

Wetlands Bureau Decision Report

Decisions Taken
02/22/2010 to 02/28/2010

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.

MINOR IMPACT PROJECT

**2005-00556 UNH - FACILITIES PLANNING & CONSTRUCTION
DURHAM Unnamed Wetland**

Requested Action:

Applicant requests revision to mitigation component for the dredge and fill of 17,816 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 400 bedroom residence hall at the existing UNH Gables Residence Halls with appurtenant parking and drainage structures. Compensatory mitigation is a one-time payment into the Aquatic Resource Mitigation fund of \$58,339.06.

Conservation Commission/Staff Comments:

The Durham Conservation Commission did not comment on this application. ARM Fund payment.

Inspection Date: 04/28/2005 by Frank D Richardson

OTHER:

Amend permit to read: Dredge and fill of 17,816 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 400 bedroom residence hall at the existing UNH Gables Residence Halls with appurtenant parking and drainage structures. Compensatory mitigation involves a one-time payment into the Aquatic Resource Mitigation fund of \$58,339.06.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated March 10, 2005, as received by the Department on March 25, 2005.
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. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. This approval is contingent on receipt by DES of a one time payment of \$ 58,339.06 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 department will consider permit revocation.

With Findings:

1. The original mitigation proposal included upland buffer preservation on 4.2 acres of land through a conservation easement at College Woods Natural Area.
2. DES reviewed the College Woods Natural Area easement and protecting the entire parcel by an easement could not be accomplished.
3. The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
4. The payment calculated for the proposed wetland loss equals \$58,339.06.
5. The payment into the ARM fund shall be deposited in the DES fund for the Salmon Falls - Piscataqua River watershed per RSA 482-A:29.

**2006-01331 NH FISH AND GAME DEPT
HOOKSETT Merrimack River**

Requested Action:

Applicant requests to amend the permit and rip rap an additional 2550 sq ft area within the bank of the Merrimack River, Hooksett.

Conservation Commission/Staff Comments:

No comments by Con Com by August 11, 2006

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny applicant's request to amend the permit to rip rap an additional 2550 sq ft area within the bank of the Merrimack River, Hooksett.

With Findings:

1. A request for additional information dated July 13, 2009, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2008-01418 SCHELLER, SONIA
WENTWORTH Tural Brook

Requested Action:

Proposal to impact approximately 5,320 sq. ft. of wetlands for pond dredging and replacement of an outflow spillway pipe.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny (untimely) proposal to impact approximately 5,320 sq. ft. of wetlands for pond dredging and replacement of an outflow spillway pipe.

With Findings:

1. A request for additional information dated December 18, 2008, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 120 days (current RSA 60 days) of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2008-02370 COTE, JOHN & ROSEMARY
MEREDITH Lake Waukewan

Requested Action:

Amendment request to extend rip rap 36 ft lakeward through the beach and into lakebed.

Conservation Commission/Staff Comments:

Con Com has no objections, but recommends a perched beach

DENY AMENDMENT:

Deny amendment request to extend rip rap an additional 36 ft lakeward through the beach and into lakebed of Lake Waukewan, in Meredith.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:4 "Definition. - Without limiting RSA 482-A:3, the waters and adjacent areas within this state to which this chapter applies are defined as follows: II. Wherever fresh water flows or stands and in all areas above tidal waters not included in paragraph I of this section, it shall apply (in addition to great ponds or lakes of 10 acres or more in natural area as provided for in RSA 482-A:16-20 and RSA 482-A:21-25) to those portions of great ponds or lakes created by the raising of the water level of the same, whether by public or private structure, and to all surface waters of the state as defined in RSA 485-A:2 which contain fresh water, including the portion of any bank or shore which borders such surface waters, and to any swamp or bog subject to periodical flooding by fresh water including the surrounding shore."

Findings of Fact

1. On March 5, 2009, the Department approved Permit 2008-02370 to "Rip rap 64 linear feet of stream channel, dredge less than 20 cubic yards from 540 sq ft of lake bed to reclaim the eroded beach sand, replenish the existing beach with the reclaimed sand, and add no more than 10 cubic yards of new sand to the beach above full lake elevation on 100 ft of frontage on Lake Waukewan, in Meredith."
2. On December 18, 2009 the Department received an amendment request to extend the rip rap 36 feet lakeward below elevation 541 to elevation 539 within Lake Waukewan.
3. The proposed amendment request is not with in the footprint of the original approved footprint.
4. The State retains flowage rights to approximately elevation 541 on Lake Waukewan.
5. The purpose of the rip-rap would be to stabilize sand placed within the flowage area of Lake Waukewan. The Department will not approve the continued placement of sand within the flowage area of Lake Waukewan.

Rulings in Support of Denial

1. The Applicant has failed to adequately document the need for the proposed rip-rap within the flowage of Lake Waukewan.

2009-00907 LAMPER, HARLAND
ALTON Unnamed Wetland

Requested Action:

After the fact proposal to retain fill in a wetland for a 30 foot concrete culvert for property access.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny after the fact proposal to retain fill in a wetland for a 30 foot concrete culvert for property access.

With Findings:

1. A request for additional information dated August 4, 2009, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-01973 BETHLEHEM VALLEY DEVELOPMENT CORP
BETHLEHEM Unnamed Wetland

Requested Action:

Retain 1,990 square feet of wetland fill for access; dredge and fill 7,520 square feet of wetlands for the construction of an access drive, a pond, horse barn, corral and trails; and create 1,800 square feet of wetlands.

APPROVE PERMIT:

Retain 1,990 square feet of wetland fill for access; dredge and fill 7,520 square feet of wetlands for the construction of an access drive, a pond, horse barn, corral and trails; and create 1,800 square feet of wetlands.

With Conditions:

1. All work shall be in accordance with the plans by Headwaters Hydrology entitled Bethlehem Valley Development Corp. (sheets 2-4 of 4) as revised December, 2009 (sheet 2 of 4) and as revised January 2010 (sheet 3-4 of 4) and received by DES on January 25, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The permittee shall delineate the areas of wetlands impacted on the site and depict the delineation as an overlay in a final as-built plan submitted to the department within 60 days of the completion of construction. The area of wetlands impacted shall be quantified.
4. This permit is contingent upon the creation of 1,800 square feet of wetlands in accordance with plans by Headwaters Hydrology entitled Bethlehem Valley Development Corp.: Erosion Control & Wetland Mitigation Notes and Details as received by DES on January 25, 2010.
5. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
6. The wetland creation area shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation area is constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and the establishment of pond fringe vegetation and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
9. The wetland creation area shall have at least 75% successful establishment of wetlands vegetation, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. 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.
18. 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.
19. 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.
20. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revisions added sediment traps, low gradient vegetated swales and vegetated buffers to minimize the potential of sedimentation in wetlands during and after construction activities.
6. The pond will be for fire protection, aquatic habitat, and recreation.
7. Root wads and rocks will be installed in the pond bottom to provide natural habitat for aquatic species.
8. Project revisions added providing habitat diversity with 53% of the pond fringe regenerating with native tall grass and woody plant species, and 23% of the pond fringe seeded and maintained as tall grass.
9. Project revisions added the creation of 1,800 square feet of wetland to mitigate for the proposed 1,600 square feet of emergent wetland and 180 square feet of forested wetland being impacted for the construction of the barn and paddock area.
10. The farm will follow the U.S. Department of Agriculture recommendation to maintain a 13.5 foot setback from wetland boundaries. These buffer areas will remain vegetated and untilled to promote proper function.
11. The agent addressed the conservation commissions comments in a letter dated December 10, 2009.
12. The NHFG Nongame and Endangered Wildlife Program and the Natural Heritage Bureau (NHB) commented that the project is not likely to impact rare wildlife species listed by NHB.

2009-02925 MELLION, BRUCE
HANCOCK Unnamed Wetland

Requested Action:

Dredge and fill ± 4,534 sq. ft. of palustrine forested wetland to construct a ± 13,572 sq. ft. pond.

APPROVE PERMIT:

Dredge and fill ± 4,534 sq. ft. of palustrine forested wetland to construct a ± 13,572 sq. ft. pond.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated November 30, 2009, as received by the Department on December 09, 2009.
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. All work shall be done under low flow conditions.
4. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
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. Machinery shall not be located within surface waters, where practicable.
7. Machinery shall be staged and refueled in upland areas.
8. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e), Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. See related NHDES Wetlands Bureau file no. 2007-02031.
3. DES Staff conducted a field inspection of the proposed project on April 30, 2008. Field inspection determined previous logging operations resulted in one are of rutting that is located with the footprint of the proposed wetland impacts.
4. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2009-00378 WHITNEY, JOHN & ALICE TRUST
ALTON Unnamed Wetland

Requested Action:

Proposal to retain 1020 sq. ft. of fill, placement of an additional 203 sq. ft. of fill and the installation of an 18 in. 35 ft. culvert.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny (untimely) proposal to retain 1020 sq. ft. of fill, placement of an additional 203 sq. ft. of fill and the installation of an 18 in. 35 ft. culvert.

With Findings:

1. A request for additional information dated March 9, 2009 addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

FORESTRY NOTIFICATION

2010-00172 GRAVES, VICKIE
MADISON Unnamed Stream

COMPLETE NOTIFICATION:

Madison Tax Map 241, Lot# 9

2010-00173 GENDRON, PATRICK
PELHAM Unnamed Wetland

COMPLETE NOTIFICATION:
Pelham Tax Map 22, Lot# 8-85

2010-00268 GRAVES, DAVID/JUDITH
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 408, Lot# 33

2010-00277 COHEN, STEVE
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 259, Lot# 9 & 11

2010-00279 EVANS FAMILY TRUST
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 3, Lot# 5-2, 5-3, 5-4, 5-6

2010-00291 MICHIE, MATT
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 233, Lot# 38

2010-00308 LYNCH ET AL, CATHERINE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R8, Lot# 22

2010-00309 BLAKELY HOAR TRUST, D.
HILL Unnamed Stream

COMPLETE NOTIFICATION:
Hill Tax Map/Lot# 14/5 & 8/17

2010-00310 ARDEN FOREST LLC
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Wentworth Tax Map 1, Lot# 2-12, 2-15, 2-22

2010-00311 **VAILAS REVOC TRUST, NICK**
ERROL **Unnamed Stream**

COMPLETE NOTIFICATION:

Errol Tax Map R4, Lot# 13A

2010-00325 **ATKINSON CONSERVATION COMMISSION, TOWN OF**
ATKINSON **Unnamed Stream**

COMPLETE NOTIFICATION:

Atkinson Tax Map/Lot# 3/19, 108 & 4/11, 11-1

EXPEDITED MINIMUM

2009-00632 **PERL LAND TRUST**
ASHLAND **Squam River**

Requested Action:

Proposal to impact approximately 20 feet of riverbank to install stone riprap and replace a damaged steel culvert.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal (untimely) to impact approximately 20 feet of riverbank to install stone riprap and replace a damaged steel culvert.

With Findings:

1. A request for additional information dated May 13, 2009, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-02258 **IMKE, HENRY**
SANBORNVILLE **Lovell Lake**

Requested Action:

Repair an existing stone and mortar wall.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application however submitted comments on Oct 23, 2009. These comments request a DES inspection to compare work done on the site compared to permits issued, and that they have no concerns with the proposed work on this applicaiton.

With Findings:

1. A request for additional information dated November 04, 2009, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-02579 SHAW, FREDERICK
CHICHESTER Unnamed Stream**

Requested Action:

Proposal to install a 20 foot culvert for trail access.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny (untimely) proposal to install a 20 foot culvert for trail access.

With Findings:

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

**2009-02825 MIZORAS, THOMAS & PAULETTE
DERRY Unnamed Wetland**

Requested Action:

Temporarily impact 300 square feet within the bed and banks of a man-made pond for the in-kind replacement of an existing, failing concrete weir.

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 300 square feet within the bed and banks of a man-made pond for the in-kind replacement of an existing, failing concrete weir.

With Conditions:

1. All work shall be in accordance with plans by V.W. Dingman & Sons dated October 21, 2009 and revised January 5, 2010, as received by DES on January 25, 2010.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

- 7. No fill shall be done for lot development.
- 8. Work shall be done during seasonal low flow conditions.
- 9. 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.
- 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.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-03038 GREENLAND, TOWN OF
GREENLAND Unnamed Stream**

Requested Action:

Town of Greenland requests to withdraw the application at this time.

**2010-00057 JAFFREY DPW, TOWN OF
RINDGE**

Requested Action:

Dredge and fill ± 600 sq. ft. of intermittent stream to install a second water main.

APPROVE PERMIT:

Dredge and fill ± 600 sq. ft. of intermittent stream to install a second water main.

With Conditions:

- 1. All work shall be in accordance with plans by Tighe & Bond Consulting Engineers dated November 2009, as received by the Department on January 13, 2010.
- 2. Work shall be done during dry conditions.
- 3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
- 4. 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. Native material removed from the streambed during water main installation, shall be stockpiled separately and reused to emulate a natural channel bottom within impact area. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
- 8. Stream bed and banks shall restored to their original grades.

9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), 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. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00140 KENISTON, DAVIS
HOLDERNESS Squam Lake

Requested Action:

Repair 16 linear feet of an existing boathouse foundation with boat house dimensions of 17 ft 4 in x 28 ft with a 10 ft x 50 ft dock adjacent to the boat house on Squam Lake, Holderness.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 16 linear feet of an existing boathouse foundation with boat house dimensions of 17 ft 4 in x 28 ft with a 10 ft x 50 ft dock adjacent to the boat house on Squam Lake, Holderness.

With Conditions:

1. All work shall be in accordance with plans by Davis Keniston, as received by DES on January 27, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for equipment to operate with areas of the Departments jurisdiction.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. 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.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible

for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

TRAILS NOTIFICATION

**2010-00068 PERRY STREAM LAND & TIMBER CO.
PITTSBURG Unnamed Stream**

Conservation Commission/Staff Comments:

Per phone conversation with Warren Chase, these culverts were installed while notification was at DES

COMPLETE NOTIFICATION:

Pittsburg Tax Map C3,5 & D4,5,6, Lot# 53

LAKES-SEASONAL DOCK NOTIF

**2009-02404 VERHOFSTAD, JOOST
PELHAM Little Island Pond**

COMPLETE NOTIFICATION:

Pelham Tax Map 30, lot# 11-333 Little Island Pond

**2010-00306 LEONARD, C KEVIN/ELIZABETH
BARNSTEAD Lower Suncook Lake**

COMPLETE NOTIFICATION:

Barnstead Tax Map 31, Lot# 35 & 37 Lower Suncook Lake

**2010-00324 WHITNEY, STEVEN & REBECCA
CENTER OSSIPEE Ossipee Lake**

COMPLETE NOTIFICATION:

Ossipee Tax Map 37, Lot# 14 Ossipee Lake

PERMIT BY NOTIFICATION

2009-02698 BERLINGER, WILLIAM & RUTH
SUNAPEE Unnamed Stream

Requested Action:
Disqualify PBN to repair of existing docking facilities.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN DISQUALIFIED:
Disqualify PBN to repair of existing docking facilities.

2009-02869 MILTON TOWN OF
MILTON Milton Three Ponds

Requested Action:
Disqualify PBN to maintain and repair non-docking structures.

Conservation Commission/Staff Comments:
Con Com signed PBN form on November 23, 2009

PBN DISQUALIFIED:
Disqualify PBN to maintain and repair non-docking structures.

With Findings:
1. Disqualify PBN because of no response to request for more information.

2010-00317 NEW HAMPTON, TOWN OF
NEW HAMPTON Blake Brook

Requested Action:
PBN proposal to repair approximately 45 sq. ft. of two concrete abutments on Blake Brook (Brook Road Bridge) in New Hampton.

Conservation Commission/Staff Comments:
1. The Conservation Commission signed the PBN form waiving their right to intervene on the proposed project.

PBN IS COMPLETE:
PBN complete to repair approximately 45 sq. ft. of two concrete abutments on Blake Brook (Brook Road Bridge) in New Hampton.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2010-00331 JEFFERY, KENNETH
EAST WAKEFIELD Pine River Pond

Requested Action:

Repair existing docking structures.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing docking structures.

With Findings:

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

CSPA PERMIT

2009-02886 BARETTO, LOUIS
DERRY Beaver Lake

Requested Action:

Impact 2,048 sq ft to remove 2 existing homes and replace with duplex.

APPROVE PERMIT:

Impact 2,048 sq ft to remove 2 existing homes and replace with duplex.

With Conditions:

1. All work shall be in accordance with plans by Robinson Engineering, Inc dated November 17, 2009 and received by the Department of Environmental Services ("DES") on December 7, 2009.
2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-03072 JACOBSON, DONALD & EILEEN
WAKEFIELD Balch Pond

Requested Action:

Impact 782 sq ft for the replacement of an existing timbered retaining wall and the installation of two new walls.

APPROVE AMENDMENT:

Impact 782 sq ft for the replacement of an existing timbered retaining wall and the installation of two new walls.

AMENDMENT DESCRIPTION: Impact 782 sq ft to repair and replace stairs and landscape timber retaining wall within 50 ft of the reference line and to add a landscape timber wall and wood ramp within the natural woodland buffer, located between 150 ft and 50 ft of the reference line.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated November 20, 2009 and received by the Department of Environmental Services ("DES") on December 31, 2009.
2. No more than 15.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,161 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,081 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.

**2010-00044 HUNTER, H RUSSELL & SUSAN
STRAFFORD Bow Lake**

Requested Action:

Impact 1,797 sq ft to demolish an existing 1,292 sq ft cottage and rebuild in the same footprint with a new 24ft x 24ft attached garage.

APPROVE PERMIT:

Impact 1,797 sq ft to demolish an existing 1,292 sq ft cottage and rebuild in the same footprint with a new 24ft x 24ft attached garage.

With Conditions:

1. All work shall be in accordance with plans by WM Evans Engineering, LLC dated January 5, 2010 and received by the Department of Environmental Services ("DES") on January 12, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 24.35% 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 1,914 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.

2010-00046 BOHMILLER, LORRAINE
BRISTOL Newfound River

Requested Action:

Impact 480 sq ft for the purpose of constructing a new garage.

APPROVE PERMIT:

Impact 480 sq ft for the purpose of constructing a new garage.

With Conditions:

1. All work shall be in accordance with revised plans by Kevin French dated February 10, 2010 and received by the Department of Environmental Services ("DES") on February 17, 2010.
2. No more than 25.9% 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 proposed stormwater management plan shall be designed, installed and maintained to effectively infiltrate and absorb stormwater.
4. No impacts shall occur to native vegetation or natural ground cover within the natural woodland buffer.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

2010-00059 PPT INC, PIERRE SABA
WEST CHESTERFIELD Connecticut River

Requested Action:

Impact 2,449 sq ft to replace an existing home and deck with a slightly larger home and deck.

APPROVE PERMIT:

Impact 2,449 sq ft to replace an existing home and deck with a slightly larger home and deck.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 14, 2010.
2. No more than 20.32% 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 48,332 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 26,593 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.

2010-00067 POCSIK, JAMES & GAIL
MOULTONBOROUGH Lake Kanasatka

Requested Action:

Impact 1,091 sq ft for a 12ft x 14ft addition to an existing home and existing deck will be modified to accommodatate addition.

APPROVE PERMIT:

Impact 1,091 sq ft for a 12ft x 14ft addition to an existing home and existing deck will be modified to accommodatate addition.

With Conditions:

1. All work shall be in accordance with plans by W.M. Evans Engineering, LLC dated January 12, 2010 and received by the Department of Environmental Services ("DES") on January 15, 2010.
2. No more than 15.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,526 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.

2010-00119 MCCARTHY, SHAWN
GILMANTON Shellcamp Pond

Requested Action:

Impact 200 sq ft for the addition of a deck to an existing home.

APPROVE PERMIT:

Impact 200 sq ft for the addition of a deck to an existing home.

With Conditions:

1. All work shall be in accordance with plans by Shawn McCarthy dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 4, 2010.
2. No more than 21.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,620 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,445 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.

**2010-00132 CARBONNEAU, JEAN-FRANCOIS & S BRETON
BELMONT Silver Lake**

Requested Action:

Impact 4,274 sq ft for the purpose of constructing a new residential dwelling and installing stormwater controls.

APPROVE PERMIT:

Impact 4,274 sq ft for the purpose of constructing a new residential dwelling and installing stormwater controls.

With Conditions:

1. All work shall be in accordance with plans by Harold E. Johnson, Inc. dated January 21, 2010 and received by the Department of Environmental Services ("DES") on January 23, 2010.
2. No more than 25.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
6. There shall be no impacts to native vegetation between 50' and 150' of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

2010-00186 CONNOLLY, MICHAEL/ROCHELLE
ANTRIM Franklin Pierce Lake

Requested Action:

Impact 6,040 sq ft for the construction of a new home with deck & patio along with gazebo, boadwalk and stairs.

APPROVE PERMIT:

Impact 6,040 sq ft for the construction of a new home with deck & patio along with gazebo, boadwalk and stairs.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc dated January 7, 2010 and received by the Department of Environmental Services ("DES") on February 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 3.2% 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 16,723 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,164 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.

2010-00187 RUSSMAN, JEREMY
FREMONT Exeter River

Requested Action:

Impact 7,800 sq ft for the replacement of an existing dwelling with a new 940 sq ft dwelling.

APPROVE PERMIT:

Impact 7,800 sq ft for the replacement of an existing dwelling with a new 940 sq ft dwelling.

With Conditions:

1. All work shall be in accordance with plans by James M. Lavelle Associates, LLC dated December 21, 2009 and received by the Department of Environmental Services ("DES") on February 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. No more than 11.3% 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 150 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.

2010-00208 ALBERTIAN, EDWARD/CANDACE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 11,420 sq ft Removal of existing residence, cottage and garage, construction of new residence with attached garage along with reconfigured driveway.

APPROVE PERMIT:

Impact 11,420 sq ft Removal of existing residence, cottage and garage, construction of new residence with attached garage along with reconfigured driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 15, 2010 and received by the Department of Environmental Services ("DES") on February 8, 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 29.9% 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 1,670 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,887 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.

2010-00213 DAVIS, JOYCE/THOMAS
ANTRIM Franklin Pierce Lake

Requested Action:

Impact 2,540 sq ft addition of a 24ft x 28ft structure on east side of existing structure with new septic system under driveway.

APPROVE PERMIT:

Impact 2,540 sq ft addition of a 24ft x 28ft structure on east side of existing structure with new septic system under driveway.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated January 18, 2010 and received by the Department of Environmental Services ("DES") on February 3, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 27.3% 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 2,503 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,192 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.

**2010-00214 SKINNER, CHRISTINE
TILTON Lake Winnisquam**

Requested Action:

Impact 1,622 sq ft to demolish existing storage shed to replace with larger garage and demolish concrete patio to replace with dry laid paving blocks.

APPROVE PERMIT:

Impact 1,622 sq ft to demolish existing storage shed to replace with larger garage and demolish concrete patio to replace with dry laid paving blocks.

With Conditions:

1. All work shall be in accordance with plans by Colin E. Robertson, P.E. dated December 23, 2009 and received by the Department of Environmental Services ("DES") on February 3, 2010.
2. No more than 18.64% 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 3,753 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,343 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.

2010-00219 VASQUEZ, JORGE
MOULTONBOROUGH Wakondah Pond

Requested Action:
 Impact 14,460 sq ft to construct new residence with driveway and septic system.

APPROVE PERMIT:
 Impact 14,460 sq ft to construct new residence with driveway and septic system.

- With Conditions:
- 1. All work shall be in accordance with plans by Ames Associates dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 10, 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 4.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 - 4. The project as proposed will leave approximately 68,100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 38,040 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.

CSPA PERMIT W/WAIVER

2009-02144 SMITH, RONALD
TILTON Lake Winnepesaukee

Requested Action:
 Impact 1,280 sq ft for the purpose of expanding a primary structure.

APPROVE PERMIT:
 Impact 1,280 sq ft for the purpose of expanding a primary structure.

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

With Conditions:

1. All work shall be in accordance with plans submitted by Ron Smith and received by the Department of Environmental Services ("DES") on September 21, 2009 and planting plans received January 29, 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 23.5% 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 proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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 Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install infiltration trenches under both the existing and proposed structures.
4. The applicant has proposed to stabilize existing exposed soils with native vegetation.
5. The applicant has proposed to plant additional, native vegetation within the waterfront buffer.
6. The applicant has proposed to install stormwater controls, and significantly enhance the buffers of the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02709 BUNTING, DAVID
GILFORD Lake Winnepesaukee

Requested Action:

Impact 2,415 sq ft for the purpose of expanding a primary structure and installing stormwater controls.

APPROVE PERMIT:

Impact 2,415 sq ft for the purpose of expanding a primary structure and installing stormwater controls.

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

With Conditions:

1. All work shall be in accordance with revised plans by Associated Surveyors dated November 6, 2009 and received by the Department of Environmental Services ("DES") on February 16, 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 2.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 55,302 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 27,651 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. Upon completion of the proposed project, all disturbed soils will be stabilized with native vegetation.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install a new septic system approved by the NH Subsurface Bureau.
4. The applicant has proposed to install infiltration trenches below the dripline of the proposed structure.
5. The applicant has proposed to install stormwater controls and install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02888 **VROTACOE, JAMES**
WENTWORTHS LOCA **Magalloway River**

Requested Action:

Impact 2,703 sq ft for the purpose of replacing an existing structure with a new dwelling and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 2,703 sq ft for the purpose of replacing an existing structure with a new dwelling and installing a new septic system and stormwater controls.

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

With Conditions:

1. All work shall be in accordance with revised plans by Beaver Brook Environmental, LLC., dated October 21, 2009 and received by the Department of Environmental Services ("DES") on February 3, 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 28.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic system.
5. Upon completion of the proposed project, areas of the subject lot will be replanted and allowed to revert to an unaltered state resulting in a net area of 2,200 sq ft remaining in an unaltered state. At least 1,942 sq ft of the area between 50 ft and 150 ft from the reference line must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
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 the Magalloway River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove impervious areas from the waterfront buffer and replant with native vegetation.
4. The applicant has proposed to achieve a 10 ft greater setback from the reference line.
5. The applicant has proposed to install stormwater controls consisting of a 6 ft diameter dry well.
6. The applicant has proposed to reduce the driveway grade from 15% to 11% as well changing the direction of the driveway to a

more westerly direction to better handle storm water runoff.

7. The applicant has proposed to install a new NH DES Subsurface Bureau approved septic system.
8. The applicant has proposed to increase the area within the natural woodland buffer that exist in an unaltered state.
9. The applicant has proposed to install stormwater controls, install a new septic system, significantly enhance the waterfront buffer and allow regions of the natural woodland buffer to revert to an unaltered state and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00016 THOMPSON, MARK
MANCHESTER Piscataquog River

Requested Action:

Impact 520 sq ft for the purpose of expanding a primary structure.

APPROVE PERMIT:

Impact 520 sq ft for the purpose of expanding a primary structure.

WAIVERS APPROVED: RSA 483-B:9, II(b) and RSA 483-B:9, V(g)(1) are waived to allow the expansion of a primary structure that encroaches upon the primary building setback 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 MATJRM, L.L.C, dated December 4, 2009 and received by the Department of Environmental Services ("DES") on January 6, 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. No more than 72.4% 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 proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Piscataquog River 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 currently has 72.4% impervious surface coverage within the

protected shoreland adjacent to the Piscataquog River and, therefore, fails to conform to the impervious surface limitation 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 install stormwater controls consisting of drywells that capture stormwater from existing catch basins.

5. The applicants has proposed to remove an existing catch basin outflow pipe that discharges directly to the Piscataquog River.

6. The applicant has proposed to significantly enhance the subject lot by intercepting and infiltrating stormwater, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00180 PETERSON, CHRIS & JUDITH
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 3,281 sq ft for the purpose of expanding a primary structure, constructing a new garage, and installing stormwater controls.

APPROVE PERMIT:

Impact 3,281 sq ft for the purpose of expanding a primary structure, constructing a new garage, and installing stormwater controls.

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 Beckwith Builders, Inc., dated January 20, 2010, and received by the Department of Environmental Services ("DES") on February 1, 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 26.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. There shall be no impacts to natural, native vegetation, including natural ground, within the waterfront buffer associated with this project.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 3,367 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,325 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install infiltration trenches under the drip edges of the proposed and existing structures.
4. The applicant has proposed to construct a large grass swale that is capable of capturing stormwater from the driveway.
5. The applicant has proposed to install significant measures to manage stormwater, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00182 GRAHAM, DONALD
HOLDERNESS Squam Lake

Requested Action:

Impact 1,422 sq ft for the purpose of expanding an existing primary structure.

APPROVE PERMIT:

Impact 1,422 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.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, LLC., dated January 6, 2010 and received by the Department of Environmental Services ("DES") on January 29, 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 9.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 58,664 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 34,768 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

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

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The subject lot is well vegetated and there is little opportunity to make the lot "more nearly conforming".
4. The applicant has proposed to install rain gutters that collect stormwater from the existing and proposed structures and redirect it to a wooded area where it can be readily absorbed and infiltrated.
5. The applicant has proposed to install significant stormwater controls, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00211 KAYROUZ PETROLEUM LLC
NASHUA Nashua River

Requested Action:

Impact 9,634 sq ft for the purpose of redeveloping an existing commercial lot.

APPROVE PERMIT:

Impact 9,634 sq ft for the purpose of redeveloping an existing commercial lot.

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 Chouban Engineering Group, P.C., dated February 2, 2010 and received by the Department of Environmental Services ("DES") on February 4, 2010.
2. This approval includes a waiver of 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. No more than 91.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Wetlands Bureau for any impacts within the prime wetland buffer zone in accordance with RSA 482-A.
5. This permit is contingent upon connecting to and utilizing the municipal sewer system.
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Nashua Canal and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the total area of imperviousness of the subject lot by 9.5 percent.
4. The applicant has proposed to install berms that direct stormwater to drywells and prevent stormwater from entering the river.
5. The applicant has proposed to install stormwater controls capable of capturing large quantities of water and reduce the overall area of imperviousness within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.