

Wetlands Bureau Decision Report

Decisions Taken
08/09/2010 to 08/15/2010

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

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

Requested Action:

The MRAC LLC and Merchants Plaza LLC request reconsideration of the Department's June 14, 2010, permitting decision to grant a permit to the Department of Transportation to 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.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

DENY RECONSIDERATION:

Reaffirm approval of permit and its original findings and Deny reconsideration of permit granted to the Department of Transportation dated June 14, 2010 to 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 with the following findings and rulings:

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:

Grounds for Reconsideration

1. The appellant contends that the Department of Environmental Services (Department) exceeded its statutory limits as the drainage improvements fail to comply with the design requirements of Env-Wt 904, including the failure to accommodate the 100-year frequency flood.
2. The appellant contends that the proposed Drainage Improvements will result in a significant negative business impact to MRAC Property.
3. The appellant contends that the applicant failed to note that portions of the Dalton Brook channel will be relocated as part of the project.
4. The appellant wishes for a 15-inch drainage pipe on their property to be included in the design of the project and be permitted as part of this project.
5. The appellant contends that the project will infringe on the property rights or unreasonably affect the value or enjoyment of the abutting property owners.
6. The appellant contends that the NH Dept of Transportation has failed to adequately mitigate for the project impacts per Env-Wt 302.03.
7. The appellant contends that the NH Dept of Transportation has failed to adequately consider water quality impacts of the Project.

Standards for Approval

8. Pursuant to RSA 482-A:10, II, Appeals, "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
9. Pursuant to RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
10. Pursuant to RSA 482-A:1, V provides "On appeal of requests proposed, sponsored, or administered by the department of transportation, there shall be a rebuttable presumption that there is a public need for the requested project, and that the department of transportation has exercised appropriate engineering judgment in the project's design. All findings of fact properly before it shall be prima facie lawful and reasonable".
11. Pursuant to RSA 482-A:11 Administrative Provisions, I. "The commissioner shall adopt reasonable rules, pursuant to the rulemaking provisions of RSA 541-A, to implement the purposes of this chapter."
12. Pursuant to Rule Env-Wt 302.03(d), "Mitigation shall not be required for impacts that are not intended to remain after the

project is completed, provided the areas are restored in accordance with provisions shown in the approved project plans."

13. Pursuant to Rule Env-Wt 803.06(a), "Compensatory mitigation proposals shall meet or exceed the ratios listed in Table 800-1, unless the applicant proposes an alternative that will have greater benefit to water quality, wildlife and their habitat(s), or other functions and values of wetlands and surface waters identified in RSA 482-A:1"

14. Pursuant to RSA 482-A:1 Finding of Public Purpose. "It is found to be for the public good and welfare of this state to protect and preserve its submerged lands under tidal and fresh waters and its wetlands, (both salt water and fresh-water), as herein defined, from despoliation and unregulated alteration, because such despoliation or unregulated alteration will adversely affect the value of such areas as sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value, will damage or destroy habitats and reproduction areas for plants, fish and wildlife of importance, will eliminate, depreciate or obstruct the commerce, recreation and aesthetic enjoyment of the public, will be detrimental to adequate groundwater levels, will adversely affect stream channels and their ability to handle the runoff of waters, will disturb and reduce the natural ability of wetlands to absorb flood waters and silt, thus increasing general flood damage and the silting of open water channels, and will otherwise adversely affect the interests of the general public."

15. Pursuant to RSA 482-A:11 Administrative Provisions II "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the department may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."

16. The Stream Crossing Rules Chapter Env-Wt 900 and miscellaneous definitions in Env-Wt 100 associated with Chapter Env-Wt 900, were adopted and became effective on May 12, 2010.

Findings of Fact

17. The Department received an application by RK Associates on March 25, 2008, and approved a permit on June 10, 2010, 2008-000447, to: "Dredge and fill a total of 2350 square feet to enlarge the existing basin and improve stormwater treatment on site; Replace existing 42-inch x 230 linear foot culvert with 52 feet of 5 foot x 8-foot box culvert and construct 110 linear feet of open channel."

18. The Department of Transportation as part of the planning process presented the project to the Natural Resource Agencies, including DES - wetlands bureau staff, on July 18, 2007, January 16, 2008, October 15, 2008 and January 21, 2009.

19. The Department received an application from the Department of Transportation on February 1, 2010 to: 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.

20. The application submitted by the Department of Transportation received indicates 234 linear feet of channel impact and 2244 linear feet of bank impact of to Dalton Brook.

21. The relocation of Dalton brook in two locations was done to increase flood storage and treatment of stormwater prior to discharge into the surface water body.

22. The drainage analysis provided on May 14, 2010, by the Department of Transportation indicates the 50 year storm event passes through the culvert under Route 3 under pressure conditions

23. The drainage analysis provided on May 14, 2010, by the Department of Transportation indicates the 100 year storm event passes through the culvert under Route 28 under pressure conditions.

24. The project is designed to reduce the flooding in the area of Dalton Brook by increasing the hydrologic capacity of the culvert under Routes 3 and 28 and the MRAC property.

25. This permitted project also increases the flood storage capacity on the RK Development property and within the ROW on Route 28 bypass.

26. The existing flooding disrupts the businesses of the RK Development property, the MRAC LLC and Merchants Plaza LLC with both floodwaters and roadway closures.

27. The existing MRAC Property is currently a commercially developed lot.

28. The lot containing the proposed 20 foot permanent drainage easement to carry the 4 foot x 10 foot box culvert on the MRAC Property is currently encumbered by two separate culverts carrying Dalton Brook. These existing culverts have a separation of between 15 and 80 feet. These culverts can be abandoned after the new culvert is constructed. The existing situation encumbers more area of the lot than the proposed culvert will.

29. Dalton Brook currently flows in culverts through the property of the owners and will continue to do so after the project is complete, so there is no change to the use of the property.

30. The Department would like to reaffirm finding number 2 of the June 14, 2010 decision. "The proposal is designed to mitigate a serious flooding issue upstream while not impacting any downstream properties."

- 31. The appellant has misquoted the finding number 3 of the June 14, 2010 decision. The correct finding is: "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."
- 32. The Department of Transportation has indicated that the installation of a culvert within the existing Right of Way, would be cost prohibitive by requiring a larger hydrologic opening, requires a longer length of culvert and would relocate Dalton Brook from its historical location.
- 33. The applicant conducted an Environmental Study of the proposed project dated April 2010, including a section entitled "Water Quality/Stormwater Management".
- 34. The Environmental Study noted that the proposed project will "reduce the total impervious surfaces of the project area...The net increase is a result of the proposed grassed panels and installation of pervious parking facilities."
- 35. The appellant failed to note condition number 5 of the June 14, 2010 decision, requiring that the applicant coordinate with the Department's Watershed Management Water Quality Planning Section.

Rulings in Support of the Decision

- 36. The Department finds that Chapter Env-Wt 900 rules were not in effect when the application was submitted, and therefore the standards set by those rules do not apply to the application.
- 37. The Department finds that the temporary business impacts associated with construction will be limited to the greatest extent possible and will overall be less impacting closures associated with the flooding of the roadways and business lots in the area.
- 38. The Department finds that the provided plans and application accurately represented the minor changes in the location of Dalton Brook.
- 39. The Department finds the request to have the Department of Transportation include a 15-inch culvert on the MRAC property is a matter between the Department of Transportation and the abutter and does not have a bearing on the Department's decision in this matter.
- 40. The Department finds that the proposed project will not infringe on the property rights or unreasonably affect the value or enjoyment of the abutting property owner as the stream is currently in a culvert under their property.
- 41. The Department finds that the proposed project as designed meets the requirements of Env-Wt 803.06(a), Alternative Compensatory Mitigation Proposals, as the project increases the flood storage and increases the hydrologic capacity of the culverts.
- 42. The Department finds the applicant has demonstrated knowledge of the water quality rules and regulations and notes that the permit requires the coordination with the Department's Watershed Management Water Quality Planning Section.

MINOR IMPACT PROJECT

2008-02471 OSSIPEE BLUFFS ASSOCIATION INC
OSSIPEE Ossipee Lake

Requested Action:
Amend permit to remove condition stating work must be done during draw down.

Conservation Commission/Staff Comments:
No Con Com comments by January 20, 2009

APPROVE AMENDMENT:
Dredge 18 cubic yards from two areas totaling 3,200 sq ft within a man-made dug-in basin on Ossipee Lake, in Ossipee.

With Conditions:
1. All work shall be in accordance with plans by White Mountain Survey Inc revision dated February 09, 2009, as received by DES on February 11, 2009.
2. 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.

3. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

4. This permit does not allow for the removal of any vegetation from the boat basin unless all work is done in compliance with Env-Wt 303.05(e).

5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

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

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. This is maintaining an existing man made dug in basin to originally proposed dredge elevations.

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.

**2010-00221 HARVEY, DAVID
NEW DURHAM Merrymeeting Lake**

Requested Action:

Replace approximately 104 sq feet of concrete pad located in the waterbody with 104 sq ft of crib supported permanent dock, install a 6 ft x 22 ft 6 in seasonal dock on the lakeward end of the permanent dock, remove a concrete patio, remove a stump and repair concrete and stone steps in the waterbody, repair approximately 36 linear feet of shoreline on Merrymeeting Lake, in New Durham.

Inspection Date: 05/11/2010 by Jeffrey D Blecharczyk

DENY PERMIT:

Replace approximately 104 sq feet of concrete pad located in the waterbody with 104 sq ft of crib supported permanent dock, install a 6 ft x 22 ft 6 in seasonal dock on the lakeward end of the permanent dock, remove a concrete patio, remove a stump and repair concrete and stone steps in the waterbody, repair approximately 36 linear feet of shoreline on Merrymeeting Lake, in New Durham.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department.

2. This project is classified as a minor impact per Rule Env-Wt 303.03(k), "projects that disturb between 50 and 200 linear feet, when measured along the shoreline, of a lake or pond or its bank."

3. In accordance with RSA 482-A:3, XIV (a)(2), where the Department requests additional information to complete an application the Department shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application.

4. In accordance with Rule Env-Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".

5. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that "the need for the proposed impact."

6. In accordance with Rule Env-Wt 302.04(d) "the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction."

7. In accordance with Rule Env-Wt 404.04 Rip-rap, (a) "Rip-rap applications shall be considered only where the applicant demonstrates that anticipated turbulence, flows, restricted space, or similar factors render vegetative and diversion methods physically impractical."

Findings of Fact

1. On February 2, 2010, the Wetlands Bureau received a Standard Dredge and Fill Application for surface water impacts on the lot identified as New Durham tax map 39, lot 4, to replace approximately a concrete pad located in the waterbody with a crib supported permanent dock, extend a 22 ft 6 in long seasonal dock from the crib dock, remove a concrete patio, remove a stump and repair concrete and stone steps and approximately 36 linear feet of shoreline on Merrymeeting Lake.
2. On July 24, 2008, this property had been directly damaged by a tornado which passed through this area.
3. On December 16, 2009, the Wetlands Bureau issued Shoreland Impact Permit 2009-02639, to "Impact 1,515 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system."
4. On April 28, 2010, the Wetlands Bureau sent a Request for More Information letter to the applicant. This letter requested that the applicant submit the evidence that the alternative with the least impact to wetlands and surface waters was being considered.
5. The Request for More Information letter also requested a cross-section diagram of the proposed shoreline area which shows existing and proposed grades relative to the normal high water line.
6. The Request for More Information letter requested plans of the existing and proposed work either drawn to scale or completely dimensioned including distances from fixed points on the frontage to the existing reference line and to the proposed reference line and all docking structures with their supporting structures.
7. On May 04, 2010, the Wetlands Bureau received a response to the Request for More Information letter. This response did not include plans as requested.
8. The Wetlands Bureau conducted a field inspection on May 11, 2010. This inspection found vegetation had been removed in excess of the approved Shoreland Permit, 2009-02639.
9. On May 18, 2010, the Wetlands Bureau issued a letter requesting a replanting plan be submitted for approval to stabilize the shoreline.
10. On June 04, 2010, the Wetlands Bureau issued a second Request for More Information letter.
11. On June 09, 2010 the Wetlands Bureau received a response the second Request for More Information letter.
12. On July 06, 2010, the Wetlands Bureau issued a third Request for More Information letter. This letter requested several items requested in the original Request for More Information letter which have not been received.
13. The Request for More Information letter requested documentation that vegetative stabilization methods will not effectively stabilize this shoreline, or revise the plans to include any necessary regrading in combination with the planting of native vegetation to stabilize the erosion and replanting plans for all areas where the shrub layer has been previously removed.
14. The letter again requested a cross-section diagram of the proposed shoreline area showing existing and proposed grades relative to the normal high water line and plans of the existing and proposed work that were drawn to scale or completely dimensioned and included distances from fixed points on the frontage to the existing reference line and to the proposed reference line.
15. The letter also requested plans showing the extent of the existing stairs and the proposed stairs.
16. On July 13, 2010, the Wetlands Bureau received a response to the Request for More Information letter. This response did not include the plans and cross sections as requested in the original Request for More Information letter and the subsequent Request for More Information letter.

Rulings in Support of Denial

1. The applicant did not submit the requested information including plans as required pursuant to RSA 482-A:3, therefore the application is denied.

2010-00686 PSNH
LONDONDERRY Unnamed Wetland

Requested Action:

Dredge and fill a total of 5,465 sq. ft. (560 sq. ft. permanent & 4,905 sq. ft. temporary impacts) in palustrine forested/scrub-shrub wetlands for work associated with the installation of new utility poles and overhead wires for the 2.5 mile corridor 32W4 Line Project to connect the Scobie Pond Distribution Substation in Londonderry to the Ash Street Substation in Derry within the existing PSNH ROW.

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission requested time to review the application further on March 17, 2010. A follow-up report by the Londonderry Conservation Commission received April 19, 2010 "... recommend[s] approval of the application as presented." On April 15, 2010 a letter received from the Derry Conservation Commission recommends approval of that portion of the project involving the Town of Derry.

Inspection Date: 06/11/2010 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 5,465 sq. ft. (560 sq. ft. permanent & 4,905 sq. ft. temporary impacts) in palustrine forested/scrub-shrub wetlands for work associated with the installation of new utility poles and overhead wires for the 2.5 mile corridor 32W4 Line Project to connect the Scobie Pond Distribution Substation in Londonderry to the Ash Street Substation in Derry within the existing PSNH ROW.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc. dated March 11, 2010 (last revised 5/03/10), as received by the NH Department of Environmental Services (DES) on June 11, 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. NH DES Wetlands Bureau Southeast Region staff, the Londonderry Conservation Commission and the Derry Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Wetlands Bureau Southeast Region staff at the project site 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, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 11, 2010. Field inspection determined that the wetlands impacts are minor. Impact of the overall project to some abutting property owners at a few locations is significant due to the required cutting of a mature stand of Pines & Hemlock. However, this is not a matter to be resolved by the DES since most of the tree removal is in non-jurisdictional uplands.
6. The project is consistent with the requirement set forth in RSA 482-A:11(II) since the dredge and fill activities are minimal and localized. Most of the tree removal will occur in non-jurisdictional uplands.
7. The entire project will take place within permanent easements owned by PSNH which have been recorded with the Registry of Deeds since their original acquisition in 1965.
8. The Springwood Hills residential subdivision in Londonderry was developed after the PSNH ROW to be utilized for the 32W4 Line Project was in place.
9. DES Wetlands Bureau Southeast Region staff was contacted by a representative for residents of Springwood Hills with a request to investigate the need and impact of the proposed project.
10. Following the June 11, 2010 field inspection, where wetlands impacts were assessed, DES staff requested that PSNH explore the feasibility of alternatives that would minimize the impact of tree removal on abutting property owners.
11. Although most of the tree removal, which is of concern to abutters to the ROW, occurs in non-jurisdictional uplands, PSNH honored the aforementioned request and performed due diligence in an attempt to find the least impacting alternative relative to tree

removal and to minimize the aesthetic impact of the tree removal to the abutters to the ROW.

12. PSNH, at the recommendation of the NH Public Utilities Commission staff, extended a formal offer to the landowners in Springwood Hills, with the line over their property, to reduce the width of the clearing on their properties by 20 feet on either side of the ROW, to a total cleared width of 60 feet. The typical ROW clearing for a power line of the type planned is 100 feet in width.

13. PSNH has made this offer contingent upon the landowner(s) signing a Forbearance Agreement.

14. Personal Communication between DES staff and the Civil Engineering Supervisor at PSNH for this project on August 13, 2010 found that, as of this date, the Forbearance Agreement has not been signed by the landowners.

2010-01159 NH DEPT OF TRANSPORTATION
CANTERBURY Unnamed Stream

Requested Action:

Replace an existing 6 ft. x 41 ft. RCP and headwalls impacting 560 sq. ft. (525 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Replace an existing 6 ft. x 41 ft. RCP and headwalls impacting 560 sq. ft. (525 sq. ft. temporary) of riverine wetlands. NHDOT project #M316-3A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated 4/12/10 as received by the Department on May 6, 2010.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
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. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), projects in a stream or marsh that do not meet the criteria under Env-Wt 302.02, major project.
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.

MINIMUM IMPACT PROJECT

2008-01991 CICCONE, DYAN/GARY
WINDHAM Rock Pond

Requested Action:

Retain two sections of retaining walls one measuring 50 linear feet and another measuring 44 linear feet repaired in the same location on Rock Pond, in Windham.

APPROVE AFTER THE FACT:

Retain two sections of retaining walls one measuring 50 linear feet and another measuring 44 linear feet repaired in the same location on Rock Pond, in Windham.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering revision dated February 09, 2010, as received by the NH Department of Environmental Services (DES) on February 11, 2010.
2. Repairs shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. 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(c), repair of existing retaining walls.

2008-02018 PETRI, DAPHANE
LYME Post Pond

Requested Action:

Amend permit to add vegetative strip of lawn area to elevation 428.8.

Conservation Commission/Staff Comments:

Con Com submitted no comments by July 15, 2009

APPROVE AMENDMENT:

Install a 40 ft timber retaining wall landward of full lake elevation, retain 4 cubic yards of sand placed on the beach and retain a 6 ft x 30 ft seasonal dock on an average of 277 feet of frontage on Post Pond, Lyme.

With Conditions:

1. All work shall be in accordance with plans by Robert Newton, as received by DES on May 01, 2009, and amendment plan by Clayton Platt dated February 12, 2010 as received by DES on June 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. Notify DES upon project completion and provide photo documentation of completed work.
4. 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.

5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Work shall be done during drawdown.
9. Material placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 428.8). The existing shoreline at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. No additional sand shall be used and all sand shall be located above the normal high water line.
11. This permit does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
15. 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 is a minimum impact project per Administrative Rule Env-Wt 303.04(a) and (d), construction of a seasonal dock and construction of a beach.
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 proposal to perch the existing sloped beach will minimize erosion of sand into the waterbody.

2009-01876 SVITOK, OTTO
WASHINGTON Unnamed Wetland

Requested Action:

Retain impacts totaling 1,346 sq. ft. and dredge and fill 249 sq. ft. of palustrine forested wetlands (including two (2) 12-in. x 20-ft. culverts) for driveway access to a single family residence lot of record (2.41 acres). Restoration includes 372 sq. ft. of ditched and filled wetlands.

APPROVE PERMIT:

Retain impacts totaling 1,346 sq. ft. and dredge and fill 249 sq. ft. of palustrine forested wetlands (including two (2) 12-in. x 20-ft. culverts) for driveway access to a single family residence lot of record (2.41 acres). Restoration includes 372 sq. ft. of ditched and filled wetlands.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated July 07, 2010, and revised through June 09, 2010, and plans dated December 14, 2009, and revised through July 07, 2010, as received by the Department on July 08, 2010.
2. Work shall be done during low flow conditions.
3. This permit is contingent upon the restoration of 372 square feet of wetlands in accordance with plans received July 08, 2010, by September 30, 2010.
4. The schedule for construction of the restoration area shall occur prior to or coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration 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.
13. The restoration area shall be regraded to original contours.
14. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
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. Wetland restoration 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.
17. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. A post-construction report documenting the status of the completed restoration with photographs shall be submitted to the DES Wetlands Bureau within sixty (30) days of the completion of restoration.
19. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to assess the wetland restoration 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.

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.
2. The Agent has confirmed wetlands bisect the parcel parallel to the road frontage.
3. Comments of concern regarding the permit application were not submitted to the file.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-01333 DANE REAL ESTATE TRUST, EDWARD
 CENTER HARBOR Tributary To Squam Lake**

Requested Action:

Proposal to dredge and fill approximately 600 sq. ft. of wetlands/dam breach area to repair a dam breach that occurred in March 2010.

APPROVE PERMIT:

Dredge and fill approximately 600 sq. ft. of wetlands/dam breach area to repair a dam breach that occurred in March 2010.

With Conditions:

1. All work shall be in accordance with plans and narratives by Forest Land Improvement, Inc., plan sheet dated April 16, 2010, plan sheet dated May 18, 2010 and narratives, as received by the NH Department of Environmental Services (DES) on May 21, 2010.
2. 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.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during drawdown and low or non-flow.
5. The dam repairs shall not raise the water surface elevation of the previously existing (before breach) pond.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.
12. Any 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(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The repairs are for a breach that occurred as a result of a large storm event in March 2010.
6. The NHDES Dam Bureau has indicated that the proposal does not require a Dam Reconstruction permit.

2010-01365 AMBROSE BROTHERS CONSTRUCTION INC
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Proposal to restore 1675 sq. ft. of wetlands filled during construction of a road entrance to Stonewall Acres subdivision.

APPROVE PERMIT:

Approval to restore 1675 sq. ft. of wetlands filled during construction of a road entrance to Stonewall Acres subdivision.

With Conditions:

1. All work shall be in accordance with "Blow up Area-Ambros Inc Plan" and "Construction Methodology and Sequencing Ambrose Project" narrative submitted by Abenaki Services, as received by the NH Department of Environmental Services (DES) on May 24, 2010.
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. Work shall be done during low flow.
4. 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.
5. Wetlands restoration shall be completed by September 30, 2010.

6. A New Hampshire Certified Wetland Scientist ("CWS") shall submit a monitoring report with photographs to DES immediately (within 2 weeks) after completion of the restoration and after one full growing season (no later than November 1, 2011).
7. Wetland restoration shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. This permit shall not preclude DES from taking any additional enforcement action.
9. 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(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The approval is for restoration of wetlands inadvertently filled during road construction for Stonewall Acres subdivision.

2010-01424 NH DEPT OF TRANSPORTATION
ALSTEAD Tributary To Cold River

Requested Action:

Replace a 24 in. x 30 in. box culvert with a 36 in. culvert embedded 8 in. and extend both the inlet and outlet by 5 ft. along with replacing an 18 in. culvert impacting 475 sq. ft. (425 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

River Advisory Comm. - no comment

APPROVE PERMIT:

Replace a 24 in. x 30 in. box culvert with a 36 in. culvert embedded 8 in. and extend both the inlet and outlet by 5 ft. along with replacing an 18 in. culvert impacting 475 sq. ft. (425 sq. ft. temporary) of riverine wetlands. NHDOT project #M401-01.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 12/28/09 as received by the Department on June 1, 2010.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
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. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A review of the project relative to impaired waters finds that most work is temporary, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.

2010-01524 NH DEPT OF TRANSPORTATION
DOVER Salmon Falls River

Requested Action:

Remove concrete casings around 8 steel bridge piles and replace with fiber reinforced polymer pile jackets impacting 1,470 sq. ft. (1,440 sq. ft. temporary) of estuarine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Remove concrete casings around 8 steel bridge piles and replace with fiber reinforced polymer pile jackets impacting 1,470 sq. ft. (1,440 sq. ft. temporary) of estuarine wetlands. NHDOT project #15870.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 5/25/10 as received by the Department on June 7, 2010.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. No work shall occur in the water between Jan 1 and July 1.

With Findings:

1. This is deemed a minimum impact project per Administrative Rule Env-Wt 303.04(o), as the department finds the degree of environmental impact will be minimal if conducted within the scope of the application submitted and if conducted in accordance with the conditions of approval.
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. This project was discussed on January 20, 2010 at the monthly Natural Resource Agency Meeting held at the NH Dept. of Transportation (DOT). Although smaller in scope, the project is similar to previous permits in Portsmouth and New Castle where the permits required that no work be performed in the water between January 1 and July 1st.
6. The Natural Heritage Bureau indicates the project should not impact the nearby community and species noted.
7. A review of the project relative to impaired waters finds that most work is temporary, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.
8. DES Staff finds that this project will not have a significant impact on these estuarine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

2010-01552 LEBLANC, DAVID
NOTTINGHAM Pawtuckaway Lake

Requested Action:

Replace 146 linear feet of existing retaining wall in the same configuration, height and location, repair a 5 ft x 24 ft dock and a 5 ft x 26 ft dock with 8 ft x 7 ft extension on an average of 223 ft of frontage on Pawtuckaway Lake, in Nottingham.

Conservation Commission/Staff Comments:

Con Com did not submit comments as of August 13, 2010

APPROVE PERMIT:

Replace 146 linear feet of existing retaining wall in the same configuration, height and location, repair a 5 ft x 24 ft dock and a 5 ft x 26 ft dock with 8 ft x 7 ft extension on an average of 223 ft of frontage on Pawtuckaway Lake, in Nottingham.

With Conditions:

1. All work shall be in accordance with plans by Dahlberg Land Services dated June 02, 2010, as received by the NH Department of Environmental Services (DES) on June 09, 2010.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Work shall be done during drawdown.
4. Repair shall maintain existing size, location and configuration.
5. Area shall be regraded to original contours following completion of work.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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(c), repair of existing retaining wall that is performed in the dry during draw down.

FORESTRY NOTIFICATION

2010-01789 PROSPECT FOREST ENTERPRISES LLC, PETER FARRELL
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax MAp 3, Lot# 22

2010-01792 MANCHESTER WATER WORKS
MANCHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Manchester Tax MAp 828, Lot# 1

2010-01794 CASSIER, PATRICK & SANDRA
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Deerfield Tax Map 419, Lot# 6.2

2010-01886 ROYSTAN, ROBIN
BATH Unnamed Stream

COMPLETE NOTIFICATION:

Bath Tax Map 16, Lot# 87

2010-01895 BRIDGER, WILLIAM
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:

Grafton Tax Map 17, Lot# 97

2010-02002 NH DRED
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:

Farmington Tax Map/Lot# 41/3 & 42/1

2010-02003 VIGER, JENNY/JOSEPH
FREEDOM Unnamed Stream

COMPLETE NOTIFICATION:

Freedom Tax Map 9, Lot# 7-1

2010-02004 HATFIELD, EDWARD & PATRICIA
FREEDOM Unnamed Stream

COMPLETE NOTIFICATION:

Freedom Tax Map 9, Lot# 7

**2010-02005 GOODRICH, FRED
BARNSTEAD Unnamed Stream**

COMPLETE NOTIFICATION:
Barnstead Tax Map 4, Lot# 6

**2010-02040 TRUE, MELBORNE & VIRGINIA
WENTWORTH Unnamed Stream**

COMPLETE NOTIFICATION:
Wentworth Tax Map 4, Lot# 2, 3, 8, 14, 20

EXPEDITED MINIMUM

**2009-02990 RUMNEY, TOWN OF
RUMNEY Unnamed Stream**

Requested Action:
Dredge and fill 774 square feet of the bed and banks of the two unnamed perennial streams for the replacement of two culverts.

APPROVE PERMIT:
Dredge and fill 774 square feet of the bed and banks of the two unnamed perennial streams for the replacement of two culverts.

With Conditions:

1. All work shall be in accordance with plans by B.A. Barnard Ent Inc entitled Site #1 Replacement of Culvert revised August 11, 2010 as received by DES on August 11, 2010; and Site #2 Replacement of Culvert revised August 13, 2010 as received by DES on August 13, 2010.
2. Culverts shall be set at (match) original stream grade.
3. Work shall be done during low flow.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
10. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. 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.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

- 15. 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.
- 16. 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).
- 17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
- 18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
- 19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

- 1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04 (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) and do not exceed any of the following criteria: (1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area; (2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope; (3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or (4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope;
- 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 Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The culverts are greater than 1.2 times the bankfull width.
- 6. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
- 7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.

2010-01535 GARCIA, STEVEN
SANBORNTON Unnamed Stream

Requested Action:

Proposal to install a 8 in. 16 ft. drainage culvert within in existing driveway to restore drainage through a previously existing log culvert/crossing.

Conservation Commission/Staff Comments:

- 1. The Conservation Commission signed the application.

APPROVE PERMIT:

Dredge in fill approximately 1,000 sq. ft. of wetlands to install an 8 in. 16 ft. drainage culvert within an existing driveway to restore drainage through a previously existing log culvert/crossing.

With Conditions:

- 1. All work shall be in accordance with plan by Steven Garcia, as received by the NH Department of Environmental Services (DES) on July 12, 2010.
- 2. Work shall be done during no or low flow.
- 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. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

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

2010-01537 KAMGAR, AVID
EASTON Unnamed Wetland

Requested Action:

Dredge approximately 3,700 square feet of emergent wetlands for the construction of a wildlife, recreation and fire protection pond.

APPROVE PERMIT:

Dredge approximately 3,700 square feet of emergent wetlands for the construction of a wildlife, recreation and fire protection pond.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates Inc. entitled Kamgar Wildlife and Recreation Pond (Figure 2 and Figure 3) as received by the Department on June 14, 2010.
2. Appropriate erosion/siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
4. Precautions shall be taken to limit unnecessary removal of vegetation adjacent to the pond.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Machinery shall be staged and refueled in upland areas.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04((p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:(1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;(2) There are no streams into or out of the proposed pond site;(3) The project is not located in prime wetlands; and (4) The project does not meet the requirements of Env-Wt 303.02(k);
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 proposed pond dredge will not impact very poorly drained soils.
- 6. The pond will be constructed in an existing hayfield adjacent to a forested area.

2010-01957 TROY, TOWN OF
TROY Tributary To Village Pond

Requested Action:

Dredge and fill ± 450 sq. ft. of unnamed intermittent stream at South Street to install a 16-ft. culvert extension to an existing 48-in. x 32-ft. RCP culvert to allow for sidewalk construction.

APPROVE PERMIT:

Dredge and fill ± 450 sq. ft. of unnamed intermittent stream at South Street to install a 16-ft. culvert extension to an existing 48-in. x 32-ft. RCP culvert to allow for sidewalk construction.

With Conditions:

- 1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated March 2010, and revised through August 11, 2010, as received by the Department on August 11, 2010.
- 2. Work shall be done during dry conditions.
- 3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. Proper headwalls shall be constructed within seven days of culvert installation.
- 7. Culverts shall be laid at original grade.
- 8. 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).
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), a project located within the right-of-way of a public highway.
- 2. Comments of concern were not submitted to the file.
- 3. The Town has received written consent from the owner(s) of tax map(s)/lot no.(s) 18/260 &261, owners of the properties on which project activities will take place.
- 4. A Professional Engineer has confirmed that the proposed culvert repairs will adequately pass the 50-year storm.
- 5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

**2010-01861 NH DEPT OF ECONOMIC DEV
BERLIN Unnamed Stream**

COMPLETE NOTIFICATION:
Berlin Tax MAp 402, Lot# 32.01 Head Pond Tract

**2010-02042 SCHWAEGLER, BRUCE & SARAH
ORFORD Unnamed Stream**

COMPLETE NOTIFICATION:
Orford Tax Map 8-27, Lot# 1A, 10, 11, 11A, 13, 14

LAKES-SEASONAL DOCK NOTIF

**2010-02027 HOFFMAN, ALEXA
TUFTONBORO Lake Winnepesaukee**

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 14, Lot# 4 Lake Winnepesaukee

ROADWAY MAINTENANCE NOTIF

**2010-02103 LEE HIGHWAY DEPT.
LEE Unnamed Wetland**

**2010-02104 LEE, HIGHWAY DEPT
LEE Unnamed Wetland**

**2010-02106 LEE HIGHWAY DEPT.
LEE Unnamed Wetland**

**2010-02107 LEE, TOWN OF
LEE Unnamed Wetland**

2010-02108 **NH DEPT OF RESOURCES & ECON DEV**
MILAN **Unnamed Wetland**

2010-02109 **NH DEPT OF TRANSPORTATION**
STARK **Unnamed Wetland**

2010-02110 **HANCOCK, TOWN OF**
HANCOCK **Unnamed Stream Unnamed Wetland**

2010-02111 **NH DEPT OF TRANSPORTATION**
HANCOCK **Unnamed Wetland**

2010-02112 **NH DEPT OF TRANSPORTATION**
NELSON **Unnamed Stream**

2010-02113 **NH DEPT OF TRANSPORTATION**
HARRISVILLE **Unnamed Stream**

PERMIT BY NOTIFICATION

2010-01925 **GRIFFIN QUARRY INC**
MANCHESTER **Unnamed Wetland**

Requested Action:

In-kind replacement of the existing drainage structures beneath Massabesic Drive at the intersection of Route 121 (Manchester Road) for improved drainage and safe vehicular passage to include: repairing the existing catch basin, replacing the existing 24" CMP pipe and 18" CMP pipe with a 24" HDPE pipe and 18" HDPE pipe, respectively.

Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind replacement of the existing drainage structures beneath Massabesic Drive at the intersection of Route 121 (Manchester Road) for improved drainage and safe vehicular passage to include: repairing the existing catch basin, replacing the existing 24" CMP pipe and 18" CMP pipe with a 24" HDPE pipe and 18" HDPE pipe, respectively.

CSPA PERMIT

2009-02769 JOHNSON, STEVE AND MARTHA
WOLFEBORO Lake Winnepesaukee

Requested Action:

AMENDMENT DESCRIPTION: Revised plans by Land Technical Service Corp., dated July 2010 and received by the Department of Environmental Services (DES) on July 21, 2010. Septic system relocated, garage and road realigned, Two building removed, proposed addition enlarged, stormwater plans added with some pervious surfaces included, and modification to landscape and grading reflected in amended plans. Total post-impervious area located within 250 ft of the reference line is 20.1%.

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans by Land Technical Service Corp., dated July 2010 and received by the Department of Environmental Services (DES) on July 21, 2010. Septic system relocated, garage and road realigned, Two building removed, proposed addition enlarged, stormwater plans added with some pervious surfaces included, and modification to landscape and grading reflected in amended plans. Total post-impervious area located within 250 ft of the reference line is 20.1%.

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated October 1, 2009 and received by the Department of Environmental Services ("DES") on November 20, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,068 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,040 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01420 CONDYLLIS, KAREN
MILTON Northeast Pond

Requested Action:

Impact 256 to add an open porch to an existing nonconforming structure.

APPROVE PERMIT:

Impact 256 to add an open porch to an existing nonconforming structure.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on June 4, 2010.
2. No more than 0.33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 37,502 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01513 HERMAN, JUDITH
HILLSBOROUGH Contoocook River

Requested Action:

AMENDMENT DESCRIPTION: Revised plans, dated July 19, 2010, to show pre-existing / re-constructed deck on plans. Deck rebuilt within the same foot print. Increased impervious area to 19%.

Impact 3,960 sq ft for the modification of a portion of existing primary structure and construction of four additional parking spaces.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans, dated July 19, 2010, to show pre-existing / re-constructed deck on plans. Deck rebuilt within the same foot print. Increased impervious area to 19%.

Impact 3,960 sq ft for the modification of a portion of existing primary structure and construction of four additional parking spaces.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC dated May 24, 2010 and received by the NH Department of Environmental Services (DES) on June 14, 2010.
2. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

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

2010-01691 RABBITT, ROBERT
GILMANTON Crystal Lake

Requested Action:

AMENDMENT DESCRIPTION: Replace existing garage with a larger garage, 28ft x 36ft.

Impact 10,415 sq ft for the removal and reconstruction of a 26ft x 36ft garage, covered porch and an a 10ft x 12ft addition to existing deck.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Replace existing garage with a larger garage, 28ft x 36ft.

Impact 10,415 sq ft for the removal and reconstruction of a 26ft x 36ft garage, covered porch and an a 10ft x 12ft addition to existing deck.

With Conditions:

- 1. All work shall be in accordance with plans by MJS Engineering, PC dated June 24, 2010 and received by the NH Department of Environmental Services (DES) on June.
- 2. No more than 25.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. The area between the reference line and the 50 ft waterfront buffer must be maintained with a 50 points per 50ft x 50ft segment to maintain the requirement for RSA 483-B:9,V(g)(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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01829 LETOURNEAU, DAVID & DEBORAH
GOFFSTOWN Piscataquog River

Requested Action:

Impact 1,307 sq ft for the construction of a 620 sq ft addition and conversion of 192 sq ft deck into living space.

APPROVE PERMIT:

Impact 1,307 sq ft for the construction of a 620 sq ft addition and conversion of 192 sq ft deck into living space.

With Conditions:

- 1. All work shall be in accordance with plans by NH Springs Environmental Consulting dated June 24, 2010 and received by the

NH Department of Environmental Services (DES) on July 13, 2010.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 10,714 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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01831 STECKLER, PHILIP & MARCIA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 3,755 sq ft for the construction of new garage.

APPROVE PERMIT:

Impact 3,755 sq ft for the construction of new garage.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated July 14, 2010 and received by the NH Department of Environmental Services (DES) on July 19, 2010.
2. No more than 29.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,590 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,665 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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01835 TRIANO, CHARLES
HILLSBOROUGH Contention Pond

Requested Action:

Impact 1,143 sq ft for the construction of a 16 ft x 20 ft addition and a 10 ft x 12 ft addition off an existing primary structure.

APPROVE PERMIT:

Impact 1,143 sq ft for the construction of a 16 ft x 20 ft addition and a 10 ft x 12 ft addition off an existing primary structure.

With Conditions:

1. All work shall be in accordance with plans by Fieldstone Land consultants, PLLC dated July 1, 2010 and received by the NH Department of Environmental Services (DES) on July 14, 2010.
2. No more than 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01837 ALTON, TOWN OF
ALTON Lake Winnepesaukee

Requested Action:

Impact 5,440 sq ft for improvements to an existing stormwater drainage system.

APPROVE PERMIT:

Impact 5,440 sq ft for improvements to an existing stormwater drainage system.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated February 2010 and received by the NH Department of Environmental Services (DES) on July 14, 2010.
2. No work shall be conducted in wetlands or the bank and bed of Lake Winnepesaukee without first obtaining all required approvals from the DES Wetlands Bureau in accordance with RSA 482-A.
3. No more than 63 additional sq ft of impervious surface will be constructed within the protected shoreland unless additional approval is obtained from DES.
4. The project as proposed will not impact any area currently existing in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. 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.

2010-01839 JOHNSTON, ESTATE OF KATHERINE
NEW BOSTON Bog Pond

Requested Action:

Impact 10,920 sq ft for the construction of a new house, garage, driveway and septic system.

APPROVE PERMIT:

Impact 10,920 sq ft for the construction of a new house, garage, driveway and septic system.

With Conditions:

1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants, LLC dated June 29, 2010 and received by the NH Department of Environmental Services (DES) on July 14, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. All proposed impacts within the jurisdictional wetland areas are contingent on the approval of the DES Wetlands Bureau, pursuant to RSA 482-A.
4. No more than 6.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 20,050 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2010-01845 CHIN, WARREN
CENTER CONWAY Saco River**

Requested Action:

impact 987 sq ft to add a 27 ft x 10 ft porch to an existing primary structure, remove a stone walkway and construct a new stone walkway in a different alignment.

APPROVE PERMIT:

impact 987 sq ft to add a 27 ft x 10 ft porch to an existing primary structure, remove a stone walkway and construct a new stone walkway in a different alignment.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co. Inc, dated July 13, 2010 and received by the NH Department of Environmental Services (DES) on July 15, 2010.
2. No more than 18.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All of the 3,370 sq ft of the Natural Woodland Buffer beyond the primary building setback currently in an unaltered state must remain so in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01863 MERRIMACK, TOWN OF
MERRIMACK Souhegan River

Requested Action:

Impact 23,372 sq of public right of way within protected shorelands to upgrade stormwater treatment and drainage structures and realign sidewalks along the Daniel Webster Highway.

APPROVE PERMIT:

Impact 23,372 sq of public right of way within protected shorelands to upgrade stormwater treatment and drainage structures and realign sidewalks along the Daniel Webster Highway.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated July 2010 and received by the NH Department of Environmental Services (DES) on July 15, 2010.
2. No more than 485 sq ft of additional impervious surface area may be constructed within the area of the right of way within the protected shoreland unless additional approval is obtained from DES.
3. The project shall not impact areas currently existing in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The Souhegan River Local River Advisory Committee has recommended denial of the application.
2. This project is consistent with the purpose of RSA 483-B as required per RSA 483-B:9, IV-b.
3. In accordance with RSA 483-B:5-b, V, (e) this application shall be approved.

2010-01880 HUNTER, DAVID & KAY
OSSIPEE Little Dan Hole Pond

Requested Action:

Impact 2323 sq ft for the construction of 6 ft x 12 ft deck, reconstruction and expansion of retaining wall, driveway, and construction of a 4 ft wide walkway.

APPROVE PERMIT:

Impact 2323 sq ft for the construction of 6 ft x 12 ft deck, reconstruction and expansion of retaining wall, driveway, and construction of a 4 ft wide walkway.

With Conditions:

1. All work shall be in accordance with plans by David & Kay Hunter dated July 1, 2010 and received by the NH Department of

Environmental Services (DES) on July 19, 2010.

2. No more than 13.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All 1020 sq ft of the Natural Woodland Buffer beyond the primary building setback currently in an unaltered state must remain so in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01881 MEEKER, SANDRA
WOLFEBORO Lake Winnepesaukee

Requested Action:

Temporarily impact 882 sq ft for the construction of new sewage disposal system.

APPROVE PERMIT:

Temporarily impact 882 sq ft for the construction of new sewage disposal system.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co. Inc. dated July 16, 2010 and received by the NH Department of Environmental Services (DES) on July 16, 2010.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 520 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 actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01882 SKOWRON, RALF & MARIE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 12,486 sq ft for the re-construction of house to be relocated outside of waterfront buffer, expansion of gravel driveway, and construction of a pervious patio and associated landscaping.

APPROVE PERMIT:

Impact 12,486 sq ft for the re-construction of house to be relocated outside of waterfront buffer, expansion of gravel driveway, and construction of a pervious patio and associated landscaping.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, LLC dated July 13, 2010 and received by the NH Department of Environmental Services (DES) on July 19, 2010.
2. No more than 26.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All of the 4,869 sq ft of the Natural Woodland Buffer beyond the primary building setback currently existing in an unaltered state must remain so in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit is contingent on approval by the DES Subsurface Systems Bureau.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01897 MCKEE, JON
HEBRON Newfound Lake

Requested Action:

Impact 3625 sq ft for the construction of gravel driveway.

APPROVE PERMIT:

Impact 3,625 sq ft for the construction of gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by Central Land Surveying Inc. dated June 15, 2010 and received by the NH Department of Environmental Services (DES) on July 20, 2010.
2. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,674 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,655 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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01899 FRAZIER, LEONARD
MUNSONVILLE Granite Lake

Requested Action:

Impact 2,485 sq ft for the construction of french drain.

APPROVE PERMIT:

Impact 2,485 sq ft for the construction of french drain.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated June 1, 2010 and received by the NH Department of Environmental Services (DES) on July 20, 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation 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.
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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01900 PHILBIN, MARY
HARRISVILLE Harrisville Pond

Requested Action:

Temporarily impact 1000 sq ft of previously altered area for the installation of new french drains.

APPROVE PERMIT:

Temporarily impact 1000 sq ft of previously altered area for the installation of new french drains.

With Conditions:

1. All work shall be in accordance with plans by David O'Neil Construction as received by the NH Department of Environmental Services (DES) on July 16, 2010.
2. No more than 12.4% 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 not alter any areas of the Natural Woodland Buffer beyond the primary building setback currently meeting the definition of unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

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

2010-01918 SIEGE, CHRISTOPHER
WOLFEBORO Crescent Lake

Requested Action:

Impact 4,100 sq ft for the installation of an effluent disposal system for existing garage.

APPROVE PERMIT:

Impact 4,100 sq ft for the installation of an effluent disposal system for existing garage.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated May 19, 2010 and received by the NH Department of Environmental Services (DES) on July 20, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 7.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 16,430 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01933 MULLEN, DEBORAH
LOUDON Clough Pond

Requested Action:

Temporarily impact 660 sq ft to construct a 15 ft x 28 ft garage with a 720 sq ft gravel driveway.

APPROVE PERMIT:

Temporarily impact 660 sq ft to construct a 15 ft x 28 ft garage with a 720 sq ft gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by American Land Surveying dated July 2010 and received by the NH Department of Environmental Services (DES) on July 22, 2010.
2. No more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,600 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 1,594 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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01934 TRAG, GUY/PAMELA
SUGAR HILL Streeter Pond

Requested Action:

Temporarily impact 6,920 sq ft to construct a 2,060 sq ft primary structure with attached deck and garage, a 813 sq ft gravel driveway, and a septic system.

APPROVE PERMIT:

Temporarily impact 6,920 sq ft to construct a 2,060 sq ft primary structure with attached deck and garage, a 813 sq ft gravel driveway, and a septic system.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc. dated June 10, 2010 and received by the NH Department of Environmental Services (DES) on July 22, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any work within the jurisdictional wetlands will require a permit from the DES Wetlands Bureau.
4. No more than 2.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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 DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01985 SARETTE, ROBERT
GOFFSTOWN Bog Brook

Requested Action:

Impact 400 sq.ft. for the construction of level surface to install a soft pool.

APPROVE PERMIT:

Impact 400 sq.ft. for the construction of level surface to install a soft pool.

With Conditions:

1. All work shall be in accordance with plans by Steven Giroux dated July 30, 2010 and received by the NH Department of Environmental Services (DES) on July 30, 2010.
2. No more than 2.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02039 SWAN, ROBERT & DENISE
STODDARD Island Pond

Requested Action:

Impact 144 sq.ft. for the repair and addition of 144 sq.ft. to existing deck.

APPROVE PERMIT:

Impact 144 sq ft for the repair and addition of 144 sq ft to existing deck.

With Conditions:

1. All work shall be in accordance with plans by Jerry Beaupre Construction dated August 1, 2010 and received by the NH Department of Environmental Services (DES) on August 2, 2010.
2. No more than 16.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2010-00808 GROUSE POINT CLUB
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 5,075 sq ft to construct walking paths, picnic area, and a gazebo.

DENY PERMIT:

Impact 5,075 sq ft to construct walking paths, picnic area, and a gazebo.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:9, V, (g), (3), Impervious Surfaces, if the impervious surface area will exceed 20 percent and the natural tree and sapling cover in the waterfront buffer does not meet the 50-point minimum score of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with native trees, saplings, or natural ground cover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).
2. Pursuant to RSA 483-B:5-b, V, (a), Permit Required; Exemption, the applicant shall submit any requested information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application.
3. In accordance with Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications, plans shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line.
4. In accordance with Rule Env-Wq 1406.09, (l), Plans to be Submitted with All Shoreland Permit Applications, a plan of any planting(s) proposed in the waterfront buffer, showing the proposed location(s) and Latin names or common names of proposed species.
5. In accordance with Rule Env-Wq 1406.10, (e), Plans or Other Information Required for Certain Projects, for any project involving pervious surfaces, plans and information shall be submitted with specifications of how those surfaces will be maintained.
6. In accordance with Rule Env-Wq 1406.10, (f), Plans or Other Information Required for Certain Projects, for any project involving work within the waterfront buffer, the applicant shall provide a plan showing each segment of waterfront buffer that will be impacted by the project..
7. Pursuant to Rule Env-Wq 1409.02 Decision on Variance Request, the department shall approve a request for variance under RSA 483-B:9, V(i) upon finding that the proposal is adequate to ensure that the intent of RSA 483-B is met.

Findings of Fact

1. On April 8, 2010, the Department received an application requesting 5, 075 sq ft of impact to construct structures and increase the percent of impervious surface area on the lot identified as lot 12, on Meredith tax map S18, from 22.5 % to 24.5%.
2. The application included a request for a variance of RSA 483-B:9, V, (g), (3) which requires that each of the segments of the waterfront buffer be restored to at least the minimum required tree and sapling point score required under RSA 483-B:9, V(a)(2)(D).
3. On May 20, 2010, the Department issued a letter to the applicant stating that the project failed to meet the criteria for granting of a variance. The letter requested a revised proposal that would result in no net gain in impervious surface area.
4. On July 15, 2010, the Department received a response to the May 20, 2010 request for more information. The revised proposal results in an impervious surface increase of 0.25%. The proposal does not appear to meet the requirements of RSA 483-B:9, V, (g), (3).
5. The revised proposal is in part shown through penciled in notes on a copy of one sheet from the original plan set. The plan sheet submitted did not show each segment of waterfront buffer that will be impacted by the project as required per Rule Env-Wq 1406.10, (f).
6. The plan sheet submitted did not show the proposed location(s) and names of proposed species to be planted in the waterfront buffer as required Rule Env-Wq 1406.09, (l).

Rulings in Support of the Decision

1. The applicant has failed to submit plans that meet the requirements Rules Env-Wq 1406.10, (f) and Env-Wq 1406.09, (l).
2. The application is denied as the proposal submitted fails to meet the requirements of RSA 483-B:9, V, (g), (3).
3. The applicant failed to submit the information as requested by the Department on May 20, 2010, and therefore, the application is denied pursuant to RSA 483-B:5-b, V, (a).

CSPA PERMIT W/WAIVER

2010-01378 GIBAUT, RUTH
NOTTINGHAM Pawtuckaway Pond

Requested Action:

Impact 200 sq ft to convert an open porch that encroaches upon the primary building setback and is located between the reference line and the primary structure into additional enclosed living space.

Conservation Commission/Staff Comments:

Agent is proposing to extend living space towards the reference line. Not approveable. Deny if new proposal is not received by our statutory deadline to issue a decision (8/15/10).

DENY PERMIT:

Impact 200 sq ft to convert an open porch that encroaches upon the primary building setback and is located between the reference line and the primary structure into additional enclosed living space.

With Findings:

Standards for Approval

1. In accordance with Rule Env-Wq 1408.03, Conversion of Decks and Porches Prohibited, "no deck or porch located between the primary building line and the reference line shall be converted to become part of the primary living space."
2. Pursuant to Rule Env-Wq 1413.04, (b), Criteria, "no rule waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement."
3. Pursuant to RSA 483-B:9, II, (b), Minimum Shoreland Protection Standards, within the protected shoreland primary structures shall be set back behind the primary building line which is 50 feet from the reference line.
4. Pursuant to RSA 483-B:11, I, Nonconforming Structures, "between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line for nonconforming structures erected prior to July 1, 1994."

Findings of Fact

1. On June 1, 2010, the Department received a request to convert a 10 ft x 20 ft open porch that encroaches upon the primary building setback and is located between the reference line and the primary structure into additional enclosed living space. The application included a request to waive Rule Env-Wq 1408.03, in accordance with the criteria for rule waivers outlined in Rule Part Env-Wq 1413.

Rulings in Support of the Decision

1. Conversion of the existing open porch to living space would violate the language of RSA 483-B:11, I that specifies only a deck or open porch may extend from the primary structure in the area between the reference line and the primary building line.
2. Granting a waiver of Rule Env-Wq 1408.03 would have the effect of waiving the requirement of RSA 483-B:11, and therefore, is prohibited by Rule Env-Wq 1413.04, (b).
3. The application is denied on ground that the proposed project is prohibited by RSA 483-B:11, I and Rule Env-Wq 1408.03.