

# Wetlands Bureau Decision Report

Decisions Taken  
01/17/2011 to 01/23/2011

## **DISCLAIMER:**

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

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

## **APPEAL:**

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

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

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

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

**MAJOR IMPACT PROJECT**

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**2010-03010                      SALEM, TOWN OF  
SALEM Prime Wetlands / Porcupine Brook**

Requested Action:

Upgrade and replace triple 30" x 36" oval deteriorated CMP pipes located along a perennial stream with a 8 foot by 2 1/2 foot box culvert to temporarily impact approximately 23,750 designated prime wetlands for 1,500 sq.ft. of permanent impact.

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APPROVE PERMIT:

Upgrade and replace triple 30" x 36" oval deteriorated CMP pipes located along a perennial stream with a 8 foot by 2 1/2 foot box culvert to temporarily impact approximately 23,750 designated prime wetlands for 1,500 sq.ft. of permanent impact.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated December 10, 2010, as received by DES on December 28, 2010.
2. 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.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Prior to construction, applicant or their agent is required to submit a final set of plans stamped by a Professional Engineer with supporting drainage analysis/calculations.
6. Work shall be done during low flow.
7. The Town Conservation Commission is to be notified 14 days prior to the start of work.
8. The construction work shall be overseen by a Certified Erosion Control Specialist, Professional Engineer, or Certified Wetland Scientist to ensure that work is carried out appropriately to minimize impacts to adjacent wetlands and that water quality is not degraded.

With Findings:

1. This project is intended to address a concern of the Town of Salem relative to the deteriorated CMP pipes located under Stiles Road that pose a risk to roadway failure and to the existing utilities serving this area.
2. As part of the project design, an analysis of the existing triple culverts was conducted, which indicated that flows of 100 and 120 CFS would overtop the existing roadway.
3. The analysis for the proposed box culvert indicates that 100 and 120 CFS flows would not overtop the roadway and the box culvert will provide some additional flow capacity and reduce flooding potential.
4. The Salem Conservation Commission recommends approval of this project.
5. EPA reviewed this project as part of the PGP and determined that it was eligible as proposed for federal permitting under the Clean Water Act.
6. The project will result in an estimated increase in storage of approximately 180 cubic feet to the 100-year floodplain.
7. The permit will involve permanent altering impacts of approximately 50 square feet to a wetland (non-prime) for the installation of pipe outlet erosion stone apron and approximately 450 square feet.
8. Mitigation is not required for this project as the 4,750 square feet of prime wetland is only impacted temporarily and the disturbed areas will be restored and stabilized following construction.
9. The Town of Salem had budgeted the monies for the proposed road crossing before adoption of the May 2010 stream rules.

**MINOR IMPACT PROJECT**

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**2010-02396 CLAREMONT, CITY OF  
CLAREMONT Unnamed Wetland**

Requested Action:

Dredge and fill ± 329 sq. ft. of unnamed perennial stream to replace an existing 42-in. x 42-ft. CMP with a 4-ft. x 4-ft. x 40-ft. open bottom precast concrete box culvert.

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APPROVE PERMIT:

Dredge and fill ± 329 sq. ft. of unnamed perennial stream to replace an existing 42-in. x 42-ft. CMP with a 4-ft. x 4-ft. x 40-ft. open bottom precast concrete box culvert.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated July 23, 2010, as received by the Department on September 03, 2010.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
8. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Proper headwalls shall be constructed within seven days of culvert installation.
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. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of perennial stream.

2. The project design was completed and monies for this project were appropriated before adoption of the DES stream rules.
3. The proposed 4-ft. open bottom box culvert will pass the 10-year storm without overtopping the culvert and will pass the 100-year storm without overtopping the headwall.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03151                      BROWN, KENNETH & GAIL**  
**WILMOT   Unnamed Pond**

Requested Action:

Proposal to dredge and fill 3,148 sq. ft. of a man made pond and associated poorly drained forested wetlands to expand the existing pond to a wildlife pond.

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APPROVE PERMIT:

Dredge and fill 3,148 sq. ft. of a man made pond and associated poorly drained forested wetlands to expand the existing pond to a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans and narratives by Schauer Environmental Consultants, LLC plans dated November 4, 2010 and narratives, as received by the NH Department of Environmental Services (DES) on November 19, 2010 and additional narratives received by DES on December 22, 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. A qualified professional shall monitor the pond construction to assure it is constructed in accordance with the approved plans and narratives. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid 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.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03216                      TOWN OF SWANZEY**  
**SWANZEY   Unnamed Wetland**

Requested Action:

Dredge and fill ± 7,245 sq. ft. of palustrine forested wetlands to upgrade an existing woods road (Safford Rd.) to provide an alternative route to connect NH Route 12 and Route 32 (phase II).

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APPROVE PERMIT:

Dredge and fill ± 7,245 sq. ft. of palustrine forested wetlands to upgrade an existing woods road (Safford Rd.) to provide an alternative route to connect NH Route 12 and Route 32 (phase II).

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers and received by the Department on January 07, 2011.
2. The Town shall obtain easements from affected landowners and shall supply copies of the recorded easements to the DES Wetlands Bureau prior to construction.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
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. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. See related Wetlands and Non-Site Specific Permit 2005-01141.
3. The existing paved road is estimated to have been constructed in the 1960's.
4. The Agent confirmed that there are no cross culverts along the road and that culvert installation is not necessary to maintain wetland hydrology.
5. This permit is contingent on permission from affected landowners to be submitted to the DES Wetlands Bureau prior to construction.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03336 CARROLL, TOWN OF  
CARROLL Unnamed Stream**

Requested Action:

Remove a culvert that was installed without a permit and restore 1,265 square feet of un-permitted wetland impacts. Retain 285 square feet (approximately 35 linear feet) of dredge in two intermittent streams.

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APPROVE PERMIT:

Remove a culvert that was installed without a permit and restore 1,265 square feet of un-permitted wetland impacts. Retain 285 square feet (approximately 35 linear feet) of dredge in two intermittent streams.

With Conditions:

1. All work shall be in accordance with the plans by Horizon Engineering Inc. entitled Old Town Road Culvert Removal (Sheets 1-3 of 3) dated November 2010 and received by the Department on December 10, 2010.
2. This permit is contingent upon the restoration of approximately 1,265 square feet (40 linear feet) of a perennial stream channel in accordance with plans received December 12, 2010.
3. Approximately 40 linear feet of 24 inch culvert shall be removed from jurisdictional wetlands on the Property.
4. Restoration shall be completed by September 30, 2011.
5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration area is constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
6. The qualified professional shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than November 30, 2011. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
7. Work shall be done during periods of non-flow.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. 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.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
12. Materials used to emulate a natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular riprap or gravel.
13. Only native wetland species appropriate to the area shall be planted.
14. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
15. Mulch used within the wetland restoration area shall be natural straw or equivalent.
16. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
17. Restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional stream/wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. 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.

20. 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.

21. 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).

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

23. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor 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).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
4. The Local River Management Advisory Committee for the Ammonoosuc River commented that they encourage remediation efforts and the restoration of the area.
5. The applicant has provided a letter from the owner of Carroll tax map 206 lot 125 agreeing to the proposed project on their land.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

**2010-03420 SMITH, ANDREA/J GORDON  
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Stabilize 40 linear feet of shoreline with a combination of a single row of large rocks and plantings, and install 250 sq ft of rip rap along 47 linear feet of drainage swale on an average of 102 ft of frontage on Lake Winnepesaukee, in Moultonborough.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Stabilize 40 linear feet of shoreline with a combination of a single row of large rocks and plantings, and install 250 sq ft of rip rap along 47 linear feet of drainage swale on an average of 102 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated November 5, 2010, as received by the NH Department of Environmental Services (DES) on January 20, 2011.
2. 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.
3. Work shall be done during low flow.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
6. All stone and rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
7. This permit does not allow for the removal of any trees or stumps from the frontage.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for

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

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that disturb less than 200 linear feet of a intermittent stream.

**MINIMUM IMPACT PROJECT**

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**2010-02150                      FELSON FAMILY REV TRUST, ALEXANDER & KATHARINE**  
**WINDHAM    Cobbetts Pond**

Requested Action:

Retain 315 square feet of impact within a palustrine forested/scrub-shrub wetland for the in-kind replacement of an existing 8-inch culvert beneath a private driveway.

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Conservation Commission/Staff Comments:

The Windham Conservation Commission did not comment on the Application.

APPROVE AFTER THE FACT:

Retain 315 square feet of impact within a palustrine forested/scrub-shrub wetland for the in-kind replacement of an existing 8-inch culvert beneath a private driveway.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated November 1, 2010, as received by the NH Department of Environmental Services (DES) on December 3, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

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

**2010-03134                      MACKEY, BRUCE**  
**GREENLAND    Unnamed Wetland**

Requested Action:

Retain 673 square feet of fill within a palustrine forested wetland for access to a single family residential dwelling on approximately 1.4 acres.

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Conservation Commission/Staff Comments:

The Greenland Conservation Commission did not comment on the application.

APPROVE AFTER THE FACT:

Retain 673 square feet of fill within a palustrine forested wetland for access to a single family residential dwelling on approximately 1.4 acres.

With Conditions:

1. All work shall be in accordance with plans by GZA GeoEnvironmental, Inc. dated July 2010, as received by the NH Department of Environmental Services (DES) on November 17, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

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

**2011-00117                      PETER A MANN SIRENE FAMILY TRUST**  
**RINDGE Monomonac Lake**

Requested Action:

Permanently remove an existing seasonal dock and install a 6 ft x 24 ft seasonal dock, construct a 765 sq ft perched beach with less than 10 cubic yards of sand on Lake Monomonac, Rindge.

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Conservation Commission/Staff Comments:

No comments from Con Com by Jan 18, 2010

APPROVE PERMIT:

Permanently remove an existing seasonal dock and install a 6 ft x 24 ft seasonal dock, construct a 765 sq ft perched beach with less than 10 cubic yards of sand on Lake Monomonac, Rindge.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 03, 2011, as received by the NH Department of Environmental Services (DES) on January 11, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. The existing seasonal dock shall be completely removed prior to the installation of the new seasonal dock.
7. 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.
8. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
9. 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 1047.8). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. 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.
15. The temporary access area shall be completely restored after the completion of the beach.
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 minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The 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 applicant has an average of 296 feet of shoreline frontage along Lake Monomonac.
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 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**FORESTRY NOTIFICATION**

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**2010-03284                      DROUIN, PHILIP**  
**ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 53, Lot# 424B

**2011-00009                      HORRIGAN, JAMES/MARY**  
**DURHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 14, Lot# 38

**2011-00122                      JARVIS ET AL**  
**CLAREMONT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Claremont Tax Map 92, Lot# 1

**2011-00124                      LORDEN, FREDERICK**  
**HILLSBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:

Hillsboro Tax Map 5, Lot# 57

**2011-00125                    LIEUTHI PETERSON CAMP  
FREEDOM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Freedom Tax Map 8, Lot# 47 & 48

**2011-00135                    BEARCE, JAMES  
JAFFREY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Jaffrey Tax Map 225, Lot# 15, 16, 17, 18

**2011-00138                    FALCONE, CHARLES & MICHELINA  
STODDARD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stoddard Tax Map/Lot# 108/24 & 403/1

**2011-00141                    ACHESON, KEVIN  
SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 9, Lot# 88-1, 88-2, 88-3

**2011-00142                    SPNHF  
BETHLEHEM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Tax Map 410, Lot# 8

**2011-00149                    BLOOMFIELD, ROGER  
DORCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dorchester Tax Map 11, Lot# 551

**2011-00154                    ERROL, TOWN OF  
ERROL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Errol Tax Map 7, Lot# 36

**2011-00155**                    **EVANS, JEFFREY**  
**SUTTON** Unnamed Stream

COMPLETE NOTIFICATION:  
Sutton Tax Map 4, Lot# 033,482

**2011-00159**                    **CONCORD, CITY OF**  
**PENACOOK** Unnamed Stream

COMPLETE NOTIFICATION:  
Penacook Tax Map P-11, Lot# 11

**2011-00160**                    **ALT, JAMES & LIZ MCCARTHY**  
**TAMWORTH** Unnamed Stream

COMPLETE NOTIFICATION:  
Tamworth Tax Map 414, Lot# 78, 78-1, 79, 80, 81

**2011-00161**                    **BLACKMER REV TRUST, DAVID**  
**WILTON** Unnamed Stream

COMPLETE NOTIFICATION:  
Wilton Tax Map C, Lot# 7-2

**2011-00162**                    **CONNECTICUT LAKES REALTY TRUST**  
**PITTSBURG** Unnamed Stream

COMPLETE NOTIFICATION:  
Pittsburg Tax Map 1, Lot# 26

**2011-00163**                    **YANKEE FOREST LLC, C/O WAGNER FOREST MGMT**  
**MILAN** Unnamed Stream

COMPLETE NOTIFICATION:  
Milan Tax Map 42, Lot# 02 Parcel C

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2010-02210**                    **EVANS, CHARLES**  
**HOOKSETT** Merrimack River

Requested Action:  
Install a 6 ft x 40 ft seasonal wharf accessed by a 4 ft x 20 ft seasonal walkway anchored to a 6 ft x 6 ft concrete pad on the bank on

the Merrimack River, Hooksett.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal wharf accessed by a 4 ft x 20 ft seasonal walkway anchored to a 6 ft x 6 ft concrete pad on the bank on the Merrimack River, Hooksett.

With Conditions:

1. All work shall be in accordance with plans dated October 14, 2010, as received by the NH Department of Environmental Services (DES) on October 21, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 26 feet from the shoreline at full lake elevation.
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(a), construction of a seasonal dock providing no more than 2 slips.
2. The applicant has an average of 300 feet of shoreline frontage along the Merrimack River.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The applicant provided the required documentation from PSNH for the proposed dock along the Merrimack River.

**2010-03415                      SHARMA, DEEPAK**  
**RYE   Tbz**

Requested Action:

Impact 1,895 square feet within the previously disturbed 100-foot tidal buffer zone to replace the existing, failed septic system for a single family residential dwelling on approximately 0.42 acres with approximately 113.12 feet of shoreline frontage on the Atlantic Ocean.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 1,895 square feet within the previously disturbed 100-foot tidal buffer zone to replace the existing, failed septic system for a single family residential dwelling on approximately 0.42 acres with approximately 113.12 feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with the 'Wetland Plan' by The Wright Choice dated 10/10/10, as received by the NH Department of Environmental Services (DES) on December 2, 2010.
2. DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03416                      MERIDEN POINT LLC**  
**PITTSFIELD   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 4,960 sq. ft. of poorly drained forested wetlands for construction of a fire pond to service an existing manufacturing facility that is being expanded.

\*\*\*\*\*

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application.

APPROVE PERMIT:

Dredge and fill 4,960 sq. ft. of poorly drained forested wetlands for construction of a fire pond to service an existing manufacturing facility that is being expanded.

With Conditions:

1. All work shall be in accordance with plans by Richard D. Bartlett & Associates, LLC sheets 3 of 3 dated April 1, 2010 and sheet 1 of 1 dated November 15, 2010, as received by the NH Department of Environmental Services (DES) on December 21, 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. A qualified professional shall monitor the pond construction to assure it is constructed in accordance with the approved plans and narratives. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

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

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid 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.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:

- (1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
- (2) There are no streams into or out of the proposed pond site;
- (3) The project is not located in prime wetlands; and
- (4) The project does not meet the requirements of Env-Wt 303.02(k)

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

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

**2011-00134                      BABIN, DAVID**  
**ALTON BAY   Lake Winnepesaukee**

Requested Action:

Repair and replace "in kind" an existing 12 ft x 30 ft dock supported by a 10 ft x 20 ft crib and a 5 ft x 25 ft 5 inch dock supported by a 4 ft 20 ft crib with a 15 ft 5 inch x 22 ft 5 inch boat house over the center slip, repair an existing 4 ft x 26 ft 3 inch wharf along the shoreline, on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed Exp Application

APPROVE PERMIT:

Repair and replace "in kind" an existing 12 ft x 30 ft dock supported by a 10 ft x 20 ft crib and a 5 ft x 25 ft 5 inch dock supported by a 4 ft 20 ft crib with a 15 ft 5 inch x 22 ft 5 inch boat house over the center slip, repair an existing 4 ft x 26 ft 3 inch wharf along the shoreline, on Lake Winnepesaukee, Alton.

With Conditions:

- 1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 04, 2010, as received by the NH Department of Environmental Services (DES) on January 18, 2011.
- 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
- 3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
- 4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
- 5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided,

and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

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

With Findings:

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

**GOLD DREDGE**

\*\*\*\*\*

**2011-00164                    HAGGERTY, JOHN**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath ConCom

**2011-00186                    BOURNE, ROY**  
**(ALL TOWNS) Unnamed Stream**

**2011-00187                    BRAMBLETT, JOHN**  
**(ALL TOWNS) Unnamed Stream**

**TRAILS NOTIFICATION**

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**2011-00147                    RZEPA, WILLIAM**  
**LITTLETON Unnamed Stream**

COMPLETE NOTIFICATION:  
Littleton Tax Map 283, Lot# 8

**LAKES-SEASONAL DOCK NOTIF**

\*\*\*\*\*

**2011-00140                    MCCULLOUGH, KEVIN/TERESA**  
**CANAAN    Goose Pond**

Conservation Commission/Staff Comments:  
01/14/11 - Per Mark Stevens the McCulloughs have paid there state fee

COMPLETE NOTIFICATION:  
Canaan Tax Map I-F, Lot# 89

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2011-00005                    MORAN, MONTGOMERY**  
**WOLFEBORO    Lake Wentworth**

Requested Action:  
Construct new shoreline wall and not repair in kind of existing structures.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com did not sign PBN form

PBN DISQUALIFIED:  
PBN disqualified because proposal is to construct new shoreline wall and not repair in kind of existing structures.

With Findings:  
1. In accordance with Env-Wt 506.01(a) projects that qualify for the permit by notification process (2) the repair or replacement of an existing retaining wall that meets the criteria in Env-Wt 303.04(c).  
2. Minimum impact projects include, Env-Wt 303.04(c) repair or replacement of existing retaining walls that result in no change in height, length, location, or configuration.  
3. The applicant proposes to construct a new retaining wall across the entire frontage. Therefore the Permit by Notification is disqualified.

**2011-00146                    SOUTH DOWN BOAT CLUB ASSOC**  
**LACONIA    Paugus Bay**

Requested Action:  
Repair concrete dock by adding 10 additional support piles to an major docking facility on Lake Winnepesaukee, Laconia.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com did not sign PBN form

PBN DISQUALIFIED:  
Disqualify applicant's PBN application to repair concrete dock by adding 10 additional support piles to an major docking facility on Lake Winnepesaukee, Laconia because the repair is not in kind repair.

With Findings:

The proposed repair is not an in kind repair of existing structure.

**CSPA PERMIT**

\*\*\*\*\*

**2009-03012                      DUBLIN, PETER**  
**JAFFREY   Contoocook Lake**

Requested Action:

Construct a 40ft long retaining wall along town maintained road on lakeward side.

\*\*\*\*\*

DENY PERMIT:

Construct a 40ft long retaining wall along town maintained road on lakeward side.

With Findings:

1. A request for additional information dated March 10, 2010, addressed to the applicant of record, requesting plan showing location of proposed wall and the scale of drawing.
2. Information received on March 18, 2010, determined the proposed project is located within top of banks, as shown in submitted photos. Plans submitted for proposed project were incomplete.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-03016                      CONRAD, BRAD**  
**KINGSTON   Great Pond**

Requested Action:

Finish a 28 foot long retaining wall and fence

\*\*\*\*\*

DENY PERMIT:

Finish a 28 foot long retaining wall and fence

With Findings:

1. A request for additional information dated January 19, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-00189                      EVERGREENS ON THE SACO, BOB DIPACE**  
**CONWAY   Saco River**

Requested Action:

A-T-F - Permit to retain 220 sq. ft. for a newly constructed 4' wide wooden staircase and an 11' x 8' landing.

\*\*\*\*\*

**APPROVE PERMIT:**

A-T-F - Permit to retain 220 sq. ft. for a newly constructed 4' wide wooden staircase and an 11' x 8' landing.

**With Conditions:**

1. All work shall be in accordance with plans by Bergeron Engineers, Inc dated January 21, 2010 and received by the NH Department of Environmental Services (DES) on February 4, 2010.
2. No more than 16.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 11,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,645 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.

**2010-00207                      THOMSON REVOC TRUST, MAYNARD/LAURA JOY SHAPERO**  
**FREEDOM    Loon Lake**

**Requested Action:**

Impact 11350 sq.ft. Remove existing one story home, rebuild two story home on full foundation all on same footprint.  
\*\*\*\*\*

**DENY PERMIT:**

Impact 11350 sq.ft. Remove existing one story home, rebuild two story home on full foundation all on same footprint.

**With Findings:**

1. A request for additional information dated January 23, 2009, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-00972                      CARON, DAVID & CYNTHIA**  
**CONCORD    Contoocook River**

**Requested Action:**

Time extension requested till Dec 1, 2010  
\*\*\*\*\*

**APPROVE TIME EXTENSION:**

Time extension requested till Dec 1, 2010

**Requested Action:**

Time extension requested till September 19, 2011  
\*\*\*\*\*

**2010-01048                      MARINO, DEBRA**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Impact 352 sq.ft. Installation of 26' drainage pipe along front of guest house.

\*\*\*\*\*

DENY PERMIT:

Impact 352 sq.ft. Installation of 26' drainage pipe along front of guest house.

With Findings:

1. A request for additional information dated May 17, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-01510                      WICKENS, JEANNE**  
**WASHINGTON   Ashuelot Pond**

Requested Action:

Impact 223 sq.ft. for the construction of a 12'x14' addition to existing deck.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Impact 223 sq.ft. for the construction of a 12'x14' addition to existing deck.

With Findings:

1. A request for additional information dated July 7, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-01836                      ST CYR, MARK**  
**MILFORD   Souhegan River**

Requested Action:

Impact 952 sq.ft. for the construction of a 1094 sq.ft. barn.

\*\*\*\*\*

DENY PERMIT:

Impact 952 sq.ft. for the construction of a 1094 sq.ft. barn.

With Findings:

1. A request for additional information dated August 9, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-01943                    LACROIX JR, PHILIP**  
**SALEM    Arlington Lake**

Requested Action:

Impact 500 sq.ft. for the replacement of a failed concrete retaining wall with a keystone retaining wall.

\*\*\*\*\*

DENY PERMIT:

Impact 500 sq.ft. for the replacement of a failed concrete retaining wall with a keystone retaining wall.

With Findings:

1. A request for additional information dated January 23, 2009, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-02499                    JEAN, RICHARD**  
**NORTHWOOD    Northwood Lake**

Requested Action:

Level parking area. Construct retaining wall. Total impact 1890 sqft, perm impact 1800 sqft, temp impact 90 sqft.

\*\*\*\*\*

DENY PERMIT:

Level parking area. Construct retaining wall. Total impact 1890 sqft, perm impact 1800 sqft, temp impact 90 sqft.

With Findings:

1. A request for additional information dated October 4, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-02559                    WHELAN, BILL**  
**WOLFEBORO    Lake Winnepesaukee**

Requested Action:

Relace an impervious bluestone with pervious pavers

\*\*\*\*\*

DENY PERMIT:

Relace an impervious bluestone with pervious pavers

With Findings:

1. A request for additional information dated October 11, 2010, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 60 days of the request was sent.
2. Pursuant to RSA 483-B:5-b, V (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 application has been denied.

**2010-03348                      CRAIL HOLDINGS LLC**  
**BRISTOL    Newfound River**

Requested Action:

Impact 21,454 sq ft in order to construct building with paved parking area.

\*\*\*\*\*

APPROVE PERMIT:

Impact 21,454 sq ft in order to construct building with paved parking area.

With Conditions:

1. All work shall be in accordance with plans by Central Land Surveying Inc. dated November 4, 2010 and received by the NH Department of Environmental Services (DES) on December 13, 2010.
2. No more than 29.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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.

**2011-00102                      JAMES CARTY JR TRUST**  
**CENTER HARBOR    Squam Lake**

Requested Action:

Impact 9,900 sq ft in order to construct a single family dwelling, effluent disposal system, driveway, and a pathway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 9,900 sq ft in order to construct a single family dwelling, effluent disposal system, driveway, and a pathway.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated December 21, 2010 and received by the NH Department of Environmental Services (DES) on January 10, 2011.
2. This permit approval is for construction within uplands located within the Protected Shoreland. All work within wetlands jurisdiction, including wetlands, surface waters or their banks will require a wetlands permit prior to beginning work, as required under RSA 482-A.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 10.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 23,776 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,191 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

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

**2011-00136                      NORTH VILLAGE LOT OWNERS ASSOCIATION**  
**ENFIELD    Mascoma Lake**

Requested Action:  
 Impact 370 sq ft in order to install stairs to existing dock.

\*\*\*\*\*

APPROVE PERMIT:  
 Impact 370 sq ft in order to install stairs to existing dock.

With Conditions:

- 1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 1, 2011 and received by the NH Department of Environmental Services (DES) on January 13, 2011.
- 2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 4. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 5. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 6. This permit shall not preclude 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/WAIVER**

\*\*\*\*\*

**2010-03333                      CHRISTMAS ISLAND MOTEL CORP**  
**LACONIA    Lake Winnepesaukee**

Requested Action:  
 Impact 3,920 sq ft for the purpose of redeveloping a nonconforming site within the protected shoreland.

\*\*\*\*\*

APPROVE PERMIT:  
 Impact 3,920 sq ft for the purpose of redeveloping a nonconforming site within the protected shoreland.

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

With Conditions:

- 1. All work shall be in accordance with plans by Harold E. Johnson titled, "Shoreland Impact Plan" and "Drainage and Erosion Control Site Plan, each dated May 17, 2010 and received by the Department of Environmental Services ("DES") on December 10,

- 2010.
2. This approval includes waivers of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1), and therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
  3. No more than 44.7% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
  4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
  5. No impacts to natural ground cover shall occur within the waterfront buffer.
  6. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
  7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
  8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
  9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
  10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
  11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
  12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
  13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
  14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to remove approximately 2,496 sq ft of impervious area within the protected shoreland.
5. The applicant has proposed to install stormwater controls consisting of a gutter system that directs roof stormwater to rain gardens and a bio-retention swale.
6. The drainage swale and rain gardens will also be capable of intercepting stormwater from regions of the existing parking areas.
7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the 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.

**2010-03432                      KEIR FAMILY ENTREPRENEURS INC**  
**HAMPTON Tidal Marsh & Atlantic Ocean**

Requested Action:

Impact 9,386 sq ft for the purpose of redeveloping a nonconforming site.

\*\*\*\*\*

APPROVE PERMIT:

Impact 9,386 sq ft for the purpose of redeveloping a nonconforming site.

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

With Conditions:

1. All work shall be in accordance with plans titled, "Site Plan" by Jones and Beach Engineers, Inc., last revised September 5, 2008 and received by the Department of Environmental Services ("DES") on December 27, 2010.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 79.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Wetland Bureau for proposed impacts jurisdictional under RSA 482-A.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to a Tidal Marsh of the Atlantic Ocean and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the impervious area within the protected shoreland by 1,212 sq ft.
4. The applicant has proposed to install stormwater controls consisting of vegetated drainage swales that will be constructed around the perimeter of the property.
5. The applicant has proposed to convert a significant area of the existing paved parking area into a permeable paver system.
6. The applicant has proposed to restore approximately 2,800 sq ft of wetlands within the waterfront buffer area.
7. The applicant has proposed to install stormwater controls, reduce the total amount of impervious surface coverage within the protected shoreland and significantly 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.

2010-03442

THOMAS, JOHN/NORMA

SUNAPEE Sunapee Lake

Requested Action:

Impact 5,470 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing stormwater

controls.

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**APPROVE PERMIT:**

Impact 5,470 sq ft for the purpose of expanding the footprint of 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 and RSA 483-B:9 V(a)(2)(D)(iii) is waived to allow the point score of a waterfront buffer grid segment to be temporarily reduced below the minimum score requirement.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineers, dated December 20, 2010 and received by the Department of Environmental Services ("DES") on December 27, 2010.
2. This approval includes waivers of RSA 483-B:9, II (b) and RSA 483-B:9 V(a)(2)(D)(iii), 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 20.8% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover shall occur within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings achieve a 100% success rate.
9. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 1,463 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
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.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The proposed construction will require the removal of trees in the waterfront buffer that will temporarily bring the tree and sapling score on a segment in the waterfront buffer below the score required per RSA 483-B:9 V(a)(2)(D)(iii).

3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to decrease the impervious area within the protected shoreland by 508 sq ft.
5. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip edges of the proposed structure.
6. The applicant has proposed to install stormwater controls consisting of a sediment basement and drywell at the outlet of a stormwater culvert on the subject property.
7. The applicant has proposed to construct a new driveway out of pervious materials.
8. The applicant is proposing to plant additional, native vegetation and natural ground cover within the waterfront buffer.
9. The applicant has proposed to install significant stormwater controls, reduce the total amount of impervious surface coverage within the protected shoreland, install a pervious driveway 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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**2011-00168                      PSNH**  
**LANCASTER   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00169                      PSNH**  
**LEE   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00170                      PSNH**  
**LINCOLN   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00171                      PSNH**  
**LITCHFIELD   Unnamed Wetland**

**2011-00172                      PSNH**  
**LITTLETON   Unnamed Wetland**

**2011-00174 PSNH  
LONDONDERRY Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00175 PSNH  
MADBURY Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00176 PSNH  
MADISON Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00177 PSNH  
MARLBOROUGH Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00178 PSNH  
MANCHESTER Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00179 PSNH  
MASON Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00180 PSNH  
MERRIMACK Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00181 PSNH  
MILAN Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00182                      PSNH**  
**MILFORD   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00183                      PSNH**  
**NASHUA   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00185                      PSNH**  
**NELSON   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount