

Wetlands Bureau Decision Report

Decisions Taken
03/01/2010 to 03/07/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2009-02074 ROUTE 11 INVESTMENTS INC, MARK STEVENS
ROCHESTER Unnamed Wetland**

Requested Action:

Impact 37,859 sq. ft. of isolated forested wetlands associated with gravel mining to produce material for the reconstruction of Spaulding Turnpike Exit 15 ("Phase 1"), and 54,783 sq. ft. of additional impact for the subsequent commercial development of the site ("Phase 2"). Total Phase 1 and Phase 2 impact is 92,642 sq. ft.

Approve as mitigation: 1) preservation in a conservation easement, to be held by the City of Rochester, of 46.2 acres (15.1 acres of wetlands, and 31.1 acres of uplands) and 2) in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund of \$35,000.

APPROVE PERMIT:

Impact 37,859 sq. ft. of isolated forested wetlands associated with gravel mining to produce material for the reconstruction of Spaulding Turnpike Exit 15 ("Phase 1"), and 54,783 sq. ft. of additional impact for the subsequent commercial development of the site ("Phase 2"). Total Phase 1 and Phase 2 impact is 92,642 sq. ft.

Approve as mitigation: 1) preservation in a conservation easement, to be held by the City of Rochester, of 46.2 acres (15.1 acres of wetlands, and 31.1 acres of uplands) and 2) in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund of \$35,000.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated 1/22/2010, as received by DES on 1/25/2010.
2. The mitigation in-lieu fee payment of \$35,000 shall be received no later than October 31, 2012. No work on Phase 2 of the project in wetlands jurisdiction shall commence prior to DES receipt of the full in-lieu fee payment.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once 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.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 46.2 acres as depicted on plans received 1/25/2010.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of

Deeds Office for each appropriate lot. A copy of the recording from the Strafford County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of non-tidal wetlands in excess of 20,000 sq. ft. in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Phase 1 of the project will provide necessary gravel material within the immediate vicinity to the reconstruction of Spaulding Turnpike- NH Route 16 Exit 15, including the Exit's red-listed bridge. Phase 2 is commercial development of the site in accordance with the City of Rochester's Master Plan.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The gravel excavation and development impacts have been sited proximal to NH Route 11, avoiding the large, contiguous wetland and extensive, unfragmented land track to the rear of the property, which will be preserved. The development has also been positioned on the site to avoid excessive cut and fill areas that could negatively impact the undisturbed, contiguous wetland to the rear of the property.
4. Pursuant to Env-Wt 302.03, the applicant has further mitigated for the impacts by placing 46.2 acres (15.1 acres of wetland and 31.1 acres of upland) in a conservation easement to be held by the City of Rochester; and by making a payment to the Aquatic Resource Mitigation ("ARM") fund of \$35,000. This mitigation package exceeds the requirements described in Chapter Env-Wt 800 for required mitigation ratios.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau. The project will impact isolated forested wetlands proximal to the road in a designated commercial corridor.
6. The Rochester Conservation Commission did not report; however the City of Rochester supports the project from a planning perspective and has demonstrated its support by serving as easement holder for the preservation parcel for mitigation.
7. The applicant has responded to the comments of EPA regarding utilizing Low Impact Development ("LID") design methods for the project by incorporating gravel wetlands into its site design. Other techniques were not considered feasible due to the shallow-to-bedrock conditions present on the site.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resource, as identified under RSA 482-A:1.

2009-02445 WINDWARD HARBOR HOMEOWNERS ASSOCIATION
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Widen an existing 4 ft x 138 ft walkway providing access to a 40 ft x 83 ft recreational building located over public waters to 7.5 ft

in width on an average of 891 feet of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no objections to the proposed.

DENY PERMIT:

Widen an existing 4 ft x 138 ft walkway providing access to a 40 ft x 83 ft recreational building located over public waters to 7.5 ft in width on an average of 891 feet of frontage on Lake Winnepesaukee, in Moultonborough.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wt 204.02, (a), (1), Procedures, a request for a waiver shall be filed in accordance with this part by a person who is or would be directly and adversely affected by the strict application of a rule in Env-Wt 100 through Env-Wt 800.
2. In accordance with Rule Env-Wt 204.03, (a), (5), (a), Content and Format of Requests, the person requesting the waiver shall provide a full explanation of why a waiver is being requested, including an explanation of the hardship that would be caused by compliance with the rule.
3. Pursuant to Rule Env-Wt 204.04, (a), (2) Criteria, a request for a waiver shall be granted if one or more of the following conditions is satisfied: a. Granting the request is consistent with the intent and purpose of the rule being waived; b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
4. In accordance with Rule Env-Wt 402.03, (1), (b), Dimensions, standard dimensions for a permanent dock in a lake of 1,000 acres or more shall not exceed deck width of 6 feet and deck length of 30 feet, as measured from the normal high water mark.
5. Pursuant to Rule Env-Wt 402.03, (b), Dimensions, the dimensions in Rule Env-Wt 402.03, (a) above may be exceeded when the department determines, based on information provided by the applicant, that: (1) Application of the standard dimensions would represent a safety hazard due to wind or other weather conditions; (2) The property has a unique physical hardship, such as, insufficient water depth, not shared generally by nearby properties, that requires larger dimensions; (3) The applicant has a permanent disability that requires larger dimensions in order to safely use the water; or (4) Exception from the standard maximum dimensions by use of clustering of structures in one location would result in less environmental impact to the shoreline and water body than would standard dimensions.
6. Pursuant to Rule Env-Wt 402.06 Permanent Docks an application for a permanent dock shall be approved only where the site is exposed to a specified minimum design fetch or the applicant provides documentation of wave activity that would render a seasonal structure unsafe.
7. Pursuant to Rule Env-Wt 402.06, (g), Permanent Docks, the minimum spacing for pile bents shall be 12 feet as measured center to center.
8. Pursuant to Rule Env-Wt 402.09, (a), Structures Disallowed, boathouses located in or over the waters shall not be approved.
9. Pursuant to Rule Env-Wt 402.09, (c), Structures Disallowed, structures over the waters shall not be allowed for the transfer of any activities usually associated with land, including but not limited to sunbathing and picnicking.
10. Pursuant to Rule Env-Wt 402.21, Modification of Existing Structures, the department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.
11. This project is classified as a major impact project per Rule Env-Wt 303.02, (d), modification of docking facilities providing more than 5 slips.

Findings of Fact

1. On October 15, 2009 the Department received an application to widen the walkway providing access to a recreational structure located over public waters on the frontage of property identified as Moultonborough Tax map 200, Lot 37.
2. The recreational structure in question is listed on the National Register of Historic Places as the "Swallow Boathouse." The structure was originally constructed in the early 1900's as a boathouse over public waters. The interior boat slip area was subsequently decked over and the structure was converted to a recreational structure used for typically land based activities. Thus the structure fails to conform to Rule Env-Wt 402.09.
3. The area in which the structure is located fails to meet the criteria for the construction of permanent structure as established in

Rule Env-Wt 402.06.

4. Evidence indicates that for at least the last 40 years the structure has been accessed by a 4 ft x 138 ft walkway from the shore.
5. The Applicant is proposing to widen the existing walkway from 4 ft to 7.5 ft along its entire length.
6. The 7.5 ft width proposed by the Applicant would exceed the 6 ft limit established in Rule Env-Wt 402.03.
7. The proposed project fails to meet any of the four qualifiers listed in Rule Env-Wt 402.03, (b) for an exception to the standard dock dimensions.
8. The Applicant submitted a request for a waiver of Rule Env-Wt 402.03(a) in accordance with Rule Part Env-Wt 204.
9. The applicant maintains that the request for a waiver of the Rule Env-Wt 402.03, (a) is consistent with the intent and purpose of that rule as the overall impact of the dock rebuild would reduce the number of pilings driven into the lakebed.
10. The project as proposed would reduce the number of pilings in the lakebed by total of two (2) piling.
11. The reduction in the number of piling proposed by the Applicant would not be a result of the increased width of the structure. The number of pilings is being reduced due to their realignment to the 12 ft on center spacing standard outlined in Rule Env-Wt 402.06, (g), Permanent Docks.
12. The 6 ft width limit applies equally to both seasonal and permanent piers. This fact illustrates that the requirement is related to the area of public waters covered by structures rather than the area of lakebed directly impacted by the structural supports.
13. The Applicant provides no evidence that the current 4 ft width has created an operational or economic hardship for the Applicants over the previous 40-plus years that it has existed at the 4 ft width.
14. The Applicant states in the original waiver request that the "width of the existing boardwalk is narrow, and does not allow for safe side-by side passage of individuals who may be confined to the use of a wheel chair."
15. Section 4.2.1, Wheelchair Passage Width, of the ADA Standards for Accessible Design states, "The minimum clear width for single wheelchair passage shall be 32 in at a point and 36 in continuously."
16. Section 4.2.2, Width for Wheelchair Passing, of the ADA Standards for Accessible Design states, "The minimum width for two wheelchairs to pass is 60 in."
17. Section 4.2.3, Wheelchair Turning Space, of the ADA Standards for Accessible Design states, "The space required for a wheelchair to make a 180-degree turn is a clear space of 60 in."
18. The ADA standard for wheelchair access design applies to public and commercial buildings only. The subject building is neither public nor commercial and therefore, should not be required to be modified to meet this standard.
19. On January 4, 2010, the Department issued a Request for More Information Letter to the Applicant explaining that the rule waiver request did not appear to be approvable. The Letter requested revised plans for the repair of the structure in kind with no change in dimensions of the walkway.
20. On January 15, 2010, Wetlands Bureau staff explained in an email to the Applicant that the Request for More Information Letter did not constitute a formal denial of the waiver request but was intended to notify the Applicant that it did not appear to be approval and allow an opportunity to revise the proposal to one that was approvable rather than deny the project at the time.
21. In the January 15, 2010 email exchange, Wetlands Bureau staff further explained that the Applicant could choose to bolster their argument for granting a waiver of Rule Env-Wt 402.03, (a), but that should the additional information be insufficient the Department would need to deny the application. The Applicant was also informed that the project failed to meet the requirements of Rule Env-Wt 402.21 and that they would need to successfully request a waiver of that rule as well.
22. On February 11, 2010, the Department received a response to the January 4, 2010 Request for More Information Letter. The response focused on the issuance of a waiver of Rule Env-Wt 402.03 and did not include plans for the repair in-kind of the existing structures.
23. The Applicant's February 11, 2010 response did not provide any additional evidence that the existing 4 ft wide walkway results in an operational or economic hardship for the applicant.
24. The Applicant's February 11, 2010 response did not provide any additional evidence that granting the waiver would be consistent with the intent and purpose of Rule Env-Wt 402.03, (a)
25. In the February 11, 2010 response the Applicant argues that the project meets the requirements of Rule Env-Wt 402.21 and thus a waiver of that rule would not be required.
26. The Applicant states that "Because the boardwalk is located over an area of relatively shallow water, with little current, the water is susceptible to relatively excessive warming due to lack of shade. The greater width of the structure over water will help mitigate this circumstance as well as provide additional shaded habitat for fish. Also, the reduction in the number of pilings results in a lesser environmental impact."
27. Aerial photographs of the subject property indicate that the frontage has been stripped of trees which might have naturally provided shading for the cove.

Rulings in Support of the Decision

1. Granting an waiver of Rule Env-Wt402.03, (a) to allow the requested 7.5 ft width of the access walkway would not be consistent with the intent and purpose of Rule Env-Wt 402.03 as this rule was enacted to limit the overall footprint of structures and not to simply limit the number of piling driven in public waters.
2. Rule Env-Wt 402.03, (b), outlines four circumstances, three of which would be considered "hardships," which would justify an exception to the standard dock dimensions. The project fails to meet any of those circumstances.
3. The Applicant has been successfully utilizing the structure at the current dimensions for over forty years. While the additional width may improve access to the structure, not being allowed to expand the width to the requested 7.5 ft would not create an economic or operational hardship for the Applicant.
4. The assertion that granting a waiver to exceed the standard dock width would result in a reduction in the number of pilings driven to support it is inaccurate and misleading. Piling spacing is regulated under an entirely separate rule, Rule Env-Wt 402.06, (g). The reduction in the number of pilings would in fact be the direct result of coming into compliance with this second rule and can in no legitimate way be attributed to the granting of a waiver for the extra structural width.
5. The ADA standard for a minimum access width necessary for wheelchairs to pass one another of 60 in (5 ft) is less than the 72 in (6 ft) allowed under Rule Env-Wt 402.03, (a). Therefore, the Applicant's assertion that an exception to the standard 6 ft maximum width is necessary for the safe passage of wheelchairs is without merit.
6. The Applicant has failed to show both, that granting a waiver of Rule Env-Wt 402.03, (a), would be consistent with the intent and purpose of the rule, and that compliance with Rule Env-Wt 402.03, (a), would result in an operational or economic hardship to the Applicant and, therefore, the requested waiver is denied.
7. The proposal to expand the existing walkway to a width of 7.5 ft exceeds the limits of Rule Env-Wt 402.03, (a). Therefore, the application is denied.
8. The existing structure is a permanent structure located in an area that fails to meet the criteria for the construction of permanent structures, exceeds the standard length for structures under Rule Env-Wt 402.03, (a), and is prohibited by Rule Env-Wt 402.09, (a) and (c). The structure is therefore considered to be a non-conforming structure and any modification of it is subject to the requirements Rule Env-Wt 402.21.
9. Rule Env-Wt 402.21 requires that the modifications made to a non-conforming structure must reduce the impacts of that structure on the environment. It does not allow for the mitigation of impacts related to other structures or activities. The cove in which the structure is located lacks shade in large part due to the landscaping and property maintenance practices of the Applicant. The Applicant is proposing to "mitigate" the impacts of the Applicant's past deforestation of the shoreline with shade from the expanded deck surface. The Applicant is not proposing to reduce the environmental impacts of the structure being modified. The proposed expansion of the non-conforming structure fails to meet the requirements of Rule Env-Wt 402.21. Therefore the application is denied.

2009-02781 MORLEY, KENNETH
CANAAN Goose Pond

Requested Action:

Dredge 22 cubic yards from 300 sq ft of lake bed of Goose Pond, in Canaan.

Conservation Commission/Staff Comments:

No comments from Con Com by Feb 24, 2010

DENY PERMIT:

Dredge 22 cubic yards from 300 sq ft of lake bed of Goose Pond, in Canaan.

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. This project is classified as a major impact per Rule Env-Wt 303.02(g), "Removal of more than 20 cubic yards of rock, gravel,

sand, mud, or other material from public waters."

3. In accordance with Env-Wt 101.60 "Navigable frontage" means frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water.

Findings of Fact

1. On November 19, 2009, the Wetlands Bureau received an Standard Dredge and Fill Application for surface water impacts on the lake bed located directly in front of the lot identified as Canaan tax map 0001-G, lot 000072, to Dredge 22 cubic yards from 300 sq ft of lake bed on Goose Pond, Canaan.
2. The Applicant leases tax map 0001-G lot 000072 from the Department of Environmental Services.
3. The proposed dredge is not located on the leased parcel of land, but located approximately 45 ft lakeward of the full lake elevation.
4. The property leased by the Applicant does not have navigable frontage on Goose Pond.

Rulings in Support of Denial

1. The Department shall not issue a permit for a major impact project to an Applicant other than the owner of the property.
2. The Department shall not approve dredging of public waters for the purpose of creating navigable frontage where none has previously existed.
3. The applicant does not have navigable frontage as defined per to Env-Wt 101.60. Therefore in accordance with RSA 482-A:3, the application is denied.

2009-02922 NH DEPT OF TRANSPORTATION
ROCHESTER Unnamed Wetland

Requested Action:

Improve the Spaulding Turnpike between Exits 11 and 16 by widening from a current two-lane, undivided roadway to a four-lane, limited access divided highway to increase roadway capacity and safety, while improving traffic flow. The project involves the reconstruction and reconfiguration of Exits 12-16. Approximately 21.5 acres (2 acres temporary) of impact will occur mainly to palustrine forested and emergent wetlands with impacts to the Cocheco River, Axe Handle Brook and Wardley Brook. Mitigation includes a 7.31 acre wetland construction area and habitat preservation at the City Concrete site, preservation of approximately 40 acres at the Henderson site and a payment to the Aquatic Resource Mitigation (ARM) fund. NHDOT project #10620D.

Conservation Commission/Staff Comments:

ARM Fund payment as mitigation in the amount of 1,235,319.12.

APPROVE PERMIT:

Improve the Spaulding Turnpike between Exits 11 and 16 by widening from a current two-lane, undivided roadway to a four-lane, limited access divided highway to increase roadway capacity and safety, while improving traffic flow. The project involves the reconstruction and reconfiguration of Exits 12-16. Approximately 21.5 acres (2 acres temporary) of impact will occur mainly to palustrine forested and emergent wetlands with impacts to the Cocheco River, Axe Handle Brook and Wardley Brook. Mitigation includes a 7.31 acre wetland construction area and habitat preservation at the City Concrete site, preservation of approximately 40 acres at the Henderson site and a payment to the Aquatic Resource Mitigation (ARM) fund. NHDOT project #10620D.

With Conditions:

1. The wetland impacts associated with this approval are based on field identification and mapping of wetland type and function noted in the document entitled "Spaulding Turnpike From Exit 11 to Exit 16, Strafford County, New Hampshire, Final Environmental Assessment" (hereinafter "FEA", see original file and permit #2000-02293), Section 4.3.3, and updated by the

- Department in 2001 as reflected in the current plans. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, as received by the Department on Dec. 7, 2009.
2. The proposed modifications to bridge structures, namely the bridges over the Cocheco River and Axe Handle Brook, shall be carried out as proposed in the FEA, as presented in plans, as stated in the public hearing on May 8, 2002, and as noted in letter received July 11, 2002. (see original file and permit #2000-02293)
 3. During final design and construction work, wetland impacts that exceed the 21.5 acres represented in the plans as submitted with the DES Wetlands Bureau/Army Corps of Engineers permit application, shall require submittal of a permit amendment request to be reviewed and approved by the DES Wetlands Bureau.
 4. During final design, efforts shall be made to avoid or minimize surface water impacts by utilizing steepened side slopes so as to minimize fill and culvert lengths where fish passage is not an issue.
 5. As recommended by the UNH Cooperative Extension Office, a beaver pipe will be installed at the existing fill section north of Chestnut Hill Road, to maintain water levels and facilitate small mammal passage at this location.
 6. Construction shall adhere to the proposed groundwater protection measures for treating runoff in the project area as described in the FEA, section 4.5.4 (see original file and permit #2000-02293).
 7. Construction shall adhere to the proposed management measures for stormwater treatment for streams in the project area as described in the FEA, section 4.4.4. (see original file and permit #2000-02293)
 8. Stream crossings in areas that support fish shall be reviewed for adequate fish passage.
 9. The proposed project will impact approximately 12.2 acres of the 100-year floodplain along the Cocheco River, compensation will occur, in part, as described in the FEA, section 4.6.4 (see original file and permit #2000-02293), as constructed at the City Concrete Mitigation Site. During final design phase, additional measures to minimize encroachment into either the 100-year floodplain or floodway will be explored by NHDOT.
 10. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless otherwise specified.
 11. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (SWPPP) to the DES Wetlands Bureau for review and approval. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
 12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
 13. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are being properly maintained throughout construction.
 14. Appropriate storm water management and erosion control Best Management Practices shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated.
 15. Construction equipment shall not be located within surface waters.
 16. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
 17. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
 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 or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
 19. 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; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
 20. 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).
 21. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
 22. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
 23. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
 24. Temporary cofferdams shall be entirely removed immediately following construction.
 25. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Wetlands Bureau and / or other Land Resources Management Program staff at the project site, at the NHDES Office in Concord or

Portsmouth, N.H. to review the conditions of this wetlands permit, the NHDES Water Quality Certificate and any environmental commitments stated in the approved documents.

26. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.

27. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04 and shall be received prior to any construction.

28. The NHDOT shall cooperate with the Natural Heritage Bureau to avoid, minimize, and mitigate relative to the species listed.

29. The NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation are to be revegetated as quickly as possible.

30. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

31. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.

32. The proposed mitigation as detailed in the FEA, Section 4.3.4 (see original file and permit #2000-02293) shall be followed for compensation of wetland impacts associated with the proposed project. The design shall be in accordance with details as represented in the plans provided in the DES Wetlands Bureau/Army Corps of Engineers permit application, Figure 5, and as amended, as necessary to ensure success, under the direction of the Interdisciplinary Oversight Team for the project.

33. Mitigation construction shall coincide with roadway construction and the proposed schedule shall be submitted to the DES Wetlands Bureau for review.

34. The acreage of wetland creation and habitat preservation for the selected sites shall be consistent with that described in the application.

35. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

36. Wetland creation and enhancement areas shall be monitored by a qualified environmental consultant during the first, second, third and fifth years. Monitoring reports shall be submitted to the Wetlands Bureau and Conservation Commission at the end of the required growing seasons and include photographs, a summary on vegetative success, water table information, and remedial measures if necessary to improve wetland establishment. Remedial action will be considered if there is inadequate vegetative cover, erosion problems, unsatisfactory hydrology, or unsuccessful functional implementation.

37. The NHDOT shall eradicate purple loosestrife by measures agreed upon by a joint state and federal agency review if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

38. A copy of the deed shall be submitted to the DES Wetlands Bureau following DOT purchase of the property. The Wetlands Bureau shall be notified of subsequent transfer of the property to another agency that has been retained for management purposes.

39. Conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

40. Final conservation easement language shall be recorded at the Registry of Deeds Office and a copy submitted to the NHDES.

41. Activities in contravention of the conservation easement shall be construed as a violation of this permit, and those activities shall be subject to the enforcement powers of the NHDES and/or the New Hampshire office of the Attorney General.

42. This approval is contingent on receipt by DES of a one time payment of \$1,235,319.12 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 proposed project is considered a major impact project per Rule Wt 303.02(c).

2. The purpose and need for the project has been documented in the current application and the Spaulding Turnpike From Exit 11 to Exit 16, Strafford County, New Hampshire, Final Environmental Assessment (hereinafter "FEA") and materials presented in the DES file (see original file and permit #2000-02293).

3. NHDES held a public hearing on 5/8/02 and responded to items raised at the hearing and those submitted in writing following the hearing. (see original file and permit #2000-02293)

4. The original permit approval included conditions that required a permit amendment and a joint review by state and federal agencies if during final wetland impacts exceed the area represented in the plans as submitted with the DES Wetlands Bureau/Army Corps of Engineers permit application.

5. During some of the monthly Natural Resource Agency meetings (in 2008 and 2009) held at the NH Dept. of Transportation (NHDOT), the ongoing construction and mitigation efforts for the project were discussed including the addition of impacts to replace the Wardley Brook bridge under the exit 11 northbound off ramp, the mitigation package modifications at the City Concrete site and inclusion of the new Henderson site as further compensation for jurisdictional impacts not specifically allowed by permit 2000-02033. The overage was discovered during final roadway design and reported to the Agencies as required by the permit conditions
6. During the above mentioned meetings concerns were raised regarding the lack of public notice of possible modifications to the mitigation and the agencies requested the NHDOT provide a public informational session to assess if there were other reasonable mitigation opportunities that the permittee may not be aware of while providing updates on the current estimates of jurisdictional impacts.
7. On July 28, 2009, the NHDOT held a public informational meeting to provide an opportunity for comment on the project and mitigation.
8. Effective Sept. 9, 2008, an existing permit which changes the footprint of the permitted fill or dredge area by 20 percent or more shall be deemed a new application subject to the provisions of RSA 482-A:3, I .
9. On Dec. 7, 2009, the NH DES Wetlands Bureau received a new application requesting a permit for the project.
10. As of February 19, 2010, there have been no comments submitted to the file.
11. NHDOT will implement appropriate best management practices to provide treatment of runoff throughout the project area.
12. The proposed alignment follows existing right of way, which minimizes wetland impacts in the project area.
13. Alternatives to the proposed roadway widening, including transportation system management, transportation demand management and other options were analyzed in the FEA (see original file and permit #2000-02293). It was determined that those options do not address the safety and capacity needs in the project area.
14. The proposed project is to provide for the safe and efficient flow of present and future traffic along the Spaulding Turnpike from Exit 12 to just north of Exit 16N in Rochester.
15. The current alignment balances environmental, social, and economic effects with transportation needs.
16. Best Management Practice's for treating stormwater runoff and erosion and sediment control will be followed during construction limiting impacts to water resources in the project area.
17. Forested and emergent marsh wetlands account for the majority of impacts to occur through the project.
18. The principal valuable functions of wetlands to be impacted by road construction include groundwater discharge, sediment stabilization and water quality treatment.
19. The selected alignment minimizes adverse impacts to wetlands, constructed 7.31 acres of wetlands, and preserves a total of 5048.1 acres of land at the City Concrete site near the Cochecho River along with preservation of land at the City owned Henderson parcel.
20. The payment to the ARM fund is specifically targeted to benefit the same type and functions of the wetlands and surface waters impacted by the project to be completed in the HUC 8 watershed.
21. Wetland impact avoidance and minimization measures that were followed during the project design and as outlined in the Draft FEA (see original file and permit #2000-02293) and was adequately addressed in the current application as required per Rule Wt 302.03.
22. It is the finding of the Department that the applicant has addressed all application requirements of Parts Env-Wt 301, 302, 800 and RSA 482-A.
23. A thorough review of potential mitigation sites for wetland creation was conducted that resulted in eleven sites that had the highest mitigation potential and that would adequately compensate for the proposed impacts.
24. The City Concrete mitigation area is in close proximity to the impact areas and the Cochecho River providing the potential for likely success of wetland creation.
25. NHDOT will provide improvements to existing bridge crossings of the Cochecho River and Axe Handle Brook in four locations to minimize impacts to wildlife movement as noted in the FEA, section 4.8.5 (see original file and permit #2000-02293).
26. The proposed mitigation shall compensate for the unavoidable impacts to wetlands, and the functions and values lost to the proposed project.
27. The proposed creation and preservation components are appropriate for the scope and degree of impacts that will result from the proposed project.
28. The proposed City Concrete mitigation site will be designed to replace floodwater storage, recreation, wildlife habitat, aesthetics, and groundwater recharge and discharge.
29. The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
30. The payment calculated for the proposed wetland loss equals \$1,235,319.12.
31. 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.

2010-00228 DANOSKI, MARK
BERLIN Unnamed Stream

Requested Action:

Temporarily impact 1,206 square feet of the bed and banks of Horne Brook (60 linear feet) for the installation of a municipal sewer line.

Conservation Commission/Staff Comments:

This project is associated with 2006-02310, 2009-1834.

APPROVE PERMIT:

Temporarily impact 1,206 square feet of the bed and banks of Horne Brook (60 linear feet) for the installation of a municipal sewer line.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce entitled City of Berlin, New Hampshire East Milan Road Gravity Collection System, Pumping Facilities and Force Main (Figure 2), as received by the Department on February 04, 2010 and the Construction Sequence revised February 23, 2010 as received by the Department on February 23, 2010.
2. Areas of temporary impact shall be restored to pre-construction conditions.
3. Native material removed from the streambed during water/sewer main installation, shall be stockpiled separately and used to restore the natural channel bottom.
4. Mulch within the restored temporary impact areas shall be straw.
5. Seed mix within the restored temporary impact areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
6. A post-construction report documenting the status of the restored temporary impact areas, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restored temporary impact areas 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.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
9. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
12. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

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

21. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

22. 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).

23. 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.

24. 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.

25. 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.

26. 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.

27. 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 major impact project per Administrative Rule Env-Wt 303.02(I), projects which, when taken in the aggregate with previous work within the last 5 years, would be considered major and per RSA 482-A:11,V. 2.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. Stream flow will be maintained during construction.
6. The City of Berlin obtained Sewer Pipe Line Easement from the affected landowner; and supplied a copy of the recorded easement (Book 1298PG0430).
7. The applicant requested an expedited review on February 18, 2010. The department granted an expedited review on February 19, 2010 in accordance with Department of Environmental Services Standard Operating Procedure, No. 201-Processing of Permit Applications.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, or the NH Natural Heritage Bureau.
9. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2006-03144 MANCHESTER HOUSING & REDEVELOPMENT CORPORATION
MANCHESTER Unnamed Wetland

Requested Action:

Amendment to correct findings letter and add a porous pavement condition to the permit.

Inspection Date: 05/07/2007 by William A Thomas, Cws

APPROVE AMENDMENT:

Dredge and fill 5,010 sq. ft. of wetlands (includes 184 liner feet of intermittent stream impacts) for access and lot grading for the first

phase of a 13 lot commercial development ("Northwest Business Park") on a 425 acre parcel. Work in wetlands for access and grading for lot 1 consists of the following: "Wetland Crossing #1" consisting of 318 sq. ft. of wetlands impact for installation of a 12 in. x 52 ft. RCP culvert with associated inlet and outlet protection, filling and grading, "Wetland Crossing #2" consisting of 448 sq. ft. of wetlands impact for installation of a 18 in. x 45 ft. RCP culvert associated inlet and outlet protection, filling and grading and 174 sq. ft. of wetlands impact for parking lot side slope grading; work in wetlands for access to lot 10 "Wetlands Crossing #3" consists of 4,070 sq. ft. of wetland impact for installation 36 in. x 30 ft. RCP culvert, associated inlet and outlet protection, filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Oest Associates, Inc., revision dated April 11, 2008, as received by DES on April 11, 2008 and revised plan sheets Drawing No. C-101 and C-102 revision dated June 25, 2008, DR-301 revision dated July 21, 2008, WL-2 titled "Overview of Vernal Pool & Wetland Protection Areas - 2" revision dated June 30, 2008, and wetland crossing sketch plans Sketch No: WL-1 through WL-3 date June 2008, and narratives by Gove Environmental Services, Inc., dated July 20, 2008, as received by DES on July 22, 2008 and Drawing No. WL-1 revision dated August 13, 2008 titled "Overview of Vernal Pool & Wetland Protection Areas - 1", as received by DES on August 15, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff and the United States Environmental Protection Agency ("USEPA") at the project site or at the DES Office in Concord, NH. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. All new roads and parking surfaces shall be constructed with porous pavement.
5. As required by the USEPA the final conservation easements and deed restrictions for the vernal pool and wetland protection/sensitive protection areas within the phase I development area as identified in the aforementioned plans shall be finalized prior to any construction and the areas identified in phase II of the future development shall be finalized prior to the expiration of the existing permit for phase I. The required information shall be submitted to and approved by the USEPA with copies of all approved information submitted to DES Wetlands Bureau File #2006-03144.
6. The boundaries of the vernal pool and wetland protection/sensitive protection areas shall marked in the field before the start of construction to prevent accidental encroachment and damage to these areas.
7. The project development shall comply with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
8. The existing pavement removal and restoration for the Sensitive Development Area ("SDA") located on lot 9 shall be completed before or during the start of development of any of the lots in the subdivision.
9. A qualified environmental professional shall monitor the site during construction to assure the project is constructed in accordance with the approved plans and SEPP agreement.
10. 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.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands or surface waters to prevent accidental encroachment.
13. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the proposed building lots contained in "Phase 1" of the subdivision.
14. The deed which accompanies the sales transaction for each of the 12 building lots in Phase 1 of the subdivision shall contain condition #13 of this approval.
15. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
16. 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.
17. There shall be no excavation or operation of construction equipment in flowing water.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. Proper headwalls shall be constructed within seven days of culvert installation.
21. 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.
22. 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.
23. 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.
24. 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).
25. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
26. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirms findings #1 through #34 and corrects finding #17.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On March 21, 2007, DES received comments from one resident of Manchester. The comments were in regards to concerns of negative impacts the development could have on the property and wetlands on the site and adjacent lands owned by The Nature Conservancy ("TNC") and the sensitive wetland communities existing on these lands and the development site.
6. The impacts to wetlands have been reduced from approximately 14,000 sq. ft. of impacts to 5,010 sq. ft. of wetlands impact.
7. The applicant has further investigated the stream impact area for the access road to lot-10 and has determined it is an intermittent stream.
8. The applicant has further minimize and avoided impacts to wetlands as demonstrated by the reduced wetlands impacts, innovative stormwater techniques proposed and as demonstrated by the findings included in this approval.
9. DES Staff conducted a field inspection of the proposed project on May 7, 2007. It was determined through the site inspection that the proposed wetland crossing areas appear to be much lower function and value drainage areas as compared to the well documented high functions and values of the remaining wetlands on and adjacent to the proposed development area.
10. The proposed wetland impact areas are not within any identified exemplary natural communities or areas identified to contain state or federally listed endangered or threatened species.
11. The applicant has identified a small Atlantic White Cedar and Black Gum swamp on lot-6. The applicant has voluntarily protected this area through a conservation easement on 5.6 acre area adjacent to TNC lands.
12. The applicant has been working with the United States Environmental Protection Agency ("USEPA") to protect the vernal pools on the 425 acre parcel.
13. A vernal pool survey was conducted by the applicant and partial survey by USEPA.
14. The applicant is providing 100 foot to 250 foot protection buffers on the vernal pools found to be significant.
15. The applicant has protected a total of 23.5 acres through deed restrictions and 47.5 acres through conservation easements. These areas include the buffers to two Sensitive Development Areas ("SDAs"), vernal pool buffers and protection of the newly identified White Cedar and Black Gum swamp on lot-6.
16. On March 30, 2007, DES received a comment and recommendation letter from TNC regarding the proposed development. TNC made several recommendations for the proposed project.
17. The applicant has revised the project to attempt to address the recommendations. The applicant has provided 100 foot buffers to

the SDAs on lots 8 and 9, utilizing porous pavement on all new road and parking surfaces within the project areas and have been working within the project engineer, DES Alteration of Terrain Program ("AOT") and the University of New Hampshire Stormwater Management Research Center to development a stormwater management plan that will protect water quality on and off the site.

18. The proposed vertical curbing has been removed from the project to reduce negative impacts to wildlife movement on the property.
19. The project development is contingent on compliance with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
20. This approval is contingent on approval by the DES AOT.
21. The project is being reviewed by AOT for compliance of the stormwater treatment and detention methods with the SEPP agreement.
22. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the conceptual layout for future phase section of Administrative Rule Env-Wt 304.09(c).
23. The proposed phase of this project is on approximately 103 acres of the 425 acre parcel.
24. The applicant has provided plans that depict and classify all existing wetlands and topography on the entire 425 acre parcel.
25. The applicant has provided all required plans for the current phase of the project.
26. The proposed project utilizes the previously constructed paved subdivision access. This access did not require any additional wetlands impacts.
27. The applicant has identified all vernal pools on the 425 acre parcel and has provided protection buffers from 100 to 250 feet on pools identified as significant.
28. The permit is contingent on additional permitting for any future impacts to wetlands or surface waters on the property.
29. The applicant has addressed and met the waiver criteria per Env-Wt 204.04.
30. Based on findings #23 through #29 the waiver request was approved.

Additional findings:

31. The request is a result of poor economic conditions and lack of interested buyers, which has delayed the public project.
32. The applicant had discussed the amendment request with DES before submitting and has received approval from the USEPA for the timeframe changes.
33. The proposed amendment doesn't result in any changes to wetlands or areas of concern.
34. The applicant has indicated that a wetlands permit time extension may be needed in the future. DES may consider this request in the future due to the environmentally sensitive areas on and adjacent to the site and the extensive design work that was completed to protect to these sensitive areas.

**2009-00969 NH DEPT OF TRANSPORTATION
COLEBROOK Unnamed Wetland**

Requested Action:

Amendment proposal to impact 65 square feet of wetlands for the installation of utility poles.

APPROVE AMENDMENT:

Dredge and fill 6,600 square feet of wetlands. Work in wetlands includes: temporarily impacting 6535 sq. ft. of wetlands for the construction of a water line from an existing well to a future pump station, and from future pump station to existing distribution system; and 65 square feet of permanent impacts for the installation of utility poles. All temporary impact areas will be restored to existing conditions.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers entitled Site Plan (sheet 2 of 24) as revised February 22, 2010 and received by the Department on March 01, 2010 and Water Main Plan to Well (sheet 3 of 24) as revised February 22, 2010 and received by the Department on March 01, 2010; Water Main Project (sheets 4 and 5 of 12) revised July 01, 2009, as received by the Department on July 17, 2009 and sheets 1, 9,10, 11 and 12 of 12 as received by the Department on May 15, 2009.
2. The Town of Colebrook shall obtain permission from affected landowners.
3. Temporary impacts areas shall be restored to existing conditions. These areas shall be monitored and remedial actions taken if

necessary. 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.

4. Mulch within the restoration area shall be straw.
5. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration 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.
7. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. All material removed during work activities shall be placed out of DES's jurisdiction.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. 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. 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.
16. 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.
17. 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.
18. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
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:

DES reaffirms findings 1 through 11 with additional findings.

1. This is a minor project per Administrative Rule Env-Wt 303.03(h) projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt-303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. All impact areas are temporary and will be restored to existing conditions.
5. The project is necessary because the town needs additional capacity for water distribution.
6. Project layout and installation by directional drilling has less impact than open trenching and more direct routes to the well.
7. This project is scheduled to receive funding through the American Recovery and Reinvestment Act.
8. NH Fish and Game commented that they do not expect impacts to the Northern Harrier as long all efforts to minimize impacts to

wet meadow are made.

9. NH Fish and Game requested to be contacted if Northern Harrier use of the project site becomes evident.
10. Project revisions removed impact area #1, moved impact area #2, and resulted in an increase in impact area #2.
11. No comments were submitted from the NH Natural Heritage Bureau or the Colebrook Conservation Commission.
12. On March 01, 2010 DES received a proposed amendment request.
13. The amendment is necessary for electric and communication service between the well and proposed pump station.

2009-01170 CONCORD, CITY OF
CONCORD Unnamed Wetland

Requested Action:

Proposal to fill approximately 9,950 sq. ft. of emergent wetlands for the construction of a public baseball field ("CNLL Little League Field") at Russell F. Martin Park.

Inspection Date: 11/18/2009 by William A Thomas, Cws

APPROVE PERMIT:

Fill approximately 9,950 sq. ft. of emergent wetlands for the construction of a public baseball field ("CNLL Little League Field") at Russell F. Martin Park.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC plan sheets 1, 2, 3, 4, 6, 7, 8, 9 and 10 of 10 revision date of June 3, 2009 and plan cover sheet and sheet 5 of 10 revision date of February 1, 2010 and narratives dated February 1, 2010, as received by DES on February 1, 2010.
2. The project engineer shall oversee construction to assure wetland impacts do not exceed 9,950 square feet as depicted on the approved plans.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
15. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The United States Environmental Protection Agency ("EPA") commented that the project is eligible for the New Hampshire State Programmatic General Permit ("SPGP").
6. The previous permit application File #2008-00300 was denied for an untimely response to the Request for More Information issued by DES.
7. The Concord Conservation Commission commented on file #2008-00300 suggesting reduction of parking to reduce wetlands impacts.
8. DES did not receive any comments regarding this submittal or additional information requested by DES.
9. DES Staff conducted a field inspection of the proposed project on November 18, 2009.
10. The proposed wetland impact area appears to be a historically mowed emergent wetland.
11. The applicant looked at five conceptual layouts for the new ball field.
12. The proposed alternative was chosen due to site constraints created by an adjacent area containing ledge, requirements to maintain open recreational trails and buffers, minimize wetland impacts and to keep the parking area as far from the wetlands as possible.
13. The surrounding site is an existing recreational facility.
14. The applicant has provided a stormwater treatment and detention area for the new development.

2009-01872 NH DEPT OF TRANSPORTATION
DUMMER Unnamed Wetland

Requested Action:

Amendment requested for the relocation of approximately 2,000 feet of NH Route 16 onto a new alignment impacting 20,524 sq. ft. of palustrine and riverine wetlands. Compensatory mitigation includes a one-time payment of \$30,708.68 into the ARM Fund.

Conservation Commission/Staff Comments:

Cons. Comm. has no objections

APPROVE AMENDMENT:

Amend permit for the relocation of approximately 2,000 feet of NH Route 16 onto a new alignment impacting 20,524 sq. ft. of palustrine and riverine wetlands. Compensatory mitigation includes a one-time payment of \$30,708.68 into the ARM Fund.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated August 12, 2009, (revision date unknown) as received by the Department on Sept. 3, 2009.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
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. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
11. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
15. Written permission from each property owner impacted by this project, whether temporary or permanent, shall be gained by the applicant prior to construction.
16. The existing ditches generally shown as wetland classification PEM1E are to be replaced adjacent to the relocated roadway.
17. This approval is contingent on receipt by DES of a one time payment of \$30,708.68 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
18. The pavement of the old alignment will be removed and the area (28,500 sq.ft.) will be revegetated with species native to the immediate area.
19. The stone lined slope along the new alignment will be covered with humus and seeded (41,000 sq.ft.).
20. The sloughed slope will be regraded and seeded (13,600 sq.ft.).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands and surface waters when considering that approximately 9,000 sq. ft. of jurisdictional drainage ditches will be relocated.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The new alignment moves the roadway a greater distance from the Androscoggin River. Approximately 750 linear feet of NH Route 16 is now located between 150 ft. and 250 ft. from the river instead of within the natural woodland buffer.
6. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
7. The payment calculated for the proposed jurisdictional loss equals \$30,708.68.
8. The payment into the ARM fund shall be deposited in the DES fund for the Upper Androscoggin River watershed per RSA 482-A:29.

Requested Action:

Construct a 3 ft x 30 ft permanent cantilevered dock on the existing tie off piles accessed by a 3 ft x 14 ft 2 in walkway from an existing 6 ft x 40 ft permanent dock in a "U" shaped configuration on an average of 162 ft on frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Construct a 3 ft x 30 ft permanent cantilevered dock on the existing tie off piles accessed by a 3 ft x 14 ft 2 in walkway from an existing 6 ft x 40 ft permanent dock in a "U" shaped configuration on an average of 162 ft on frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans, as received by DES on December 02, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit does not allow for any additional piles to support the docking structure.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of a docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
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 submitted photographs to support the request for a permanent docking structure in this location.
5. The applicant has an average of 162 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2010-00194 SILVER LAKE REALTY TRUST, DAVID & SYLVIA CULLINGTO
MADISON Silver Lake**

Requested Action:

Repair an existing 62 linear feet of retaining wall and stabilize 47 linear feet of bank in front of the wall with rip rap and live stake and joint planting on an average of 138 ft of frontage on Silver Lake, in Madison.

Conservation Commission/Staff Comments:

No comments received from Con Com by Feb 26, 2010

APPROVE PERMIT:

Repair an existing 62 linear feet of retaining wall and stabilize 47 linear feet of bank in front of the wall with rip rap and live stake and joint planting on an average of 138 ft of frontage on Silver Lake, in Madison.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated January 20, 2010, as received by DES on January 29, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Repairs shall maintain the size, location and configuration of the pre-existing structure.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done during low flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
8. Rip-rap shall be located landward of the shoreline at the normal high water.
9. Rip-rap shall be located above full lake elevation of 466.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 feet of shoreline.
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.

**2010-00215 CARROLL COUNTY COMMISSIONERS
OSSIPPEE Unnamed Wetland**

Requested Action:

Dredge and fill 16,357 sq. ft. of wet meadow for access and lot development for construction of replacement county nursing home facility within the existing Carroll County complex.

Approve as mitigation payment of \$48,534.45 to the Aquatic Resources Mitigation ("ARM") fund.

APPROVE PERMIT:

Dredge and fill 16,357 sq. ft. of wet meadow for access and lot development for construction of replacement county nursing home facility within the existing Carroll County complex.

Approve as mitigation payment of \$48,534.45 to the Aquatic Resources Mitigation ("ARM") fund.

With Conditions:

1. All work shall be in accordance with plans by EGA Architects and by White Mountain Survey Co. dated 1/29/2010, as received by DES on 2/9/2010.
3. This approval is contingent on receipt by DES of a one time payment of \$ 48,534.45 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.

7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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, 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. 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.
12. 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.
13. Silt fencing must be removed once the area is stabilized.
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).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate of in non-tidal wetlands that exceed the criterial of Env-Wt 303.04 (f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing nursing facility is substandard and a new facility is needed to serve the public need. The new facility needs to be within the existing County complex, and can not avoid the isolated wet meadow in the center of the necessary building location.
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. There is no way to avoid the wetland impact, and stay within the existing developed area of the County complex. The proposal impacts two isolated wet meadow areas of a mowed field, and avoids affecting larger, contiguous wetland areas.
4. The applicant has mitigated for the impacts in accordance with the requirements of Env-Wt 302.03, and Chapter Env-Wt 800, by providing an in-lieu fee payment to the Aquatic Resources Mitigation ("ARM") fund in the amount of \$48,534.45.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
6. The Ossipee Conservation Commission did not comment on the project.

MINIMUM IMPACT PROJECT

2009-01368 GALLANT, JEFFREY
EXETER Unnamed Wetland

Requested Action:

Retain 1,305 square feet of previously impacted palustrine forested wetlands to construct a driveway and install a 15-inch by 20-foot HDPE culvert to access an upland building site.

Conservation Commission/Staff Comments:

"The [Exeter] Conservation Commission voted to not support the application..." See findings.

Inspection Date: 01/05/2010 by Eben M Lewis

APPROVE AFTER THE FACT:

Retain 1,305 square feet of previously impacted palustrine forested wetlands to construct a driveway and install a 15-inch by 20-foot

HDPE culvert to access an upland building site.

With Conditions:

1. All work shall be in accordance with 'Detail Crossing Plan' by Landry Surveying, LLC dated 01/30/10, as received by DES on February 03, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. Jeffery Gallant (the "Applicant") is the owner of the property located at 46 Brentwood Road, Exeter more particularly described on Town of Exeter Tax Map 62 lot 59 (the "Property").
2. DES received a confidential complaint on June 22, 2009 alleging that the applicant disturbed jurisdictional wetlands on the Property.
3. DES records indicate that Wetlands Board Permit No. 1995-00264 had been issued for the Property on May 2, 1995 (the "Permit").
4. The Permit was approved to fill wetlands for access as a shared driveway to two (2) single family house lots.
5. The Permit contained specific condition #3: There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. DES personnel inspected the property on June 25, 2009. In summary, at least 1,000 square feet of palustrine forested wetland had been impacted as a result from heavy machinery entering the property to dig test pits for septic system placement.
7. On July 7, 2009, via USPS certified mail/return receipt DES issued Letter of Deficiency WET 09-021 (the "LoD") to that Applicant requesting the submittal of a restoration plan for the above-mentioned impacts by August 10, 2009.
8. USPS records indicate that the Applicant received the LoD on July 22, 2009.
9. DES received a letter dated September 4, 2009 from Marshall Law Office ("Marshall") who represents the Applicant. Marshall stated that the Applicant was not aware of the Permit nor was the applicant aware of condition #3 of the Permit. Marshall requested relief of condition #3 as the applicant wishes to retain the impacts to construct a driveway.
10. On November 2, 2009, via USPS certified mail/return receipt DES issued an Amended LoD to the Applicant requesting the submittal of restoration plan and a standard dredge and fill application to retain the impacts observed during the June 25, 2009 inspection by December 31, 2009.
11. On November 10, 2009, DES received the requested standard dredge and fill application (the "application") from the Applicant's agent, Landry Surveying, LLC (the "Agent"), requesting to retain the impacts for access. Landry did not submit a restoration plan as the proposed impacts included the previously impacted jurisdictional wetlands noted in the LoD.
12. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of palustrine forested wetland.
13. The impacts are necessary to obtain access to buildable upland; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
14. DES does not have jurisdiction of the residential use or speculated commercial use of the Property.
15. On November 17, 2009, DES received written correspondence from Guy Kayton and Anne Duncan of 50 Brentwood Road, more specifically referenced as Town of Exeter Tax Map 62 Lot 59. Mr. Kayton and Mrs. Duncan received notification of the application in accordance with RSA 482-A:3. Kayton and Duncan assert that the project will affect non-contiguous abutters pursuant to RSA 482-A:3 and request that all of the abutters who live downstream of the Property be notified.
16. DES finds those properties downstream of the unnamed, 2nd order stream do not qualify as non-contiguous abutters pursuant to RSA 482-A:3 and Env-Wt 101.02. This project does not directly effect this particular unnamed stream as the proposed impacts are greater than 130 feet away. Furthermore, these impacts will not impair the flood attenuation of the adjacent wetlands. Additionally,

- this project is not under the jurisdiction of RSA 493-B, the Comprehensive Shoreland Protection Act, as the stream is 2nd order.
17. On November 19, 2009, DES issued a "Notice of Administrative Completeness" letter to the applicant and their agent.
 18. On December 21, 2009 DES received a letter dated December 16, 2009 from the Exeter Conservation Commission (the "ECC") stating that the ECC "voted not to support the application for the following reasons:" a) the applicant has not provided clear evidence that the need cannot be accommodated another portion of the property yielding no impacts; b) the ECC feels that not all abutters were notified in accordance with Env-Wt 101.02; and, c) It is the ECC's "... strong opinion that the wetland therefore still warrants the same level of protection" as was required in Permit condition #3 on the 1995 permit.
 19. DES makes the following findings with respect to the aforementioned letter from the ECC: a) DES reaffirms finding #13 b) DES reaffirms finding #16; c) DES waives condition #3 of Permit No. 1995-00264, which is consistent with similar approved projects.
 20. On December 26, 2009, DES received an email from Mr. Kayton alerting DES that the Applicant had been cutting trees and shrubs on the Property within jurisdictional wetlands. Additionally, the Applicant burned large piles of brush within jurisdictional wetlands. Mr. Kayton also questioned the taxation of the cut timber.
 21. The applicant had contacted DES prior to commencing work and was informed that this work could be performed in accordance with Env-Wt 303.05(b). DES does not have jurisdiction over the volume of timber cut or timber taxation.
 22. DES personnel inspected the site again on January 5, 2010 and documented that trees and shrubs had been cut, but no stumping had occurred. Additionally DES noted that the 36- inch culvert beneath Brentwood Road may be undersized and cannot adequately handle larger storm events.
 23. DES finds that the no violations occurred on the Property while cutting trees per se, however, DES recommended the removal of stacked wood piles from within jurisdictional wetlands as soon as conditioned allowed.
 24. DES personnel inspected the site again on January 22, 2010 and observed that the wood piles noting during the January 5, 2010 inspection had been removed from within the jurisdictional wetland.
 25. On January 28, 2010, DES issued a "Request for More Information" via email to the agent to address questions and concerns that were found during the technical review of the application.
 26. On February 3, 2010, DES received revised plans and a letter that responded to the concerns raised in the DES "Request for More information" email.
 27. 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.
 28. 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.
 29. The DES has received numerous photographs depicting the Property under water during unusual storm conditions during the 100-year storm events of May 2007 and February 2010.
 30. The DES finds that the undersized culvert beneath Brentwood Road exacerbates the impoundment of water upstream of Brentwood Road, especially during major storms approaching or becoming 100-year storm events.
 31. The DES finds that this project proposal is reasonable for this location and that it is consistent with similar projects approved by the DES Wetlands Bureau.

**2009-02623 CS & G REVOC TRUST, ROBERT COLE SUCCESSOR TTE
PEMBROKE Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 788 sq. ft. of wetlands for expansion of an existing gravel mineral extraction and processing operation.

APPROVE PERMIT:

Dredge and fill 788 sq. ft. of wetlands for expansion of an existing gravel mineral extraction and processing operation.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc., last revision date of January 29, 2010, as received by DES on February 3, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The applicant or future lot owner(s) shall consult with the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program and New Hampshire Natural Heritage Bureau prior to restoration of disturbed areas and future development as described on approved plan sheet C-6, site notes #18 and #19.

4. The deed which accompanies the sales transaction for each of the applicable lots shall contain condition #3 of this approval.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. 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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. 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.
17. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
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. A majority of the project site is an approved and active mining/gravel operation.
6. The applicant has been working with the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFGD") due to the numerous endangered and threatened plant and wildlife species identified in the vicinity of the project area through the New Hampshire Natural Heritage Bureau ("NHB") review.
7. The applicant has addressed the NHFGD concerns and this approval is further conditioned for future coordination with NHFGD and NHB.
8. DES has not received any correspondence from the US Department of the Army Corps of Engineers ("ACOE") or US Environmental Protection Agency ("EPA").
9. DES has not received any public or municipal comments in objection to the proposed project.

2009-03001 **WILLIAMS, AB & LN**
WOLFEBORO **Unnamed Wetland**

Requested Action:

Proposal to impact 410 sq. ft. of wetlands for the construction of an elevated approximately 8 ft. wide x 45 ft. run (in wetlands) segmented wooden bridge crossing for recreational access (foot travel and tractor access to an existing barn).

Conservation Commission/Staff Comments:

1. The Conservation Commission did not sign the application, however, they did not submit any comments in objection to the proposed project.

APPROVE PERMIT:

Impact 410 sq. ft. of wetlands for the construction of an elevated approximately 8 ft. wide x 45 ft. run (in wetlands) segmented wooden bridge crossing for recreational access (foot travel and tractor access to an existing barn).

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated November 23, 2009, as received by DES on December 21, 2009.
2. There shall be no impacts to the stream banks or channel (i.e., segments and associated posts shall be installed to span these areas).
3. The bottom of the structure shall be a minimum of 1 ft. above the wetland surface.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.
12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

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

FORESTRY NOTIFICATION

2010-00175 HALL, JONATHAN & CHRISTINE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map 2, Lot# 25

2010-00333 HERTEL SR, VAN
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R2, Lot# 38

2010-00334 OLSON, DENNIS
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 5, Lot# 15

2010-00335 MANCHESTER WATER WORKS
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax Map 8, Lot# 39

2010-00336 PILLSBURY, SHANE
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 29, Lot# 818,425

2010-00337 SALTER, RICHARD
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 419, Lot# 8

OTHER BUSINESS

2009-02155 CENTER HARBOR-MULTIPLE OWNERS
CENTER HARBOR Prime Wetlands

Requested Action:
Proposal to accept five designated prime wetlands in the Town of Center Harbor.

OTHER:

Approve request by the Town of Center Harbor to accept designation of five prime wetlands consisting of the 18.5 acre Paquette Wetland Complex #52, 123.17 acre Hale Swamp #54-#55, 17.52 acre Leroux Wetland Complex #58a-d, 31.4 acre Hawkins Pond #79-#80 and 26.3 acre Johnson-Perkins Wetland Complex #87-#88.

With Findings:

1. Based on review of the Town of Center Harbor's Prime Wetlands Completion Project and associated mapping ("Report") by Ecosystem Management Consultants ("EMC"), dated May 2009, as received by DES September 4, 2009 and supplemental plan information from EMC, dated January 2010, as received by DES on February 4, 2010, DES Wetlands Bureau has determined that the report and associated maps identifying five wetlands as designated Prime Wetlands and the associated 100 buffer in the Town of Center Harbor comply with Administrative Rules Section Env-Wt 701, Criteria and Evaluation, and Part Env-Wt 702, Submission and RSA 482-A:15, and are therefore accepted.

EXPEDITED MINIMUM

2009-02979 WIDEN, ANDREW
RYE Tidal Buffer / Atlantic Ocean

Requested Action:

Temporarily impact 22 square feet within the previously developed 100-foot tidal buffer zone to excavate a 16-foot long by 16-inch wide trench for the installation of conduit for electrical service.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 22 square feet within the previously developed 100-foot tidal buffer zone to excavate a 16-foot long by 16-inch wide trench for the installation of conduit for electrical service.

With Conditions:

1. All work shall be in accordance with plans dated November 3, 2009, as received by DES on December 18, 2009.
2. DES southeast region 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. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated January 5, 2010 from the NH Natural Heritage Bureau ("NHB") identified several natural communities and two plant species within the vicinity of the proposed impacts.
6. DES finds that the natural communities and plant species noted in the NHB memo will not be adversely affected by this project as the temporary impacts occur within a landscaped flower garden.

2010-00148 WOLFEBORO, TOWN OF
WOLFEBORO Lake Winnepesaukee - Back Bay

Requested Action:

Install a 2 ft 5 inch x 10 ft seasonal dock connected to a 2 ft 5 inch x 20 ft seasonal dock in a "T" shaped configuration, install a 2 ft 5 inch x 4 ft concrete pad on 1605 ft of shoreline frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Min Exp Application

APPROVE PERMIT:

Install a 2 ft 5 inch x 10 ft seasonal dock connected to a 2 ft 5 inch x 20 ft seasonal dock in a "T" shaped configuration, install a 2 ft 5 inch x 4 ft concrete pad on 1605 ft of shoreline frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans dated April 07, 2009, as received by DES on January 29, 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 installation.
3. The dock shall be utilized indefinitely as a public access to Lake Winnepesaukee and shall not change in use.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 12 feet 5 inches from the shoreline at full lake elevation.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The proposed docking facility will provide a multi-use public access to Lake Winnepesaukee in accordance with a letter submitted in support of the dock from the Town Of Wolfeboro Director of Parks and Recreation.
3. The applicant has an average of 1605 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 22 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-00216 TARBELL, ESTATE OF DANIEL TARBELL
NEW CASTLE Piscataqua River

Requested Action:

Temporarily impact 549 square feet within the previously disturbed 100-foot tidal buffer zone to abandon the existing sewer line,

install a new septic tank and to connect to the Town of New Castle municipal water and sewer service.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 549 square feet within the previously disturbed 100-foot tidal buffer zone to abandon the existing sewer line, install a new septic tank and to connect to the Town of New Castle municipal water and sewer service.

With Conditions:

1. All work shall be in accordance with the Site and Utility Plan (Sheet C-2) by MSC, Inc. dated December 23, 2009, as received by DES on February 9, 2010.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Area shall be regraded to original contours following completion of work.
6. 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.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
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 3:1.1.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

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

GOLD DREDGE

2010-00270 SICELY, SANDRA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc Bath ConCom

2010-00272 SICELY, JOSEPH
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2010-00332 WADE, ERIC & BRANDY
KINGSTON Pow Wow Pond

COMPLETE NOTIFICATION:
Kingston Tax Map R26, Lot# 26 Pow Wow Pond

PERMIT BY NOTIFICATION

2009-02988 DERRY JR, ERNEST
WAKEFIELD Lovell Lake

Requested Action:
Repair existing retaining wall.

Conservation Commission/Staff Comments:
Con Com did not sign PBN form

PBN DISQUALIFIED:
Repair existing retaining wall.

With Findings:
Applicant did not submit requested information to include plans of proposed work.

2010-00261 PORTSMOUTH DPW, CITY OF
PORTSMOUTH Sagamore Creek

Requested Action:
Temporarily impact a total of approximately 5,500 sq. ft. in the developed upland tidal buffer zone for staging areas at either end of the Sagamore bridge to conduct repair work on the structure.

PBN IS COMPLETE:
Temporarily impact a total of approximately 5,500 sq. ft. in the developed upland tidal buffer zone for staging areas at either end of

the Sagamore bridge to conduct repair work on the structure.

CSPA PERMIT

2009-01600 LANDRY, JOSEPH
AUBURN Lake Massabesic

Requested Action:

Impact 548 sq ft for the installation of an above ground swimming pool with deck.

APPROVE PERMIT:

Impact 548 sq ft for the installation of an above ground swimming pool with deck.

With Conditions:

1. All work shall be in accordance with plans by Joseph Landry dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 27, 2009.
2. No more than 2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00218 BROWN, FRANK
WASHINGTON Ashuelot Pond

Requested Action:

Impact 1,568 sq.ft. Remove existing structure and replace with 1 story cape. Excavate a 20ft x36ft cellar hole, drill an artesian well within the waterfront buffer and replace existing septic tank.

APPROVE PERMIT:

Impact 1,568 sq.ft. Remove existing structure and replace with 1 story cape. Excavate a 20ft x36ft cellar hole, drill an artesian well within the waterfront buffer and replace existing septic tank.

With Conditions:

1. All work shall be in accordance with plans by Frank Brown dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 10, 2010.
2. No more than 9.6% 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 N/A 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.

**2010-00236 MCELROY, MICHAEL/ROSEMARY
SUTTON Blaisdell Lake**

Requested Action:

Impact 2421.18 sq.ft. Constructing terraces to lesson steep slop of site and an infiltration basin under a permeable stone patio. As well as a path system to boat house with native plantings.

APPROVE PERMIT:

Impact 2,421 sq ft to construct terraces to lesson steep slop of site and an infiltration basin under a permeable stone patio. As well as a path system to boat house with native plantings.

With Conditions:

1. All work shall be in accordance with plans by db Landscaping LLC dated December 1, 2009 and received by the Department of Environmental Services ("DES") on February 11, 2010.
2. No more than 9.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,125 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 394 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.

**2010-00239 CANOBIE LAKE PARK CORP
SALEM Canobie Lake**

Requested Action:

Impact 132 sq ft for the installation of CIPP pipe lining requiring the excavation of four trench holes.

APPROVE PERMIT:

Impact 132 sq ft for the installation of CIPP pipe lining requiring the excavation of four trench holes.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated February 10, 2010 and received by the Department of Environmental Services ("DES") on February 12, 2010.
2. No more than 35.43% 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 20,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 64,012 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.

2010-00242 NH DEPT OF TRANSPORTATION
DUMMER Androscoggin River

Requested Action:

Impact 109,673 sq ft within protected shorelands along the Androscoggin River to repair 120 ft slope failure.

APPROVE PERMIT:

Impact 109,673 sq ft within protected shorelands along the Androscoggin River to repair 120 ft slope failure.

With Conditions:

1. All work shall be in accordance with plans by NH DOT dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 11, 2010.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. 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.
7. 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.
8. Silt fencing must be removed once the area is stabilized.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. All work within the banks of the Androscoggin River shall only be conducted as approved by the Wetlands Bureau in accordance with RSA 482-A.

2010-00245 GRIFFIN FAMILY TRUST
RYE Parson Creek

Requested Action:

Impact 225 sq ft to construct leaching catch basin in existing driveway.

APPROVE PERMIT:

Impact 225 sq ft to construct leaching catch basin in existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering Inc. dated February 9, 2010 and received by the Department of Environmental Services ("DES") on February 12, 2010.
2. No more than 36.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00250 HASKELL, GEORGE
ALTON Winnepesaukee

Requested Action:

Impact 140 sq ft to construct of a 10ft x14ft addition with one cement pier.

APPROVE PERMIT:

Impact 140 sq ft to construct of a 10ft x14ft addition with one cement pier.

With Conditions:

1. All work shall be in accordance with plans by Andrew J. O'Shaughnessy/Hawkeye Woodwrights dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 12, 2010.
2. No more than 20.69% 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 3,175 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,175 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.

2010-00256 HARE, DOROTHY/J PETER
MOULTONBOROUGH Winnipiesaukee

Requested Action:
 Impact 1,500 sq.ft. Close in existing porch and pour frost wall beneath it.

APPROVE PERMIT:
 Impact 1,500 sq.ft. Close in existing porch and pour frost wall beneath it.

- With Conditions:
- 1. All work shall be in accordance with plans by Paul H. Bourbeau dated October 3, 2009 and received by the Department of Environmental Services ("DES") on February 16, 2010.
 - 2. No more than 19.13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 - 3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
 - 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 - 5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
 - 6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
 - 7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00257 HARE, DOROTHY/J PETER
MOULTONBOROUGH Winnipiesaukee

Requested Action:
 Impact 750 sq.ft. Expand living room and add screen porch.

APPROVE PERMIT:
 Impact 750 sq.ft. Expand living room and add screen porch.

- With Conditions:
- 1. All work shall be in accordance with plans by Paul H. Bourbeau dated October 2, 2009 and received by the Department of Environmental Services ("DES") on February 16, 2010.
 - 2. No more than 19.13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 - 3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
 - 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 - 5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

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

2010-00258 LEONARD, C KEVIN/ELIZABETH
BARNSTEAD Lower Suncook Lake

Requested Action:

Impact 4,186 sq ft to demolish existing structure and rebuild with same dimensions, adding a porch and 6 ft path toward the reference line.

APPROVE PERMIT:

Impact 4,186 sq ft to demolish existing structure and rebuild with same dimensions, adding a porch and 6 ft path toward the reference line.

With Conditions:

- 1. All work shall be in accordance with plans by Varney Engineering, LLC dated February 3, 2010 and received by the Department of Environmental Services ("DES") on February 16, 2010.
- 2. No more than 14.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. The project as proposed will leave approximately 1,181 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,228 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.

2010-00267 WENTWORTH, TOWN OF
WENTWORTH Baker River

Requested Action:

Impact 16493 sq.ft. Bridge deck replacement and resurfacing of the roadway with asphalt pavement.

APPROVE PERMIT:

Impact 16493 sq.ft. Bridge deck replacement and resurfacing of the roadway with asphalt pavement.

With Conditions:

- 1. All work shall be in accordance with plans by DuBoise & King Inc. dated December 1, 2009 and received by the Department of Environmental Services ("DES") on February 16, 2010.
- 2. 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.
- 3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
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.
9. This permit is contingent on the approval and conditions of the Wetlands permit per RSA 482-A.

2010-00275 RUSSMAN, JEREMY
EXETER Exeter River

Requested Action:

Impact 14,000 sq.ft. Construct a new dwelling with septic system, well and driveway.

APPROVE PERMIT:

Impact 14,000 sq.ft. Construct a new dwelling with septic system, well and driveway.

With Conditions:

1. All work shall be in accordance with plans by Jeremy D. Russman dated January 14, 2010 and received by the Department of Environmental Services ("DES") on February 17, 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 4.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 18,179 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 18,179 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.

2010-00312 DOLAN, JAMES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1,529 sq ft to remove upper bluestone patio and to restore natural landscaping and reduce lower patio to 6 feet in width to bring the site into compliance.

APPROVE PERMIT:

Impact 1,529 sq ft to remove upper bluestone patio and to restore natural landscaping and reduce lower patio to 6 feet in width to

bring the site into compliance.

With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying dated January 1, 2010 and received by the Department of Environmental Services ("DES") on February 19, 2010.
2. No more than 18.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,832 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,971 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2009-02595 BORNSTEIN/ D'AVELLA, HENRY & LAUREN
MILTON North East Pond

Requested Action:

Impact 2154.5 sq ft for the purpose of constructing a new patio, stairs and retaining wall.

Conservation Commission/Staff Comments:

See related enforcemnt file #09-2595.

DENY PERMIT:

Impact 2154.5 sq ft for the purpose of constructing a new patio, stairs and retaining wall.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:9 (V)(g)(1), "Subject to subparagraph (2), no more than 30% of the area of the lot located within the protected shoreland shall be composed of impervious surfaces."
3. In accordance with Administrative Rule Env-Wq 1409.02, "The department shall approve a request for a variance under RSA 483-B:9, (V)(i) upon finding that the proposal is adequate to ensure that the intent of RSA 483-B is met and the criteria for granting a variance under RSA 674:33 has been met."
4. In accordance with RSA 483-B:4, II, "Accessory structure" means a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings.

5. Pursuant to Rule Env-Ws 1405.04, Setback for Accessory Structures, as originally adopted November 20, 1996, "All accessory structures built after November 26, 1996 shall be set back at least 20 feet from the reference line." On July 1, 2008, the designation of this rule became Env-Wq 1405.04. The 20 ft setback currently remains in effect.

Findings of Fact

1. The applicant is the owner of a lot located within the protected shoreland of Northeast Pond, more particularly identified as Milton tax map 12, lot 65 (the Property).
2. On January 10, 2010, the Department of Environmental Services received an "after the fact" permit application to impact 2,154.5 square feet of the protected shoreland to construct a new patio, stairs and retaining walls.
3. Prior to construction, the area of the lot within the protected shoreland composed of impervious surfaces was 36.6%.
4. The shoreland permit application received January 10, 2010, included a variance of RSA 483-B:9 (V)(g)(1) to increase the existing impervious area from 36.6% to 47.8%.
5. The constructed patio is located immediately adjacent to the reference line and thus does not meet the Accessory Structure setback established in Env-Wq 1405.04.

Ruling in Support of the Decision

1. The issuance of variance to increase the impervious area of the lot within the protected shoreland from 36.6% to 47.8% % would be contrary to the spirit of RSA 483-B and does not meet the criteria to grant a variance in accordance with RSA 674:33, I(b), and therefore, the requested variance of RSA 483-B:9 (V)(g)(1), is denied.
2. The issuance of a variance to increase the impervious area of the lot within the protected shoreland from 36.6% to 47.8% would not be permissible under RSA 483-B:9 (V)(g)(1), and would not be consistent with the intent and purpose of the RSA 483-B and, therefore, is prohibited by RSA 483-B:3, "Consistency Required" .
3. The proposed accessory structures within the waterfront buffer fail to meet the setback requirements of Env-Wq 1405.04 established under RSA 483-B:17. Therefore, in accordance with RSA 483-B:3, the application to retain the accessory structures is denied.

CSPA PERMIT W/WAIVER

**2009-02496 PRAWDZIK, DAN
NELSON Lake Nubanusit**

Requested Action:

Impact 850 sq ft for the purpose of installing a gravel and concrete plank boat ramp.

Conservation Commission/Staff Comments:

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DENY PERMIT:

Impact 850 sq ft for the purpose of installing a gravel and concrete plank boat ramp.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:6 (I)(b), Other Required Permits and Approvals, "Within the protected shoreland, any person intending

to: Construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A.

Findings of Fact

1. The applicant is the owner of a lot located within the protected shoreland of Lake Nubanusit, more particularly identified as Nelson tax map 1, lot 43 (the Property).
2. On October 13, 2009, the Department of Environmental Services received a complaint via a Land Resource Management Program Complaint Form pertaining to a boat launch constructed without appropriate DES approvals.
3. On December 16, 2009, the Department of Environmental Services received an "After the Fact" shoreland impact permit application to impact 850 sq ft for the purpose of constructing a gravel and concrete plank boat ramp.
4. The applicant is the owner of an adjacent lot located within the protected shoreland of Lake Nubanusit, more particularly identified as tax map 1, lot 44.
5. The construction of the ramp included impacts to the banks and lakebed of Lake Nubanusit which require a permit from the Wetlands Bureau under RSA 482-A. To date, no wetlands permit application for these impacts has been received for these impacts.

Ruling in Support of the Decision

1. The issuance of a shoreland impact permit to construct a boat ramp would not be consistent with the intent and purpose of RSA 483-B and, therefore, is prohibited by RSA 483-B:3, "Consistency Required".
2. The Applicant has failed to obtain a permit for the impacts to areas under the jurisdiction of the Wetlands Bureau as required per RSA 482-A and RSA 483-B:6, and therefore, in accordance with RSA 483-B:3, the application to retain the structures is denied.

2009-02747 POMEROY, BEN
MADISON Silver Lake

Requested Action:

Impact 4,500 sq ft for the purpose of razing an existing structure and constructing a new primary structure and installing a new septic system.

DENY PERMIT:

Impact 4,500 sq ft for the purpose of razing an existing structure and constructing a new primary structure and installing a new septic system.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:9 (e)(3), Minimum Lots and Non-Residential Development, "No lot having frontage on public waters, shall be created with less than 150 feet of shoreland frontage."

Findings of Fact

1. The applicant is the owner of a lot located within the protected shoreland of Silver Lake, more particularly identified as Unit 1, tax map 125, lot 3 (the Property).
2. On November 19, 2009 the Department of Environmental Services received an application to impact 4,500 square feet of the protected shorelands to construct a single family dwelling on the property.
3. On May 27, 2009, the Department of Environmental Service's Subsurface Systems Bureau received an application to create 3 sub lots out of parent land parcel identified as Town of Madison, Tax Map 125, Lot 3.
4. On August 18, 2009, an Approval tor Subdivision (SA 2009009138) was issued for the creation of 3 individual sub lots within parent lot identified as Town of Madison, Tax Map 125, Lot 3.

5. Each individual sub lot created within Subdivison Approval (SA 2009009138) was created with less than 150 feet of shoreland frontage.

Ruling in Support of the Decision

1. The project as proposed would be conducted on a sub lot created with less shoreland frontage than that permissible under RSA 483-B:9(V)(e)(3) and, therefore, pursuant to RSA 483-B:3, the application for a shoreland impact permit is denied.

UTILITY NOTIFICATION

2010-00280 PSNH
ASHLAND Unnamed Wetland

2010-00281 PSNH
BOW Unnamed Stream Unnames Wetlands

2010-00282 PSNH
NEW HAMPTON Unnamed Wetland

2010-00283 PSNH
HOOKSETT Unnamed Wetland Unnamed Wetlands

2010-00284 PSNH
CAMPTON Unnamed Stream

2010-00285 PSNH
HOLDERNESS Unnamed Wetland

2010-00286 PSNH
MANCHESTER Unnamed Stream

2010-00295 **GRANITE STATE ELECTRIC COMPANY, DBA NATIONAL GRID**
SALEM **Unnamed Wetland**

2010-00296 **PSNH**
BARRINGTON **Unnamed Wetland**

2010-00298 **PSNH**
BEDFORD **Unnamed Stream Unnamed Wetlands**

2010-00299 **PSNH**
BERLIN **Unnamed Stream Unnamed Wetlands**

2010-00327 **PSNH**
BETHLEHEM **Unnamed Stream Unnamed Wetland**

2010-00328 **PSNH**
BRADFORD **Unnamed Stream Unnamed Wetland**

2010-00329 **PSNH**
CANTERBURY **Unnamed Stream Unnamed Wetlands**

2010-00330 **PSNH**
CENTER HARBOR **Unnamed Stream Unnamed Wetlands**

2010-00340 **PSNH**
CHICHESTER **Unnamed Stream Unnamed Wetlands**

2010-00341 **PSNH**
CONCORD Unnamed Stream Unnamed Wetland

2010-00342 **PSNH**
DALTON Unnamed Stream Unnamed Wetland

2010-00343 **PSNH**
DEERFIELD Unnamed Stream Unnamed Wetland

2010-00344 **PSNH**
DEERING Unnamed Stream Unnamed Wetland

2010-00345 **PSNH**
DERRY Unnamed Stream Unnamed Wetland

2010-00346 **PSNH**
DOVER Unnamed Stream Unnamed Wetland

2010-00347 **PSNH**
DUMMER Unnamed Stream Unnamed Wetland

2010-00348 **PSNH**
DUNBARTON Unnamed Stream Unnamed Wetland

- 2010-00349** **PSNH**
DURHAM Unnamed Stream Unnamed Wetland

- 2010-00350** **PSNH**
EASTON Unnamed Stream Unnamed Wetland

- 2010-00351** **PSNH**
EPPING Unnamed Stream Unnamed Wetland

- 2010-00352** **PSNH**
EPSOM Unnamed Stream Unnamed Wetland

- 2010-00353** **PSNH**
GILFORD Unnamed Stream Unnamed Wetland

- 2010-00354** **PSNH**
GOFFSTOWN Unnamed Stream Unnamed Wetland

- 2010-00355** **PSNH**
GORHAM Unnamed Stream Unnamed Wetland

- 2010-00356** **PSNH**
GREENLAND Unnamed Stream Unnamed Wetland

- 2010-00357** **PSNH**
GREENVILLE Unnamed Stream Unnamed Wetland

2010-00358

PSNH

HAMPTON Unnamed Stream Unnamed Wetland