

# Wetlands Bureau Decision Report

Decisions Taken  
03/29/2010 to 04/04/2010

## **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 George "Chip" Kimball, 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**

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**2008-00909                      BETHLEHEM, TOWN OF  
BETHLEHEM   Unnamed Wetland**

Requested Action:

After-the-fact proposal to retain 23,560 sq. ft. of wetlands fill for an expansion of the storage/parking area at the existing Bethlehem Town Garage.

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APPROVE PERMIT:

After-the-fact approval to retain 28,020 sq. ft. of wetlands fill and restore 7,980 sq. ft. of wetlands for expansion of the storage/parking area at the existing Bethlehem Town Garage. Compensatory mitigation for wetland impacts consists of an approximately 43 acre upland buffer preservation area.

With Conditions:

1. All work shall be in accordance with plans and narratives by Horizon Engineering, Inc. and Lobdell Associates, Inc., plan dated January 2010, narratives dated March 1, 2010, as received by DES on March 3, 2010.
2. This permit is contingent on approval by the DES Waste Management Bureau.
3. This permit is contingent on approval by United States Environmental Protection Agency ("EPA") of the proposed compensatory mitigation.
4. This permit is contingent on approval by the DES Wetlands Bureau Compliance Section and completion of all required wetlands restoration activities by October 1, 2010 (including finalization/compliance with any pending fines or orders).
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. This permit shall not be effective until it has been recorded with the Grafton 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.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. 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.
13. 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.
14. 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.
15. 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).
16. 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.
17. All refueling of equipment shall occur outside of surface waters or wetlands.

Compensatory Mitigation

Upland Buffer/Wetlands preservation:

18. This permit is contingent on receipt and approval by DES of the final conservation easement language and plan by June 1, 2010.

19. This permit is contingent upon the execution of a conservation easement on approximately 43 acres as depicted on plans received March 3, 2010 (or final plans per condition #18).
20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
21. The final plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
22. 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.
23. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
24. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
25. 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.
26. 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 nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
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 project is an ongoing enforcement case for fill placed in a wetland without a permit from the DES Wetlands Bureau or DES Waste Management Bureau.
6. This approval is contingent on approval by the Wetlands Bureau Compliance Section and DES Waste Management Bureau.
7. DES has received correspondence from the United States Army Corps of Engineers ("ACOE") indicating the project is ineligible for the New Hampshire State Programmatic General Permit ("SPGP"). The reason for this decision was due to comments from the United States Environmental Protection Agency ("EPA") regarding the proposed mitigation.
8. The applicant has increased the size of the proposed mitigation area.
9. The Ammonoosuc Conservation Trust ("ACT") has indicated they are considering holding the proposed conservation easement.
10. ACT has estimated a required stewardship and legal defense fund for the mitigation property of approximately \$16,500.00.
11. The Town has agreed to pay required fee/fund.
12. DES has not received confirmation from the EPA or ACOE that the mitigation changes now make the project eligible for the SPGP.
13. The permit is contingent on approval by the EPA.
14. The proposed 43 acre (approximately) compensatory mitigation area (upland buffer preservation) exceeds the area required by DES for the wetland impacts.
15. DES has not received any comments in objection to the proposed project.
16. 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 palustrine resource, as identified under RSA 482-A:1.1.

**2008-01219                      NEW ENGLAND DRAGWAY**  
**EPPING   Fresh River**

Requested Action:

Retain 49,271 sq. ft. of fill in a palustrine forested wetland for parking and appurtenant structures, restore 43,568 sq. ft. of

previously filled forested wetland, remedial water quality improvements, and place 37.35 acres of land into conservation along the Fresh River as mitigation.

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Conservation Commission/Staff Comments:

The [Brentwood] Conservation Commission (the "BCC") stated, "In general, we [the BCC] are satisfied with the proposed wetland restoration and conservation easement along the Fresh River as mitigation for the earlier unauthorized wetland impacts."

Inspection Date: 06/05/2008 by David A Price

Inspection Date: 05/13/2009 by Eben M Lewis

APPROVE AFTER THE FACT:

Retain 49,271 sq. ft. of fill in a palustrine forested wetland for parking and appurtenant structures, restore 43,568 sq. ft. of previously filled forested wetland, remedial water quality improvements, and place 37.35 acres of land into conservation along the Fresh River as mitigation.

With Conditions:

1. All work shall be in accordance with the following plans by Jones & Beach Engineers, Inc.:
  - a.) 'Site Plan' (Sheet 3 of 7) dated 9/11/08 and revised 10-17-08, as received by DES on December 1, 2008; and,
  - b.) 'Remedial Water Quality Improvements' materials and plans dated June 16, 2009 as received by DES on June 19, 2009.
2. This approval is contingent upon the successful restoration of 43,568 sq. ft. forested wetland.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
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/or further permitting by the Bureau.
5. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Work shall be done during seasonal low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. 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.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 37.35 acres as depicted on plans received December 1, 2008.
2. The conservation easement to be placed on the preservation area 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 Rockingham Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
5. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
6. 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.
7. 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. New England Dragway (the "Applicant") is the owner of the property located at 230 Exeter Road, Epping more particularly described on Town of Brentwood Tax Maps 38/39 & 203 lots 28/1/2/4/5 & 30/32/33 (the "Property").
2. DES received a complaint on April 15, 2008 alleging that the applicant disturbed jurisdictional wetlands on the Property.

3. DES personnel inspected the property on June 5, 2008. In summary, DES found that the applicant disturbed an area in excess of 100,000 sq. ft. to construct a parking lot without an Alteration of Terrain Permit in accordance with RSA 485-A:17 and there was sufficient evidence indicating that wetlands were filled to construct the same parking lot without a Wetlands Permit in accordance with RSA 482-A.
4. On July 9, 2008, via USPS certified mail/return receipt DES issued Letter of Deficiency LRM 08-010 (the "LoD") to that Applicant requesting the submittal of an after-the-fact Alteration of Terrain application and an after-the-fact Standard Dredge and Fill application within 30 days of the date of the LoD.
5. USPS records indicate that the Applicant received the LoD on July 10, 2009.
6. On December 8, 2008, DES issued a "Notice of Administrative Completeness" letter to the applicant and their agent.
7. On December 26, 2008 DES received a letter dated December 23, 2008 from Brentwood Conservation Commission (the "BCC") stating that the BCC is "satisfied with the proposed wetland restoration and conservation easement along the Fresh River as mitigation..." Additionally, the BCC raised other concerns that were forwarded to the applicant's agent.
8. On February 20, 2009, 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.
9. On April 20, 2009, DES received a letter that responded to the concerns raised in the DES "Request for More information" email and addressed the concerns raised by the BCC .
10. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate;
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 12. 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.
13. 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.
14. DES Staff conducted a field inspection of the proposed project on May 13, 2009. Field inspection determined that the plans accurately reflect the proposed restoration areas, the proposed areas to be retained, and the acreage offered as mitigation.
15. 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 palustrine and riverine resource, as identified under RSA 482-A:1.
16. DES received a memo from the NH Natural Heritage Bureau (the "NHB") dated 11/28/2008 (the "Memo") identified one rare vertebrate species, Wood Turtle (*Glyptemys insculpta*), within the vicinity of the project.
17. DES finds that the aforementioned species in the NHB memo will not be affected by this project. Ultimately, this project serves to protect the Wood Turtles habitat.
18. On December 1, 2009, DES received a completed "NH DES Preliminary Mitigation Agreement Form" (the "form") from the application for upland buffer preservation. DES staff signed the form signifying that the mitigation package had been completed in accordance with Env-Wt 501.06 and Env-Wt 800.

**2009-02366                      BERLIN, CITY OF**  
**BERLIN   Unnamed Wetland**

**Requested Action:**

Dredge and fill 28,165 square feet of wetlands, including 381 linear feet of an intermittent stream, for the construction of an access road and a biomass power plant.

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**Conservation Commission/Staff Comments:**

ARM Fund payment as mitigation.

**APPROVE PERMIT:**

Dredge and fill 28,165 square feet of wetlands, including 381 linear feet of an intermittent stream, for the construction of an access road and a biomass power plant. Compensatory Mitigation for the wetlands impacts is in the form of a one time payment of \$76,410 to the DES Aquatic Resource Mitigation (ARM) Fund.

**With Conditions:**

1. All work shall be in accordance with plans by Golde Planning & Design, Inc. entitled: Grading and Drainage Plane (DWG 4) dated May 30, 2009 and revised through February 18, 2010 as received by DES February 24, 2010; Erosion Control Notes (DWG C12) dated May 30, 2009 as received by DES October 06, 2009; and Wetland Impact Area A (DWG WI-2), Wetland Impact Area B, C & D (DWG WI-3), Wetland Impact Area E & F (DWG WI-4) dated July 10, 2010 as received by DES October 06, 2009.
2. This approval is contingent on receipt by DES of a one time payment of \$76,410 to the DES Aquatic Resource Mitigation (ARM) Fund.
3. The total payment (\$76,410) or only the administrative fee (\$3,078.41) shall be received by DES within 120 days of the date of the approval letter or the application shall be denied.
4. The total payment (\$76,410) or remainder of the payment (\$73,331.59) shall be received by DES within two years of this approval and prior to the blasting of any material.
5. No wetland impacts shall occur prior to DES receiving the ARM fund payment.
6. This approval is contingent on approval by the DES Alteration of Terrain Bureau.
7. 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.
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.
9. Culverts shall be laid at original grade.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. 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.
14. 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.
15. 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).
16. 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.
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 Major Project per NH Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
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. Proximity to Berlin Waste Water Treatment Plant is critical to this renewable energy project. Grey water from the existing waste water treatment plant will be used by the proposed power plant as makeup water for the generation of steam.
6. The applicant attempted to purchase additional lands adjacent to the Berlin Waste Water Treatment Plant, but the landowner was not interested.
7. The New Hampshire Natural Heritage Bureau "NHB" has identified the state threatened bald eagle and the state endangered common nighthawk near the project site.
8. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program provided comments stating that it does not expect impacts to bald eagle or common nighthawk as a result of the project and requested that the applicant provide the tree species composition and d.b.h. for trees to be removed along the 50 ft. buffer to the Androscoggin River, a known wintering area for bald eagle.

9. There are no impacts proposed within fifty feet of the Androscoggin River.
10. The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
11. The payment calculated for the proposed wetland loss equals \$76,410.
12. On March 15, 2010 the applicant provided a waiver request per Env-Wt 204.03, to waive paying the full amount of the in-lieu fee payment within 120 days of the date of the notice as required by Env-Wt 806.05(b).
13. The administrative fee (\$3,078.41) shall be paid within 120 days of the date of this letter.
14. The full amount of the in-lieu fee payment (\$76,410) shall be received by DES prior to blasting of material, and within two years of the date of this approval letter or the application will be denied.
15. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 806.05(b).
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
17. The Department decision is issued in letter form and upon receipt of the full ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
18. The payment shall be deposited in the DES ARM fund for the Upper Androscoggin River watershed per RSA 482-A:29.
19. 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 wetland resources, as identified under RSA 482-A:1.

**2009-03026                      ROSS, DOUGLAS**  
**NEWINGTON Little Bay**

Requested Action:

Construct a tidal dock structure, including a 6' x 52' permanent pier, connecting to a 3' x 45' ramp, connecting to a 10' x 20' float, over all structure length 112', providing two slips on 210' of frontage on Little Bay.

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Inspection Date: 03/17/2010 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal dock structure, including a 6' x 52' permanent pier, connecting to a 3' x 45' ramp, connecting to a 10' x 20' float, over all structure length 112', providing two slips on 210' of frontage on Little Bay.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 12/8/2009, as received by the Department on 12/24/2009.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. 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.
6. Construction of this tidal dock structure, including a 6' x 52' permanent pier, connecting to a 3' x 45' ramp, connecting to a 10' x 20' float, over all structure length 112', providing two slips on 210' of frontage on Little Bay, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on Little Bay at this location and is consistent with docks approved in the vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Per comments from NH Fish and Game Department dated 12/18/2009, osprey and bald eagles are not expected to be affected by the construction of this dock. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 1/11/2010; and the dock is located greater than 20 feet off the abutting property lines.
5. The Newington Conservation Commission did not report.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on 3/17/2010 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2010-00220                      KENEPP, DAVID & ELLEN KEEFE**  
**NEWMARKET    Lamprey River**

Requested Action:

Construct a tidal dock structure, including a 4' x 22' permanent pier, connecting to a 3' x 20' ramp, connecting to a 10' x 20' float, over all structure length 50', providing one slip on 303' of frontage on the Lamprey River.

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APPROVE PERMIT:

Construct a tidal dock structure, including a 4' x 22' permanent pier, connecting to a 3' x 20' ramp, connecting to a 10' x 20' float, over all structure length 50', providing one slip on 303' of frontage on the Lamprey River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 1/15/2010, as received by the Department on 2/2/2010.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. 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.
6. Construction of this tidal dock structure, including a 2' x 22' permanent pier, connecting to a 3' x 20' ramp, connecting to a 10' x 20' float, over all structure length 50', providing one slips on 303' of frontage on the Lamprey River, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently a substandard, deteriorated docking structure on the property that will be replaced by the new, conforming structure to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Lamprey River at this location and is consistent with docks approved in the vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Per comments from NH Natural Heritage Bureau dated 1/22/2010, reported community and plant species of concern are not expected to be affected by the construction of this dock. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 2/19/2010; and the dock is located greater than 20 feet off the abutting property lines.
5. The Newmarket Conservation Commission did not report.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on 3/31/2010 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2005-02942                      GREGOIRE, JAMES**  
**RAYMOND   Unnamed Wetland**

Requested Action:

Applicant requests an amendment to reduce the culvert sizes as the access road will serve only one dwelling.

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Conservation Commission/Staff Comments:

The Raymond Conservation Commission has no issues with the application.

Inspection Date: 04/19/2006 by Eben M Lewis

APPROVE AMENDMENT:

Amend permit by decreasing culvert lengths as follows: Dredge and fill 1,050 s.f. of scrub-shrub wetland for the creation of a fire pond for fire safety and fill 1,300 s.f. within the bed and banks of a perennial stream to install a 4'x8'x12' RCP box culvert; fill 1,450 s.f. of intermittent stream to install a 15-inch culvert; and fill 1,400 s.f. of intermittent stream to install a 15-inch culvert associated with the construction of a roadway for access to a single family residential dwelling on 31.02 acres.

With Conditions:

1. All work shall be in accordance with the plans by Jones & Beach Engineers, Inc. dated 09/06/06 and revised through 07/15/09, as received by the Department on Aug. 11, 2009.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain program (formally Site Specific Program).
5. 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.

6. Work shall be done during seasonal low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. 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.
12. 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.
13. 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.

**2009-01911 CARUSO, DAVID & KATHLEEN  
FITZWILLIAM Sip Pond**

Requested Action:

Construct approximately 70 linear feet of boardwalk over poorly drained soils in a wetland to access a 4 ft x 20 ft dock, on Sip Pond, Fitzwilliam.

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Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

DENY PERMIT:

Construct approximately 70 linear feet of boardwalk over poorly drained soils in a wetland to access a 4 ft x 20 ft dock, on Sip Pond, Fitzwilliam.

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 minor impact per Rule Env-Wt 303.03(c), "construction of a permanent structure in a stream or marsh that does not meet the criteria of Env-Wt 303.02".
3. In accordance with RSA 482-A:3,(2) "within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."
4. In accordance with RSA 482-A:3,(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request: (A) Approve or deny the application, in whole or in part."
5. In accordance with RSA 482-A:11,II "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."
6. In accordance with Env-Wt 101.60 "Navigable Frontage means the 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 August 25, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Fitzwilliam tax map 42, lot 2-71, to construct approximately 70 linear feet of boardwalk over a wetland to access a 4 ft x 20 ft dock, on Sip Pond.
2. The tax map submitted in support of the application indicates tax map 42, lot 2-71 does not include frontage on a waterbody. Instead, the materials submitted do indicate that the applicant has limited use of the common area directly in front of the subject lot.
3. On November 10, 2009, the Department sent a Request for More Information letter requesting evidence of ownership of the frontage such as a deed and a tax map which indicated the applicant is the owner of the frontage.
4. On February 25, 2010, the Department received a response from the applicant. The response included a copy of a deed for property and several tax maps from the town of Fitzwilliam. The deed did not indicate applicant had ownership of frontage on Sip Pond.
5. The plan submitted with the response indicates an area of Greenwood Mucky Peat soil along the shoreline. This soil is classified as very poorly drained.
6. The applicant submitted several tax maps, however none of the tax maps submitted indicate the "common area" has frontage along the waterbody or include boundary limits of the common area.

Rulings in Support of Denial

1. The applicant did not submit proof of ownership of frontage on a waterbody, therefore, pursuant to RSA 482-A:3, and RSA 482-A:11, the application is denied.
2. The applicant does not have navigable frontage on Sip Pond, and the common area does not abut Sip Pond, therefore the application is denied.

**2009-02047                      ROSENFELD PAUGUS BAY REALTY TRUST, LAWRENCE ROSEN  
LACONIA   Lake Winnepesaukee**

Requested Action:

Replace 61 linear feet of wooden bulkhead in kind on property having 144 ft of frontage on Lake Winnepesaukee, in Laconia.

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Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Replace 61 linear feet of wooden bulkhead in kind on property having 144 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated February 19, 2010, as received by DES on March 5, 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 pre-existing size, location, and configuration of structures.
4. Appropriate siltation, erosion, and 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. 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(j), repair of existing retaining walls that require work in water, but that results in no change in height, length, location or configuration.
2. The wall was previously permitted under DES Permit #1993-1773.

**2009-02509                      NEWBURY, TOWN OF  
NEWBURY Andrew Brook**

Requested Action:

Dredge and fill ± 2,026 sq. ft. of Andrew Brook to replace the Village Road 29-ft. x 21.5-ft. single span (18-ft. hydraulic opening) with a 40-ft. x 24-ft. single span (25.7-ft. hydraulic opening).

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APPROVE PERMIT:

Dredge and fill ± 2,026 sq. ft. of Andrew Brook to replace the Village Road 29-ft. x 21.5-ft. single span (18-ft. hydraulic opening) with a 40-ft. x 24-ft. single span (25.7-ft. hydraulic opening).

With Conditions:

1. All work shall be in accordance with plans by Dubois & King, Inc. dated February 2010, as received by the Department on March 04, 2010.
2. The Town shall obtain the appropriate permanent and temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-02509 prior to construction.
3. Work shall be done during low flow conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. 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.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. 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.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
16. 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.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
19. 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.

20. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
21. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. The proposed span will pass the 50-year storm with 1-foot of freeboard.
3. Field investigation determined the bankfull width is 25 feet at the bridge site.
4. The Natural Heritage Bureau (NHB) review did not document record of rare species or exemplary natural communities near the project area and comments of concern were not submitted from the New Hampshire Fish and Game Department (NHFG) Nongame and Endangered Wildlife Program.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02511                      GOTTESMAN REVOC TRUST, JEAN  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Dredge 18 cubic yards from 251 sq ft of lakebed within an existing boatslip and use 10 cubic yards of the dredged material to replenish 1450 sq ft of an existing beach on 1209 ft of frontage on Lake Winnepesaukee, in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 15, 2010

APPROVE PERMIT:

Dredge 18 cubic yards from 251 sq ft of lakebed within an existing boatslip and use 10 cubic yards of the dredged material to replenish 1450 sq ft of an existing beach on 1209 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with revised plans by Winnepesaukee Marine Construction dated February 10, 2010, as received by DES on March 03, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
6. The remainder of the dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.

**2009-02798                      C & L REALTY TRUST, JOHN ARSENAULT**  
**RINDGE   Lake Monomonac**

Requested Action:

Construct 75 linear feet of retaining wall to stabilize an existing shoreline on Lake Monomonac, in Rindge.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct 75 linear feet of retaining wall to stabilize an existing shoreline on Lake Monomonac, in Rindge.

With Conditions:

1. All work shall be in accordance with plans by Rogers Engineering dated March 03, 2010, as received by DES on March 04, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation, erosion, and 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. Work shall be done during low water conditions.
5. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
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(k), projects which disturb between 50 and 200 linear feet along the shoreline.
2. The applicant has provided evidence indicating the operating level of the waterbody is 1047.8 feet as operated by the Town Of Winchendon, Massachusetts. The State of New Hampshire DES list of Waterbodies lists the full lake elevation of Lake Monomonac of 1044 feet.

**2010-00017                      MORRIS, GLENN**  
**WOODSTOCK   Unnamed Stream Unnamed Wetland**

Requested Action:

Impact a total of 2,170 square feet of wetlands and 69 linear feet of associated intermittent streams for the construction access roads to two primary building sites. Work in wetlands consists of (1) retaining an intermittent stream crossing (900 square feet, 24 linear feet); (2) restoring an emergent wetland (240 square feet); and (3) constructing an intermittent stream crossing (1,030 square feet; 45 linear feet).

\*\*\*\*\*

APPROVE AFTER THE FACT:

Impact a total of 2,170 square feet of wetlands and 69 linear feet of associated intermittent streams for the construction access roads to two primary building sites. Work in wetlands consists of (1) retaining an intermittent stream crossing (900 square feet, 24 linear

feet); (2) restoring an emergent wetland (240 square feet); and (3) constructing an intermittent stream crossing (1,030 square feet; 45 linear feet).

With Conditions:

1. All work shall be in accordance with the plans by Headwaters Hydrology, PLLC entitled Glenn Morris Wetland Permitting (sheets 1-3 of 3) dated December 11, 2009 as received by DES January 06, 2009.
2. Work shall be done during periods of non-flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culverts shall be laid at original grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. 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.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The 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.
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).

With Findings:

1. This is a minor impact project per 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 wetland impacts within the deeded right-of-way are grandfathered as demonstrated by aerial photographs and deeds.
5. Wetland restoration occurred without approval in December 2008. Fill was removed and a 240 square foot area was seeded and mulched. Further restoration activities at impact site 2 are not needed.
6. The culverts are designed to pass the 25 year recurrence interval storm.
7. The access roads are for primary building sites. The shooting range has been discontinued.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Woodstock Conservation Commission.

**2010-00318 DENNETT, JOANNA**  
**LANGDON Crane Brook**

Requested Action:

Dredge and fill ± 1,000 sq. ft. of Crane Brook to repair an existing 72-inch x 29-foot CMP driveway culvert with a 66-inch x 52-foot steel pipe slipline and riprap ± 50 linear feet of bed and bank.

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APPROVE PERMIT:

Dredge and fill ± 1,000 sq. ft. of Crane Brook to repair an existing 72-inch x 29-foot CMP driveway culvert with a 66-inch x 52-foot

steel pipe slipline and riprap  $\pm$  50 linear feet of bed and bank.

With Conditions:

1. All work shall be in accordance with plans by the USDA, NRCS dated March 30, 2009, as received by the Department on February 22, 2010.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. 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.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. 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.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following 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. The channel at the culvert inlet and outlet must maintain the natural and a consistent streambed elevation and not impede stream flow.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
16. 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.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. 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.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. Post-construction photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of 200 linear feet of a perennial stream.
2. Viable alternatives are restricted by the significant public safety hazard, limited capabilities of the elderly property owner and lack of funding.
3. The driveway surface of the crossing was originally damaged by the October 2005 floods and repaired by the Natural Resource Conservation Service in 2006 (Wetlands and Non-Site Specific Permit 2006-03153).
4. DES Staff most recently conducted a field inspection on November 05, 2009. The field inspection determined the crossing was failing and was in need of repairs.
5. Continued flooding since 2005 has resulted in increased erosion around culvert and failure of the side slopes.

- 6. This crossing is the sole access to the subject parcel.
- 7. Funding available to repair the crossing is limited to NRCS Emergency Watershed Protection Program. Use of this funding is restricted to protection of infrastructure only; therefore alternatives to ensure safe access for the resident are limited.
- 8. The proposed repairs will provide safe access for the property owner and with a negligible change in hydraulic capacity.
- 9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 10. 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.
- 11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2009-02259                      CODY, PAUL/FAITH**  
**HARRISVILLE   Russell Reservoir**

Requested Action:

Retain 4 cubic yards of sand placed on approximately 153 sq ft of sloped beach impacting 21 linear ft on 75 ft of frontage on Russell Reservoir, in Harrisville.

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Conservation Commission/Staff Comments:

No comments from Con Com

APPROVE AFTER THE FACT:

Retain 4 cubic yards of sand placed on approximately 153 sq ft of sloped beach impacting 21 linear ft on 75 ft of frontage on Russell Reservoir, in Harrisville.

With Conditions:

- 1. All work shall be in accordance with plans as received by DES on February 10, 2010.
- 2. No sand other than the 4 cu yd previously used may be placed without receiving additional approval.
- 3. This permit shall be used only once, and does not allow for annual beach replenishment.
- 4. 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(aa), replenishment of a beach with less than 10 cubic yards of sand.
- 2. The applicant submitted information indicating the existing beach is a grandfathered structure.

**2009-02799                      MARTIN, GERARD**  
**RYE   Atlantic Ocean**

Requested Action:

Temporarily impact 2,902 sq. ft. of palustrine forested wetland to drill 31 geothermal wells for a residential dwelling on 3.06 acres.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission "Refused" to sign the Minimum Impact Expedited application and did not submit a letter stating their concerns.

**APPROVE PERMIT:**

Temporarily impact 2,902 sq. ft. of palustrine forested wetland to drill 31 geothermal wells for a residential dwelling on 3.06 acres.

**With Conditions:**

1. All work shall be in accordance with the 'Wetland Permit Plan' by MSC Civil Engineers & Land Surveyors, Inc. dated September 15, 2009 and revised through 02/12/10, as received by DES on March 2, 2010.
2. This permit is contingent on approval by the DES Groundwater Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
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. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Work shall be done during seasonal low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged and drill tailing material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. 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.
10. This permit is contingent upon the successful restoration of all temporary impacts.

**Restoration:**

1. Approximately 2,902 square feet of wetlands shall be restored, monitored and managed in accordance with the plan by NHSC, Inc. dated 3/2010 and all project descriptive details submitted to DES on March 2, 2010.
2. The restoration shall be done according to the following conditions. Any changes or alterations to the restoration conditions must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the restoration conditions.
4. The CWS shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to these conditions.
5. Siltation and erosion controls shall be in place prior to restoration, shall be maintained during restoration, and shall remain until the area is stabilized.
6. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
7. All material removed during restoration activities shall be placed out of DES's jurisdiction.
8. Wetland soils from areas vegetated with purple loosestrife or other invasive species shall not be used in the wetland restoration site.
9. There shall be no substitutions made for the plant species specified for replanting purposes without prior written approval from DES.
10. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than three days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
11. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
12. The CWS shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 30 days of the projected restoration compliance date. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
13. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.
14. Subsequent monitoring reports shall be submitted to DES following the end of the first and second growing seasons to review the success of the restoration and schedule remedial actions if necessary. Such reports shall be submitted to DES with photographs

demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions by September 1, 2010, with a second follow up inspection scheduled for September 1, 2011.

15. Remedial measures may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-00063 HANNINEN, ROBERT & ETHELIND  
ALSTEAD Tributary To Lake Warren**

Requested Action:

Dredge and fill ± 25 linear feet of intermittent stream to riprap stabilize after removal of existing garage.

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APPROVE PERMIT:

Dredge and fill ± 25 linear feet of intermittent stream to riprap stabilize after removal of existing garage.

With Conditions:

1. All work shall be in accordance with plans by R. Hanninen dated December 06, 2009, as received by the Department on January 11, 2010.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. See related Shoreland Program Permit 2009-03057.
3. The applicant has received written consent from the owner of tax map/lot no. 30/36, abutter to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
4. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.
5. In correspondence received January 05, 2010, the NH Division of Historic Resource (NHDHR) confirmed that the project did not have potential to impact historic resources.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. 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.

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

**2010-00255                      PRICE, RICHARD**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair an existing 16 ft 5 in x 10 ft 2 in permanent dock supported by a full crib, with a 4 ft x 20 ft seasonal dock, on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns with project as proposed

APPROVE PERMIT:

Repair an existing 16 ft 5 in x 10 ft 2 in permanent dock supported by a full crib, with a 4 ft x 20 ft seasonal dock, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 10, 2009, as received by DES on February 08, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 112 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**FORESTRY NOTIFICATION**

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**2010-00652                      SIMMONS POA, DAVID & ELIZABETH EDGELL**  
**MANCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Manchester Tax Map/Lot# 798/4, 799/1, 799/2, 800/1, 801/4A

**2010-00653                      LANE REVOC TRUST, WILLIAM**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Swanzy Tax Map 13, Lot# 13

**EXPEDITED MINIMUM**

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**2010-00305                      DELUCA, STEPHEN**  
**WOLFEBORO   Lake Wentworth**

Requested Action:  
Repair 40 linear feet of retaining wall "in kind", install a 6 ft wide access step in the bank, and replant the disturbed areas with native vegetation on 100 ft of shoreline on Lake Wentworth, in Wolfeboro.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com did not sign Exp Application

APPROVE PERMIT:  
Repair 40 linear feet of retaining wall "in kind", install a 6 ft wide access step in the bank, and replant the disturbed areas with native vegetation on 100 ft of shoreline on Lake Wentworth, in Wolfeboro.

With Conditions:  
1. All work shall be in accordance with plans as received by DES on February 19, 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 pre-existing size, location and configuration of the retaining wall.  
4. This permit does not allow for the increase in height of the existing shoreline structures.  
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.  
6. This permit does not allow for the removal of any trees on the frontage.  
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:  
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), removal or replacement of existing retaining walls

that is performed in the dry during drawdown.

**2010-00409                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH   Unnamed Wetland Tidal Buffer Zone**

Requested Action:

Maintenance dredge a total of 1,900 sq. ft. of an existing drainage swale in a freshwater wetland within the tidal buffer zone, to remove flow restriction and remediate phragmite growth.

\*\*\*\*\*

APPROVE PERMIT:

Maintenance dredge a total of 1,900 sq. ft. of an existing drainage swale in a freshwater wetland within the tidal buffer zone, to remove flow restriction and remediate phragmite growth.

With Conditions:

1. All work shall be in accordance with plans by the City of Portsmouth dated February 2010, as received by DES on 3/3/2010.
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. Area shall be regraded to no greater than the original swale contours as a result of the project.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Sediment has deposited in the drainage swale to a depth that inhibits proper drainage and creates conditions for invasive species to thrive adjacent to the saltmarsh.
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. Only the accumulated sediments will be removed; and the area will be immediately stabilized.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Portsmouth Conservation Commission signed the expedited application.

**GOLD DREDGE**

\*\*\*\*\*

**2010-00691                      SPEICHER, NANCY**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:

cc Bath ConCom

**2010-00692                    SPEICHER, JOHN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2010-00454                    PELKEY, TIMOTHY**  
**WINCHESTER   Unnamed Stream**

Requested Action:  
Dredge and fill ± 885 sq. ft. of an intermittent stream to install a 24-inch x 50-foot HDPE culvert for access to the back of a lot.  
\*\*\*\*\*

PBN IS COMPLETE:  
Dredge and fill ± 885 sq. ft. of an intermittent stream to install a 24-inch x 50-foot HDPE culvert for access to the back of a lot.

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

**2010-00670                    ROBERTSON, GARRY**  
**ALTON   Lake Winnepesaukee**

Requested Action:  
Repair existing docking structure.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed PBN form

PBN IS COMPLETE:  
Repair existing docking structure.

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

**2010-00671                    COLBERT, DONALD/SUSAN**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair existing docking structure.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing docking structure.

With Findings:

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

**2010-00682                      COSTA, KENNETH  
MEREDITH    Lake Winnepesaukee**

Requested Action:

In kind repair of existing retaining above full lake elevation.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

In kind repair of existing retaining above full lake elevation.

With Findings:

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

**2010-00705                      SOUTH DOWN BOAT CLUB, CAROL DOWNING  
LACONIA    Lake Winnepesaukee**

Requested Action:

Repair docking structures in kind.

\*\*\*\*\*

PBN IS COMPLETE:

Repair docking structures in kind.

With Findings:

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

**CSPA PERMIT**

\*\*\*\*\*

**2009-01974                      HATCH, DOROTHY/SCOTT  
WAKEFIELD    Belleau Lake**

Requested Action:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

AMENDMENT DESCRIPTION: Three bedroom home is 28ft x 48ft. Previous measurements were 28ft x 44ft. Total impacts will be 6,568 sq ft.

Requested Action:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 6,456 sq ft for the construction of a driveway, 3 bedroom home, septic and future garage.

AMENDMENT DESCRIPTION: Three bedroom home is 28ft x 48ft. Previous measurements were 28ft x 44ft. Total impacts will be 6,568 sq ft.

With Conditions:

1. All work shall be in accordance with plans by Kerry M. Fox, Fox Survey Co. dated August 26, 2009 and received by the Department of Environmental Services ("DES") on August 31, 2009.
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 18% 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 12,175 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,087 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
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.

**2010-00257 SPINDLER REVOCABLE TRUST, THE HENRY ARTHUR MOULTONBOROUGH Winnipесаaukee**

Requested Action:

Approve name change to: Henry Arthur Spindler Revocable Trust, 11418 Barrow Downs, Columbia MD 21044 per request received 3/30/10.

\*\*\*\*\*

APPROVE NAME CHANGE:

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.

With Findings:

This permit transfer is issued in accordance with NH Administrative Rule Env-Wq 1406.18.

**2010-00424                      SMITH, SUSAN**  
**ENFIELD   Crystal Lake**

Requested Action:

Impact 144 sq ft for the purpose of a 12ft x 12ft addition.

\*\*\*\*\*

APPROVE PERMIT:

Impact 144 sq ft for the purpose of a 12ft x 12ft addition.

With Conditions:

1. All work shall be in accordance with plans by Susan J. Smith dated March 1, 2010 and received by the Department of Environmental Services ("DES") on March 4, 2010.
2. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All 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.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-00559                      GARTNER, WILLIAM**  
**MEREDITH   Waukeena Lake**

Requested Action:

Impact 2,575 sq ft for the purpose of constructing a new garage, patio and driveway.

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APPROVE PERMIT:

Impact 2,575 sq ft for the purpose of constructing a new garage, patio and driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 8, 2010 and received by the Department of Environmental Services ("DES") on March 12, 2010.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,175 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,175 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.

**2010-00564                      HUGHES, ROBERT & GAIL**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 4,515 sq ft for the purpose of removing existing residence and two sheds and constructing new residence, retaining walls and reconfiguring driveway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,515 sq ft for the purpose of removing existing residence and two sheds and constructing new residence, retaining walls and reconfiguring driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated February 3, 2010 and received by the Department of Environmental Services ("DES") on March 12, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 29.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,710 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,709 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.

**2010-00565 LAKE SUNAPEE PROTECTIVE ASSOCIATION  
SUNAPEE Lake Sunapee**

Requested Action:

Impact 2,250 sq ft for the purpose of stabilizing retaining wall, planting native vegetation and narrowing driveway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,250 sq ft for the purpose of stabilizing retaining wall, planting native vegetation and narrowing driveway.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc. dated February 26, 2010 and received by the Department of Environmental Services ("DES") on March 12, 2010.
2. No more than 51% 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 3,280 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,280 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.

**2010-00569 NHDOT  
FRANCONIA Ammonusuc River**

Requested Action:

Impact 2520 sq ft for the purpose of resurfacing and leveling the roadway, raise block and rail on guardrail, raise catch basins, repair existing 48in RCP and drainage improvements.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Also in towns of Bethlehem and Littleton

APPROVE PERMIT:

Impact 2520 sq ft for the purpose of resurfacing and leveling the roadway, raise block and rail on guardrail, raise catch basins, repair existing 48in RCP and drainage improvements.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Department of Transportation dated February 8, 2010 and received by the Department of Environmental Services ("DES") on March 15, 2010.
2. This permit is contingent on approval by the DES Wetlands Program.
3. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. 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.
10. This permit is contingent on approval by the DES Wetlands Program.

**2010-00572                      WBTSCC LP**  
**RYE Atlantic Ocean & Witch Creek**

Requested Action:

Impact 8,295 sq ft for the purpose of constructing an additional tee, bunker and water feature.

\*\*\*\*\*

APPROVE PERMIT:

Impact 8,295 sq ft for the purpose of constructing an additional tee, bunker and water feature.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated March 1, 2010 and received by the Department of Environmental Services ("DES") on March 16, 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 controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
5. Any fill used shall be clean sand, gravel, rock, or other suitable material.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-00576                      THE WEST TRUST**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 4,220 sq ft for the purpose of constructing a new patio, gravel driveway and foundation drains.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,220 sq ft for the purpose of constructing a new patio, gravel driveway and foundation drains.

With Conditions:

1. All work shall be in accordance with plans by David M. Doland Associates, PC dated March 8, 2010 and received by the Department of Environmental Services ("DES") on March 16, 2010.
2. No more than 26.6% 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 3,600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.

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.

**2010-00578                      MARION L DINSMORE REVOC TRUST**  
**WINDHAM    Cobbetts Pond**

Requested Action:

Impact 1,000 sq ft for the purpose of installing a septic system.

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APPROVE PERMIT:

Impact 1,000 sq ft for the purpose of installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Findeisen Survey & Design LLC dated August 29, 2007 and received by the Department of Environmental Services ("DES") on March 17, 2010.
2. No more than 15% 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 2,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
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.

**2010-00579                      COTTER, RANDOLPH & TAMMY**  
**CENTER OSSIPEE    Ossipee Lake**

Requested Action:

Impact 1,402 sq ft for the purpose of constructing an addition to existing condominium unit and replacing portion of driveway.

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APPROVE PERMIT:

Impact 1,402 sq ft for the purpose of constructing an addition to existing condominium unit and replacing portion of driveway.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated March 15, 2010 and received by the Department of Environmental Services ("DES") on March 17, 2010.

2. No more than 39.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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.

**2010-00580                      OMALIA, MARK & SHAUNDA**  
**WAKEFIELD    Great East Lake**

Requested Action:  
 Impact 2,325 sq ft for the purpose of constructing a garage.  
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APPROVE PERMIT:  
 Impact 2,325 sq ft for the purpose of constructing a garage.

- With Conditions:
1. All work shall be in accordance with plans by Fogg Environmental Design dated February 1, 2010 and received by the Department of Environmental Services ("DES") on March 23, 2010.
  2. No more than 18.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
  3. 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.

**CSPA PERMIT W/WAIVER**

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**2009-03056                      J & K REALTY TRUST, JAMIE ALOSSO**  
**WINDHAM    Cobbetts Pond**

Requested Action:  
 Impact 12,627 sq ft for the purpose of replacing a residential dwelling and installing a new septic system.  
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**APPROVE PERMIT:**

Impact 12,627 sq ft for the purpose of replacing a residential dwelling and installing a new septic system.

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

**With Conditions:**

1. All work shall be in accordance with plans by Wesley Aspinwall received by the Department of Environmental Services ("DES") on December 21, 2009 and February 24, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 32.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic system.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. All pervious technologies shall be designed, installed and maintained to effectively absorb stormwater.

**With Findings:**

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Cobbetts Pond and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland from 40.9% to 32.8%.
4. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
5. The applicant has proposed enhance the waterfront buffer, reduce the overall area of imperviousness within the protected shoreland and install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-00249                      ALLAIRE, CHERYL**  
**BARNSTEAD Lower Suncook Lake**

Requested Action:

Impact 3,460 sq ft for the purpose of replacing a residential dwelling, constructing associated accessory structures, and installing a new septic system and dry well.

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APPROVE PERMIT:

Impact 3,460 sq ft for the purpose of replacing a residential dwelling, constructing associated accessory structures, and installing a new septic system and dry well.

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

With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert dated January 26, 2010 and received by the Department of Environmental Services ("DES") on January 26, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 5.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 4,573 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,376 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lower Suncook Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland.
4. The applicant has proposed to install stormwater controls consisting of gutters that direct stormwater to a drywell.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a .
7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in

RSA 483-B: 11, I.

**2010-00271                      PARALLAX REALTY TRUST**  
**MEREDITH Lake Winnisquam**

Requested Action:

Impact 5,200 sq ft for the purpose of expanding an existing residential dwelling.

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APPROVE PERMIT:

Impact 5,200 sq ft for the purpose of expanding an existing residential dwelling.

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

With Conditions:

1. All work shall be in accordance with plans by Eric R. Buck of Pollock Land Planning, LLC., and received by the Department of Environmental Services ("DES") on February 17, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 21.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The project as proposed will leave approximately 2,990 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to plant additional, native vegetation within the waterfront and natural woodland buffers.
4. The applicant has proposed to install stormwater controls consisting of bioretention areas that will be capable of capturing all runoff from existing and proposed impervious areas.
5. The applicant has proposed to convert a portion of an existing driveway to a pervious material.
6. The applicant has proposed to install stormwater controls and significantly enhance the buffer zones of the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-00369                      MOLLEUR, DANIELLE/DENIS**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 2,160 sq ft for the purpose of expanding an existing primary structure.

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APPROVE PERMIT:

Impact 2,160 sq ft for the purpose of expanding an existing primary structure.

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

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, dated February 22, 2010 and received by the Department of Environmental Services ("DES") on February 24, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 23.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. The project as proposed will leave approximately 375 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

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

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland.
4. The applicant has proposed to plant additional native vegetation.
5. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland and enhance the natural woodland buffer with additional, native vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-00380                      KELLY, WARREN**  
**HAMPTON   Atlantic Ocean**

Requested Action:

Impact 4,807 sq ft for the purpose of constructing 9 condominium units and associated accessory structures on a previous commercial-use site.

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APPROVE PERMIT:

Impact 4,807 sq ft for the purpose of constructing 9 condominium units and associated accessory structures on a previous commercial-use site.

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

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc., received by the Department of Environmental Services ("DES") on February 26, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 76.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Atlantic Ocean and, therefore, fails to conform to the impervious surface limitation set forth in RSA

483-B:9, V (g)(1), of the CSPA.

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

3. The applicant has proposed to decrease the area of imperviousness within the protected shoreland from 100% to 76.6%

4. The applicant has proposed to install stormwater controls capable of infiltrating all stormwater produced on site.

5. The applicant has proposed to significantly reduce the area of imperviousness within the protected shoreland and install sound stormwater measures, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**UTILITY NOTIFICATION**

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**2010-00459**

**PSNH**

**HOPKINTON Unnamed Stream Unnamed Wetland**