

Wetlands Bureau Decision Report

Decisions Taken
06/07/2010 to 06/13/2010

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

**2009-01047 NH DEPT OF TRANSPORTATION
LACONIA Lake Winnepesaukee**

Requested Action:

The Department of Transportation requests reconsideration of the Department's March 9, 2010 permitting decision to deny the request to dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

DENY RECONSIDERATION:

Deny reconsideration of denial to dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The appellant has not submitted any grounds for reconsideration in their letter dated April 7, 2010.

Standards for Approval

2. Pursuant to RSA 482-A:10, II, Appeals, "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
3. Pursuant to RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
4. In accordance with Rule Env-Wt 302.03, (a), (2), Avoidance, Minimization, and Mitigation, the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that any unavoidable impacts have been minimized.
5. Pursuant to Rule Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example.
6. Pursuant to Rule Env-Wt 302.04 (a), (2), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
7. According to RSA 482-A:2, "'Boat slip' on water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure which a watercraft may be secured.
8. Env-Wt 402.13 Frontage Over 75 feet requires that "there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
9. In accordance with Env-Wt 101.55 "Marina" means a commercial waterfront facility whose principal use is the provision of publicly available services such as the securing, launching, storing, fueling, servicing and repairing of watercraft.
10. In accordance with Env-Wt 501.02, (a),(2), (n), if topography is to be permanently altered, the existing and proposed topography, including a reference elevation shall be shown on the plans.

Findings of Fact

11. There is documented evidence of historically shallow water depths in files 1990-400, 1995-00314, 1999-00188, 2003-00203, and 2007-2252.
12. The wooden structure adjacent to the dredge area was to be removed as part of the approval for 2003-00203.
13. DES has conducted several inspections on this site prior to the August 8, 2008, event and has always found water depths to be shallow throughout the proposed dredge area.
14. File 2007-2252 allowed for the relocation of a boat slip from this general area due to shallow water conditions.
15. The existing docking facility has 76 permitted boat slips on 340 feet of average shoreline frontage.

16. The property only has sufficient frontage for 5 boat slips.
17. The plan tilted: Dredging Plan at Akwa Marina dated April 30, 2009, and revised November 6, 2009 as received November 9, 2009, indicates between 5 feet to 1 foot of material with an average depth of 3 feet will be removed from public waters.
18. The plan tilted: Dredging Plan at Akwa Marina dated April 30, 2009, and revised November 6, 2009 as received November 9, 2009, indicates the illegal wooden walkway is a dock. There are no approved boatslips adjacent to this structure.
19. The plan tilted: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, indicates the maximum dredge area (5 feet) in depth is adjacent to the wooden walkway.
20. The plan tilted: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, does not provide any elevations or reference to 504.32, which is the legal level of Lake Winnepesaukee.
21. The plan tilted: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, indicates that the entire dredge is below the "Approximate Lake Water Level".
22. The applicant acquiesced in the final paragraph of the request for reconsideration that additional information is needed.

Rulings in Support of the Decision

23. The Appellant has not submitted new or additional evidence in regards to the storm event depositions of material from August 7, 2008 flooding event.
24. The removal of 5 feet of material adjacent to the wooden walkway will by definition create an additional 3.6 boatslips.
25. The Appellant has failed to provide the documentation that the proposed dredge will not create additional boatslips pursuant to RSA 482-A:2. Therefore, the dredge is not allowed.
26. The Appellant has failed to demonstrate the need for the proposed impacts by plan and example as required per Rule Env-Wt 302.04, (a), (1) and, therefore, the request for reconsideration is denied in accordance with Rule Env-Wt 302.04, (d).
27. The Appellant has failed to provide plans that accurately show the existing and proposed conditions as required Rules Env-Wt 501.02, (a) and (c) and, therefore, the request for reconsideration is denied.

Requested Action:

The Akwa Marina Yaht Club LLC requests reconsideration of the Department's March 9, 2010 permitting decision to deny the request to dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

DENY RECONSIDERATION:

Deny reconsideration of denial to dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The appellant has stated that they do not wish to install boat slips on the frontage as part of this permitting request.

Standards for Approval

2. Pursuant to RSA 482-A:10, II, Appeals, "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
3. Pursuant to RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
4. In accordance with Rule Env-Wt 302.03, (a), (2), Avoidance, Minimization, and Mitigation, the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that any unavoidable impacts have been minimized.
5. Pursuant to Rule Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example.
6. Pursuant to Rule Env-Wt 302.04 (a), (2), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
7. According to RSA 482-A:2, "'Boat slip" on water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide,

- and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
8. Env-Wt 402.13 Frontage Over 75 feet requires that "there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
 9. In accordance with Env-Wt 101.55 "Marina" means a commercial waterfront facility whose principal use is the provision of publicly available services such as the securing, launching, storing, fueling, servicing and repairing of watercraft.
 10. In accordance with Env-Wt 501.02, (a),(2), (n), if topography is to be permanently altered, the existing and proposed topography, including a reference elevation shall be shown on the plans.
 11. In accordance with Env-Wt 203.02 (e), the department shall determine whether a hearing would be beneficial to a thorough consideration of the issues raised in the reconsideration request.
 12. In accordance with Env-Wt 203.02 (f), the department's determination if a hearing on the reconsideration request will be held shall be based on: (1) The complexity of the issues; and (2) Whether the information on which the department is being asked to rely in its reconsideration would only effectively be presented at a hearing.

Findings of Fact

13. The property only has sufficient frontage for 5 boat slips.
14. The existing docking facility has 76 permitted boat slips on 340 feet of average shoreline frontage.
15. The plan titled: Dredging Plan at Akwa Marina dated April 30, 2009, and revised November 6, 2009 as received November 9, 2009, indicates that between 1 to 5 feet of material with an average depth of 3 feet will be removed from public waters.
16. The plan titled: Dredging Plan at Akwa Marina dated April 30, 2009, and revised November 6, 2009 as received November 9, 2009, indicates the wooden walkway is a dock. There are no approved boatslips adjacent to this structure.
17. The plan titled: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, indicates the maximum dredge depth of 5 feet is adjacent to the wooden dock.
18. The plan titled: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, does not provide any elevations or reference to 504.32, which is the legal full lake level of Lake Winnepesaukee.
19. The plan titled: Dredging Plan at Akwa Marina, Dredging Cross Section (Typical) dated October 27, 2009, as received November 9, 2009, indicates that the entire dredge is below the "Approximate Lake Water Level".
20. The applicant states in the narrative submitted that the proposed dredge is now .71 feet above the lake mean surface level elevation. No information relative to the "mean surface level elevation" was submitted nor was this elevation included on the plans.
21. The appellant narrative states that the reference elevation is 505.03 and it is "where the proposed dredge area meets the concrete retaining wall". Dredging 5 feet in this location would provide a volume of water sufficient to create a boatslip by definition.

Rulings in Support of the Decision

22. The dredge as depicted on the plans would, by definition, create an additional 3 boatslips.
23. The Appellant has not submitted new or additional evidence to clearly demonstrate the extent of deposition of material due to the August 7, 2008 flooding event.
24. The proposed project is within a private club, and the documented information indicates that the proposal would, by definition, create additional boatslips. Therefore, the department finds that additional information would not be effectively presented at a public hearing.
25. The Appellant has provided documentation that the proposed dredge will create additional boatslips pursuant to RSA 482:A:2 and therefore, the dredge is not permissible.
26. The Appellant has failed to provide plans that accurately show the existing and proposed conditions as required Rules Env-Wt 501.02, (a) , (c) and (n) and, therefore, the request for reconsideration is denied.

2009-02360 PRUCHANSKI, STEVEN & MARY
TUFTONBORO Lake Winnepesaukee

Requested Action:

The Appellant requests reconsideration of the Department's April 08, 2010, decision to deny the request for a 28 ft x 36 ft dug in 2 slip boat house creating 4 slips with the existing docking structure on and average of 215 feet of frontage.

Conservation Commission/Staff Comments:

Con Com submitted comments with regards to dredge area and volume

Inspection Date: 03/02/2010 by Dale R Keirstead

DENY RECONSIDERATION:

Reaffirm the decision to deny the request for a 28 ft x 36 ft dug in 2 slip boat house creating 4 slips with the existing docking structure on and average of 215 feet of frontage.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(g), "Removal of more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters."
3. In accordance with RSA 482-A:3,XIV(2) the Department may "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:10, the Department shall grant or deny the request for reconsideration within 30 days of receipt of the information.
5. In accordance with Env-Wt 101.85 "'Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line."
6. In accordance with Env-Wt 402.13, "'Frontage Over 75', a maximum of 3 slips can be approved of property having at least 150 ft, but less than 225 ft of, shoreline frontage.
7. In accordance with Env-Wq 1405.04 "Setback for Accessory Structures. All accessory structures built after November 26, 1996 shall be set back at least 20 feet from the reference line".

Findings of Fact

1. On October 06, 2009, the DES Wetlands Bureau received an application to remove an existing 6 ft x 33 ft piling dock, add 7 ft of length to the remaining 6 ft x 30 ft piling dock to create a 6 ft x 36 ft piling supported dock, construct a 28 ft x 36 ft dug in boathouse, dredge approximately 40 cubic yards of material from the lakebed to provide access, on an average of 215 feet of frontage on Lake Winnepesaukee, in Tuftonboro.
2. On January 05, 2010, the Department sent a Request for More Information letter to the applicant. This letter requested 15 items from the applicant.
3. On March 07, 2010, the agent for the applicant submitted a response to the Departments request for more information letter.
4. The Department denied the application on April 08, 2010.
5. The agent for the applicant submitted a Request for Reconsideration to the Department on May 08, 2010 via email. The email stated the agent would hand deliver the hard copies of the motion with attachments on Monday. No hard copies have been received by the Department as of June 08, 2010.
6. The Reconsideration did not include the information as originally requested in the Request for More Information letter dated January 05, 2010.
7. The plans submitted in support of the reconsideration included a deck located approximately 5 feet from the waterbody. This deck was required to be removed in the Request for More Information letter dated January 05, 2010. From review of DES file 1991-1739 and file 1998-761 this deck is not grandfathered.
8. The plan submitted in support of the reconsideration fails to include the location of the dewatering basin.
9. The plan submitted in support of the reconsideration fails to include the sufficient frontage for the requested slips on this frontage.
10. A copy of the deed submitted with the application states that the Property has approximately 225 ft of frontage along Lake Winnepesaukee.
11. The proposed conditions plan submitted with the application on October 03, 2009 is labeled as being drawn with a scale of 1 in

being equal to 30 ft. The straight line length of frontage as scaled off the plan would be 181 ft, the average frontage is 203 feet for frontage.

12. Information submitted by the previous owner of the property indicates that the property has an average of 215 ft of frontage.

13. The Conservation Commission also had concerns with regards to the amount of average shoreline frontage the applicant indicated on the application.

14. The proposed docking structures will provide 4 slips on less than the required 225 ft of average frontage.

15. The agent for the applicant states the applicant will obtain a property line adjustment to provide the required frontage for requested slips, however no documentation was submitted to the application to support this claim.

16. DES Wetlands Bureau staff conducted a field inspection of the site on June 02, 2010. Field inspection found the area of the proposed boat house location to be a filled wetland. The wetland fill was permitted under DES permit 1991-1739. The lake bed contours appear to be different than as submitted on the plans, however no soundings were taken during the inspection.

Rulings in Support of the Decision

1. The agent did not submit the information requested in the Request for More Information letter or adequately address the items in the reconsideration request, therefore pursuant to RSA 482-A:10, the reconsideration is denied.

2. The existing docking structure exceeds the dimensions permitted under DES Wetlands Permit #1998-761 and RSA 482-A:2, and the proposed reconfiguration of the docking structure will not conform to RSA 482-A or Env-Wt 100-800, therefore the application is denied.

3. The subject property does not have sufficient frontage pursuant to Rule Env-Wt 402.13 to support the 4 slips requested. Therefore the application is denied.

2010-00026 DEPT OF RESOURCES & ECONOMIC DEVELOPMENT, STATE OF GOSHEN Unnamed Wetland

Requested Action:

Dredge and fill ± 22,144 sq. ft. of palustrine forested wetlands and intermittent stream for construction of a year-round adaptive sports and therapeutic recreation facility and associated access/parking at Mt. Sunapee State Park to support the expanded program of the New England Handicap Sports Association. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

APPROVE PERMIT:

Dredge and fill ± 22,144 sq. ft. of palustrine forested wetlands and intermittent stream for construction of a year-round adaptive sports and therapeutic recreation facility and associated access/parking at Mt. Sunapee State Park to support the expanded program of the New England Handicap Sports Association. The project has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by Bruno Associates Inc., P.C. dated December 15, 2008, and revised through May 27, 2010, as received by the Department on June 01, 2010.

2. Work shall be done during low flow conditions.

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. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.

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

6. 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.

7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.

8. 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.

9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Culverts shall be laid at original grade.
12. Proper headwalls shall be constructed within seven days of culvert installation.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
15. 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.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 3 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 3 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. Silt fencing must be removed once the area is stabilized.
20. Within three days of final grading 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.
21. 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.
22. 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.

Mitigation:

23. This approval is contingent on receipt by DES of a one time payment of \$3,219.76 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
24. This approval is contingent on receipt by DES of a one time payment of \$ 67,614.86 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES prior to construction and before June 2012 or the application will be denied.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands in excess of 20,000 square feet in the aggregate.
2. No comments of concern were submitted from the federal agencies or the NHFG Nongame and Endangered Wildlife Program.
3. The Natural Heritage Bureau (NHB) review documented Loesel's Twayblade, a state threatened orchid in the vicinity of the project, but not near proposed construction.
4. The applicant meet with the Lake Sunapee Protective Association on May 24, 2010, to address their concerns provided in letters received in 2009.
5. Email correspondence received February 22, 2010, from the Newbury Conservation Commission outlined their concerns related to the project. The outlined concerns reference items addressed by the NHDES Alteration of Terrain Program.
6. The NHDES Alteration of Terrain Program approval was issued June 03, 2009, WPS-8408.
7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The applicant has requested a waiver to the 120 day deadline for receipt of the ARM fund payment until June 2012 and prior to the start of construction.
9. The waiver is granted. The ARM fund administrative fee shall be submitted within 120 days of notice and the remainder shall be submitted prior to construction and before June 2012.
10. The payment calculated for the administrative fee for the wetland loss equals \$3,219.76.
11. The payment calculated for the proposed wetland loss (subtracting the administrative fee) equals \$67,614.86.
12. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
13. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut-White River to Bellows Falls

watershed per RSA 482-A:29.

17. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

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

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

20. 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.

**2010-01094 NH DEPT OF TRANSPORTATION
DOVER Unnamed Stream Unnamed Wetlands**

Requested Action:

Slipline a culvert and repair concrete joints, stabilize embankments, install new headers or reinforce them with concrete bracing and rip rap inlets and outlets at six locations impacting 10,766 sq. ft. of wetlands and streams (6,241 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Commissions - no comment

River Advisory Comm. - no comment

APPROVE PERMIT:

Slipline a culvert and repair concrete joints, stabilize embankments, install new headers or reinforce them with concrete bracing and rip rap inlets and outlets at six locations impacting 10,766 sq. ft. of wetlands and streams (6,241 sq. ft. temporary). NHDOT project #15582.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 3/2010 and 4/2010, as received by the Department on April 29, 2010.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04 and shall be received prior to any construction.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Unconfined work within surface water, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
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. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall not be located within surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. 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.

13. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

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. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.

17. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.

18. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

20. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

21. The impacts associated with the temporary work shall be restored immediately following construction.

22. Temporary access road construction shall leave root systems intact, any fill shall be placed on appropriate fabric to assure complete removal and the access road work at or near mile marker 15.3 is limited to 10 ft. in width and clearing is limited to 3 ft. on either side.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of channel and banks of a stream.
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 was discussed at the Natural Resource Agency meeting held at the NH Dept. of Transportation on February 17, 2010 to coordinate the project.
6. Although there were two NH Natural Heritage Bureau records, one area would not be impacted by the project and the other area would not be negatively impacted if the access road is limited to 10 feet in width and clearing limited to 3 feet on either side.
7. The work at mile marker 15.3 will eliminate a 6 in. perch at the culvert outlet.
8. Mitigation is not required as the project meets rule Env-Wt 302.03(c)(2)(c).
9. A review of the project, relative to impaired waters, finds that most of the work is essentially stabilization, does not add stormwater flows as stated by the applicant, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

**2009-02034 THE FELLS
NEWBURY Lake Sunapee**

Requested Action:

Appellant requests reconsideration of the Department's September 9, 2009 decision to approve the installation of a seasonal docking structure on approximately 4857 feet of frontage on Lake Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the approval to install a 5 ft x 40 ft seasonal dock accessed by a 5 ft x 10 ft seasonal dock in a "L" shaped configuration on Lake Sunapee, in Newbury.

With Findings:

Grounds for Reconsideration

1. The Appellant claims the approved seasonal dock does not meet the requirements of the Seasonal Dock Notification.
2. The Appellant claims the approved seasonal dock configuration installed parallel to shore does not meet the criteria listed in the Seasonal Dock Notification for being installed perpendicular to the shoreline.
3. The Appellant submitted a letter from the Loon Preservation Committee dated May 10, 2010. This letter was composed in response to a request by Mr. Harvey Cohen, for a summery of loon activity on Lake Sunapee.
4. The Appellant claims the Newbury Conservation Commission may be submitting a reevaluation of its position on this application.
5. The Appellant claims a list of other residents of the cove are joining this submittal of an appeal of the Departments decision to approve a dock in the cove.

Standards for Approval

1. Env-Wt 303.01 Assignment of Classification. Project shall be classified according to the criteria of this part.
2. Env-Wt 303.03 Minor Projects. Minor projects shall be those projects that meet any of the following criteria and that do not meet any of the criteria of Env-Wt 303.02:(d) Construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
3. Env-Wt 402.01 Configuration. Approvable configurations for all docks located on lakes, ponds, rivers, and streams shall include:(b) A nonstandard configuration shaped like the letter L, T, F, or U, when the applicant establishes through documentation that:(2) The nonstandard configuration chosen for the dock provides the least environmental impact on shoreline and water body; and (3) The nonstandard configuration does not interfere with boat traffic safety.
4. Env-Wt 401 Purpose. The purpose of this chapter is to protect the public trust and other interests of the state of New Hampshire, by:
 - (a) Establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on surface waters of the State;
 - (b) Preserving the integrity of the surface waters of the state by requiring all structures to be constructed so as to insure safe navigation, minimize alterations in prevailing currents, minimize the reduction of water area available for public use, avoid impacts that would be deleterious to fish and wildlife habitat, and avoid impacts that might cause erosion to abutting properties; and
 - (c) Ensuring that all projects are constructed using the least impacting alternatives, in a manner that meets the requirements of RSA 483-B and shoreline and bank alteration or stabilization requirements.

Findings of Fact

1. The applicant, The Fells, submitted a Minimum Impact Expedited Application, the application was reviewed using the criteria for minor impact projects.
2. This project was classified as a minor impact project pursuant to Env-Wt 303.03.
3. The proposed "L" shaped configuration is an acceptable configuration as listed in Env-Wt 402.01.
4. The Loon Preservation Committee comments were forwarded to the Department approximately 25 days after the Department issued the permit. These comments do not request any specified restrictions or actions with the project site. The letter provides a

monitoring report from 2009 of Loon activity for the entire water body.

5. Review by the Department within the Departments GIS system indicated the area did not have any species of concern.
6. The local Conservation Commission submitted addition comments via email on May 19, 2010. These comments state the Conservation Commission would work with The Fells, and would not file a formal appeal.
7. The appeal of the Departments decision was signed by the Cohen's. There were no other co-signers of the appeal request letter.

Rulings in Support of the Decision

1. The approved docking structure meets all requirements pursuant to Env-Wt 402 for design configuration and slip density for this frontage.
2. The approved docking structure meets all criteria of Env-Wt 401 and is the least impacting alternative for this frontage.

**2009-02236 BELA BROOK REALTY TRUST, ROBERT DESMARAIS
DUNBARTON Unnamed Wetland**

Requested Action:

Proposal to retain 5910 sq. ft. of wetlands impact for access to a 9-lot residential subdivision. Wetland impacts consist of a 18 in. x 106 ft. culvert with associated headwalls, inlet and outlet protection, grading and filling.

APPROVE AFTER THE FACT:

After-the-fact approval to retain 6200 sq. ft. of wetlands impact for access to a 9-lot residential subdivision. Wetland impacts consist of a 18 in. x 106 ft. culvert with associated headwalls, inlet and outlet protection, grading and filling. The project also includes placement of a no disturb/no cut buffer along the wetland that crosses the site.

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier, Inc., plan sheets 3 through 7 of 18 with revision through April 7, 2003, as received by DES on September 21, 2009 and plan sheet 1 of 1 dated April 10, 2010, "Wetland Buffer Plan" dated May 2010, and narratives dated May 11, 2010, as received by DES on May 12, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on the continued compliance with the requirements of the associated "Restoration Plan Approval", file #2003-00694, issued by DES on September 10, 2009.
5. This permit is contingent on the wetland buffer area being surveyed by a licensed surveyor, and marked by permanent monuments identifying the protection type and area.
6. The Wetlands Bureau shall be notified of the placement of the buffer monuments.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. The deed which accompanies the sales transaction for each of the lots including the wetland buffer shall note the buffer locations and restrictions of a no disturb/no cut buffer.
10. This permit shall not be effective until it has been recorded with the Merrimack 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.
11. 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.
12. 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.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. 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.
15. 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.

16. 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.

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The proposal was previously approved under Wetlands Bureau Permit #2003-00694.
5. The work was conducted after the permit had expired.
6. The applicant has been working with the DES Wetlands Bureau Compliance Section to resolve restoration and permitting issues.
7. The applicant placed a no cut/no disturb buffer along the wetland to address concerns expressed by the NH Fish and Game Department.
8. DES received comments from the United States Environmental Protection Agency ("EPA") and subsequent comments from the United States Army Corps of Engineers ("ACOE") indicating the project is ineligible for the New Hampshire State Programmatic General Permit ("SPGP") due to the lack of a vernal pool survey.
9. DES received a copy of a letter dated December 28, 2009 sent by the applicant's agent to the ACOE to confirm that the previous SPGP permit CENAE-R-200301310 issued under Wetlands Bureau File #2003-00694 was valid when the work was conducted and no further action would be required.
10. The applicant's agent has indicated that they conducted a vernal pool survey and none were found.
11. The applicant's agent has confirmed that the existing/proposed road could continue onto the adjacent lot without the need for additional wetlands impacts.

2009-02367 JOYAL FAMILY HOMESTEAD TRUST, SUSAN RIDDLE TTEE
ALTON Lake Winnepesaukee

Requested Action:

Repair "in kind" 40 linear feet of retaining wall and 42 linear feet of retaining wall, repair and existing 160 sq ft of boat ramp, dredge 20 cubic yards from within the existing boat house, repair the 19 ft x 22 ft boat house and replace the flat roof with a pitched roof, repair the end of the existing breakwater, on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no objections to proposed work

APPROVE PERMIT:

Repair "in kind" 40 linear feet of retaining wall and 42 linear feet of retaining wall, repair an existing 160 sq ft of boat ramp, dredge 20 cubic yards from within the existing boat house, repair the 19 ft x 22 ft boat house and replace the flat roof with a pitched roof, repair the end of the existing breakwater, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated April 19, 2010, as received by DES on May 06, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures, with the exception of the boat house

roof as shown on the approved plan.

4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. If the boat house requires dredging more than once every 6 years to provide access, then facility shall be deemed un-maintainable and will be subject to removal.
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. 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.
12. Existing rocks which have fallen shall be used for repair of the breakwater. No Additional Rocks.
13. 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 material from public waters.
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 proposed boat house roof modification will provide additional structural stability for snow loads and does not provide any additional dockage on the frontage.
5. The applicant has an average of 393 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The existing docking facility will provide 4 slips in combination with other docking structures on the frontage as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-02513 NH FISH & GAME DEPARTMENT
DERRY Beaver Lake

Requested Action:

Replace an existing 12 ft x 41 ft concrete boatramp with a 12 ft x 51 ft concrete boatramp, dredge 2 cubic yards from 242 sq ft and fill 272 sq ft with class c erosion stone on Beaver Lake, Derry.

APPROVE PERMIT:

Replace an existing 12 ft x 41 ft concrete boatramp with a 12 ft x 51 ft concrete boatramp, dredge 2 cubic yards from 242 sq ft and fill 272 sq ft with class c erosion stone on Beaver Lake, Derry.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford and Thorndike Inc revision dated April 28, 2010, as received by DES on April 29, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

4. Work shall be done during draw down.
5. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Beaver Lake.
5. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
6. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
7. The permittee shall be responsible for the following:
 - a. providing a handicapped parking spot,
 - b. providing a kiosk where state and local agencies can post notices, or rules and restrictions regarding responsible boating and environmental practices.
8. The boat ramp shall be utilized indefinitely as a public access to Beaver Lake and shall not change in use.
9. All work and excavation in areas of invasive plant species shall be conducted in accordance with Department of Agriculture rules.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant met with Department of Agriculture personnel to address the best method to control invasive species during excavation on the site.

2010-00405 SQUAM BYRNE LLC
MOULTONBOROUGH Squam Lake

Requested Action:

Install a 6 ft x 40 ft seasonal dock attached to a 6 ft x 4 ft concrete pad, install a seasonal boat lift in the southern slip, install two seasonal PWC lifts in the northern slip, relocate an existing canoe ramp to the center of the property, repair an existing 8 ft x 37 ft permanent dock supported by a 8 ft x 12 ft crib, on Squam Lake, Moultonboro.

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock attached to a 6 ft x 4 ft concrete pad, install a seasonal boat lift in the southern slip, install two seasonal PWC lifts in the northern slip, relocate an existing canoe ramp to the center of the property, repair an existing 8 ft x 37 ft permanent dock supported by a 8 ft x 12 ft crib, on Squam Lake, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 16, 2010, as received by DES on February 22, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
- 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 9. 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.
- 10. Seasonal pier shall be removed from the lake for the non-boating season.
- 11. The seasonal boat lift shall be removed from the lake for the non-boating season.
- 12. The seasonal PWC lifts shall be removed from the lake for the non-boating season.
- 13. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
- 14. This permit does not allow for any work to the existing beach.
- 15. This permit does not allow for any bank impacts or regrading for the re-location of the canoe ramp.
- 16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds design and construction for minimum impact docks.
- 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 an average of 225 feet of shoreline frontage along Squam Lake.
- 5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2009-02983 WHITTEN, DAVID
CAMPTON Pemigewasset River

Requested Action:

Proposal to dredge and fill 861 sq. ft. of wetlands and 68 linear feet of intermittent stream for the construction of driveway to a proposed single family building lot. Work includes Work includes "Impact Area 1" which consists of twin 24 in. x 35 ft. culverts with associated headwalls, filling and grading and "Impact Area 2" which consists of a 48 in. x 22 ft. culvert with associated headwalls, filling and grading and rip-rap outlet.

APPROVE PERMIT:

Dredge and fill 775 sq. ft. of wetlands (63 linear feet of intermittent stream) for the construction of a driveway to a proposed single family building lot. Work includes "Impact Area 1" which consists of a 30 in. x 30 ft. culvert with associated headwalls, filling and grading and "Impact Area 2" which consists of a 48 in. x 22 ft. culvert embedded with natural stream material, river rock outlet protection, associated headwalls, filling and grading.

With Conditions:

- 1. All work shall be in accordance with plans and narratives by Schauer Environmental Consultants, LLC., plans revised through May 4, 2010 and narratives dated May 3, 2010, as received by DES on May 10, 2010.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be done during low flow.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The crossings were previously permitted (Wetlands Bureau File #2000-00796) with similar impacts but had expired before construction.
6. The previously approved design and current application have been revised to provide single culvert crossing at each location which are sized to pass a 50-year storm event.
7. The applicant is using natural stream material for embedding and outlet protection to minimize impacts to the intermittent stream at "Impact Area 2".

2010-00672 HOULE, EDWARD
NEWPORT Unnamed Wetland

Requested Action:

Dredge and fill ± 1,833 sq. ft. of palustrine forested wetlands to install a 24-in. x 65-ft. culvert for driveway access to a single lot of a 3-lot subdivision on ± 50.5 acres.

APPROVE PERMIT:

Dredge and fill ± 1,833 sq. ft. of palustrine forested wetlands to install a 24-in. x 65-ft. culvert for driveway access to a single lot of a 3-lot subdivision on ± 50.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, LLC, as received by DES on March 26, 2010, and Subdivision Plans by Paton Surveys, LLC dated November 02, 2006, as received by DES on March 26, 2010.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the two (2) lots that are less than 2.5 acres.
3. Any future work on the remaining \pm 46.2 acre that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application or approval by the DES Wetlands Bureau.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain the appropriate condition, either condition # 2 or 3 of this approval.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. This project was previously submitted under Wetlands Application File No. 2007-00246.
3. File No. 2007-00246 includes a conceptual phase plan for the remaining \pm 46.2 acres.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-01436 US GOVERNMENT
PITTSBURG Unnamed Wetland

Requested Action:

Proposal to dredge and fill 2150 sq. ft. of forested wetlands (includes 1,000 sq. ft. of temporary wetlands impacts) for the construction of the new United States of America Land Port of Entry facility. Wetland impacts consist of grading/construction of the new side-slopes surrounding the facility.

APPROVE PERMIT:

Dredge and fill 2150 sq. ft. of forested wetlands (includes 1,000 sq. ft. of temporary wetlands impacts) for the construction of the new United States of America Land Port of Entry facility. Wetland impacts consist of grading/construction of the new side-slopes surrounding the facility.

With Conditions:

1. All work shall be in accordance with plans by Pennoni Associates Inc. dated January 26, 2010, revised through February 19, 2010, as received by DES on June 2, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The temporary wetland impact areas shall be restored using native wetland seed mix and/or native wetland plantings and shall have at least 75% successful establishment of wetlands vegetation after one full growing season following completion of the slope construction or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES

Wetlands Bureau.

4. 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.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2010-01206 DOUGLASS, GREGORY
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map 406, Lot# 1

2010-01209 BOUCHER, MARTIN & VIRGINIA
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax Map 29, Lot# 75.2 & 75.3

**2010-01210 CALHOUN, JOHN
SULLIVAN Unnamed Stream**

COMPLETE NOTIFICATION:
Sullivan Tax Map 407, Lot# 188

**2010-01220 RW HAYES FAMILY LLC
NEWPORT Unnamed Stream**

COMPLETE NOTIFICATION:
Newport Tax Map 238, Lot# 1

**2010-01224 HUMP REALTY TRUST, C/O PAUL CLANCY
EFFINGHAM Unnamed Stream**

COMPLETE NOTIFICATION:
Effingham Tax Map 409, Lot# 9

**2010-01245 CLARK HILL INC, FINN M W CASPERSEN
CANAAN Unnamed Stream**

COMPLETE NOTIFICATION:
canaan Tax Map 10, Lot# 11

**2010-01246 CLARK HILL INC, FINN M W CASPERSEN
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map 17, Lot# 740-2

**2010-01247 CLARK HILL INC, FINN M W CASPERSEN
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map 15, Lot# 740

**2010-01248 CLARK HILL INC, FINN M W CASPERSEN
DORCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Dorchester Tax Map 18, Lot# 740

**2010-01250 STOLOS, NICK & LORI
DERRY Unnamed Stream**

COMPLETE NOTIFICATION:

Derry Tax Map 9, Lot# 1

2010-01289 FRAZER, BRUCE
MONROE Unnamed Stream

COMPLETE NOTIFICATION:

MONroe Tax Map/Lot# R5/5 & U1/3

2010-01296 ROBERTSON, TIM
CHESTERFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Chesterfield Tax Map 3, Lot# 64

2010-01297 SOCIETY FOR PROTECTION FOR NH FORESTS
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:

Effingham Tax Map 409, Lot# 10

2010-01301 GREEN ACRE WOODLANDS INC
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:

Plymouth Tax Map 226, lot# 1

2010-01303 LUNDBERG, MAY
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 208, Lot# 21

2010-01308 OTTERSON, MARK
HOOKSETT Unnamed Stream

COMPLETE NOTIFICATION:

Hooksett Tax MAp 6, Lot# 10

2010-01309 TISE, STEPHEN
ANTRIM Unnamed Stream

COMPLETE NOTIFICATION:

Antrim TAX MAp 220, Lot# 4

2010-01312 CERSOSIMO INDUSTRIES
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 412, Lot# 55

2010-01329 WEAVER, EDWARD
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:
Wilmot Tax MAp 7, Lot# 34

2010-01330 BRAVO 1991 TRUST, SANDRA
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax MAp 7, Lot# 53

2010-01360 FLEMING, RICK
LEE Unnamed Stream

COMPLETE NOTIFICATION:
Lee Tax Map 22, Lot# 1-0

2010-01361 FORD FAMILY VENTURES
LISBON Unnamed Stream

COMPLETE NOTIFICATION:
Lisbon Tax Map R32, Lot# 7

2010-01362 COOK, WILBUR
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R18, Lot# 2

2010-01388 JUSTHAM, DARYL
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Rochester Tax Map 246, Lot# 39

2010-01389 FORECASTLE TIMBER NH LLC
CHESTERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Chesterfield Tax Map 19, Lot# A-2

2010-01391 MANCHESTER WATER WORKS
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax MAp 3, Lot# 2

2010-01392 KINGDOM CHRISTIAN MINISTRIES
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:
Dublin Tax Map 5, Lot# 64

2010-01393 COLLINS, JOE
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 56, Lot# 4-1

2010-01394 MONAHAN-FORTIN, LLC
HUDSON Unnamed Stream

Conservation Commission/Staff Comments:
Community Planning Board claims there are plans for any development for this property at this time.

COMPLETE NOTIFICATION:
Hudson Tax Map 235, Lot# 11, 12, 13

2010-01395 HAMILTONS OF WATERBORO
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map 409, Lot# 12

2010-01403 DESCHENES, KEVIN
EFFINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Effingham Tax Map/Lot# 406/10 & 408/36

2010-01467 CALHOUN, JOHN
GILSUM Unnamed Stream

COMPLETE NOTIFICATION:

Gilsum Tax Map 407, Lot# 188

EXPEDITED MINIMUM

2007-00756 LANGLEY, TIMOTHY
DUNBARTON Unnamed Wetland

Requested Action:

Approve name change to: Timothy M. Langley, 90 Rangely Road, Dunbarton, NH 03046 per request received 6/10/10. Previous owner: Lois Miner.

APPROVE NAME CHANGE:

Dredge and fill 1232 square feet including installation of a 20-foot x 5-inch culvert for access in the subdivision of 6.13 acres into two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Christopher K Danforth and Associates dated March 26, 2007, as received by the Department on April 19, 2007, and Subdivision Plans by JE Belanger Surveying PLLC dated August 22, 2006, and revised through October 2, 2006, as received by the Bureau on May 15, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. 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.
11. Silt fencing must be removed once the area is stabilized.
12. 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).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2010-00414 FRIEZE, KENNETH
NEW LONDON Unnamed Wetland

Requested Action:

Dredge and fill ± 189 sq. ft. of palustrine forested wetlands for the installation of a 12-inch x 17-foot culvert for driveway access to an existing single family residential lot of record.

APPROVE PERMIT:

Dredge and fill ± 189 sq. ft. of palustrine forested wetlands for the installation of a 12-inch x 17-foot culvert for driveway access to an existing single family residential lot of record.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated September 05, 2009, and designed on December 05, 2009, as received by the Department on March 04, 2010.
2. This permit is contingent on approval by the DES Shoreland Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions and in the dry.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
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. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), access to a single family residence.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. 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.
4. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
5. The affected abutter was sent a copy of the waiver request via certified mail.
6. The proposed impacts within the 20 foot setback have previously occurred in the form of an access drive and stone culvert circa 1957. The project will add a culvert and upgrade the culvert headwalls and road.
7. Relocating the impacts to meet the 20 foot setback would increase the overall impacts to the wetland resource.
8. 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 304.04.
9. 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.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. 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.
12. 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.

2010-01136 HORNE, THOMAS & LORRAINE
NORTHWOOD Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,288 sq. ft. of wetlands at two locations, and install a 15" x 12' culvert at each, for construction of a

driveway crossing for a single family house lot.

APPROVE PERMIT:

Dredge and fill a total of 1,288 sq. ft. of wetlands at two locations, and install a 15" x 12' culvert at each, for construction of a driveway crossing for a single family house lot.

With Conditions:

1. All work shall be in accordance with revised plans by Ramsdell and Daughters dated 6/4/2010, as received by DES on 6/4/2010.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on 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. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to permit vehicular access to a single family building lot.
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. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Northwood Conservation Commission signed the expedited application.

**2010-01213 MYERS, MELISSA
TAMWORTH Sanborn Brook**

Requested Action:

Fill approximately 1,000 square feet within the bed and banks of Sanborn Brook along 1,000 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat for native brook trout.

Conservation Commission/Staff Comments:

Restoration project is supported by the NH Fish & Game and US Forest Service by serving on the Advisory Board for this trout habitat improvement project.

APPROVE PERMIT:

Fill approximately 1,000 square feet within the bed and banks of Sanborn Brook along 1,000 linear feet by incorporating trees/wood into the brook by hand (no equipment) to restore aquatic habitat for native brook trout.

With Conditions:

1. All work shall be in accordance with the approved plans, as received by DES on May 12, 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. Work shall be done during low flow conditions.
4. A post-construction report with photographs documenting the status of the completed project shall be submitted to the Wetlands

Bureau within 60 days of the completion of construction.
5. Trees that are stabilizing slopes and banks shall be left intact.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposed to restore degraded aquatic resources that benefit native brook trout.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule 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 Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2010-01471 OKESSON, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2010-01472 MORIN, ROBERT
(ALL TOWNS)

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2010-01473 KUPIS, EARL ROY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2010-01481 LIESENDAHL, GARY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

**2010-01427 DRED
WINCHESTER Unnamed Stream**

COMPLETE NOTIFICATION:
Winchester Tax Map 11, Lot# 17

LAKES-SEASONAL DOCK NOTIF

**2010-01499 LINCOLN, MICHAEL
ALEXANDRIA Newfound Lake**

COMPLETE NOTIFICATION:
Alexandria tax map 201 lots 9 & 91, Newfound Lake

ROADWAY MAINTENANCE NOTIF

**2010-01468 NH DEPT OF TRANSPORTATION
NORTHWOOD Unnamed Wetland**

**2010-01493 AMHERST, TOWN OF
AMHERST Unnamed Wetland**

**2010-01494 AMHERST, TOWN OF
AMHERST Unnamed Wetland**

**2010-01496 AMHERST, TOWN OF
AMHERST Unnamed Wetland**

PERMIT BY NOTIFICATION

2010-01422 LINDQUIST, ALLEN
LACONIA Winnisquam Lake

Requested Action:

Installation of an anchoring pad for a seasonal pier, installation of 2 PWC lifts, installation of a seasonal boat lift.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Installation of an anchoring pad for a seasonal pier, installation of 2 PWC lifts, installation of a seasonal boat lift.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ab), construction of an anchoring pad for a seasonal dock.

2010-01439 NAGLE, PATRICIA
LACONIA Winnisquam Lake

Requested Action:

Installation of a seasonal boat lift.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Installation of a seasonal boat lift.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boat lift.

CSPA PERMIT

2009-03058 HADLOCK, STEVEN & SUSAN BATCHELDER
AMHERST Baboosic Lake

Requested Action:

Impact 3,230 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 3,230 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and

stormwater controls.

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

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services last revised March 24, 2010 and received by the Department of Environmental Services ("DES") on April 1, 2010. 2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No impacts shall occur to native vegetation or natural ground cover within the waterfront buffer associated with this project.
4. No more than 19.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
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 Baboosic 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 install a new NH Sate approved septic system.
4. The applicant has proposed to install stormwater controls consisting of directing stormwater to infiltration trenches via rain gutters capable of intercepting 1 inch of rain during a flash storm event.
5. The applicant has proposed to install sound stormwater controls and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00809 FOWLER, HARMONY
NORTHWOOD Lucas Pond

Requested Action:

Impact 1950 sq.ft. for the purpose of replacing existing septic system.

APPROVE PERMIT:

Impact 1,950 sq ft for the purpose of replacing existing septic system.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering LLC dated November 11, 2009 and received by the Department of Environmental Services ("DES") on April 8, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. All work shall be in accordance with plans by Brown Engineering LLC dated November 11, 2009 and received by the Department of Environmental Services ("DES") on April 8, 2010.
4. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 1,701 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,000 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).
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. 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. 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.

**2010-00813 TUCK REALTY CORPORATION
HAMPTON Tidal Marsh**

Requested Action:

Impact 18800 sq.ft. for the purpose of subdividing subject parcel into three lots with municipal water & sewer and pervious driveway.

APPROVE PERMIT:

Impact 18,800 sq ft for the purpose of subdividing subject parcel into three lots with municipal water & sewer and pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated March 2, 2010 and received by the Department of Environmental Services ("DES") on April 9, 2010.
2. At any time during construction a lot changes ownership, the new owner must submit a Shoreland Application for any changes different from the previous Shoreland Application that has been approved.
3. No more than 16% 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 N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least N/A sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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.

**2010-00927 RUBIN, MATTHEW
WATERVILLE VALLEY Mad River**

Requested Action:

Impact 2220 sq.ft. for the purpose of constructing patio and hot tub pavilion.

APPROVE PERMIT:

Impact 2,220 sq ft for the purpose of constructing patio and hot tub pavilion.

With Conditions:

1. All work shall be in accordance with plans by Samyn-D'Elia Architects, P.A. dated March 3, 2010 and received by the Department of Environmental Services ("DES") on April 19, 2010.
2. 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.
3. The project as proposed will leave approximately 2,575 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,795 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.

**2010-01057 WROBLESKI, DANIEL
JACKSON Ellis River**

Requested Action:

Impact 6824 sq.ft. Construction of 1850 sq.ft. home, septic system and driveway.

APPROVE PERMIT:

Impact 6,824 sq ft for construction of 1,850 sq ft home, septic system and driveway.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Co., Inc dated July 9, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. No more than 13% 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 N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,753 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.

2010-01088 WALKER, STEVEN & MARY A
NEW HAMPTON Winona Lake

Requested Action:

Impact 1851 sq.ft. Construction of three additions and one garage.

APPROVE PERMIT:

Impact 1,851 sq ft for construction of three additions and one garage.

With Conditions:

1. All work shall be in accordance with plans by Steve and Mary Walker dated May 2010 and received by the Department of Environmental Services ("DES") on May 3, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 4.65% 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 33,799 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,825 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.

2010-01130 MORIN, BOB & DEBORAH
CANAAN Goose Pond

Requested Action:

Impact 13,300 sq ft for the reconstruction of house on existing foundation, garage and driveway.

Amendment Change: Existing foundation will be removed to rebuild a home covering less than 20 percent impervious area behind

the 50ft reference line. Total impact, permanent and temporary, 13,300 sq ft.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Existing foundation will be removed to rebuild a home covering less than 20 percent impervious area behind the 50ft reference line. Total impact, permanent and temporary, 13,300 sq ft.

Impact 13,300 sq ft for the reconstruction of house on existing foundation, garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by Cardigan Mountain Land Surveys, LLC dated April 12, 2010 and received by the Department of Environmental Services ("DES") on May 5, 2010.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,220 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,210 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.

Requested Action:

Impact 13,300 sq ft for the reconstruction of house on existing foundation, garage and driveway.

Amendment Change: Existing foundation will be removed to rebuild a home covering less than 20 percent impervious area behind the 50ft reference line. Total impact, permanent and temporary, 13,300 sq ft.

Amendment Change: All work shall be in accordance with plans by Right Angle Engineering, PLLC dated April 5, 2010 and received by the Department of Environmental Services ("DES") on May 5, 2010.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Existing foundation will be removed to rebuild a home covering less than 20 percent impervious area behind the 50ft reference line. Total impact, permanent and temporary, 13,300 sq ft.

Impact 13,300 sq ft for the reconstruction of house on existing foundation, garage and driveway.

Amendment Description: All work shall be in accordance with plans by Right Angle Engineering, PLLC dated April 5, 2010 and received by the Department of Environmental Services ("DES") on May 5, 2010.

With Conditions:

1. All work shall be in accordance with plans by Cardigan Mountain Land Surveys, LLC dated April 12, 2010 and received by the Department of Environmental Services ("DES") on May 5, 2010.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,220 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,210 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.

2010-01133 SNIDER, JEFFERY & CAROLYN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:
 Impact 2460 sq.ft. for the construction of garage and attached breezeway.

APPROVE PERMIT:
 Impact 2460 sq ft for the construction of garage and attached breezeway.

- With Conditions:
1. All work shall be in accordance with plans by Ames Associates dated April 9, 2010 and received by the Department of Environmental Services ("DES") on May 6, 2010.
 2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 3. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,893 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.

2010-01148 44 SILVER STAR LLC
TUFTONBORO Lake Winnepesaukee

Requested Action:
 Impact 5779 sq.ft. for the construction of a deck on existing non-conforming structure, removal of impervious structures and construction of BMP trench.

APPROVE PERMIT:
 Impact 5,779 sq ft for the construction of a deck on existing non-conforming structure, removal of impervious structures and construction of BMP trench.

- With Conditions:
1. All work shall be in accordance with plans by White Mountain Survey Co., Inc dated May 5, 2010 and received by the Department of Environmental Services ("DES") on May 10, 2010.
 2. No more than 33.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least N/A 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.

2010-01268 PINKHAM, PAUL
SPOFFORD Spofford Lake

Requested Action:

Impact 240 sq.ft. for the construction of a 10'x20' attached deck.

APPROVE PERMIT:

Impact 240 sq ft for the construction of a 10ft x 20ft attached deck.

With Conditions:

1. All work shall be in accordance with plans by MVS Construction dated April 15, 2010 and received by the Department of Environmental Services ("DES") on May 17, 2010.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,400 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.

2010-01270 ATKINSON, JANET
NEW DURHAM Shaws Pond

Requested Action:

Impact 3268.5 sq.ft. for the construction of a three car garage, patio and an addition to existing deck.

APPROVE PERMIT:

Impact 3,268.5 sq ft for the construction of a three car garage, patio and an addition to existing deck.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Corp. dated March 2010 and received by the Department of Environmental Services ("DES") on May 20, 2010.
2. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 13,857 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,815 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. 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.

2010-01271 SHAWS POND LLC
NEW DURHAM Shaws Pond

Requested Action:

Impact 7039 sq.ft. for the reconstruction of existing house on same footprint, removal of retaining walls & concrete steps, reconfiguration of driveway, construction of new sewage disposal system & storm water management system.

APPROVE PERMIT:

Impact 7,039 sq ft for the reconstruction of existing house on same footprint, removal of retaining walls & concrete steps, reconfiguration of driveway, construction of new sewage disposal system & storm water management system.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated May 19, 2010 and received by the Department of Environmental Services ("DES") on May 20, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. No more than 23% 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 N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,142 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.

**2010-01274 COLONY 2003 TRUST, GEORGE & ANN
HARRISVILLE Silver Lake**

Requested Action:

Impact 15,556 sq ft for the removal of existing home and reconstructing a new home with driveway and walkway behind the 50 ft reference line.

APPROVE PERMIT:

Impact 15,556 sq ft for the removal of existing home and reconstructing a new home with driveway and walkway behind the 50 ft reference line.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc. dated May 4, 2010 and received by the Department of Environmental Services ("DES") on May 20, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. No more than 16.44% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 6,460 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,252 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).
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. 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. 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. 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.

**2010-01276 PATEUK, DAVID
PITTSBURG Round Pond**

Requested Action:

Impact 5154 sq.ft. for the construction of 198 sq.ft. addition to existing cottage, 2075 sq.ft. driveway and replacement of existing septic system.

APPROVE PERMIT:

Impact 5,154 sq ft for the construction of 198 sq ft addition to existing cottage, 2,075 sq ft driveway and replacement of existing septic system.

With Conditions:

1. All work shall be in accordance with plans by E. James Wells dated May 11, 2010 and received by the Department of Environmental Services ("DES") on May 20, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."

3. No more than 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 15,305 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,911 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.

**2010-01279 FRIEZE, KENNETH
NEW LONDON Sunapee Lake**

Requested Action:

Impact 24633 sq.ft. (of which 11,086 sq. ft. is permanent) for the construction of dwelling, leach field, patios, steps, and new driveway.

APPROVE PERMIT:

Impact 24,633 sq.ft. for the construction of dwelling, leach field, patios, steps, and new driveway.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated May 10, 2010 and received by the Department of Environmental Services ("DES") on May 21, 2010.
2. No more than 18.6% 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 10,316 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,199 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
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.

**2010-01287 GARVEY, PATRICK/SUZANNE
NEWBURY Sunapee Lake**

Requested Action:

Impact 7,765 sq ft to update existing septic design and construct 4ft wide path to lake.

APPROVE PERMIT:

Impact 7,765 sq ft to update existing septic design and construct 4ft wide path to lake.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated April 2010 and received by the Department of Environmental Services ("DES") on May 24, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,165 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.

2010-01288 LAWLOR, PETER
MOULTONBOROUGH Kanasatka Lake

Requested Action:

Impact 2773 sq.ft. for the construction of addition on existing structure and the installation of well, septic and walkways.

APPROVE PERMIT:

Impact 2,773 sq.ft. for the construction of addition on existing structure and the installation of well, septic and walkways.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated May 19, 2010 and received by the Department of Environmental Services ("DES") on May 24, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 2.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 18,320 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,508 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2010-00570 HIGGINS, DALE
NORTHWOOD Pleasant Lake

Requested Action:

Impact 14,896 sq ft for the purpose of expanding a nonconforming structure, constructing new associated accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 14,896 sq ft for the purpose of expanding a nonconforming structure, constructing new associated accessory structures and installing a new septic system.

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

With Conditions:

- 1. All work shall be in accordance with plans by Fred Walker of Topotech last revised April 7, 2010 and received by the Department of Environmental Services ("DES") on April 9, 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 13.4% 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 NH DES Subsurface Systems Bureau and installing the proposed septic system.
- 5. There shall be no impacts to native vegetation or natural ground cover within the waterfront buffer associated with this project.
- 6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
- 7. Upon completion of the proposed project, the proposed plantings shall have a 100% success rate.
- 8. The project as proposed will leave approximately 38,040 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,008 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).
- 9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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. 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.
17. 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 Pleasant Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 2,049 sq ft of impervious area from the natural woodland buffer and replant the formerly impervious area with natural, native vegetation.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the drip edges of the proposed structures that divert stormwater to drywells.
5. The applicant has proposed to construct a new driveway that diverts stormwater away from the surface waterbody.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
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 natural woodland buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-01052 RICE, WILLIAM
GILFORD Lake Winnepesaukee

Requested Action:

Impact 2,990 sq ft for the purpose of constructing a new accessory structure.

APPROVE PERMIT:

Impact 2,990 sq ft for the purpose of constructing a new accessory structure.

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

With Conditions:

1. All work shall be in accordance with revised plans by Brian L. Bailey Associates, Inc. dated May 17, 2010 and received by the Department of Environmental Services ("DES") on June 8, 2010.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 39.37% 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 submitted planting plan shall be implemented to ensure that each planting has 100% success rate.
5. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
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 on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface 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 by 1,018 sq ft.

4. The applicant has proposed to provide additional, native plantings within the natural woodland buffer.

5. The applicant has proposed to reduce imperviousness on the subject lot and enhance the natural woodland buffer with native vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.