lot# 71

2010-00174 **GUIDA MILK PRODUCTS**
NELSON Unnamed Stream

COMPLETE NOTIFICATION:
Nelson Tax Map 9, Lot# 19

2010-00177 **MITCHELL, LAUREN**
JAFFREY Unnamed Stream

COMPLETE NOTIFICATION:
Jaffery Tax Map 221, Lot# 15

2010-00179 **HELLER, PETER**
HUDSON Unnamed Stream

COMPLETE NOTIFICATION:
Hudson Tax Map 144, Lot# 3

2010-00191 **JANDEBEUR, TIMOTHY**
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 242, Lot# 17

2010-00200 **STEVER, ROY**
EASTON Unnamed Stream

COMPLETE NOTIFICATION:
Easton Tax Map 4, Lot# 22 & 23

**2010-00201 HIGHLAND FARM TRUST
JACKSON Unnamed Stream**

COMPLETE NOTIFICATION:
Jackson Tax Map R17, Lot# 25 & 27A

**2010-00202 ADAMS STREET TRUST, RICHARD DICKERSIN
JACKSON Unnamed Stream**

COMPLETE NOTIFICATION:
Jackson Tax Map R8, Lot# 46

**2010-00203 VAN VALEY, BARBARIE
WARNER Unnamed Stream**

COMPLETE NOTIFICATION:
Warner Tax Map 9, Lot# 29 & 30

**2010-00204 PARKER, STEV & MATTHEW
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map/Lot# 16/938 & 20/993-1 & 940

**2010-00205 WILLIAMS REVOC TRUST, RICHARD
GILMANTON Unnamed Stream**

COMPLETE NOTIFICATION:
Gilmanton Tax Map 403, Lot# 18 & 19

**2010-00206 HENDRICK, JON
NORTHWOOD Unnamed Stream**

COMPLETE NOTIFICATION:
Northwood Tax Map 207, Lot# 40

EXPEDITED MINIMUM

**2009-00444 THE NATURE CONSERVANCY
NEWMARKET Great Bay**

Requested Action:
Request by abutters David Moskoff and Daphne Fotiades for reconsideration of approval dated 10/13/2009.

DENY RECONSIDERATION:

Deny request for reconsideration and reaffirm approval to fill in cellar holes on two lots in the developed upland tidal buffer zone following removal of two dwellings, and re-grade and re-plant with natural vegetation, including 363 sq. ft. of work on Newmarket Tax Map R1, Lot 15, and 144.5 sq. ft. of work on Newmarket Tax Map R1, Lot 22.

With Findings:

1. Standards for Approval

- 1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 30 days of issuance of the department's decision or order."
- 2. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

- 3. The Department issued its decision on the applicant's request to fill in cellar holes on two lots in the developed upland tidal buffer zone following removal of two dwellings, and re-grade and re-plant with natural vegetation, including 363 sq. ft. of work on Newmarket Tax Map R1, Lot 15, and 144.5 sq. ft. of work on Newmarket Tax Map R1, Lot 22, by way of a permit dated 10/13/2009 and mailed on 10/13/2009.
- 4. The deadline to make a request for reconsideration of the Department's decision was 11/12/2009.
- 5. The Motion for Reconsideration, dated 11/12/2009 was received by the Department on 11/13/2009, 31 days after the issuance of the Department's decision.

Ruling in Support of the Decision

- 6. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

**2009-02073 POWERS, BRIAN
CENTER HARBOR Unnamed Pond**

Requested Action:

Proposal to maintenance dredge approximately 1200 sq. ft. of a manmade pond.

Conservation Commission/Staff Comments:

- 1. The Conservation Commission signed the application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Maintenance dredge approximately 1200 sq. ft. of a manmade pond.

With Conditions:

- 1. All work shall be in accordance with "Revision #1" plan by Asquam Carpentry as received by DES on January 11, 2010. .
- 2. 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.
- 3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 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. 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. Work shall be done during drawdown.

8. Work shall be done during low flow.

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, provided that:
 - (1) The work is done within the original bounds of a legally-constructed project;
 - (2) The project is not located in or adjacent to prime wetlands;
 - (3) The work does not exceed 20,000 square feet; and
 - (4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed work involves removing accumulated debris by hand with no equipment dredging.
6. The agent has revised the project to move erosion controls at least 25 feet from the abutter's property.

2009-02930 SOUSA, RICHARD & RITA KENT
GILMANTON Unnamed Stream

Requested Action:

Proposal to impact 275 sq. ft. of intermittent stream and associated wetlands for the installation of 24" x 30' driveway culvert and impact 67 sq. ft. intermittent stream and associated wetlands for removal/restoration of an existing failed culvert crossing.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 275 sq. ft. of intermittent stream and associated wetlands for the installation of 24" x 30' driveway culvert and impact 67 sq. ft. intermittent stream and associated wetlands for removal/restoration of an existing failed culvert crossing.

With Conditions:

1. All work shall be in accordance with plans and narratives submitted by Turtle Pond Enterprises, as received by DES on December 14, 2009 and revised plan and narratives received January 12, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow or no flow.
4. 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.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. 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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

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.

With Findings:

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

**2010-00058 RINDGE, TOWN OF
RINDGE Unnamed Stream**

Requested Action:

Dredge and fill ± 42 linear feet of intermittent stream to install a 30-inch x 20-foot HDPE culvert for access to the Payson Village Senior Housing community well and waterline installation.

APPROVE PERMIT:

Dredge and fill ± 42 linear feet of intermittent stream to install a 30-inch x 20-foot HDPE culvert for access to the Payson Village Senior Housing community well and waterline installation.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated June 01, 2009, as received by the Department on January 13, 2010.
2. Work shall be done in the dry.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. Natural Heritage Bureau review has indicated the project will not impact an exemplary natural community or community with occurrences of state or federally listed Endangered or Threatened species.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

GOLD DREDGE

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

2009-02826 LEINOINE, KEVIN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2009-03019 HUBNER JR, PAUL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2010-00001 WILSON, STEPHEN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2010-00064 KOSKA, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2010-00090 BASNAR, DOUGLAS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

**2009-01320 JTT HOLDINGS LLC, JEFF & TOM THOMPSON
WINDHAM Cobbetts Pond**

**2009-03018 PEARSON, STEPHEN
BELMONT Lake Winnisquam**

COMPLETE NOTIFICATION:
Belmont Tax Map 222, Lot# 58 Lake Winnisquam

**2010-00170 WNUKOWSKI, JOSEPH/LINDA
MOULTONBOROUGH Lake Kamasatka**

COMPLETE NOTIFICATION:
Moultonboro Ta x Map 112, Lot# 52 Lake Kanasatka

CSPA PERMIT

**2009-02816 LEFEBVRE, ANDREA AND TIMOTHY
NEW DURHAM Merrymeeting Lake**

Requested Action:
Impact 2,836 sq ft to replace nonconforming structure within the current footprint, and modification to deck and patio areas.

APPROVE AMENDMENT:
Impact 2,836 sq ft to replace nonconforming structure within the current footprint, and modification to deck and patio areas.
AMENDMENT DESCRIPTION: Steps on north lakeward side to be removed and deck on south corner will be decreased in size but impervious will remain the same with expansion of deck between the two structures.

With Conditions:

1. All work shall be in accordance with plans by Tony Fallon Architecture dated November 24, 2009 and received by the Department of Environmental Services ("DES") on December 1, 2009.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 299 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 299 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.

**2010-00007 TAYLOR, KRISTEN
MELVIN VILLAGE Lake Winnepesaukee**

Requested Action:

Impact 3372 sq ft for the construction of an addition and upper level to an existing garage and installation of a new septic system.

APPROVE PERMIT:

Impact 3372 sq ft for the construction of an addition and upper level to an existing garage and installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by White Mountaun Survey Co., Inc. dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 16.8% 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 2,816 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,998 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.

**2010-00020 DIPIETRO, THOMAS
ALTON Lake Winnepesaukee**

Requested Action:

Impact 5,591 sq ft to construct a garage with water and sewer, existing leach bead to be upgraded and stormwater dry well installation.

APPROVE PERMIT:

Impact 5,591 sq ft to construct a garage with water and sewer, existing leach bead to be upgraded and stormwater dry well installation.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated December 4, 2009 and received by the Department of Environmental Services ("DES") on January 7, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.6% 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 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in

an unaltered state. At least 52 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.

2010-00023 SCHIMENZ, IDA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 14,090 sq ft to remove an existing 3 bedroom home and replace with a new 2 bedroom home, existing to be removed, installation of a new septic system.

APPROVE PERMIT:

Impact 14,090 sq ft to remove an existing 3 bedroom home and replace with a new 2 bedroom home, existing to be removed, installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by William J. McNair dated November 25, 2009 and received by the Department of Environmental Services ("DES") on January 8, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 29.4% 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 725 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,067 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.

2010-00041 TARBELL, ESTATE OF DANIEL TARBELL
NEW CASTLE Piscataqua River

Requested Action:

Impact 1,463 sq ft to connect an existing 2 story residence to town water and sewer system

APPROVE PERMIT:

Impact 1,463 sq ft to connect an existing 2 story residence to town water and sewer system.

With Conditions:

1. This permit is contingent on approval by the DES Wetlands Program, RSA 482 A-4.
2. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. dated December 23, 2009 and received by the Department of Environmental Services ("DES") on January 11, 2010.
3. No more than 39.5% 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 3,689 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,723 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.

2010-00042 DEVANNEY, MICHAEL & PATRICIA
MOULTONBOROUGH Lake Kanasatka

Requested Action:

Impact 2,170 sq ft to construct a 16ft x 19ft addition to an existing residence and reconfigure existing deck to provide access to addition.

APPROVE PERMIT:

Impact 2,170 sq ft to construct a 16ft x 19ft addition to an existing residence and reconfigure existing deck to provide access to addition.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 25, 2009 and received by the Department of Environmental Services ("DES") on January 11, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12.6% 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 7,880 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,635 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.

2010-00043 SAUNDERS, RICHARD
CANAAN Goose Pond

Requested Action:

Impact 3,525 sq ft to construct a 888 sq ft detached studio/guest house on an existing residential lot to include water, septic and power hookups.

APPROVE PERMIT:

Impact 3,525 sq ft to construct a 888 sq ft detached studio/guest house on an existing residential lot to include water, septic and power hookups.

With Conditions:

1. All work shall be in accordance with plans by CLD Engineers dated December 1, 2009 and received by the Department of Environmental Services ("DES") on January 11, 2010.
2. No more than 11.7% 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 14,272 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,257 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.

2010-00045 HARRINGTON, CHRISTOPHER
SUNAPEE Sugar River

Requested Action:

A-T-F - Impact 4,400 sq ft for the construction 32ft x 32ft garage with a tractor shed, grading,driveway and retaining wall.

APPROVE PERMIT:

A-T-F - Impact 4,400 sq ft for the construction 32ft x 32ft garage with a tractor shed, grading,driveway and retaining wall.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated November 1, 2009 and received by the Department of Environmental Services ("DES") on January 12, 2010.
2. No more than 27.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,349 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,087 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.

2010-00066 BURGdorFF, GLYNIS
WOLFEBORO Lake Winnepesaukee

Requested Action:

Extend the work that was approved by DES in perviuos permit for the construction of a retaining wall.

APPROVE PERMIT:

Extend the work that was approved by DES in perviuos permit for the construction of a retaining wall.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc dated October 15, 2009 and received by the Department of Environmental Services ("DES") on January 15, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,879 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,063 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.

2010-00095 WINGATE 2007 TRUST, STEPHEN & SUSAN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 8,291 sq ft of protected shoreland to expand an existing residential structure, replace septic system, and expand driveway.

APPROVE PERMIT:

Impact 8,291 sq ft of protected shoreland to expand an existing residential structure, replace septic system, and expand driveway.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated January 6, 2010 and received by the Department of

Environmental Services ("DES") on January 20, 2010.

2. No more than 11.89% 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 18,120 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,080 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No 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. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
10. 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.

2010-00096 PESMAN, GEERT/LOIS
CARROLL Ammonousic River

Requested Action:

Impact 9,843 sq ft of protected shoreland in order to replace a 3 bedroom dwelling and construct a new garage/workshop.

APPROVE PERMIT:

Impact 9,843 sq ft of protected shoreland in order to replace a 3 bedroom dwelling and construct a new garage/workshop.

With Conditions:

1. All work shall be in accordance with plans by Wells Excavators dated January 2, 2010 and received by the Department of Environmental Services ("DES") on January 20, 2010.
2. This permit is contingent on approval of the use of the existing septic system for the new residence by the DES Subsurface Systems Bureau.
3. No more than 8.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,389 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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.

2010-00098 **DANE, CHARLES, EDWARD & NATALIE**
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Impact 1,280 sq ft to install perimeter drains around an existing residential structure.

APPROVE PERMIT:

Impact 1,280 sq ft to install perimeter drains around an existing residential structure.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated December 29,2009 and received by the Department of Environmental Services ("DES") on January 20, 2010.
2. No more than 8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No previously unaltered areas shall be disturbed for the purpose of completing this project.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No 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.

2010-00099 **GURALL, BRUCE**
ALTON Lake Winnepesaukee

Requested Action:

Impact 11,200 sq ft for the construction of a house, garage, driveway, walkways.

APPROVE PERMIT:

Impact 11,200 sq ft for the construction of a house, garage, driveway, walkways.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated January 14, 2010 and received by the Department of Environmental Services ("DES") on January 20, 2010.
2. No more than 28.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,563 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,261 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands. A Wetland Permit will be required prior to any work performed within the wetlands.
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.

2010-00114 MORELL, CAREN
BRADFORD Lake Massasecum

Requested Action:

Impact 8,600 sq ft to remove existing house, decks, walkway and driveway to replace all with new.

APPROVE PERMIT:

Impact 8,600 sq ft to remove existing house, decks, walkway and driveway to replace all with new.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants LLC dated January 14, 2010 and received by the Department of Environmental Services ("DES") on January 22, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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.

2010-00120 WADLEIGH JR, BARBARA/JOSEPH
WAKEFIELD Great East Lake

Requested Action:

Impact 6,936 sq ft to replace a residential structure, modify driveway, and install new septic system.

APPROVE PERMIT:

Impact 6,936 sq ft to replace a residential structure, modify driveway, and install new septic system.

With Conditions:

1. All work shall be in accordance with plans by Land Tech Service Corp. dated December 2009 and received by the Department of Environmental Services ("DES") on January 25, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 19.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,624 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,439 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

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

- 6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-00165 DAMOUR, CHARLES & ELIZABETH
SUNAPEE Lake Sunapee

Requested Action:

Impact 950 sq ft for the reconfiguring & replacing of an existing retaining wall & patio.

APPROVE PERMIT:

Impact 950 sq ft for the reconfiguring & replacing of an existing retaining wall & patio.

With Conditions:

- 1. All work shall be in accordance with plans by Pelletteri Associates Inc. dated January 25, 2010 and received by the Department of Environmental Services ("DES") on January 27, 2010.
- 2. No more than 30.8% 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 330 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,760 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.

2010-00168 NOE, TIMOTHY & JILL
ALTON Lake Winnepesaukee

Requested Action:

Impact 30 sq ft Installation of a 5ft x 6ft frost wall to support a framed addition to house a pizza oven.

APPROVE PERMIT:

Impact 30 sq ft Installation of a 5ft x 6ft frost wall to support a framed addition to house a pizza oven.

With Conditions:

- 1. All work shall be in accordance with plans by NH Environmental Consultants LLC dated January 12, 2010 and received by the Department of Environmental Services ("DES") on January 27, 2010.
- 2. No more than 41.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

3. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,298 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

**2009-01164 MACGLASHING, CHARLES
WAKEFIELD Great East Lake**

Requested Action:

Impact 1,028 sq ft for the purpose of expanding an existing primary structure and installing a new septic system.

Inspection Date: 07/15/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 1,028 sq ft for the purpose of expanding an existing 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 Land Technical Services Corp., dated November 30, 2009 and received by the Department of Environmental Services ("DES") on January 6, 2010.
2. RSA 482-A:26 prohibits the expansion of any structure if any portion of that structure extends over public waters. Therefore, there shall be no expansion of the footprint or outside dimensions of the residential structure until portions of the existing deck and dock are removed or modified so as to meet the strict language of RSA 482-A:26.
3. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic system.
5. No more than 15.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 1,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
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. The proposed stormwater management plan shall be designed, implemented and maintained to effectively absorb and infiltrate stormwater.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. 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.
11. 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.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.
17. The applicant shall plant four 1 inch native plants in accordance with plans received by the department January 6, 2010.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Great East 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 plant additional native vegetation within the waterfront buffer to bring the deficient partial grid segment to the required point score.
4. The applicant has proposed to install stormwater controls consisting of a 6 x 12 ft bio-retention rain garden and will direct stormwater from the existing and proposed structure to this area.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
6. The applicant has proposed to install stormwater controls, install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02584 CONTI, STEVEN
SALEM Arlington Pond

Requested Action:

Impact 2,607 sq ft for the purpose of expanding a primary structure and installing a new dry well.

APPROVE PERMIT:

Impact 2,607 sq ft for the purpose of expanding a primary structure and installing a new dry well.

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 James L. Lavelle Associates, dated October 26, 2009 and received by the Department of Environmental Services ("DES") on October 29, 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 installing the proposed state approved septic system.
4. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The proposed stormwater management plan consisting of a dry well shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All proposed pervious technologies shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. All proposed plantings shall be planted in accordance with plans received by the department on October 29, 2009.
8. There shall be no impacts to native vegetation within the waterfront buffer or natural woodland buffer associated with this project.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. 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.
11. 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.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. 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 Arlington Pond 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 plant additional, native vegetation within the waterfront and natural woodland buffer.
4. The applicant has proposed to install a drywell capable of capturing stormwater from the existing and proposed structures.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system behind the 150 foot natural woodland buffer.
6. The applicant has proposed to install stormwater controls, install a new septic system, and enhance the waterfront of natural woodland buffers and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02818 KELLAS, CHERYL
NOTTINGHAM Pawtuckaway Lake

Requested Action:

Impact 1,438 sq ft for the purpose of expanding an existing primary structure and installing a new septic system.

APPROVE PERMIT:

Impact 1,438 sq ft for the purpose of expanding an existing 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 Wood Engineering, dated October 19, 2009 and received by the Department of

Environmental Services ("DES") on January 10, 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 29.4% 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 136 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).
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. 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. 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.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Pawtuckaway 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 decrease the overall area of imperviousness within the protected shoreland by 96 sq ft.
4. The applicant has proposed to install stormwater controls consisting of two 1.5 ft x 16 inch infiltration trenches.
5. The applicant has proposed to achieve a 13 foot greater setback from the reference line.
6. The applicant installed a new NH DES Subsurface Bureau approved wastewater treatment system in 2009.
7. The applicant has proposed to install stormwater controls, reduce the total amount of impervious of the lot within the protected shoreland and plant additional native vegetation within the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-03009 CLARK, WARREN & BARBARA
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 1,255 sq ft for the purpose of expanding an existing primary structure.

APPROVE PERMIT:

Impact 1,255 sq ft for the purpose of expanding an existing primary structure.

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

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 plans by Ames Associates, dated December 21, 2009 and received by the Department of Environmental Services ("DES") on December 24, 2009 and revised planting plans received by the Department January 28, 2010.
2. This approval includes waivers of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1) 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 all necessary approvals from the DES Subsurface Systems Bureau.
4. No more than 46.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. 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 New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
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.

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. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. 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."
4. The applicant has proposed to remove 130 sq ft of impervious area from the natural woodland buffer.
5. The applicant has proposed to provide additional native plantings within the waterfront buffer.
6. The applicant has proposed to reduce the area of imperviousness within the protected shoreland and significantly enhance the waterfront buffer with native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2009-03028 PSNH, ATTN: BEA HEBERT
NASHUA Nashua River

