

# Wetlands Bureau Decision Report

Decisions Taken  
10/18/2010 to 10/24/2010

## **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.

**UNKNOWN**

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**2010-02874                      HOPFENSPIRGER ET AL, JACK/CAROL  
SUNAPEE**

Requested Action:

Lift an existing residence, remove existing sono-tubes, excavate, and construct a full foundation to support the structure.

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CONFIRM EMERGENCY AUTHORIZATION:

Lift an existing residence, remove existing sono-tubes, excavate, and construct a full foundation to support the structure.

With Conditions:

1. The owner shall file a follow-up application before January 1, 2011 (Form enclosed.)
2. The municipal Clerk and Board of Selectmen shall be notified prior to the start of work.
3. This form shall be properly posted at the work site.
4. Appropriate siltation and erosion controls shall be utilized.
5. There shall be no expansion beyond the footprint of the pre-existing structure.

\* THIS AUTHORIZATION EXPIRES December 1, 2010. ALL work must be completed by this date.

**MAJOR IMPACT PROJECT**

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**2009-00508                      NH DEPT OF TRANSPORTATION  
CONWAY    Saco River**

Requested Action:

Request amendment to include an additional 3,826 sq. ft. of stabilization area and include the original temporary work as permanent due to the increased size of the embankment failure.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment  
Rivers Comm. - no comment

Inspection Date: 10/13/2010 by Gino E Infascelli

**APPROVE AMENDMENT:**

Stabilize a failing embankment by constructing a temporary road and placing class D and C stone at the toe of slope, placing geofabric, loaming, seeding and mulching and replace an existing 15 in. culvert with a 30 in. culvert impacting 12,986 sq. ft. of river and bank. NHDOT project #15662.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 8/25/2010 as received by the Department on Sept. 14, 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 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.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. 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.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Temporary road shall be returned to original contours and replanted with similar vegetative species and type.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of a river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. On Sept. 14, 2010 the DES Wetlands Bureau received an amendment request to include an additional 3,826 sq. ft. of stabilization area and include the original temporary work as permanent due to the increased size of the embankment failure.
4. DES Staff conducted a field inspection of the proposed project on Oct. 13, 2010, and found that the erosion of the sandy bank had increased significantly since the original permit was issued and also noted that access to the toe of slope is difficult. Stabilization of the steep bank would be extremely difficult without using stone at the toe of slope. A temporary culvert is currently diverting flow which appears to be protecting the roadway shoulder from collapsing.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2009-02649 SHADALLAH ESQ, STEVEN  
SEABROOK Atlantic Ocean / Tidal Buffer**

**Requested Action:**

Amend permit to eliminate a 174 square foot patio area and construct a walkway to driveway. In addition, 2,300 square feet of sand dune area at the terminus of Amesbury Street will be planted with American beach grass. Boulders will be placed to protect the sand dune restoration area from vehicular traffic.

Demolish the existing house and construct a new dwelling with attached porch impacting 2,100 sq. ft. of a 6,641 sq. ft. lot being partially in sand dune jurisdiction. A 2,691 sq. ft. area currently occupied by structures and/or previously impacted sand dune will be restored/enhanced with plantings of native sand dune vegetation. A Salt Spray Rose (*Rosa rugosa*) hedge will be established to

separate the sand dune restoration/enhancement area from the developed area of this lot.

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Conservation Commission/Staff Comments:

No written comments were received from the Seabrook Conservation Commission on this application. However, the environmental consultant discussed the sand dune restoration component of the project with the Commission Chair and received positive input.

Inspection Date: 09/18/2009 by Frank D Richardson

APPROVE AMENDMENT:

Amend permit to eliminate a 174 square foot patio area and construct a walkway to driveway. In addition, 2,300 square feet of sand dune area at the terminus of Amesbury Street will be planted with American beach grass. Boulders will be placed to protect the sand dune restoration area from vehicular traffic.

Demolish the existing house and construct a new dwelling with attached porch impacting 2,100 sq. ft. of a 6,641 sq. ft. lot being partially in sand dune jurisdiction. A 2,691 sq. ft. area currently occupied by structures and/or previously impacted sand dune will be restored/enhanced with plantings of native sand dune vegetation. A Salt Spray Rose (*Rosa rugosa*) hedge will be established to separate the sand dune restoration/enhancement area from the developed area of this lot.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated September 24, 2009, as received by DES on November 02, 2009.
  - 1a. Approved amendment shall be in accordance with plans by Millennium Engineering dated Aug. 03, 2010 received by DES on August 03, 2010.
2. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas within NH DES Wetlands Bureau jurisdiction for lot development, driveways, play areas (e.g. beach volleyball) or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Sand dune replication /restoration /enhancement areas shall have at least 75% successful establishment of sand dune vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional sand dune vegetation community is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. A NH Certified Wetland Scientist shall be retained by the permittee to oversee the sand dune restoration /enhancement component of this project.
7. A report, documented by photos taken from at least five photo stations, detailing the restoration plantings and their growth and establishment, shall be submitted to the DES Wetlands Bureau and the Seabrook Conservation Commission on October 1st of each year for the 5-year duration of this permit.
8. If this permit is not implemented within its' first year or if construction is delayed for any reason, the requirement set forth in condition #7 will be initiated with the start of construction and proceed for 5 years thereafter.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
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)&(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 18, 2009. Field inspection determined the project as designed, with sand dune restoration, will have no deleterious affect on the adjacent sand dune vegetation and habitat.
6. This project will result in an 8.7% reduction in the impervious area on this lot.

Requested Action:

Remove 112 cu yd of unauthorized fill from public waters. Fill 650 sq ft of lake bed to construct 45 linear ft of breakwater, with a 6.5 ft gap at the shoreline, and a 4 ft x 35 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 5 ft x 12 ft walkway to be accessed from the existing 33 ft by 33 ft dug-in boathouse by a 4 ft wide walkway, drive 1 fender pile and 1 ice cluster, and dredge 57 cu yd from 1,400 sq ft of lake bed on an average of 297 ft of frontage in Brickyard Cove, on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Remove 112 cu yd of unauthorized fill from public waters. Fill 650 sq ft of lake bed to construct 45 linear ft of breakwater, with a 6.5 ft gap at the shoreline, and a 4 ft x 35 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 5 ft x 12 ft walkway to be accessed from the existing 33 ft by 33 ft dug-in boathouse by a 4 ft wide walkway, drive 1 fender pile and 1 ice cluster, and dredge 57 cu yd from 1,400 sq ft of lake bed on an average of 297 ft of frontage in Brickyard Cove, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc as revised September 20, 2010, and received by the Department on September 21, 2010.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. All portions of the 112 cu yd of unauthorized fill to be removed, not utilized in the proposed breakwater construction, shall be completely removed from the jurisdiction of the Wetlands Bureau by June 15, 2010.
4. Photos showing that the materials specified in Condition #3 have been completely removed from the jurisdiction of the Wetlands Bureau shall be submitted to the Bureau by June 30, 2010.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
10. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
11. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. This permit shall not preclude DES from taking any enforcement actions relative to the 112 cu yd of unauthorized fill within Lake Winnepesaukee or any other actions which have not been compliant with previous Wetlands and Shoreland Permits issued for the subject properties.
17. The applicant shall file as-built plans and a revised Application Worksheet for Shoreland Permit File # 2010-99 with the Department and shall further take corrective actions as determined necessary by the Department to maintain compliance with RSA 483-B, the Comprehensive Shoreland Protection Act.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07,

Breakwaters.

- 3. The applicant has an average of 297 feet of shoreline frontage on the two contiguous lots along Lake Winnepesaukee.
- 4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 5. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 6. Public hearing is waived based with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

**MINOR IMPACT PROJECT**

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**2007-02879                      RMR PACIFIC LLC, ROBERT FRIES**  
**DANBURY Bog Pond**

Requested Action:

Amend the existing permit to allow for the temporary pipe an additional year.

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APPROVE AMENDMENT:

Temporarily impact 11,500 square feet of palustrine wetland and emergent wetland for installation of an above ground water withdrawal line for snowmaking.

With Conditions:

- 1. All work shall be in accordance with plans by Horizons Engineering dated September 2008, as received by the Department on September 15, 2008 and detail sheet dated December 17, 2007 as received by the Department on December 27, 2007.
- 2. 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.
- 3 This permit is for a an above ground pipe installation, and shall only be used on an annual basis with additional approval of NHDES Wetlands Bureau.
- 4. This permit is for a one year water withdrawal and additional years of withdrawl shall be only be used with the approval of the NHDES Watershed Bureau.
- 5. The temporary waterline shall be installed without disturbance of any natural features of the Conservation Land.
- 6. The temporary waterline shall have a 10 foot construction envelope as specified by NH Fish and Game.
- 7. The waterline shall be installed above ground.
- 8. Work shall be done during dry or frozen conditions.
- 9. The construction, maintenance, and removal of the Temporary Water line shall be done in accordance with the construction sequence by Horizons Engineering dated October 24, 2008, as received on October 27, 2008.
- 10. 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.
- 11. Area of temporary construction impact shall be regraded to original contours within 2 days of the installation of the pipe line.
- 12. Mulch within the restoration area shall be straw.
- 13. 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.
- 14. Within 3 days of completion of the pipeline all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 15. The water level and flow rate shall be monitored and recorded at least daily at the culvert under the so-called Ragged Mountain Road.
- 16. Water flow rate and water levels shall be monitored and recorded at least daily at the concrete culvert below the dam which impounds the so-called Danbury Bog.
- 17. At the first pumping start, Ragged Mountain shall measure and record water levels and measurement times at the culvert under Ragged Mountain Road at least at the following intervals: two hours before pumping begins, at the start of pumping, at the start of each hour for the first 6 hours, at the 12-hour, and 24-hour of pumping. Ragged Mountain shall submit those data to DES

(Wayne.Ives@des.nh.gov) and F&G (Steven.Weber@wildlife.nh.gov) on the second day of pumping.

18. A minimum flow of 3.4 cubic feet per second (Winter Q80) shall be maintained at all times from January 1, 2011, until March 14, 2011. Pumping shall be reduced or water released from storage behind the dam to maintain this flow at the culvert below the dam which impounds the so-called Danbury Bog.

19. The flow rate of 3.4 cubic feet per second is not considered an appropriate long-term multiyear stream flow condition each additional year of withdrawal shall seek an additional written approval from DES Watershed for appropriate flow rates at the culvert below the dam which impounds the so-called Danbury Bog.

20. The maximum pumping rate allowed shall not exceed 1.1 cubic feet per second (500 gallons per minute).

21. Withdrawal volumes will be metered or estimated using approved methods. A flow measurement method will be approved in writing by DES Watershed Management Bureau and installed prior to commencement of withdrawal. Withdrawal rates and pumping start and end times may be used to estimate withdrawal volumes. Withdrawal volumes will be determined and recorded each time pumping rates change and at a minimum frequency of once every 12 hours.

22. All pumping shall cease if the water level measured at the culvert under Ragged Mountain Road falls 4 inches below the level recorded between October 27 and November 8, 2011.

23. The time and date for all flow and water level measurements will be recorded.

24. A report of all water level, flow and withdrawal measurements shall be submitted via email by Monday noon each week to Wayne.Ives@des.nh.gov and to Steven.Weber@wildlife.nh.gov.

25. The permittee shall cease withdrawals from the Danbury Bog immediately if the conditions specified in the conditions above occur.

26. The temporary water line shall be removed at the terminus of the agreement with NH Fish and Game and the area restored to preconstruction conditions within thirty days following the termination of the agreement.

27. A post-construction report documenting the status of the restored jurisdictional areas shall be submitted to the Wetlands Bureau for the temporary construction impacts by December 1, 2011.

28. A post-construction report documenting the status of the restored jurisdictional areas shall be submitted to the Wetlands Bureau for the temporary pipe impacts by May 1, 2011.

**2008-00076                      WAGON WHEEL TRAIL LLC, CAROL DECOLA  
MEREDITH Lake Winnepesaukee**

**Requested Action:**

Applicant request that permit be amended to allow for additional ice clusters and tie off piling.

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**APPROVE AMENDMENT:**

Amend permit to read: Install a 6 ft x 35 ft piling pier and a 6 ft x 40 ft piling pier connected by a 6 ft x 12 ft wide walkway in a "U" configuration with a permanent boatlift, four 3 piling ice clusters, 2 tie-off piling, a 14 ft x 30 ft seasonal canopy, and 2 personal watercraft lifts. Excavate 820 sq ft of bank along 30 linear of shoreline to construct a 30 ft x 31 ft perched beach on an average of 203 ft of frontage on Lake Winnepesaukee, in Meredith.

**With Conditions:**

1. All work shall be in accordance with the plan by Watermark Marine Construction revised January 21, 2010, as received by DES on June 7, 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. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water except as authorized in writing by the owner of lot 13 on February 16, 2010.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone 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 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. 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.
13. 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.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3-slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 203 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2008-01815                      STAPLES, SHAYNE**  
**NEW DURHAM   Unnamed Wetland**

Requested Action:

Retain 3,650 square feet of wetlands impact for construction of a pond and installation of rip rap.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain 3,650 square feet of wetlands impact for construction of a pond and installation of rip rap.

With Findings:

1. On 11/22/2008 DES sent a Request For More Information Letter ("RFMI") to the applicant, clearly identifying the requirement that the applicant submit additional information to DES within 60 days of the request, in this case no later than 1/21/2009.
2. DES and the applicant agreed to a time extension for the applicant's response, extending the deadline for response to the RFMI letter to 6/20/2009.
3. No further time extension was granted by DES.
4. A systematic review of outstanding applications found that as of October 18, 2010, the applicant has not responded to the RFMI letter.
5. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request (or by the agreed-to time extension deadline), DES shall deny the application.
6. DES did not receive the additional information requested within the 60 days, nor within the agreed-to extension period, nor at any time in the 16 months thereafter, and therefore the application has been denied.
7. DES will pursue enforcement action relative to this unauthorized impact under separate cover.

**2009-02782                      GSM REALTY TRUST**  
**NEWINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 15,300 square feet of degraded, ponding wetland area created by site disturbance to replace with a properly

constructed detention pond stabilized with wetlands vegetation, and impact approximately 1,200 square feet to remove a defunct oil/water separator located at outlet of ponded area, and restore and stabilize removal area with wetlands vegetation, all as part of on-going rehabilitation of a former petroleum tank farm site.

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APPROVE RECONSIDERATION:

Dredge and fill 15,300 square feet of degraded, ponding wetland area created by site disturbance to replace with a properly constructed detention pond stabilized with wetlands vegetation, and impact approximately 1,200 square feet to remove a defunct oil/water separator located at outlet of ponded area, and restore and stabilize removal area with wetlands vegetation, all as part of on-going rehabilitation of a former petroleum tank farm site.

With Conditions:

1. All work shall be in accordance with plans by Turner Group dated 4/9/2010, as received by the NH Department of Environmental Services (DES) on 5/7/2010, and per planting plans by Turner Group dated 10/19/2010, as received by DES on 10/19/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Waste Management Division.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), less than 20,000 square feet of alteration in the aggregated of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The site was formerly a petroleum tank farm which was dismantled and partially re-worked, but left in a degraded condition without proper stormwater control or treatment.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The wetland was created by site impacts associated with removal of the tank farm, and by the presence of a tank oil-spill containment berm left in place after the site was disturbed. The proposal will replace a low value, turbid, ponding area, which currently discharges untreated water within 150' feet of the Piscataqua River, with a properly designed detention pond planted with a diversity of 15 wetland plant species, and will remove a relic oil-water separator and restore the wetland at the pond outlet location as well.
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. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project location.
5. DES issued Comprehensive Shoreland Protection Act permit 2009-2735 for project work occurring within the protected shoreland on 11/30/2009.
6. DES issued an Alteration of Terrain permit, AoT-0120, for this project on 5/21/2010.
7. The Newington Conservation Commission had concerns with regard to the future use of the property, contamination of the soils on the property, demonstrated need, and mitigation requirements.
8. DES has conditioned the permit that any further work in wetlands shall require additional permitting; the AoT permit also requires

additional permitted relative to future property changes or development.

9. DES has issued a Groundwater Management permit relative to contamination issues, which requires period sampling to monitoring wells.

10. The applicant has demonstrated that by removing a degraded wetland and source of storm event turbidity, and thereby improving the water quality treatment and wetland function through vegetative diversity, in a critical location adjacent to the tidal resource, the project fulfills the requirements for compensatory mitigation, pursuant to Env-Wt 302.03, and is considered an alternative compensatory mitigation proposal pursuant to Env-Wt 803.06(b).

**Requested Action:**

Fill 15,300 square feet of wetlands construct a detention pond, and impact 525 square feet remove an oil/water separator and replant with wetlands vegetation.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Fill 15,300 square feet of wetlands construct a detention pond, and impact 525 square feet remove an oil/water separator and replant with wetlands vegetation.

**With Findings:**

1. On 2/12/2010 DES sent a Request For More Information ("RFMI") letter to the applicant, clearly identifying the requirement that the applicant to submit additional information to DES within 60 days of the request, in this case no later than 4/13/2010.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the initial application has been denied.
4. DES subsequently received RFMI response submissions from the applicant on 5/7/2010, 8/5/2010, 9/8/2010, 10/12/2010, 10/19/2010, which will be reviewed as a reconsideration request under separate cover.

**2010-00359 MORAN, WILLIAM  
ALSTEAD Unnamed Wetland**

**Requested Action:**

Dredge and fill ± 8,200 sq. ft. and temporarily impact ± 3,100 sq. ft. of emergent wetlands (including previously impacted and stabilized wetland impact areas) for town fire pond construction; replace an existing 24-inch x 40-ft. CMP culvert with a 30-in. x 40-ft. HDPE culvert and remove ± 1,000 sq. ft. of accumulated sediment from an intermittent stream.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill ± 8,200 sq. ft. and temporarily impact ± 3,100 sq. ft. of emergent wetlands (including previously impacted and stabilized wetland impact areas) for town fire pond construction; replace an existing 24-inch x 40-ft. CMP culvert with a 30-in. x 40-ft. HDPE culvert and remove ± 1,000 sq. ft. of accumulated sediment from an intermittent stream.

**With Conditions:**

1. All work shall be in accordance with plans by Headwaters Hydrology, PLLC dated April 2010, as received by the Department on May 17, 2010, and plans dated October 19, 2010, as received by the Department on October 19, 2010.
2. This permit is contingent on the restoration of 3,100 sq. ft. of temporary wetland impact.
3. This permit is contingent of the removal of ± 1,000 sq. ft. of accumulated sediment from an intermittent stream bed.
4. This permit is contingent on the receipt of final easement language granting the Town of Alstead an easement for pond access and maintenance.
5. All work shall be done in low flow conditions.
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. Appropriate erosion and 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.

10. Machinery shall be staged and refueled in upland areas.
11. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. 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.
14. Area of temporary impact shall be regraded to original contours following completion of work.
15. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e), construction of a pond.
2. A complaint for activities on this parcel was received by the DES Wetlands Bureau on February 08, 2010.
3. DES enforcement staff conducted a field inspection of the site on February 09, 2010.
4. The February 24, 2010, Letter of Deficiency instructed the applicant to cease work, submit a stabilization plan approval and submit Standard Dredge and Fill Application.
5. A Stabilization Plan was received on March 12, 2010, and approval of the plan was issued on March 15, 2010.
6. The Standard Dredge and Fill Application was received May 17, 2010.
7. In correspondence dated May 03, 2010, the Natural Heritage Bureau indicated they do not have a record of occurrence of sensitive species near the project area.
8. In correspondence received August 11, 2010, the NH Division of Historic Resources has indicated historic properties will not be affected by the project.
9. In correspondence received August 20, 2010, the Alstead Selectboard expressed support for the project on behalf of the Alstead Fire Chief.
10. In correspondence received August 13, 2010, the Alstead Conservation Commission indicated that they did not object to the project.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
12. The proposed impacts within the 20 foot setback include class VI road improvements and pond spillway construction.
13. The applicant has attempted to contact the abutting property owner of tax map/lot 40/9 for permission.
14. Hydrologic and hydraulic analyses were completed and confirmed that there will be no increase in the peak flows for the 2-year, 10-year, 25-year and 50-year storm events as a result of pond construction.
15. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
17. This permit is contingent on the restoration of 3,100 sq. ft. of temporary wetland impact.
18. This permit is contingent on the removal of  $\pm$  1,000 sq. ft. of accumulated sediment from an intermittent stream bed.
19. This permit is contingent on the receipt of final easement language granting the Town of Alstead an easement for pond access and maintenance.
20. DES Staff conducted a second field inspection of the proposed project on September 23, 2010.
21. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
22. 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.
23. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-00881 CANNON MTN SKI AREA -STATE OF NH  
FRANCONIA Unnamed Wetland Unnamed Stream**

Requested Action:

Proposal to dredge and fill approximately 3758 sq. ft. of wetlands, intermittent stream and bank (includes 1222 sq. ft. temporary impacts and 191 sq. ft. for culvert replacement impacts) for access, drainage structures, new drive terminal and associated utilities for replacement of the existing chair lift at the former Mittersill Ski Area (now part of Cannon Mountain Ski Area).

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APPROVE AMENDMENT:

Dredge and fill approximately 3758 sq. ft. of wetlands, intermittent stream and bank (includes 1222 sq. ft. temporary impacts and 191 sq. ft. for culvert replacement impacts) for access, drainage structures, new drive terminal and associated utilities for replacement of the existing chair lift at the former Mittersill Ski Area (now part of Cannon Mountain Ski Area).

With Conditions:

1. All work shall be in accordance with plans by Stevens Engineering dated April 12, 2010, as received by DES on April 15, 2010 and plans by Stevens Engineering entitled Site Plan at Pipe Arch Culvert at Power Line Sta. 16+30.69 (sheet C-3) revised 9/21/10 and received by DES on October 05, 2010.
2. The applicant shall coordinate with the New Hampshire Natural Heritage Bureau to address any potential concerns with impacts to the "Natural Exemplary Communities" and State threatened plant species identified near the project site.
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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. A follow-up report prepared by a NH Certified Wetland Scientist documenting successful restoration of the temporary wetlands impact areas shall be submitted after one complete growing season following installation of the new ski lift.
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. 1. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. 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.
9. 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.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. 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.
18. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

DES reaffirms findings 1 through 9 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The impacts are due to the loading design of new lifts, access to the lift by skiers and design limitations set by a Memorandum of Understanding between the US Forest Service, State of New Hampshire (DRED and NHFGD) and New Hampshire Audubon Society.
6. DES Staff conducted a field inspection of the proposed project on March 24, 2010.
7. The proposed impact area appears to be within a historically impacted area from the existing ski lift, access and non-maintained runoff/drainage areas.
8. The new drainage structures should help stabilize existing runoff.
9. This approval is conditioned on coordination with the New Hampshire Natural Heritage Bureau to address any potential concerns with impacts to the "Natural Exemplary Communities" and State threatened plant species identified near the project site.
10. On October 05, 2010 DES received a proposed amendment request.
11. The amendment is necessary for an in-kind replacement of an existing culvert.

**2010-00890                      SULLIVAN, SUSAN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Applicant requests that the permit be amended to allow additional pier length of 7 ft on the proposed third pier due to insufficient water depth.

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APPROVE AMENDMENT:

Amend permit to read: Replace two tie-off pilings, repair two 6 ft x 30 ft piling piers and a 6 ft x 12 connecting walkway in-kind, construct a 6 ft x 37 ft piling pier connected to the pre-existing structures by a 6 ft x 12 ft walkway in a "W" configuration, and install a 14 ft x 30 ft seasonal canopy on an average of 233 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised July 21, 2010, and received by DES on September 14, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit does not relieve the owners from any local regulations or restrictions pertaining to the structures including the seasonal canopy.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.

10. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water except as authorized in writing by the affected abutter on October 13, 2010.

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of docking facilities providing 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 250 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2010-01214                      WHITNEY, SUSAN**  
**CONCORD   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 7,022 sq. ft. of wetlands to construct access and parking for a proposed commercial facility (convenience store and filling station).

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APPROVE PERMIT:

Dredge and fill 7,022 sq. ft. of wetlands to construct access and parking for a proposed commercial facility (convenience store and filling station) on an approximately 3.74 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC dated April 2010, as received by the NH Department of Environmental Services (DES) on May 11, 2010 and plan by Schauer Environmental Consultants, LLC dated April 19, 2010, as received by the NH Department of Environmental Services (DES) on May 11, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
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. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. 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.
8. 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.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Work shall be done during low flow.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided information indicating that the wetlands proposed to be impacted have been previously altered or created by onsite activities and construction of the adjacent roadways.
6. The applicant is constructing approximately 5,675 sq. ft. of stormwater wetlands which will help offset the direct wetland impacts.
7. The stormwater wetlands are not required as part of the application process.
8. The Concord Conservation Commission submitted comments/concerns to DES regarding the potential survival of the proposed wetland plantings and commented that the work was being conducted to improve the marketability of the potential future use.
9. The applicant provided a response indicating that they would guarantee the survival of the wetland plantings for two growing season.
10. The applicant has provided alternatives and need for the project design.
11. DES has not received any additional comments from the Conservation Commission.
12. DES was copied on a comment letter from the Upper Merrimack River Local Advisory Committee ("UMRLAC") dated May 12, 2010 to Schauer Environmental Consultants, LLC.
13. The applicant provided DES with a copy of their response letter to the UMRLAC dated June 16, 2010.
14. The applicant has indicated that they have not received any additional comments/response to the letter.
15. DES has not received any direct comments from the UMRLAC.
16. This approval is contingent on approval by the DES Alteration of Terrain Bureau.
17. The United States Environmental Protection Agency ("EPA") indicated the project is eligible for the New Hampshire State Programmatic General Permit ("SPGP").
18. The applicant has provided a conceptual building layout and access route to the adjacent lots which considers local zoning while trying to provide an access with the least amount impacts to wetlands.
19. The proposed future access road layout would impact approximately 903 sq. ft. and avoid approximately 81,220 sq. ft. of wetlands.
20. The future access road will require an additional application, review and permitting before construction.
21. This permit does not represent an approval of the conceptual building layout or wetland impacts for the surrounding lots.
22. DES received plans stamped by a New Hampshire Certified Wetland Scientist in accordance with Administrative Rule Env-Wt 301.01(g).

**2010-01554                      OSGOOD, JOHN/JUDY**  
**WOLFEBORO   Smith River / Crescent Lake / Front Bay**

Requested Action:

Proposal to dredge and fill 1487 sq. ft. of stream bank along 90 linear feet of the Smith River using rip-rap to stabilize the bank at the outlet of the Crescent Lake Dam in Wolfeboro.

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APPROVE PERMIT:

Dredge and fill 1487 sq. ft. of stream bank along 90 linear feet of the Smith River using rip-rap to stabilize the bank at the outlet of the Crescent Lake Dam in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson dated May 12, 2010, as received by the NH Department of Environmental Services (DES) on June 9, 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. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during low flow.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
9. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has indicated that the stabilization is needed due to erosion caused by high discharge flows from the dam that are directed at the bank.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The project engineer has indicated that bioengineering would not work due to the high flow velocities.

**2010-02013 GREEN INC INVESTMENT LIMITED PARTNERSHIP, RAYMOND  
ROCHESTER Unnamed Wetland**

Requested Action:

Fill 904 sq. ft. of wetland and installation of a 24 inch x 40 foot HDPE culvert to construct a driveway to serve a single-family residential lot.

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Conservation Commission/Staff Comments:

Con. Com. does not object to application.

APPROVE PERMIT:

Fill 904 sq. ft. of wetland and installation of a 24 inch x 40 foot HDPE culvert to construct a driveway to serve a single-family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated July 1, 2010, as received by the NH Department of Environmental Services (DES) on July 27, 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. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet of an intermittent stream. The project impacts approximately 76 linear feet of intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the proposal must cross the intermittent stream at some location on this property to access buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has designed the proposal to cross the intermittent stream at the most narrow location on the property.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-02025                      DERRY, TOWN OF**  
**DERRY   Unnamed Wetland**

Requested Action:

Dredge and fill 3,568 sq. ft. of a man-made vegetated drainage swale for work associated with the widening of the East side of NH Route 28 to add an additional thru lane in each direction from Ashleigh Drive to Tsienneto Road and construct a porous pavement sidewalk.

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Conservation Commission/Staff Comments:

No report or comments were received from the Derry Conservation Commission on this application.

APPROVE PERMIT:

Dredge and fill 3,568 sq. ft. of a man-made vegetated drainage swale for work associated with the widening of the East side of NH Route 28 to add an additional thru lane in each direction from Ashleigh Drive to Tsienneto Road and construct a porous pavement sidewalk.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, tanner & Associates, Inc. dated 7/13/2010, as received by the NH

Department of Environmental Services (DES) on July 28, 2010.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. DES Wetlands Bureau Southeast Region staff and the Derry Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
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**

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**2009-02238                      MCALLISTER, ALBERT**  
**MANCHESTER   Unnamed Stream Unnamed Wetlands / Cohas Brook**

Requested Action:

Proposal to amend permit to allow sewer line installation at the stream crossing/wetland to be conducted during possible flowing stream conditions using a coffer dam and flow diversion.

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APPROVE AMENDMENT:

Dredge and fill 390 sq. ft. of wetlands and associated intermittent stream for one wetland crossing associated with the installation of 21,000 linear feet of 8 to 10 inch gravity sewer line and 1,100 linear feet of pressure sewer line identified as "Cohas Brook Sewer Project-Contract No.1".

With Conditions:

1. All work shall be in accordance with plans by CDM, dated August 2009 and narratives, as received by DES on September 21, 2009 and revised narrative received August 26, 2010.
2. This permit is contingent on approval by the DES Wastewater Engineering Bureau.
3. The City of Manchester shall obtain temporary construction easements or written permission from affected landowners for work (associated with the wetlands impact) outside of city right-of-ways/property and shall supply copies of the easements or permission to DES Wetlands File No. 2009-2238 prior to construction.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (for any associated work that is within the Protected Shoreland). 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.
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. 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.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Wetland restoration of the permitted temporary impact area shall have at least 75% successful establishment of wetlands vegetation after one full growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The wetlands and stream restoration shall be conducted immediately after installation of the sewer line within the impact area and finalized during the first growing season.
11. A post-construction report documenting the status of the restored stream and wetlands shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one growing season.
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.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The 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).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. 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.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact; and 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 New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program does not expect any impacts to the wildlife species identified near the project area.
6. DES has not received any comments in opposition to the proposed project.
7. The project will provide city sewer service access to approximately 200 existing homes and will help protect adjacent water quality.

**2010-00648**                      **LYME, TOWN OF**  
**LYME Tributary To Great Brook**

Requested Action:

Confirm emergency authorization issued March 24, 2010 to riprap stabilize failed town road and stream bank.

\*\*\*\*\*

**CONFIRM EMERGENCY AUTHORIZATION:**

Riprap stabilize failed town road and stream bank.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), projects within a town right-of-way.
2. The project was necessary to prevent damage to Grafton Turnpike.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on March 24, 2010.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2010-02012                      AUBURN, TOWN OF  
AUBURN    Preston Brook**

**Requested Action:**

Dredge and fill a total of 450 sq. ft. within the embankments and flow channel of a perennial stream for work associated with the replacement of the existing 24" HDPE culvert with a 36" HDPE culvert and reconstruction of the headwalls which carries Raymond Road over Preston Brook.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

No report or comments were received on this application from the Auburn Conservation Commission.

**APPROVE PERMIT:**

Dredge and fill a total of 450 sq. ft. within the embankments and flow channel of a perennial stream for work associated with the replacement of the existing 24" HDPE culvert with a 36" HDPE culvert and reconstruction of the headwalls which carries Raymond Road over Preston Brook.

**With Conditions:**

1. All work shall be in accordance with plans by Stantec Consulting Services Inc. dated June 22, 2010, as received by the NH Department of Environmental Services (DES) on July 27, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. 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 low flow.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Unconfined work within Preston Brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

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

## FORESTRY NOTIFICATION

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**2010-02577                      BRYANT PROPERTIES LLC, PERRY**  
**DURHAM   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Durham Tax Map 13, Lot# 5

**2010-02578                      JANIGAN, MIRIAM**  
**GOFFSTOWN   Unnamed Stream**

Conservation Commission/Staff Comments:  
Letter from Forester, stating that he will not be in the Prime Wetland 100 foot buffer

COMPLETE NOTIFICATION:  
Goffstown Tax Map 6, Lot# 54

**2010-02608                      CUTTER, EDWARD & LISA**  
**EASTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Easton Tax Map 4, Lot# 30E & 30F

**2010-02778                      DUKE, WINSLOW**  
**ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 214, Lot# 6

**2010-02781                      RAGGED MOUNTAIN FISH & GAME CLUB**  
**ANDOVER   Unnamed Stream**

COMPLETE NOTIFICATION:

Andover Tax Map 26, Lot# 880,420

**2010-02782 HATHAWAY, SHAUN**  
**UNITY Unnamed Stream**

COMPLETE NOTIFICATION:  
Unity Tax Map 8, Lot# 282

**2010-02783 CONNELLY, SHELAGH**  
**HOLDERNESS Unnamed Stream**

COMPLETE NOTIFICATION:  
Holderness Tax Map 211, Lot# 6

**2010-02790 TWITCHELL HEIRS, C/O TOM CARNEY**  
**ERROL Unnamed Stream**

COMPLETE NOTIFICATION:  
Errol Tax Map R5, Lot# 3

**2010-02791 OCKEWGA, ALARYTH**  
**BRIDGEWATER Unnamed Stream**

COMPLETE NOTIFICATION:  
Bridgewater Tax Map 405, Lot# 13

**2010-02792 MONADNOCK PAPER MILLS INC**  
**ANTRIM Unnamed Stream**

COMPLETE NOTIFICATION:  
Antrim Tax Map 215, Lot# 27

**2010-02793 WILTON, TOWN OF**  
**WILTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Wilton Tax Map D, Lot# 7

**2010-02794 PARISIEN, ROB/KRIS**  
**BOW Unnamed Stream**

COMPLETE NOTIFICATION:  
Bow Tax MAp 18, Lot# 81

**2010-02795                    KENDRICK, TIMOTHY**  
**WASHINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Washington Tax Map 19, lot# 31

**2010-02796                    LITTLE KINTERA LLC, DAVID**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 402, Lot# 2

**2010-02797                    CARPENTER, BARBARA**  
**KENSINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Kensington Tax Map 15, Lot# 7

**2010-02799                    NH FISH & GAME DEPARTMENT**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 419, Lot# 3

**2010-02801                    NINE COUSINS REALE STATE TRUST, MATT GORDON**  
**GORHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gorham Tax Map R5, Lot# 4A,C & D

**2010-02803                    SIEGEL, MILDRED**  
**CENTER SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax MAp R9, Lot# 40 & 40A

**2010-02804                    JENSEN, INGER**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 264, Lot# 22

**2010-02806                    CATERINO, WILLIAM/ELIZABETH**  
**CORNISH   Unnamed Stream**

COMPLETE NOTIFICATION:

Cornish Tax Map 11, Lot# 94

**2010-02807                    NFTI LIMITED PARTNERS  
WILMOT   Unnamed Stream**

COMPLETE NOTIFICATION:

Wilmot Tax Map 8, Lot# 6

**2010-02808                    BROWN, ERNEST/SUSAN  
BROOKFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Brookfield Tax Map 8, Lot# 1

**2010-02828                    MASON, BASIL  
CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:

Canterbury Tax Map 207, Lot# 2, 3

**2010-02829                    KANTNER REVOC TRUST, BRUCE  
TEMPLE   Unnamed Stream**

COMPLETE NOTIFICATION:

Temple Tax Map 1, Lot# 3

**2010-02830                    GREEN WOODLANDS NORTH LLC, SANDRA GREEN MGR  
DORCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:

Dorchester Tax Map 110, Lot# 1

**2010-02831                    GREEN WOODLANDS NORTH LLC, SANDRA GREEN MGR  
WENTWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:

Wentworth Tax Map 1-9, Lot# 1

**2010-02833                    BRADLEY, RALPH  
THORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Thornton Tax Map 3, Lot# 6-1

**2010-02834**                      **ERICKSON, EVELYN**  
**RUMNEY**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Rumney Tax Map 11, Lot# 15

**EXPEDITED MINIMUM**

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**2010-02198**                      **RAR ASSET TRUST, MITCHELL/ROSALIE RUDNICK**  
**SUNAPEE**   **Lake Sunapee**

Requested Action:  
Applicant proposes to expand the outside footprint of an existing boathouse on Lake Sunapee.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed Exp Application

Inspection Date: 10/20/2010 by Dale R Keirstead

DENY PERMIT:  
Deny applicants request to expand the outside footprint of an existing boathouse on Lake Sunapee.

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 project per Env-Wt 303.03, (d) modification of a permanent docking system that provides fewer than 5 boat slips.
3. In accordance with Env-Wt 402.09(a) "Boathouses located in or over the waters shall not be approved."
4. In accordance with Env-Wt 402.21, Modification of Existing Structures, "the department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."
5. In accordance with Env-Wt 501.02, (a), (2), (g), the applicant shall provide drawings showing the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project.

Findings of Fact

1. On August 16, 2010, the Wetlands Bureau received a Minimum Impact Expedited application for surface water impacts, on the lot identified as Sunapee tax map 128, lot 54, and tax map 133, lot 50, to expand the outside footprint of an existing boat house on Lake Sunapee.
2. The application included plans stamped by the engineer, indicating existing and proposed conditions of the boathouse. These plans indicated an increase of the wall elevations of the proposed boathouse from the existing boathouse.
3. On September 8, 2010, the Wetlands Bureau sent a Request for More Information letter to the Applicant and Agent requesting several items to complete the file. Item # 1 explained that the proposal to increase the wall elevation of the boat house would not be approvable. Item # 1 then requested that the Applicant and Agent submit plans indicating a repair to the structure with no increase in

the wall elevations."

4. Item # 2 of the letter dated September 8, 2010 also explained that if the Applicant wished to modify the roof elevation to provide structural support, they would need to submit a waiver request pursuant to Env-Wt 204 to waive rule Env-Wt 402.21.
5. On September 29, 2010, the Department received a response to the Request of More Information letter from the agent. The response included plans stamped by the engineer indicated the existing elevations of the boathouse walls to be at a higher elevation than the original stamped plan received on August 16, 2010. These new existing conditions elevations matched the originally proposed boathouse wall elevations such that the project would no longer appear to result in an increase in the wall heights.
6. On October 20, 2010 the Wetlands Bureau conducted a field inspection of the site. Field inspection found the existing conditions to be different than both stamped plans submitted. Inspection found the boathouse walls to be at a significantly lower elevation than the either stamped plan submitted by the engineer.
7. The request to waive rule Env-Wt 402.21 submitted with the September 29, 2010 response was based in part on the claim the height of the walls would not change. The wall heights will change thus the request for a rule waiver is not approvable.

**Rulings in Support of Denial**

1. The applicant failed to submit accurate plans of the existing conditions as required pursuant to Env-Wt 501.02, (a), (2), (g), therefore the application is denied.
2. The proposed plan would result in the expansion of the existing boat house over public waters. The project fails to meet Env-Wt 402.21, therefore the application is denied.

**2010-02350                      GRESKI, DAVID  
LACONIA   Lake Winnisquam**

**Requested Action:**

Install a seasonal boat lift in the northern slip adjacent to an existing seasonal dock, with a 10 ft x 25 ft seasonal canopy on Lake Winnisquam, Laconia.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Install a seasonal boat lift in the northern slip adjacent to an existing seasonal dock, with a 10 ft x 25 ft seasonal canopy on Lake Winnisquam, Laconia.

**With Conditions:**

1. All work shall be in accordance with plans by Don Carey dated August 12, 2010, as received by the NH Department of Environmental Services (DES) on August 31, 2010.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The seasonal boat lift shall be removed for the non-boating season.
4. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
5. 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.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

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

**2010-02385                      DUPILLE, LEONARD**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Install 4 ft x 3 ft granite steps in the bank on 76 ft of frontage on Lake Winnepesaukee, in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Install 4 ft x 3 ft granite steps in the bank on 76 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management revision dated March 25, 2010, as received by the NH Department of Environmental Services (DES) on September 03, 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. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. 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.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet of shoreline.

**2010-02389                      ABIZAIID, CHARLES**  
**NEW DURHAM Merrymeeting Lake**

Requested Action:

Reface an existing 50 linear feet of retaining wall not to exceed 6 inches, on Merrymeeting Lake, New Durham.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp application

APPROVE PERMIT:

Reface an existing 50 linear feet of retaining wall not to exceed 6 inches, on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Rossignol, as received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. Work shall be done during drawdown.
3. Work shall be done in the dry, no work in the water.
4. Repair shall maintain existing size, location and configuration with the exception of refacing 6 inches lakeward.
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. 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.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for

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

With Findings:

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

**2010-02390 WILLARD, MARILYN  
NEW DURHAM Merrymeeting Lake**

Requested Action:

Reface an existing 40 linear feet of retaining wall not to exceed 6 inches, on Merrymeeting Lake, New Durham.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp application

APPROVE PERMIT:

Reface an existing 40 linear feet of retaining wall not to exceed 6 inches, on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Rossignol, as received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. Work shall be done during drawdown.
3. Work shall be done in the dry, no work in the water.
4. Repair shall maintain existing size, location and configuration with the exception of refacing 6 inches lakeward.
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. 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.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

**2010-02422 BAYSHORE CONDOMINIUM  
SANBORNTON Lake Winnisquam**

Requested Action:

Repair an existing 58 linear feet of retaining wall in kind on Lake Winnisquam, Sanbornton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 58 linear feet of retaining wall in kind on Lake Winnisquam, Sanbornton.

With Conditions:

1. All work shall be in accordance with plans by D Fressenden dated August 23, 2010, as received by the NH Department of Environmental Services (DES) on September 13, 2010.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Repair shall maintain existing size, location and configuration.
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. 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 or replacement of existing retaining wall.

**2010-02698 MCKENNEY, CLIFTON/KAREN  
BARRINGTON Swains Lake**

Requested Action:

Construct a 6 ft x 4 ft concrete pad anchor pad for a 6 ft x 30 ft seasonal dock on Swains Lake, Barrington.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 6 ft x 4 ft concrete pad anchor pad for a 6 ft x 30 ft seasonal dock on Swains Lake, Barrington.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated July 28, 2010, as received by the NH Department of Environmental Services (DES) on October 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 construction.
3. The concrete pad shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
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. 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(ab), construction of an anchoring pad for a seasonal dock.

**2010-02733 MARGARET RICE REVOC TRUST  
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 3 ft 6 in x 43 ft concrete pad located over the bank and restore the shoreline to natural rock conditions on 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Permanently remove an existing 3 ft 6 in x 43 ft concrete pad located over the bank and restore the shoreline to natural rock conditions on 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 26, 2010, as received by the NH Department of Environmental Services (DES) on October 7, 2010.
2. 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.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The shoreline shall be restored to match that adjacent to the west of docking structure.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.

TRAILS NOTIFICATION

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**2010-02368**                      **NH DEPT OF TRANSPORTATION**  
**CARROLL** Little River

COMPLETE NOTIFICATION:  
Carroll Tax Map 207, Lot# 17, 18, 20

**2010-02779**                      **DUBE, THOMAS**  
**WAKEFIELD** Unnamed Stream

COMPLETE NOTIFICATION:  
Wakefield Tax Map/Lot# 72/30, 85/8, 85/9

**2010-02780**                      **HARE, CLIVE/JEAN**  
**BROOKFIELD** Unnamed Stream

COMPLETE NOTIFICATION:  
Brookfield Tax Map/Lot# 9/13 & 14, 10/3A, 4, 8, 9

**2010-02789**                      **NH DRED**  
**PITTSBURG** Unnamed Stream

COMPLETE NOTIFICATION:

Pittsburg Tax Map 1, Lot# 26 Trail 146

PERMIT BY NOTIFICATION

\*\*\*\*\*

**2010-02817                   SZMYD, LUCIAN**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

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

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

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

With Findings:

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

**2010-02852                   MATHIESON, HELEN**  
**HOLDERNESS   Squam Lake**

Requested Action:

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

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

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

With Findings:

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

**2010-02872                   VALLE, PAUL & MICHELLE**  
**WILMOT   Unnamed Wetland**

Requested Action:

PBN proposal to impact 348 sq. ft. of wetlands for construction of a driveway to a proposed residential building site.

\*\*\*\*\*

PBN IS COMPLETE:

PBN complete to impact 348 sq. ft. of wetlands for construction of a driveway to a proposed residential building site.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

**2010-02886**                      **BLUTE, JOHN**  
**ALTON**   **Lake Winnepesaukee**

Requested Action:

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

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

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

With Findings:

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

**CSPA PERMIT**

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**2010-02409**                      **GILDEA, CHARLENE/PATRICK**  
**NORTHWOOD**   **Bow Lake**

Requested Action:

Impact 8,210 sq ft in order in order to raze an existing cottage and replace with new building, deck, stairs, and septic system.

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APPROVE PERMIT:

Impact 8,210 sq ft in order in order to raze an existing cottage and replace with new building, deck, stairs, and septic system.

With Conditions:

1. All work shall be in accordance with plans by William T. Wormell, LLS dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 28, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. The project as proposed will leave approximately 2,653 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2433 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.

**2010-02522                      TOWN OF BRISTOL**  
**BRISTOL    Newfound Lake**

Requested Action:

Impact 7,700 sq ft in order to build water quality treatment swale, remove existing concrete pipe, and replace and install new catch basins.

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APPROVE PERMIT:

Impact 7,700 sq ft in order to build water quality treatment swale, remove existing concrete pipe, and replace and install new catch basins.

With Conditions:

1. All work shall be in accordance with plans by KV Partners LLC dated August 1, 2010 and received by the NH Department of Environmental Services (DES) on September 16, 2010.
2. This permit is contingent upon the approval of the Wetlands permit per RSA 482-A.
3. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
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.

**2010-02558                      CHAPPELL, JUDITH**  
**MILFORD    Souhegan River**

Requested Action:

Impact 668 sq ft in order to construct a 12ft x 46ft deck with landing.

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APPROVE PERMIT:

Impact 668 sq ft in order to construct a 12ft x 46ft deck with landing.

With Conditions:

1. All work shall be in accordance with plans by Artistic Exteriors dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 21, 2010.
2. No more than 6.89% 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 14,152 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.

**2010-02611                      HAYNES, LARRY**  
**BOW Turkey River**

Requested Action:

Impact 24,420 sq ft for building renovations and a new addition to an existing car dealership.  
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APPROVE PERMIT:

Impact 24,420 sq ft for building renovations and a new addition to an existing car dealership.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc. dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 23, 2010.
2. No more than 87.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 660 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.

With Findings:

1. This project results in no increase in impervious surfaces on the property.

**2010-02612                      LAKE SHORE BARRINGTON LLC**  
**BARRINGTON Swains Lake**

Requested Action:

Impact 5,760 sq ft in order to replace septic system, remove gravel driveway and deck.

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**APPROVE PERMIT:**

Impact 5,760 sq ft in order to replace septic system, remove gravel driveway and deck.

**With Conditions:**

1. All work shall be in accordance with plans by Altus Engineering, Inc dated September 22, 2010 and received by the NH Department of Environmental Services (DES) on September 24, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The project as proposed will leave approximately 8,750 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,378 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.

**2010-02621                      WEIDMAN, JOHN**  
**BROOKLINE   Nissitissit River**

**Requested Action:**

Impact 317 sq ft in order to construct an addition for a utility room.

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**APPROVE PERMIT:**

Impact 317 sq ft in order to construct an addition for a utility room.

**With Conditions:**

1. All work shall be in accordance with plans by John Weidman dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 24, 2010.
2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,225 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.

**2010-02623                      MANCHESTER WATER WORKS**  
**AUBURN   Clark Pond**

Requested Action:

Impact 11,508 sq ft in order to raise crest elevation of dam.

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APPROVE PERMIT:

Impact 11,508 sq ft in order to raise crest elevation of dam.

With Conditions:

1. All work shall be in accordance with plans by Chirstopher K. Danforth & Associates, LLC dated September 10, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
3. No more than 7.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 54,034 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 54,034 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.

**2010-02628                      IRVING ETAL, J DOUGLAS**  
**PITTSBURG   Lake Francis**

Requested Action:

Impact 226 sq ft in order to install a foundation drain, outhouse, and mini drywell.

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APPROVE PERMIT:

Impact 226 sq ft in order to install a foundation drain, outhouse, and mini drywell.

With Conditions:

1. All work shall be in accordance with plans by North Country Septic Design dated September 8, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 7,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,050 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).
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.

**2010-02655                      TIERNO, NICHOLAS**  
**DERRY   Beaver Lake**

Requested Action:

Impact 2,961 sq ft to replace existing structure and sidewalk, and remove a concrete pad located within the 50 foot buffer.

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APPROVE PERMIT:

Impact 2,961 sq ft to replace existing structure and sidewalk, and remove a concrete pad located within the 50 foot buffer.

With Conditions:

1. All work shall be in accordance with plans by D & F Builders dated September 15, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 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 1,893 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude 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.

**2010-02656                      HEFFRON, MARY/WILLIAM**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Impact 1,343 sq ft in order to remove existing house and portion of paved road to construct new house with an asphalt driveway.

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APPROVE PERMIT:

Impact 1,343 sq ft in order to remove existing house and portion of paved road to construct new house with an asphalt driveway.

With Conditions:

1. All work shall be in accordance with plans by Bernard F. Lynch dated September 22, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
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.

**2010-02658                      BRENNER, ALBERT**  
**DERRY   Scobie Pond**

Requested Action:

Impact 156 sq ft in order to construct a 12 ft by 13 ft addition to existing primary structure.

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APPROVE PERMIT:

Impact 156 sq ft in order to construct a 12 ft by 13 ft addition to existing primary structure.

With Conditions:

1. All work shall be in accordance with plans by Albert Brenner dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 28, 2010
2. No more than 9.0% 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 2,500 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.

**2010-02663                      KAASHOEK, MARINUS**  
**NEWBURY   Sunapee Lake**

Requested Action:

Impact 4,759 sq ft in order to construct a four bedroom house within the footprint of the pre-existing house, relocate septic tank, and construct a new leachfield.

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APPROVE PERMIT:

Impact 4,759 sq ft in order to construct a four bedroom house within the footprint of the pre-existing house, relocate septic tank, and construct a new leachfield.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated August 1, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 8,036 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.

**2010-02665                      LAKES REGION LINEN INC**  
**LACONIA    Lake Opechee**

Requested Action:  
 Impact 4,350 sq ft in order to conduct a remedial soil investigation.

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APPROVE PERMIT:  
 Impact 4,350 sq ft in order to conduct a remedial soil investigation.

With Conditions:

- 1. All work shall be in accordance with plans by Enviro North American Consulting, LLC dated September 16, 2010 and received by the NH Department of Environmental Services (DES) on September 28, 2010.
- 2. The project shall result in no increase in the amount of impervious surface area on the lot.
- 3. At least 2,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 8. This permit shall not preclude 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**

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**2010-02673                      ROUSSEAU, TERRY**  
**LEBANON    Mascoma River**

Requested Action:  
 Impact 7,960 sq ft for the purpose of constructing a new residence and associated accessory structures.

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APPROVE PERMIT:  
 Impact 7,960 sq ft for the purpose of constructing a new residence and associated accessory structures.

VARIANCE APPROVED: RSA 483-B:9, (V)(g)(3) is varied to allow increases in impervious area greater than 20% without replanting those grid segments within the waterfront buffer that fail to meet the minimum tree and sapling score.

With Conditions:

- 1. All work shall be in accordance with plans by Pathways Consulting, LLC dated September 17, 2010 and received by the

Department of Environmental Services ("DES") on September 29, 2010.

2. This approval includes a variance of RSA 483-B:9, V(g)(3) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.9% 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 proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater such that there shall be no increase in stormwater run-off from this site.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby requests a variance of RSA 483-B:9 V(g)(3) for the purpose of constructing a new residential dwelling on a lot that exceeds 20% impervious area without having address grid segments within the waterfront buffer that do not meet the minimum required 50 point tree and sapling point score.
2. The subject property is located more than 50 ft from the reference line. The owner of the property has no ability to restore vegetation within the 50 waterfront buffer because they do not own it.
3. The literal enforcement of the standard would result in an unnecessary hardship as the waterfront buffer area is not owned by the property owner.
4. Granting the variance will not result in the diminution in the value of the surrounding properties. The applicant is installing sound stormwater management techniques.
5. Granting the variance will not be contrary to the spirit to RSA 483-B as the applicant is providing sound stormwater management techniques.
6. Granting the variance will do substantial justice as the project owner will be allowed to construct a residential dwelling without having to address the waterfront buffer area while simultaneously providing the same degree of protection to public waters.

**CSPA PERMIT W/WAIVER**

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**2009-01243                      THE NUBY TRUST**  
**HANCOCK   Nubanusit Lake**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans by TODD Land Use Consultants, dated September 8, 2010, and submitted to DES on September 9, 2010 for an amendment change to the Shoreland Impacts. Changes are as followed:

- Driveway Post-Construction impervious are has changed to 0 from 940 sq ft.
- House, garagew, and terrace, Post-Constructiion impervious has changed to 2,250 sq ft from 2,555 sq ft.

Pathways, steps, and retaining walls Post-Construction impervious has changed to 626 sq ft from 364 sq ft.

Impact 9,600 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new septic system.

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Inspection Date: 08/11/2009 by Raymond M Reimold

Inspection Date: 07/27/2010 by Jeffrey D Blecharczyk

**APPROVE AMENDMENT:**

**AMENDMENT DESCRIPTION:** Revised plans by TODD Land Use Consultants, dated September 8, 2010, and submitted to DES on September 9, 2010 for an amendment change to the Shoreland Impacts. Changes are as followed:

Driveway Post-Construction impervious are has changed to 0 from 940 sq ft.

House, garagew, and terrace, Post-Constructiion impervious has changed to 2,250 sq ft from 2,555 sq ft.

Pathways, steps, and retaining walls Post-Construction impervious has changed to 626 sq ft from 364 sq ft.

Impact 9,600 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Todd Land Use Consultants, dated August 27, 2009, and received by the Department of Environmental Services ("DES") on September 4, 2009 and September 29, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until this permit has been recorded at the appropriate Registry of Deeds and a copy of the recorded permit with a waiver is sent to the department by certified mail, return receipt requested.
3. No more than 12.80% 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 6,110 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,082 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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
15. All stormwater controls shall be designed and maintained to effectively absorb and infiltrate stormwater.

Requested Action:

Impact 690 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

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APPROVE PERMIT:

Impact 690 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

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

With Conditions:

1. All work shall be in accordance with plans submitted by Charles Kinney and received by the Department of Environmental Services ("DES") on July 21, 2010 and stormwater plans received by DES on October 5, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 12.26% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. 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.
16. There shall be no impacts within wetlands, surface waters, or their banks prior to obtaining any Wetland Permit required under RSA 482-A.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Bearcamp River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip edges of the proposed structure.
4. The applicant has proposed to reduce the driveway grade from 15% to 11% as well changing the direction of the driveway to a more westerly direction to better handle storm water runoff.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
6. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 263 sq ft, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-01987                      MESSINA, SUZAN**  
**WINDHAM   Cobbett's Pond**

Requested Action:

Impact 9,856 sq ft for the purpose of replacing a primary structure, constructing associated accessory structures, and installing a new effluent disposal system and stormwater controls.

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APPROVE PERMIT:

Impact 9,856 sq ft for the purpose of replacing a primary structure, constructing associated accessory structures, and installing a new effluent disposal system and stormwater controls.

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

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc., dated July 21, 2010 and received by the Department of Environmental Services ("DES") on July 30, 2010. 2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. No natural ground covers within the waterfront buffer shall be impacted except that necessary for installing a septic tank and drywell and for construction of a single 6 foot wide pathway as depicted on plans received by DES on July 30, 2010.
6. Upon completion of installing the drywells and septic tank, all areas impacted within the waterfront buffer beyond that necessary for construction of 6 foot wide pathway will be planted with native vegetation and natural ground cover.
7. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
8. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
9. At least 7,306 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
11. 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.
12. 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.
13. 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.
14. 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.

- 15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 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. 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.
- 18. Silt fencing must be removed once the area is stabilized.
- 19. 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.
- 20. There shall be no impacts within wetlands, surface waters, or their banks prior to the receipt of a Wetland Permit under RSA 482-A.

With Findings:

- 1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
- 2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
- 3. The applicant has proposed to install stormwater controls consisting of multiple drywells capable of infiltrating stormwater from the residential dwelling as well as other regions beyond the limits of the waterfront buffer.
- 4. The applicant has proposed other regrading and drainage improvements that will infiltrate stormwater from the street and driveway.
- 5. The applicant has proposed to install a new septic system.
- 6. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 263 sq ft, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

- 1. The applicant or their designated agent hereby request a variance of RSA 483-B:9, V(a)(2)(C) for the purpose of allowing disturbances of natural ground cover within the waterfront buffer beyond that necessary for construction of a 6 foot wide pathway.
- 2. The literal enforcement of the standard would result in an unnecessary hardship as due to the exceptionally steep slopes within the natural woodland buffer, there is no other feasible location to install a drywell and septic tank but the waterfront buffer.
- 3. Granting the variance will not result in the diminution in the value of the surrounding properties as upon completion of the proposed project all areas disturbed within the waterfront buffer beyond that necessary for construction of a 6 foot wide pathway will be replanted with native plantings and natural ground cover.
- 4. Granting the variance will not result in the diminution in the value of the surrounding properties as granting the variance will allow installation of a new, modern septic system and stormwater management strategies.
- 5. Granting the variance will not be contrary to the spirit to RSA 483-B as all disturbances to the waterfront buffer will be restored and a significant level of resource protection will be added.
- 6. Granting the variance will do substantial justice as granting the variance will allow the property owner to construct a new, modern home while simultaneously providing added levels of resource protection.

**2010-02305                      BOURKE NH REALTY TRUST**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 1,590 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls.

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APPROVE PERMIT:

Impact 1,590 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls.

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

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated August 5, 2010 and received by the Department of Environmental Services ("DES") on August 26, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 47.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed, and maintained to effectively absorb and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
8. All proposed plantings shall have a 100% success rate
9. The project as proposed will leave approximately 305 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas designated to remain in an unaltered state.
11. 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.
12. 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.
13. 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.
14. 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.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
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. 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.
18. Silt fencing must be removed once the area is stabilized.
19. 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.
20. There shall be no impacts within wetlands, surface waters, or their banks until any Wetland Permit required a under RSA 482-A has been obtained.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the area of impervious surfaces within the protected shoreland by 55 sq ft.

4. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the northern, northeastern and western rooflines of the residence.
5. The applicant has proposed to install stormwater controls consisting of a gutter system that directs stormwater to a 2.5 ft radius by 2.5 ft drywell.
6. The applicant has proposed to convert a walkway to a pervious material.
7. The applicant has proposed to increase the tree and sapling score within a deficient grid segment from 22 points to 32 points.
8. The applicant has proposed to install significant stormwater controls and enhance the waterfront buffer and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**UTILITY NOTIFICATION**

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**2010-02850                      PSNH**  
**ANTRIM   Unnamed Wetland**

**2010-02858                      TENNESSEE GAS PIPELINE CO.**  
**ALLENSTOWN   Unnamed Wetland**

**2010-02859                      TENNESSEE GAS PIPELINE CO.**  
**HOOKSETT   Unnamed Wetland**

**2010-02860                      TENNESSEE GAS PIPELINE CO.**  
**HUDSON   Unnamed Wetland**

**2010-02861                      TENNESSEE GAS PIPELINE CO.**  
**LONDONDERRY   Unnamed Stream**

**2010-02862                      TENNESSEE GAS PIPELINE CO.**  
**MANCHESTER   Unnamed Wetland**

**2010-02864                      TENNESSEE GAS PIPELINE CO.**  
**PEMBROKE   Unnamed Wetland**

**2010-02865                      TENNESSEE GAS PIPELINE CO.**  
**SALEM   Unnamed Wetland**

**2010-02866                      TENNESSEE GAS PIPELINE CO.**  
**WINDHAM   Unnamed Wetland**