

# Wetlands Bureau Decision Report

Decisions Taken  
06/14/2010 to 06/20/2010

## **DISCLAIMER:**

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

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

## **APPEAL:**

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

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

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

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

**MAJOR IMPACT PROJECT**

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**2005-02281 THE NATURE CONSERVANCY  
DOVER Cocheco River**

Requested Action:

Approve name change to: The Nature Conservancy, 22 Bridge St., 4th Floor, Concord, NH 03301 per request received 6/3/10.

Previous owner: Montgomery Childs.

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Conservation Commission/Staff Comments:

Con Com wishes to intervene. No further correspondance.

Inspection Date: 12/06/2005 by Dori A Wiggin

APPROVE NAME CHANGE:

Construct a 6 ft. x 6 ft. platform pier to a 36 ft. x 3 ft. ramp to a 20 ft. x 10 ft. float, overall structure length is 49 ft., providing one undersized slip on 1170 feet of frontage.

With Conditions:

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 20, 2005, as received by the Department on September 26, 2005.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

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

-Send to Governor and Executive Council-

**2009-00062 RILEY, DANIEL  
RYE Freshnet Creek / Tidal Marsh**

Requested Action:

Construct a 181 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 6 ft. x 20 ft. permanent dock to be located in a small tidal creek to dock a 17 ft. outboard motor powered watercraft in the Awcomin salt marsh on a tributary to Rye Harbor known as Freshet Creek.

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Conservation Commission/Staff Comments:

"The Rye Conservation Commission has very serious concerns with the project proposed on the Riley property at 1661 Ocean Boulevard in Rye (file no. 2009-00062) and very strongly urges denial of the application." See letter in file.

Inspection Date: 01/02/2010 by Frank D Richardson

Inspection Date: 01/31/2010 by Frank D Richardson

Inspection Date: 10/07/2009 by Frank D Richardson

Inspection Date: 04/08/2009 by Frank D Richardson

Inspection Date: 06/12/2009 by Frank D Richardson

DENY RECONSIDERATION:

Construct a 181 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 6 ft. x 20 ft. permanent dock to be located in a small tidal creek to dock a 17 ft. outboard motor powered watercraft in the Awcomin salt marsh on a tributary to Rye Harbor known as Freshet Creek.

With Findings:

1. In addition to the deficiencies in this application which were set forth in the denial of the application issued on July 9, 2009, it has been found that the applicant also failed to respond to the requirements of Env-Wt 501.02, Additional Data Requirements, specifically Env-Wt 501.02(a)(2)A drawing or drawings not to exceed 28 inches by 48 inches in size showing:

1. The shoreline, surface waters, areas within 100 feet from the highest observable tideline, and sand dunes on site, and their relation to the proposed project; and

o. Labeled and lightly shaded or stippled areas indicating limits of all temporary and permanent impacts in jurisdiction, including wetlands, surface water and their banks, areas within 100 feet from the highest observable tide line, and sand dunes; and

(3)(b) In addition to the information required in (a) above, for projects in tidal wetlands, the applicant shall supply the following:

(1) The boundaries of the tidal buffer zone, edge of salt marsh vegetation, and sand dunes in the vicinity shown on the drawing required in (a)(2) above;

(2) If the proposed project is located within 200 feet of any Federal Navigation Project, the distance between any structure(s) associated with the proposed project and the Federal Navigation Project site; and

(3) The name of the individual who conducted the delineation on the property.

2. In response to the Motion for Reconsideration received August 5, 2009 item #s 1 through 9 constitute summary statements regarding the denial of this application. Item #9, in particular, cites and restates, in paragraphs a. through f., findings and conclusions set forth in the denial of this application which the DES continues to promulgate.

3. In response to item #10 a. & b., the DES holds no prejudice against an applicant for providing a timely and complete response to a request for more information. However, it is the responsibility of the applicant to provide a complete application which addresses all sections of the DES Wetlands Bureau Code of Administrative Rules appropriate to the type of project, its location and the type of wetlands and areas in DES Wetlands Bureau jurisdiction proposed to be impacted.

4. In response to item 10 c., the DES reaffirms Rule Env-Wt (a) which states, in part, "No project shall be allowed that intrudes into a tidal wetland unless the department finds it to be for the public good as set out in RSA 482-A:1" The applicant is unable to satisfactorily demonstrate that the need for the proposed impact is the least impacting alternative. The statement that the DES is required to focus solely on the subject site and not take into consideration that the expressed need for the project, to have boating access to tidal waters, can be accomplished without any environmental impact to the subject parcel by launching at a nearby public facility is erroneous.

In addition, statements regarding the public boat launch alternative, such as "DES failed to consider the following environmental factors: [in summary] (1) cumulative carbon footprint; (2) accessibility; (3) availability of boat storage and/or mooring options; (4) user fees and (5) "perpetual inconvenience" are erroneous. The DES did not fail to consider these "environmental factors" since the applicant never raised any of these factors for the DES to consider and respond to in the application.

In response to Env-Wt 302.04(1), The applicant stated: "Need: The impact is necessitated by a need and right for a boat slip on

property owning navigable frontage on Freshet Creek." Furthermore the "Alternative: A dock on the creek proper would result in a walkway +/- 900 ft. long so therefore our proposal is MUCH less impacting at only 180 ft." provides no reasonable alternative since a request for 900 foot walkway would have equal likelihood of being denied.

5. In response to item 10 d., as to "... the idea of dragging boats across the tidal marsh". This practice is discouraged and if this activity was persistent in any location, resulting in degradation of the wetland, appropriate enforcement action would be taken.

6. In response to item 10 e., regarding determinations or findings based on field inspections by Wetlands Bureau staff Frank D. Richardson, Ph.D., his best professional judgment found that "... this project will more than likely, contribute to the degradation of, and result in the loss of, the ecological integrity of the fragile tidal marsh ecosystem of the Awcomin salt marsh ..." has not been challenged by any equally well qualified environmental professional on behalf of the applicant.

However, the Rye Conservation Commission, the NH Fish and Game Department, the National Marine Fisheries Service and the US Army Corps of Engineers are all in consort that this project would adversely impact the salt marsh and recommend the applicant explore alternatives. Specifically stated by the New England District, Corps of Engineers in their letter of March 3, 2009 finding this project ineligible for authorization under the NH Programmatic General Permit: "Please provide an analysis of alternatives including the use of public boat ramps and commercial marinas that are in the area."

7. In response to item 10 f., stating that this decision "... is inconsistent with past DES approvals relating to elevated boardwalks and connecting docks." This application is unique in terms of type and size of the structure and location. No previous Wetlands application has proposed similar impacts to a tidal marsh when a viable and reasonable alternative exists. None of the four decisions cited herein involve tidal wetlands and therefore do not provide a meaningful comparison.

8. Observations made during field inspections following receipt of the Motion for Reconsideration have further galvanized the departments' commitment to deny this application. Photographs taken on January 02, 2010 show the range of an 11.5 - 12.0 ft tide (second highest of 2010) completely covering the salt marsh and coming on to the Riley property. Given the potential for a storm event with storm surge and possible ice flows at his location, a walkway, such as proposed, would be subject to damage with the debris being scattered by the tides into property of others and possibly becoming a hazard to navigation.

It was noted during field inspections that no previous Wetlands permit has been issued for work in jurisdiction on this property and yet a deck on the westerly (marsh) side of the garage appears to be of fairly recent construction and crushed stone fill surrounding the deck and over the edge of the slope into the salt marsh appears to have been placed very recently. (see photos in file)

The Department of Environmental Services Wetlands Bureau reaffirms its' denial of this application based on the original findings for denial of July 9, 2009 and in the responses above to the issues brought forth in this Motion for Reconsideration.

**2009-02331                      BOLDUC, LINDA**  
**LACONIA   Unnamed Wetland Lake Opechee**

**Requested Action:**

Amend permit to extend the storm drain replacement pipe by 264 linear feet (impacting 792 square feet within an existing culverted area) to improve the existing storm drain infrastructure.

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**Conservation Commission/Staff Comments:**

This ARRA funded project received an expedited review. In a memo dated 10/7/09, the Laconia Conservation Commission stated that they have no objections to the issuance of this permit.

**APPROVE AMENDMENT:**

Amend permit to read: Dredge and fill 13,919 square feet of wetland and temporarily impact 7,543 square feet of wetland to create 500 linear feet of new stream channel that was previously culverted in the 1950's for residential development. Approximately 800 linear feet of existing culvert/stormwater drains will be abandoned to complete this water quality improvement project in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc. dated September 2009, as received by DES on September 30, 2009; and in accordance with revised plans dated May 2010, as received by DES on June 7, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow conditions.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stream creation areas are constructed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
10. The banks and benches within the stream creation areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional stream is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. 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 after July 1, 2008.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. This water quality improvement project is funded by the ARRA Clean Water State Revolving Fund (project # CS-333201-05).
3. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. In a memo dated October 7, 2009, the Laconia Conservation Commission stated that they have no objections to the issuance of this permit.
7. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.90.
8. The amendment is needed to make continued stormwater improvements to the existing infrastructure.

**2010-00224 NH DEPT OF TRANSPORTATION  
HOOKSETT Dalton Brook**

Requested Action:

Widen Rte.3/ 28 to add two through lanes; replace 36 in. and 42 in. culverts with 5 ft. x 8 ft. and 4 ft. x 10 ft. box culverts to reduce flooding; add an 18 in. drainage culvert and outlet impacting 7,678 sq. ft. of riverine and palustrine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Widen Rte.3/ 28 to add two through lanes; replace 36 in. and 42 in. culverts with 5 ft. x 8 ft. and 4 ft. x 10 ft. box culverts to reduce flooding; add an 18 in. drainage culvert and outlet impacting 7,678 sq. ft. of riverine and palustrine wetlands. NHDOT project #12537A

With Conditions:

1. All work shall be in accordance with plans by NH Dept of Transportation Bureau of Highway Design dated 10/2009, as received by the Department on May 14, 2010.
2. This permit is contingent on review and written approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This approval is contingent upon receipt of temporary construction easements or similar prior to construction.
5. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
6. 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.
7. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
8. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
9. Work shall be done during low flow.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation and areas cleared of vegetation shall have begun to be revegetated within three days of the completion of this project.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
13. 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.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. No equipment shall enter the water.
16. Prior to commencing work on a substructure within surface waters, a sandbag or other approved cofferdam shall be constructed to isolate the substructure work area from the surface waters.
17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

19. 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.
20. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
21. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
22. Temporary cofferdams shall be entirely removed immediately following construction.
23. 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.
24. 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.
25. 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.
26. Within 60-days of the completion of the project a post construction report, including photographs illustrating the status of the completed project, shall be submitted to the file.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The proposal is designed to mitigate a serious flooding issue upstream while not impacting any downstream properties.
3. The Department determined that mitigation is not required for this project as it is a public project that is providing a public benefit and also is an improvement over the existing aquatic resources.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided an engineering analysis that indicates that the proposed structures will pass a 50-year storm event.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**MINOR IMPACT PROJECT**

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**2009-01606 CHASSE, MICHAEL & ROXANNE  
EPSOM Unnamed Wetland**

Requested Action:

Proposal to retain 3,639 sq. ft. of wetlands for the construction of a wildlife and farm pond and restore 1,711 sq. ft. of the non-permitted wetlands impacts.

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APPROVE AFTER THE FACT:

Approval to retain 3,639 sq. ft. of wetlands impacts conducted for the construction of a wildlife and farm pond and restore 1,711 sq. ft. of the non-permitted wetlands impacts.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC plan sheet 2 of 2 dated January 18, 2010, as received by DES on January 22, 2010 and plan sheet 1 of 2 revision date of May 10, 2010 and narratives dated April 28, 2010, as

received by DES on May 17, 2010.

2. This permit is contingent on compliance with the restoration plan approval to be issued by the DES Wetlands Bureau, Compliance Section.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 25, 2009 and found that wetland impacts had been conducted on the property without a permit from DES.
6. This permit is contingent on approval by the DES Wetlands Bureau, Compliance Section of the proposed wetlands restoration.
7. The New Hampshire Fish and Game Department ("NHFGD") submitted comments regarding concerns of habitat impacts of species, Blanding's turtle and spotted turtle, identified in the vicinity of the project.
8. The applicant has added plantings to the design and a no mow/cut buffer along the north side of the pond.
9. DES was informed by the applicant's agent that NHFGD staff inspected the site with them on May 10, 2010 and was provided information regarding the design changes.
10. DES has not received any follow-up comments regarding the project or project revisions.

**2009-01905                      COE BROWN ACADEMY**  
**NORTHWOOD   Unnamed Wetland**

Requested Action:

Dredge and fill 14,659 sq. ft. of wetlands over multiple areas for facilities improvement at an existing high school, including 7,357 sq. ft. of impact for ballfield construction; a total of 1,173 sq. ft. over four locations for construction of a new access road from Bow Lake Road; 5,365 sq. ft. of impact for parking area construction, and associated edge fill and drainage re-grading; 634 sq. ft. for replacement of the existing 36" Sherburne Brook road crossing culvert with a 8' x 4' x 25' box culvert; and 130 sq. ft. to remove a 30" trail culvert in Sherburne Brook and replace with a full span wooden footbridge.

Approve as mitigation a conservation easement on 52 acres (47.2 of upland, 4.8 acres of wetland) on property know as the Meade parcel with easement held by Bear-Paw Regional Greenways, to serve as mitigation for a total of 28,349 sq. ft. of impact, including the 14,659 sq. ft. of new impact, and to replace previous, failed mitigation for a previously permitted 13,690 sq. ft. of impact. Waive Administrative Rule Env-Wt 304.04, Setback to Property Lines relative to the 20' abutter setback.

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APPROVE PERMIT:

Dredge and fill 14,659 sq. ft. of wetlands over multiple areas for facilities improvement at an existing high school, including 7,357 sq. ft. of impact for ballfield construction; a total of 1,173 sq. ft. over four locations for construction of a new access road from Bow Lake Road; 5,365 sq. ft. of impact for parking area construction, and associated edge fill and drainage re-grading; 634 sq. ft. for replacement of the existing 36" Sherburne Brook road crossing culvert with a 8' x 4' x 25' box culvert; and 130 sq. ft. to remove a 30" trail culvert in Sherburne Brook and replace with a full span wooden footbridge.

Approve as mitigation a conservation easement on 52 acres (47.2 of upland, 4.8 acres of wetland) on property know as the Meade parcel with easement held by Bear-Paw Regional Greenways, to serve as mitigation for a total of 28,349 sq. ft. of impact, including the 14,659 sq. ft. of new impact, and to replace previous, failed mitigation for a previously permitted 13,690 sq. ft. of impact. Waive Administrative Rule Env-Wt 304.04, Setback to Property Lines relative to the 20' abutter setback.

With Conditions:

1. All work shall be in accordance with plans by Civil Consultants dated 3/31/2010, as received by DES on 4/14/2010.
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. Proper headwalls shall be constructed within seven days of culvert installation.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or matting and pinning on slopes steeper than 3:1.
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. Silt fencing must be removed once the area is stabilized.
11. Work shall be done during low flow.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 52 acres as depicted on plans received 6/11/2010.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction

of structures, and storage of vehicles or hazardous materials is prohibited.

8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate of non-tidal wetlands which exceed the criteria for minimum impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The high school must expand its facilities to meet student needs.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The lot development impacts are confined to isolated wetlands, or are edge fill associated with grading. Other impacts improve existing small crossings. The applicant is mitigating for unavoidable impacts, and is further providing replacement mitigation for previous failed mitigation identified in Coe Brown Academy's historical permitting background related to the review of this application.
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. The NH Fish and Game Department has reported that the culvert upgrades will be acceptable for passage of Blandings and wood turtles, which were reported by the NH Natural Heritage Bureau as occurring the project vicinity.
5. The Northwood Conservation Commission did not comment to DES.
6. On 4/14/2010 DES received the applicant's request for a Waiver, pursuant to the requirements of Env-Wt 204, to waive the requirements of Env-Wt 304.04, relative to work within the 20' abutter setback, after being unable to obtain written permission from the abutter.
7. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
8. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule. The applicant has engineered the proposal to maintain hydrology and properly handle stormwater on the lot post-development to eliminate potential drainage impacts to abutters, and has received DES Alteration of Terrain approval relative to the drainage plan.
9. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in diminishing the ability of the school to expand to meet student needs.
10. Based on findings 7-9 above, DES grants the applicant a Waiver to rule Env-Wt 304.04.

**2009-02285                      PETRILLO, ROBERT & ARLENE**  
**SALEM    Arlington Pond**

Requested Action:

Retain an existing 4 ft x 10 ft seasonal dock on an average of 85 ft of frontage with an existing 4 ft x 20 ft seasonal dock on Arlington Pond, Salem.

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Conservation Commission/Staff Comments:

Con Com submitted comments recommending approval

APPROVE AFTER THE FACT:

Retain an existing 4 ft x 10 ft seasonal dock on an average of 85 ft of frontage with an existing 4 ft x 20 ft seasonal dock on Arlington Pond, Salem.

With Conditions:

1. All work shall be in accordance with plans as received by DES on February 04, 2010.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. All portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal docking structures shall be removed from the lake for the non-boating season.
6. No portion of the 4 ft x 10 ft seasonal dock shall extend more than 10 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the minimum impact criteria.
2. Department of Safety Division of Marine Patrol has submitted comments indicating support of the proposed project.

**2010-00679                      PSNH  
LITTLETON    Unnamed Wetland**

Requested Action:

Dredge and fill total of 5,878 sq. ft. over two isolated forested wetlands for expansion of an existing electric substation.

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APPROVE PERMIT:

Dredge and fill total of 5,878 sq. ft. over two isolated forested wetlands for expansion of an existing electric substation.

With Conditions:

1. All work shall be in accordance with plans by SCG Engineering LLC dated 3/10/2010, as received by DES on 3/19/2010.
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 matting and pinning on slopes steeper than 3:1.
6. Silt fencing must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate of non-tidal wetlands which exceed the criteria for minimum impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Increased demand for electric service requires an expansion of this electric facility.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impact is confined to two small isolated wetlands and does not extend into the large adjacent wetland, and the project design has been reduced from a previous design of much greater impact.
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. The species of concern reported for the greater project vicinity by the

NH Natural Heritage Bureau are located approximately 3/4 of a mile away associated with the Moore Dam. Additionally the applicant had the project site itself surveyed for rare or threatened species relative to this proposal, and none were found in the wetlands to be impacted.

5. The Littleton Conservation Commission did not report.

**2010-00720                      JAFFREY DPW, TOWN OF  
JAFFREY    Squantum Village Dam**

Requested Action:

Temporarily impact ± 100 sq. ft. of the Squantum Village Dam impoundment (Squantum Brook) to remove the concrete spillway.

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APPROVE PERMIT:

Temporarily impact ± 100 sq. ft. of the Squantum Village Dam impoundment (Squantum Brook) to remove the concrete spillway.

With Conditions:

1. All work shall be in accordance with plans by Tighe & Bond Consulting Engineers dated March 2010, and narrative dated March 11, 2010, as received by the Department on March 22, 2010.
2. Work shall be done during low flow conditions and weir removal shall occur in the dry.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. The channel at the weir removal must maintain a consistent streambed elevation and not impede stream flow or preclude aquatic species passage.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of a perennial nontidal stream or river channel or its banks.
2. The Squantum Village Dam and impoundment are orphaned and the cost burden associated with the dam is left to the Town.
3. A portion of a Town water main is located out of the Town's right-of-way and exposed on the bed of the Squantum Village Dam impoundment. The current location of the water main presents safety and maintenance issues.
4. The Town has requested to install a new water main in Prescott Rd., which runs along the dam crest. Excavation within the dam embankment required for the relocation would require dam reconstruction.
5. As an alternative to dam reconstruction, the NHDES Dam Bureau has recommended breaching the dam by removing the weir.
6. Weir removal will be completed in the dry to minimize sediment transport downstream, by first lowering the water level of the upstream Black Reservoir.
7. Controlling the release of the upstream Black Reservoir will allow for the manipulation of the inflow to the Squantum Village Dam impoundment, which will control head-cut and sediment discharge while allowing a stream channel to naturally reform.
8. Abutter concerns were received in email correspondence dated April 07, 2010, and include concerns regarding the explained need, impacts to wildlife, aquatic passage benefit of the weir removal, downstream flooding and the correspondence noted abutter approval was not granted.
9. In written correspondence dated May 17, 2010, the NHDES Dam Bureau indicated abutters to the impoundment do not appear to be willing to accept the financial and safety liability of assuming ownership of the dam.
10. No comments of concern were received from the NH Fish and Game Department (FG).
11. The NH Natural Heritage Bureau (NHB) review indicated that currently there is no recorded of occurrences for sensitive species near this project area.
12. The NH Division of Historic Resources (DHR) has expressed concern for the impact the weir removal may have on the National Register Eligible Squantum Village Historic District, and requested additional survey information.
13. The Applicant has been in communication with NH DHR and the U.S. Army Corps of Engineers (ACOE) regarding issues associated with satisfying NH DHR concerns.
14. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
15. 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.
16. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-01090                      23 KEEWAYDIN DRIVE REALTY LLC**  
**SALEM    Unnamed Wetland**

Requested Action:

Dredge and fill a total of 10,294 sq. ft. (6,047 sq. ft. permanent & 4,247 sq. ft. temporary impacts) of previously disturbed palustrine forested /scrub-shrub wetlands for work associated with the construction of a professional office building with appurtenant structures, parking, landscaping and stormwater management facilities.

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Conservation Commission/Staff Comments:

The Salem Conservation Commission has reviewed this application and "... has voted to recommend approval of the application and plans as submitted ..."

APPROVE PERMIT:

Dredge and fill a total of 10,294 sq. ft. (6,047 sq. ft. permanent & 4,247 sq. ft. temporary impacts) of previously disturbed palustrine forested /scrub-shrub wetlands for work associated with the construction of a professional office building with appurtenant structures, parking, landscaping and stormwater management facilities.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated 1/28/2008, as received by DES on April 28, 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/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
5. NH DES Wetlands Bureau Southeast Region staff and the Salem Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

COMPENSATORY WETLANDS MITIGATION:

1. This permit is contingent upon the creation of 8,400 sq. ft. of wetlands in accordance with plans received April 28, 2010.
2. This permit shall not be effective until it has been recorded with the Rockingham 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 schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.  
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14. This permit is contingent upon the execution of a conservation easement on 1.1 acres as depicted on plans received April 28, 2010.
15. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

- 16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
- 17. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
- 18. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 19. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
- 20. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

- 1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
- 2. This project was previously approved under NHDES Wetlands Bureau permit # 2004-01076 which has expired.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2009-02364 VERHOFSTAD, JOOST  
PELHAM Little Island Pond**

Requested Action:

Dredge and fill a 2,343 sq. ft. previously impacted, isolated, low value wetland to remove the existing building, appurtenant structures and the existing septic system and construct a new dwelling and install a new subsurface septic system.

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Conservation Commission/Staff Comments:

The Pelham Conservation Commission submitted a report dated January 18, 2010 stating : " ... the [Pelham] Conservation Commission voted unanimously (5-0) to support this application."

APPROVE PERMIT:

Dredge and fill a 2,343 sq. ft. previously impacted, isolated, low value wetland to remove the existing building, appurtenant structures and the existing septic system and construct a new dwelling and install a new subsurface septic system.

With Conditions:

- 1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated September 2, 2009 (last revised 02/15/2010), as received by DES on March 29, 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. NH DES Wetlands Bureau Southeast Region staff and the Pelham Conservation Commission shall be notified in writing prior to

commencement of work and upon its completion.

- 5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 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.

With Findings:

- 1. This is a minimum impact project per Administrative Rule 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(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02986                      NYLON CORPORATION OF AMERICA**  
**MANCHESTER    Catch Basin Leading To Merrimack River**

Requested Action:

Emergency authorization issued December 21, 2009 for bank impacts associated with the removal of a petroleum product within an existing catch basin.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued December 21, 2009 for bank impacts associated with the removal of a petroleum product within an existing catch basin.

With Conditions:

- 1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 2. Appropriate siltation/erosion/turbidity controls shall be in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 3. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The work was needed immediately to prevent material from entering the adjacent surface water.

**2010-00761                      COWAN, MARGARET**  
**WILMOT    Unnamed Stream**

Requested Action:

Proposal to dredge and fill 525 sq. ft. of wetlands for the installation of a 12 in. x 35 ft. culvert, associated fill, grading and headwalls for construction a driveway to a proposed single family building lot.

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APPROVE PERMIT:

Dredge and fill 525 sq. ft. of wetlands for the installation of a 18 in. x 35 ft. culvert, associated fill, grading and headwalls for construction a driveway to a proposed single family building lot.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated October 2001, as received by DES on March 24, 2010 and narratives dated June 11, 2010, as received by DES on March 24, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. 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).
8. Work shall be done during low flow.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This 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 project was previously approved (Wetlands Bureau File #2001-2129), however, the access was not constructed and the permit has now expired.
6. The applicant has increased the diameter of the previously approved culvert.

**2010-00774                      LEBANON, CITY OF**  
**LEBANON   Mascoma River**

Requested Action:

Emergency authorization issued on April 7, 2010 to repair failed bank along Mill Road and remove silt and debris in the roadside drainage ditch and in the uphill road side drainage ditch.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued on April 7, 2010 to repair failed bank along Mill Road and remove silt and debris in the roadside drainage ditch and in the uphill road side drainage ditch.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. 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.
3. 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.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for

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

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The impact areas were a result of a recent storm event.
3. The repairs were needed immediately to address public access safety concerns.

**2010-01364 US ARMY CORPS OF ENGINEERS  
SALISBURY Mill Brook**

Requested Action:

Proposal to dredge and fill approximately 3,625 sq. ft. stream bank, bed and associated wetlands along approximately 2000 linear ft. of Mill Brook for restoration of aquatic and riparian habitat and restoration of eroded stream banks. Work will include a variety of bioengineering techniques including: "Boil-Up Pool", "Locked Logs", "Single Stone Bendway Weirs", "Smiles", "Traffic Control Stones", "Longitudinal Stone Toe Protection", "Bed Diversity Stones" and plantings. The project will also include the conversion of approximately 2.9 acres of existing pasture into a wooded riparian buffer. The work is being funded by the American Recovery and Reinvestment Act of 2009 ("ARRA") and designed and overseen by the United States Army Corps of Engineers.

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APPROVE PERMIT:

Dredge and fill approximately 3,625 sq. ft. stream bank, bed and associated wetlands along approximately 2000 linear ft. of Mill Brook for restoration of aquatic and riparian habitat and restoration of eroded stream banks. Work will include a variety of bioengineering techniques including: "Boil-Up Pool", "Locked Logs", "Single Stone Bendway Weirs", "Smiles", "Traffic Control Stones", "Longitudinal Stone Toe Protection", "Bed Diversity Stones" and plantings. The project will also include the conversion of approximately 2.9 acres of existing pasture into a wooded riparian buffer. The work is being funded by the American Recovery and Reinvestment Act of 2009 ("ARRA") and designed and overseen by the United States Army Corps of Engineers.

With Conditions:

1. All work shall be in accordance with the plans/figures and narratives submitted by the United States Army Corps of Engineers, as received by DES on May 27, 2010.
2. Appropriate turbidity controls shall be installed prior to construction and shall be maintained during construction.
3. Work shall be done during low flow.
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 and after 1 full growing season.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access and construction.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. 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.
8. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposed is to restore degraded aquatic resources and riparian habitat, bank stabilization and improves habitat for species such native brook trout.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

4. NHDES, NH Fish and Game Department ("NHFGD") and USACOE staff conducted a field inspection of the proposed project site on June 9, 2009.
5. NHDES and NHFGD approved of the conceptual design. NHFGD did suggest using larger diameter logs in the design.
6. NHDES and NHFGD also noted that the Town culvert crossing in Mill Brook Road is contributing to the erosion issue and should be upgraded to an appropriately sized single span crossing.
7. The USACOE indicated that there is no funding/project planned by them for the crossing, however, the Town was going to add an additional flood flow culvert to help with the typical storm flows.
8. NHDES has recently approved an additional flood passage culvert and it is the hope that funding will become available in the future to replace the entire crossing.
9. The work is being funded by the American Recovery and Reinvestment Act of 2009 ("ARRA") and designed and overseen by the United States Army Corps of Engineers.

**FORESTRY NOTIFICATION**

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**2010-01244                      WEBSTER LAND CORP**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map/Lot# 21/2 & 22/15

**2010-01307                      PERKINS, NORMA**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 41, Lot# 6

**2010-01398                      TOMBARELLO, GEORGE R & ALICE**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon Tax Map 5, Lot# 1

**2010-01402                      UNIVERSITY OF NH - WOODLANDS OFFICE, KINAMAN FARM**  
**DURHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 13, Lot# UNH

**2010-01425                      YEATON, BRUCE**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon Tax Map 8, Lot# 3 & 4

**2010-01426**                    **GAGNE, ROGER & KAREN**  
**NEW IPSWICH** Unnamed Stream

COMPLETE NOTIFICATION:

New Ipswich Tax Map 2, Lot# 1A-2 & 1A-3

**2010-01431**                    **DRED, STATE FOREST NURSERY**  
**WILMOT** Unnamed Stream

COMPLETE NOTIFICATION:

Wilmot Tax Map 13, Lot# 71 Kearsarge State Forst

**2010-01475**                    **SOMERO, DAVID**  
**NEW IPSWICH** Unnamed Stream

COMPLETE NOTIFICATION:

New Ipswich Tax Map 7, Lot# 64

**2010-01479**                    **COBE, AMY**  
**EFFINGHAM** Unnamed Stream

COMPLETE NOTIFICATION:

Effingham Tax MAp 4-11, Lot# 23

**2010-01485**                    **BUCKLIN, ALAN**  
**HILL** Unnamed Stream

COMPLETE NOTIFICATION:

Hill Tax Map R3, Lot# 35-36

**2010-01486**                    **MORIN, RICHARD & DENISE**  
**DUNBARTON** Unnamed Stream

COMPLETE NOTIFICATION:

Dunbarton Tax Map D3, Lot# 01-14

**2010-01497**                    **BAYROOT LLC**  
**ATK GIL GRANT** Unnamed Stream

COMPLETE NOTIFICATION:

Atk & Gilmanton Aca Grt Tax MAp 1628, Lot# 2

**2010-01500**                    **SADOWSKI, MICHAEL**  
**GREENVILLE** Unnamed Stream

COMPLETE NOTIFICATION:  
Greenville Tax Map 1, Lot# 31

**2010-01503                    PHILLIPS, JOHN**  
**SALISBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Salisbury Tax Map 234, Lot# 14

**2010-01536                    SUNDERLAND, MARTHA & LAWRENCE**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax MAp 1, Lot# 123 ACCESS ONLY

**2010-01538                    FRINK, LAITH**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 4, Lot# 124

**EXPEDITED MINIMUM**

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**2009-01727                    MICHEALIS, BRIAN**  
**LACONIA   Taylor Brook**

Requested Action:

Proposal to restore and stabilize approximately 208 sq. ft. (approximately 35 linear feet) of eroded stream bank along Taylor Brook to protect an exposed sewer interceptor pipe owned and maintained by the NHDES Winnepesaukee River Basin Program. Work includes restoration with a combination of stone toe with bioengineered slope with the additional placement of natural in-stream fish habitat/structures.

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APPROVE PERMIT:

Approval to restore and stabilize approximately 208 sq. ft. (approximately 35 linear feet) of eroded stream bank along Taylor Brook to protect an exposed sewer interceptor pipe owned and maintained by the NHDES Winnepesaukee River Basin Program. Work includes restoration with a combination of stone toe with bioengineered slope with the additional placement of natural in-stream fish habitat/structures.

With Conditions:

1. All work shall be in accordance with plans by Turner Group dated May 8, 2009, as received by DES on August 10, 2009 and plan sheets revised through October 7, 2009 and received May 10, 2010 and narratives dated February 22, 2010 as received by DES on May 10, 2010 and narratives by the NHDES Winnepesaukee River Basin Program dated June 10, 2010, as received by DES on June 14, 2010.
2. The NH Certified Wetlands Scientist for the project shall oversee and direct the placement of the proposed fish habitat.
3. The applicant shall submit a follow-up report including pictures of the completed stabilization/restoration, plantings and fish

habitat areas.

4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. 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.
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.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project would have been considered a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet is a repair of an existing slope however, it is not repair "in-kind".
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The work is needed to prevent failure of the sewer line/interceptor.
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 proposal includes a combination of stone protection and bioengineered bank stabilization.
7. The New Hampshire Fish and Game Department suggested the proposed fish habitat would be beneficial.
8. The Conservation Commission signed the application.
9. The applicant has received a temporary construction easement.
10. DES has not received any comments in objection to the proposed project.

**2009-02879                      LEMPSTER, TOWN OF**  
**LEMPSTER   Unnamed Stream**

Requested Action:

In-kind replacement of a twin 36-inch x 30-foot CMP culverts along an unnamed perennial stream at Keys Hollow Road.

\*\*\*\*\*

APPROVE AMENDMENT:

In-kind replacement of a twin 36-inch x 30-foot CMP culverts along an unnamed perennial stream at Keys Hollow Road.

With Conditions:

1. All work shall be in accordance with plans received by the Department on December 07, 2009.

2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. 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.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
7. 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.
8. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The channel at the culvert inlet and outlet must maintain the natural and a consistent streambed elevation and not impede stream flow.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culverts shall be laid at original grade.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. 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:

The DES Wetlands Bureau reaffirms the following original findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), In-kind replacement of a culvert.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. No comments of concern were submitted from the Natural Heritage Bureau.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

The DES Wetlands Bureau also makes the following additional findings:

7. An amendment request for in-kind replacement of the second twin culvert was received on May 28, 2010.

**2010-01228                      MARSHALL, SUTTON**  
**EAST CONWAY Tributary To Mason Brook**

Requested Action:

Fill approximately 1,000 square feet within the bed and banks of an unnamed perennial stream (tributary to Mason 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 an unnamed perennial stream (tributary to Mason 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 17, 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.

**2010-01230                      TIN MOUNTAIN CONSERVATION CENTER  
EAST CONWAY    White Lot Brook**

Requested Action:

Fill approximately 1,000 square feet within the bed and banks of White Lot 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 White Lot 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 17, 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**

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**2010-01546                      LIBBY, BRIAN**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**LAKES-SEASONAL DOCK NOTIF**

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**2010-01498                      RICHARDS, WILLIAM**  
**STEWARTSTOWN Big Diamond Pond**

COMPLETE NOTIFICATION:  
Stewartstown Tax map 108 Lots 21 & 22, Big Diamond Pond

**ROADWAY MAINTENANCE NOTIF**

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**2010-01504                      NH DEPT OF TRANSPORTATION**  
**SOMERSWORTH Unnamed Wetland**

**PERMIT BY NOTIFICATION**

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**2010-01462                    KOSINSKI, RICHARD & LINDA**  
**CENTER HARBOR   Waukegan Lake**

Requested Action:

Installation of a seasonal PWC lift.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Installation of a seasonal PWC lift.

With Findings:

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

**2010-01478                    BRECK ASSOCIATES**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

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Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

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

**2010-01480                    GREENFIELD, TOWN OF**  
**GREENFIELD   Sunset Lake**

Requested Action:

Replenish a beach with less than 10 cubic yards of sand above full lake elevation.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Replenish a beach with less than 10 cubic yards of sand above full lake elevation.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenish a beach with less than 10 cubic yards of sand above full lake elevation.

**2010-01519 PERLA II/DOWNING, ORLANDO J/SUSAN P  
WASHINGTON Unnamed Wetland**

Requested Action:

Dredge and fill ± 60 square feet of palustrine wetlands to install a 24-inch x 20-foot culvert for driveway access to a single family residence.

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PBN IS COMPLETE:

Dredge and fill ± 60 square feet of palustrine wetlands to install a 24-inch x 20-foot culvert for driveway access to a single family residence.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).

**2010-01523 CANAAN, TOWN OF HIGHWAY DEPT  
CANAAN Unnamed Stream**

Requested Action:

PBN proposal to replace a failing 36" diameter culvert within an unnamed intermittent stream on Reagan Road.

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Conservation Commission/Staff Comments:

1. The Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN complete to replace a failing 36 in. x 35 ft. corrugated culvert with a 36 in. x 35 ft. corrugated culvert within an unnamed intermittent stream on Reagan Road. Outlet protection if needed shall be non-angular stone and placed maintaining the natural stream bed elevation.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet
2. It appears the proposal would have complied with Projects in Jurisdiction That Do Not Require a Permit Env-Wt 303.05(q) Routine roadway and railway maintenance activities, including, but not limited to, existing culvert replacements, extensions, or orientations; headwall construction, repair, replacement, or stabilization; and roadside ditch maintenance, conducted in accordance with "Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire", published by the New Hampshire department of transportation, dated August 2001 ("BMPs for Routine Roadway Maintenance").
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The proposal complies with Administrative Rule Env-Wt 904.07(c) In-Kind Replacement of Tier One or Tier 2 Existing Legal Stream Crossings.

**CSPA PERMIT**

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**2009-02043                      CAIL, RANDALL & SARAH  
GILFORD Lake Winnepesaukee**

Requested Action:

Amendment Description: install a wall less than 1 foot wide along the west of deck facing the lake. Impervious surface will remain at no more than 28.4%

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APPROVE AMENDMENT:

Amendment Description: install a wall less than 1 foot wide along the west of deck facing the lake. Impervious surface will remain at no more than 28.4%

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated August 26, 2009 and received by the Department of Environmental Services ("DES") on September 4, 2009.
2. No more than 28.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,880 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
15. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9,V(a).
6. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb 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 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).
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.

**2009-02205                      BERLIN, CITY OF  
BERLIN Androscoggin River**

Requested Action:

Approve name change to: Clean Power Development, LLC, 130 Pembroke Road, Suite 100, Concord NH 03301 per request

received 4/21/2010. Previous owner: City of Berlin.

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**APPROVE NAME CHANGE:**

Impact 27,215 sq ft for clearing and regrading related to the construction of a bio-mass power plant with roadway, drainage and utilities.

**With Conditions:**

1. All work shall be in accordance with plans by A. C. Engineering & Consulting dated May 30, 2009 and received by the Department of Environmental Services ("DES") on September 24, 2009.
2. No more than 16.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,779 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,016 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
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.

**With Findings:**

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

**2010-00959                      MERVINE, MARK  
ANTRIM   Franklin Pierce Lake**

**Requested Action:**

Impact 1,128 sq.ft. for the purpose of lifting cabin to pour a new foundation.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1,128 sq.ft. for the purpose of lifting cabin to pour a new foundation.

**With Conditions:**

1. All work shall be in accordance with plans by Mark Mervin dated April 2010 and received by the Department of Environmental Services ("DES") on April 22, 2010.
2. No more than 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 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.

**2010-01317                      PAXTON, GERALD & LINDA**  
**ALTON    Lake Winnepesaukee**

Requested Action:

Impact 22745 sq.ft. for the removal and reconstruction of house, installation of patios, walkway and driveway.

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APPROVE PERMIT:

Impact 22,745 sq.ft. for the removal and reconstruction of house, installation of patios, walkway and driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated May 24, 2010 and received by the Department of Environmental Services ("DES") on May 25, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 17.1% 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 19,050 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,823 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.

**2010-01352                      ROGER HARDY**  
**WEARE    Piscataqua River**

Requested Action:

Impact 5215 sq.ft. for the construction of a residential house.

\*\*\*\*\*

APPROVE PERMIT:

Impact 5,215 sq.ft. for the construction of a residential house.

With Conditions:

1. All work shall be in accordance with plans by Arthur F. Siciliano Jr. dated May 2010 and received by the Department of Environmental Services ("DES") on May 25, 2010.
2. No more than 14% 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 1,734 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 464 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-01353                      KENNY, JAMES**  
**STEWARTSTOWN   Big Diamond Pond**

Requested Action:

Impact 294 sq.ft. for the replacement and extension of deck.

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APPROVE PERMIT:

Impact 294 sq.ft. for the replacement and extension of deck.

With Conditions:

- 1. All work shall be in accordance with plans by James Kenny dated May 2010 and received by the Department of Environmental Services ("DES") on May 26, 2010.
- 2. No more than 9.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. The project as proposed will leave approximately 625 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,875 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.

**2010-01354                      KERTON, JUDITH**  
**HAMPTON   Atlantic Ocean**

Requested Action:

Impact 600 sq.ft. for the construction of a 20'x30' deck on existing house.

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DENY PERMIT:

Impact 600 sq.ft. for the construction of a 20ft x 30ft deck on existing house.

With Findings:  
Standards for Approval

1. Pursuant to RSA 483-B:9 (V)(g)(1), "Subject to subparagraph (2), no more than 30% of the area of the lot located within the protected shoreland shall be composed of impervious surfaces."

Findings of Fact

1. The applicant is the owner of a lot located within the protected shoreland of the Atlantic Ocean, more particularly identified as Hampton tax map 267, lot 27 (the Property).
2. On May 27, 2010, the Department of Environmental Services received an permit application to impact 600 square feet of the protected shoreland to construct a deck.
3. Prior to construction, the area of the lot within the protected shoreland composed of impervious surfaces was 33.17 percent.
4. The shoreland permit application received May 27, 2010, was to increase the existing impervious area from 33.17% to 38.99%.
5. The constructed deck is located west 114 feet +/- of the reference line and thus does not meet the Impervious Surface allowance established in RSA 483-B:9 Minimum Shoreland Protection Standards.

Ruling in Support of the Decision

2. The issuance of a permit to increase the impervious area of the lot within the protected shoreland from 33.17% to 38.99% would not be permissible under RSA 483-B:9 (V)(g)(1), and would not be consistent with the intent and purpose of the RSA 483-B and, therefore, is prohibited by RSA 483:B:3, "Consistency Required" and therefore, the requested permit of RSA 483-B:9 (V)(g)(1), is denied.

**2010-01357                      WICKER JR, SHELTON  
CENTER BARNSTEAD   Upper Suncook Lake**

Requested Action:

Impact 165 sq.ft. for the removal of existing deck, landing and steps and add a 12'x14' screened porch onto existing structure.

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APPROVE PERMIT:

Impact 165 sq.ft. for the removal of existing deck, landing and steps and add a 12ft x 14ft screened porch onto existing structure.

With Conditions:

1. All work shall be in accordance with plans by Shelton B. Wicker dated May 2010 and received by the Department of Environmental Services ("DES") on May 27, 2010.
2. The proposed project must meet the definition of Open Porch. Open Porch means a porch that is supported by pillings or post supports but that does not have permanent foundation walls, insulation, or a heat source. The term includes a porch that is screened but does not include a porch that is enclosed in whole or part with glass or any other material designed or intended to provide a weather-proof barrier, (Env-Wq 1402.25).
3. No more than 5.94% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,025 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 275 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.

**2010-01358                      HAYEK, JIHAD**  
**WAKEFIELD Belleau Lake**

Requested Action:

Impact 4200 sq.ft. for the restoration of impacted wetlands by removing fill and planting native species and install Drywell, riprap, and berms to control stormwater next to primary structure.

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APPROVE PERMIT:

Impact 4200 sq.ft. for the restoration of impacted wetlands by removing fill and planting native species and install Drywell, riprap, and berms to control stormwater next to primary structure.

With Conditions:

- 1. All work shall be in accordance with plans by Gregg E. Moore, Zodiac Environmental dated September 12, 2009 and received by the Department of Environmental Services ("DES") on May 28, 2010.
- 2. No more than N/A% 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.

**2010-01359                      LAROCHELLE, JOHN**  
**FITZWILLIAM Sips Pond**

Requested Action:

Impact 225 sq.ft. for the construction of a screened porch and 9ft x 9ft deck.

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APPROVE PERMIT:

Impact 225 sq.ft. for the construction of a screened porch and 9ft x 9ft deck.

With Conditions:

- 1. All work shall be in accordance with plans by Gerard Land Surveying Co. dated November 19, 2010 and received by the Department of Environmental Services ("DES") on June 1, 2010.
- 2. No more than .008% 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 107,120 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 107,120 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.

**2010-01377                      DEMERS, SHELAGH**  
**WINDHAM   Canobie Lake**

Requested Action:

Impact 2551 sq.ft. for the construction of an addition and expansion to driveway.

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APPROVE PERMIT:

Impact 2,551 sq.ft. for the construction of an addition and expansion to driveway.

With Conditions:

1. All work shall be in accordance with plans by Meisner Berm Corporation dated April 20, 2010 and received by the Department of Environmental Services ("DES") on Jun 1, 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 11,269 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,502 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.

**2010-01379                      HARTSHORNE TRUST, CRAIG**  
**MADISON   Whitton Pond**

Requested Action:

Impact 8,973 sq.ft. for the construction of an addition to existing porch.

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APPROVE PERMIT:

Impact 8,973 sq.ft. for the construction of an addition to existing porch.

With Conditions:

1. All work shall be in accordance with plans by Gerard Land Surveying dated November 19, 2007 and received by the Department of Environmental Services ("DES") on Jun1, 2010.
2. No more than .008% 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 107,120 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 107,120 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.

**2010-01397                      MANCHESTER PARKS & RECREATION**  
**MANCHESTER   Dorrs Pond**

Requested Action:

Impact 11,260 sq.ft. for the construction of a new sewer pump station and the demolition of existing station.

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APPROVE PERMIT:

Impact 11,260 sq.ft. for the construction of a new sewer pump station and the demolition of existing station.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce Engineering dated April 10, 2010 and received by the Department of Environmental Services ("DES") on June 3, 2010.
2. No more than N/A% 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.

**2010-01401                      LYNCH, BARRETT & KATHLEEN**  
**WOLFEBORO   Wentworth Lake**

Requested Action:

Impact 5046 sq.ft. for the replacement of foundation on existing house

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**APPROVE PERMIT:**

Impact 5,046 sq.ft. for the replacement of foundation on existing house.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design Group dated April 19, 2010 and received by the Department of Environmental Services ("DES") on June 3, 2010.
2. No more than 14.86% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,784 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,303 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.

**2010-01551                      SULLIVAN, JEFF**  
**NEW LONDON   Pleasant Lake**

**Requested Action:**

Construct a 300 sq. ft. deck

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**APPROVE PERMIT:**

Construct a 300 sq. ft. deck to northeast side of house.

**With Conditions:**

1. All work shall be in accordance with plans by Anthony J. Seminara dated June 2010 and received by the Department of Environmental Services ("DES") on June 16, 2010.
2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 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. 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 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. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**CSPA PERMIT W/WAIVER**

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**2010-01132                      STONE, JANET**  
**MOULTONBOROUGH   Kanasatka Lake**

Requested Action:

Impact 950 sq ft for the purpose of expanding a nonconforming structure and installing stormwater controls.

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APPROVE PERMIT:

Impact 950 sq ft for the purpose of expanding a nonconforming structure and installing stormwater controls.

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

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

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates, dated May 24, 2010 and received by the Department of Environmental Services ("DES") on June 4, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9, V (g)(1), and therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 39.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that the proposed plantings have a 100% success rate.
7. The project as proposed will leave approximately 1,1025 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

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

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

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Kanasatka and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Kanasatka and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to remove approximately 155 sq ft of impervious area from the protected shoreland and renegotiate with native vegetation.
5. The applicant has proposed to install stormwater controls consisting of directing stormwater via gutters to 2x2x2 infiltration trenches and rain barrels.
6. The applicant has proposed to plant additional native vegetation within the waterfront and natural woodland buffers.
7. The applicant has proposed to install stormwater controls, reduce the total amount of impervious surface coverage of the lot within the protected shoreland, and significantly enhance the waterfront and natural woodland buffers with additional vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.