

Wetlands Bureau Decision Report

Decisions Taken
02/28/2011 to 03/06/2011

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

2004-02838 183 WASHINGTON STREET LLC
ROCHESTER Unnamed Wetland

Requested Action:

Fill 30,494 square feet of palustrine forested wetland for road construction, and temporarily impact 420 square feet of wetland for installation of a sewer line for phases I and II within a proposed cluster development. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations designated as "Mitigation Area 2" and "Mitigation Area 3".

Conservation Commission/Staff Comments:

The conservation commission has no objections to the proposed project.

Inspection Date: 04/28/2005 by Jocelyn S Degler

APPROVE TIME EXTENSION:

Extend permit duration to March 17, 2016.

Fill 30,494 square feet of palustrine forested wetland for road construction, and temporarily impact 420 square feet of wetland for installation of a sewer line for phases I and II within a proposed cluster development. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations designated as "Mitigation Area 2" and "Mitigation Area 3".

With Conditions:

1. All work shall be in accordance with plans prepared by Robert Rook, PE dated received by the Department on February 10, 2005.
2. This approval is for phase I and II only. Any future work on this property, specifically south of Hussey Road, 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 contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within permitted phases.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be conducted during low water conditions.
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. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. The temporary impact area for installation of the sewer line shall be regraded to original contours following completion of work, seeded and stabilized for complete restoration.
12. Mulch within the restoration area shall be straw.
13. Roadway construction will include 2:1 side slopes in wetland crossing areas.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. 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.

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

19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland Construction:

20. AMENDED: This permit is contingent upon the creation of two wetlands areas, now known as "Mitigation Area 2" and "Mitigation Area 3" in accordance with plans by Stoney Ridge Environmental renaming the mitigation areas, and as received on August 8, 2007. In the event that a conservation easement holder agrees to oversee the protection of the remainder of the property, the Wetlands Bureau shall review the proposal and consider an amendment to the permit.

21. This permit is contingent upon the creation of 49,970 sq. ft. of wetlands in two locations on the property.

22. 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 registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

23. The schedule for construction of the mitigation areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

24. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

25. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

27. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

29. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

30. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

31. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

32. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

33. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. The current applicant purchased this large residential project in 2009 and started construction in 2010 leaving less than a year to complete the work.

2. A waiver request for extending the permit duration was received by the department on February 18, 2011 and conforms with Env-Wt 502.01.

3. Granting the waiver request is both legal and reasonable.

**2010-03241 NH DEPT OF TRANSPORTATION
CONCORD Merrimack River**

Requested Action:

Install a concrete toe wall around the northern pier and place stone fill in a scoured area for stabilization impacting 1,143 sq. ft. (660 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

Local River Advisory Comm. questions responded to by NHDOT

APPROVE PERMIT:

Install a concrete toe wall around the northern pier and place stone fill in a scoured area for stabilization impacting 1,143 sq. ft. (660 sq. ft. temporary) NHDOT project 66017K.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by Brian Lombard, PE, dated July 15, 2010, as received by the Department on Dec.1, 2010;
 - b. As modified by item #3 in the February 10, 2011 letter to the Upper Merrimack River Advisory Comm. as received by the Department on February 16, 2011.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. All work within the river shall be done during periods of low flow.
5. 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.
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. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. 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.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. The impacts associated with the temporary work shall be restored immediately following construction.
13. The Wetlands Bureau and NH Fish & Game Dept., Nongame and Endangered Species Program shall be notified in writing at least 48 hours prior to construction.
14. All appropriate measures are to be taken to avoid impacts to mussels as specified in the NHF&G Dept. e-mail of October 29, 2010 or as further directed by NHF&G Nongame and Endangered Species Program.
15. Stone placement shall be from the bridge.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), alteration of areas where species of concern have been identified.
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. A similar project was previously approved in this area on November 20, 2001.
6. 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.

2011-00243 NH DEPARTMENT OF ADMINISTRATIVE SERVICES
CONCORD Tributary To Turkey River

Requested Action:

Proposal to dredge and fill approximately 32,589 sq. ft. wetlands, man-made pond and perennial stream within the "Hugh J. Gallen State Office Park" to improve stream flow, increase flood storage, reduce flooding and improve water quality. Work consists of the replacement and upgrades to a failing drainage/culvert system that carries Bow Brook through the property, maintenance dredging of the existing man-made pond, creating associated flood storage areas, upgrading the existing pond outlet and removing an existing utility tunnel over Bow Brook and restoring the associated stream banks.

APPROVE PERMIT:

Dredge and fill approximately 32,589 sq. ft. wetlands, man-made pond and perennial stream within the "Hugh J. Gallen State Office Park" to improve stream flow, increase flood storage, reduce flooding and improve water quality. Work consists of the replacement and upgrades to a failing drainage/culvert system that carries Bow Brook through the property, maintenance dredging of the existing man-made pond, creating associated flood storage areas, upgrading the existing pond outlet and removing an existing utility tunnel over Bow Brook and restoring the associated stream banks.

With Conditions:

1. All work shall be in accordance with plans by Edwards and Kelcey/Jacobs Engineering Group Inc., plan sheets W1-1, W1-2 and W1-3 dated December 20, 2010 and plan sheets dated January 17, 2011 and narratives by The Smart Associates, Environmental Consultants. Inc., as received by the NH Department of Environmental Services (DES) on January 26, 2011 and plans dated January 17, 2011, as received by DES on March 4, 2011.
2. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, depict all temporary impacts and show temporary siltation/erosion/turbidity control measures to be implemented.
4. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. 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. Unconfined work within the stream and pond, exclusive of work associated with installation of a cofferdam, shall be done during periods of no or 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. Temporary cofferdams shall be entirely removed immediately following construction.
10. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. 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.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
18. 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.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. 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 major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is needed to address a failing culvert/drainage system, improve safety, improve storm flow and storage capacity, reduce flooding and improve water quality.
6. The applicant and agents conducted pre-application meetings with the DES Watershed Management Bureau, DES Alteration of Terrain Bureau and DES Wetlands Bureau on November 4, 2010 and November 29, 2010.
7. The DES Watershed Management Bureau determined that if the project was submitted as reviewed no further requirements would be needed if permitted under the NH Programmatic General Permit ("NHPGP").
8. The United States Army Corps of Engineers ("ACOE") has not commented on the application, however, it is expected it will satisfy their requirements under the NHPGP.
9. The drainage area associated with Bow Brook in the project area is approximately 600 acres and is considered a perennial stream, however, the agent found that portions of the stream had no flow during the delineation conducted in July of 2010.
10. Due to the watershed size of 600 acres the proposed culvert work is considered a Tier 2 stream crossing per Env-Wt 904.03. However, it was discussed with DES and determined by the applicant/agent that it was not practicable to adhere to the requirements of Env-Wt 904.03 due to the existing site conditions and constraints, current culvert function as a stormwater conveyance system and consideration of the various culvert crossings located upstream and downstream of the project.
11. The applicant submitted the culvert improvements as an Alternative Design per Env-Wt 904.09.
12. The existing culvert system currently passes the 25-year storm event in an open flow condition and the proposed design will pass the 50-year storm with available freeboard.
13. The applicant's professional engineer has indicated that the proposed project design will reduce current peak discharge flows during the 2-year, 10-year and 50-year storm events.
14. The project includes removal of an existing utility crossing that impedes stream flows in an open section of Bow Brook.
15. The proposed work will maintain and improve current suitable wetlands function and values such as wildlife habitat, flood flow alteration, sediment and toxicant retention, and nutrient removal, retention and transformation.
16. The new design will create additional wetlands and floodplain benches in adjacent uplands.
17. No filling of existing open sections of Bow Brook will be conducted.
18. The applicant has proposed alternative mitigation and it was determined that the project complies with the purpose of the mitigation rules, Env-Wt 801.01 and Env-Wt 803.06 as the functions and values impacted will be replaced and improved through project completion.
19. DES has not received any comments in opposition to the project.

20. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine and riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2007-00224 SOUTH BRANCH GROUP
SWANZEY Unnamed Stream

Requested Action:

Retain 6,000 sq. ft. of stream impact for the installation of three (3) 24-inch x 50-foot concrete culverts and associated riprap in a recently formed channel for gravel pit access.

APPROVE AFTER THE FACT:

Retain 6,000 sq. ft. of stream impact for the installation of three (3) 24-inch x 50-foot concrete culverts and associated riprap in a recently formed channel for gravel pit access.

With Conditions:

1. Additional requests for dredge and/or fill or for culvert replacement in this area for road upgrades or for repairs resulting from ongoing erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine a more effective long-term solution, which alleviates the problem, such as the installation larger single spanning structure that complies with current wetland rules.
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 minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream.
2. Pursuant to Env-wt 903.01(e), the crossing impacts a tier one stream.
3. Pursuant to Env-Wt 904.09, an alternative design was provided to retain the multiple culverts. The design included a report by a professional engineer explaining how the design in the most practicable alternative.
4. The culverts were installed in a newly formed channel that resulted from an upstream beaver dam failure that occurred in 2005.
5. Drainage calculations were provided that confirm the existing culvert will freely pass the 50-year storm.
6. The alternative design explained that because the site is all sand successful stabilization of the on of the site was difficult and that the only successful restoration method was riprap.
7. The alternative design explained that because the site is now stable, it would be a greater disturbance to the stream to remove the existing culverts than to retain the existing.
8. In correspondence received October 25, 2010, the Ashuelot River Local Advisory Committee expressed concern for the culverts ability to handle flows if another breach of the upstream beaver occurred, but deferred to the Alteration of Terrain and Wetlands Bureau for the final decision.
9. This approval is conditioned that additional requests for dredge and/or fill or for culvert replacement in this area for road upgrades or for repairs resulting from ongoing erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine a more effective long-term solution, which alleviates the problem, such as the installation larger single spanning structure that complies with current wetland rules.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-02707 HARILLA LANDING YACHT CLUB
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Repair and upgrade an existing boat ramp by removing an existing 22 ft wide x 45 ft long ramp and installing a 22 ft wide 4 inch x 54 ft long ramp with a 22 ft wide x 7 ft long rip rap toe on 472 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no comments

APPROVE PERMIT:

Repair and upgrade an existing boat ramp by removing an existing 22 ft wide x 45 ft long ramp and installing a 22 ft wide 4 inch x 54 ft long ramp with a 22 ft wide x 7 ft long rip rap toe on 472 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by HEB revision dated February 25, 2011, as received by the NH Department of Environmental Services (DES) on March 1, 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. 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. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Lake Winnepesaukee.
5. All existing seasonal piers shall be removed from the lake for the non-boating season.
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 minor impact project per Administrative Rule Env-Wt 303.03(a), projects that do not meet the criteria of Rule Env-Wt 303.02, Rule Env-Wt 303.04, nor Rule Env-Wt 303.05.
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.

**2010-03098 309 PORTSMOUTH AVENUE LLC
GREENLAND Unnamed Wetland**

Requested Action:

Impact 9,400 square feet of the palustrine emergent wetland for the construction of an automotive dealership and access and parking around the building for fire protection and safety.

Conservation Commission/Staff Comments:

"The [Greenland] Conservation Commission agreed to support the project" Provided that there is a reduction in water runoff.

APPROVE PERMIT:

Impact 9,400 square feet of the palustrine emergent wetland for the construction of an automotive dealership and access and parking

around the building for fire protection and safety.

With Conditions:

1. All work shall be in accordance with the 'Grading, Drainage & Erosion Control Plan' (Sheet 4 of 15) by Civilworks Engineers and Surveyors dated 7-1-10, as received by the NH Department of Environmental Services (DES) on November 12, 2010.
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. 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 impacts are necessary to allow parking and access around the building for fire protection and safety; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. A retaining wall will be constructed to minimize the impacts to the further extent practicable; therefore, 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.

2011-00217 FLOYD, KELLY/PATRICK
CHESTER Exeter River

Requested Action:

Proposal to maintenance dredge a 1978 sq. ft. area of gravel that deposited in Rays Brook and associated wetlands when the adjacent stream crossing "Rod + Gun Club Road" washed out during a storm event.

APPROVE PERMIT:

Maintenance dredge a 1978 sq. ft. area of gravel that deposited in Rays Brook when the adjacent stream crossing "Road & Gun Club Road" washed out during a storm event.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., dated September 13, 2010, as received by the NH Department of Environmental Services (DES) on January 25, 2011.
2. Additional requests to dredge and/or fill in this area for road upgrades or repairs resulting from ongoing erosion or washouts shall not be considered or approved until a drainage assessment has been conducted by the applicant to determine a more effective long-term solution to alleviate the problem.
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. Work shall be done during the dry or low flow conditions.

6. The final surface of the stream channel bed shall be restored to natural grade, match culvert inlet and outlet grades and shall not include angular rip-rap.
7. Exposed soils shall be planted and/or seeded with appropriate native plants species.
8. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the permit and to assure no water quality violations occur.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. 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.
12. 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.
13. 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.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. 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.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) 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 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 indicated that the material to be removed is a result of erosion and washout from the adjacent road crossing.
6. The applicant has provided signed permission letters from the landowners.

**2011-00245 PUBLIC SERVICE OF NH
CONCORD Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 6,600 sq. ft. of wetlands for expansion of an existing power substation "Oak Hill Substation".

APPROVE PERMIT:

Dredge and fill 6,600 sq. ft. of wetlands for expansion of an existing power substation "Oak Hill Substation".

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc., dated January 2011 and narratives by Gove Environmental Services, Inc., as received by the NH Department of Environmental Services (DES) on January 26, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
4. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.

5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. 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 during construction.

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.

2011-00263 324 SOUTH ROAD LLC
BRENTWOOD Unnamed Wetland

Requested Action:

Impact a total 3,450 square feet of palustrine forested wetland to construct a roadway with two cul de sacs to include the installation of an 18-inch HDPE culvert impacting 2,890 square feet and a 24-inch HDPE culvert impacting 560 square feet for access to a 24-lot residential subdivision on approximately 24.93 acres.

Conservation Commission/Staff Comments:

No comments were received from the Brentwood Conservation Commission.

APPROVE PERMIT:

Impact a total 3,450 square feet of palustrine forested wetland to construct a roadway with two cul de sacs to include the installation of an 18-inch HDPE culvert impacting 2,890 square feet and a 24-inch HDPE culvert impacting 560 square feet for access to a 24-lot residential subdivision on approximately 24.93 acres.

With Conditions:

1. All work shall be in accordance with 'Proposed Wetland Impact Plan' plans by GZA GeoEnvironmental, Inc. dated January 2011, as received by the NH Department of Environmental Services (DES) on January 31, 2011.
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
9. Work shall be done during seasonal low flow conditions.
10. 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.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. 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 impacts are necessary to access buildable uplands; therefore, 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. A memo from the NH Natural Heritage Bureau (NHB) dated 1/31/2011 identified one (1) invertebrate species, the endangered Brook Floater (*Alasmodonta varicosa*) and two (2) vertebrate species, the endangered Blanding's Turtle (*Emydoidea blandingii*) and the threatened Spotted Turtle (*Clemmys guttata*) in the vicinity of the proposed project.
6. An email dated February 7, 2011 from NH Fish and Game, Nongame and Endangered Species Program (NHFG) commented on the species identified in the NHB memo. NHFG stated, in summary, "We [NHFG] do not expect impacts to the brook floater mussel and we do not expect impacts to Blanding's and spotted turtle."

MINIMUM IMPACT PROJECT

2010-02448 SMITH, LEONARD & PATRICIA
PITTSFIELD Unnamed Pond Unnamed Stream

Requested Action:

After the fact request to retain approximately 93 sq. ft. of stream, pond and wetland impacts resulting from upgrading of a 5 ft. span x 10 ft. run wooden decked bridge including two 18 in. flood culverts over a perennial stream to a 10 ft. span x 12 ft. run crossing with two 18 in. flood culverts, replace a failed 3 ft. x 10 ft. wood bridge with twin 15 in. x 10 ft. culverts within a intermittent stream and retain a 3 ft. x 10 ft. permanent dock.

APPROVE AFTER THE FACT:

After the fact approval to retain approximately 63 sq. ft. of stream and wetland impacts resulting from upgrading of a 5 ft. span x 10 ft. run wooden decked bridge including two 18 in. flood culverts over a perennial stream to a 10 ft. span x 12 ft. run crossing with two 18 in. flood culverts and replace a failed 3 ft. x 10 ft. wood bridge with twin 15 in. x 10 ft. culverts within a intermittent stream for recreational access.

With Conditions:

1. All work shall be in accordance with plans by James E. Franklin, LLC dated January 13, 2011 and narratives by Gove Environmental Services, Inc, as received by the NH Department of Environmental Services (DES) on January 20, 2011.
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. The applicant shall remove the existing dock or remove and convert to seasonal dock and file the appropriate seasonal dock notification or wetlands impact applications by July 1, 2011.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations, provided:
 - (1) The total jurisdictional impact shall not exceed 3,000 square feet;
 - (2) The roadway width at the crossing shall not exceed 20 feet;
 - (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by making the side slopes steeper and constructing walls, and not exceed 50 feet;
 - (4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
2009-108 Adopted effective 05-25-10 5
 - (5) Such projects shall be limited to crossings that:
 - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - b. Are not located in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);
 - c. Do not meet the criteria of Env-Wt 303.02(k);
 - d. If crossing streams, qualify as minimum impact under Env-Wt 903.01(e); and
 - e. If crossing a swamps or wet meadows, cross those that have no standing water for 10 months of the year;
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 application was submitted in response to DES Letter of Deficiency WD-WET 10-036 for impacts conducted without a permit.
6. The applicant has agreed by e-mail dated February 28, 2011 to remove the existing dock.
7. The approval is conditioned on removal or conversion and further permitting as a seasonal dock.

2011-00278 ZYACORP INC
GREENLAND Unnamed Wetland

Requested Action:

Impact 1,556 square feet of palustrine scrub-shrub wetland for grading associated with parking areas.

Conservation Commission/Staff Comments:

No comments were received from the Greenland Conservation Commission.

APPROVE PERMIT:

Impact 1,556 square feet of palustrine scrub-shrub wetland for grading associated with parking areas.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveys, Inc. dated November 26, 2011 and January 28, 2011, as received by the NH Department of Environmental Services (DES) on February 2, 2011.
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. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

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.

FORESTRY NOTIFICATION

**2011-00410 HISTORIC NEW ENGLAND
NEW IPSWICH Unnamed Stream**

COMPLETE NOTIFICATION:
New Ipswich Tax Map 11, Lot# 174

**2011-00420 ALBRIGHT CHILDRENS TRUST
MASON Unnamed Stream**

COMPLETE NOTIFICATION:
Mason Tax Map L, Lot# 21

**2011-00421 BUFFALO HEIGHTS LLC
ERROL Unnamed Stream**

COMPLETE NOTIFICATION:
Errol Tax Map R13, Lot# 26

**2011-00429 DICK JR, JOHN
LYNDEBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 232, Lot# 54

2011-00435 MEADOWSEND SAWMILL INC
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Tax Map 235, Lot# 28

EXPEDITED MINIMUM

2011-00219 DARTMOUTH COLLEGE
HANOVER Unnamed Wetland

Requested Action:

Maintenance dredge less than 20,000 square feet of a 23,965 square foot man-made pond and replace in-kind an existing culvert headwall.

APPROVE PERMIT:

Maintenance dredge less than 20,000 square feet of a 23,965 square foot man-made pond and replace in-kind an existing culvert headwall.

With Conditions:

1. All work shall be in accordance with the plans entitled Pond Dredge Plan for Hanover Country Club (Sheets 1-2 of 2) dated August 26, 2010 as received by the Department on February 09, 2011.
2. The pond shall be fully drained before work is to begin. Work shall be done in the dry.
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. Silt fencing must be removed once the area is stabilized.
4. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. All material removed during work activities shall be placed out of DES's jurisdiction.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Machinery shall be staged and refueled in upland areas.
9. 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.
10. 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.
11. 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.
12. 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.

2011-00335 **FLORIO, BRENDAN**
LACONIA **Opechee Bay**

Requested Action:

Permanently remove an existing 6 ft x 40 ft seasonal dock and install a 4 ft x 7 ft seasonal dock to a 6 ft x 40 ft on an average of 200 ft of frontage on Lake Opechee, Laconia.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 6 ft x 40 ft seasonal dock and install a 4 ft x 7 ft seasonal dock to a 6 ft x 40 ft on an average of 200 ft of frontage on Lake Opechee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Brendan Florio, as received by the NH Department of Environmental Services (DES) on February 10, 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. 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 47 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), installation of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2011-00402 **TOWN OF RANDOLPH**
RANDOLPH **Unnamed Wetland**

Requested Action:

Reconstruct 1.7 miles of an existing town road (Randolph Hill Rd) that will result in 13 separate wetland impact areas (ranging from 10 to 2,770 square feet) for reshaping ditches and replacing 9 culverts. Total dredge and fill impacts will be 4,475 square feet within palustrine forested and emergent wetlands.

APPROVE PERMIT:

Reconstruct 1.7 miles of an existing town road (Randolph Hill Rd) that will result in 13 separate wetland impact areas (ranging from 10 to 2,770 square feet) for reshaping ditches and replacing 9 culverts. Total dredge and fill impacts will be 4,475 square feet within palustrine forested and emergent wetlands.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc. dated January 19, 2011, as received by the NH Department of Environmental Services (DES) on February 22, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. 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. Proper headwalls shall be constructed within seven days of culvert installation.
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).

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(j), for projects located within the right-of-way.
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. Each individual wetland impact area is less than 3,000 square feet (with no stream impacts) which meets the rules for minimum impact projects.

GOLD DREDGE

2011-00342 COSSETTE, THOMAS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2011-00424 MARQUETT, WAYNE
BRISTOL Newfound Lake

COMPLETE NOTIFICATION:
Tax Map 103, Lot# 8 Newfound Lake

**2011-00442 TRANS CANADA HYDRO NORTHEAST INC
PITTSBURG First Connecticut Lake**

COMPLETE NOTIFICATION:
Pittsburg Tax Map C, Lot# 6 First Connecticut Lake

**2011-00445 SULLIVAN, KRISTEN
BRISTOL Newfound Lake**

COMPLETE NOTIFICATION:
Bristol Tax Map 103, Lot# 5 Newfound Lake

CSPA PERMIT

**2010-01961 WATERVILLE, TOWN OF
WATERVILLE VALLEY Mad River**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans dated January 1, 2011 to construct a walkway to begin approximately 250 ft east of bridge over Mad River and continue to the western approach of the existing single lane bridge.

Impact 25,000 sq ft for the extension of sanitary sewer collection system and water distribution system in three phases.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans dated January 1, 2011 to construct a walkway to begin approximately 250 ft east of bridge over Mad River and continue to the western approach of the existing single lane bridge.

Impact 25,000 sq ft for the extension of sanitary sewer collection system and water distribution system in three phases.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated July 1, 2010 and received by the NH Department of Environmental Services (DES) on July 26, 2010.
2. There shall be no impacts within the jurisdiction of the DES Wetlands Bureau without prion approval granted in accordance with RSA 482-A.
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.
8. Area shall be regraded to original contours following completion of work.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2010-02758 KLINE-SCHODER, BARBARA
ENFIELD Mascoma Lake**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans dated February 24, 2011 to remove 4 trees, deemed hazardous to site by an arborist, with stumps to remain.

Impact 2,845 sq ft to construct a 3 bedroom home, walkway, patio and stairs, and install a septic system.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans dated February 24, 2011 to remove 4 trees, deemed hazardous to site by an arborist, with stumps to remain.

Impact 2,845 sq ft to construct a 3 bedroom home, walkway, patio and stairs, and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by Hogg Hill Design, LLC dated October 19, 2010 and received by the NH Department of Environmental Services (DES) on October 22, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 22.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 1,670 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.

**2011-00389 MOECKEL IRREVOCABLE TRUST
WINDHAM Moeckel Pond**

Requested Action:

Impact 24,603 sq ft in order to construct a house, septic system and associated accessory structures.

APPROVE PERMIT:

Impact 24,603 sq ft in order to construct a house, septic system and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated December 1, 2010 and received by the NH Department of Environmental Services (DES) on February 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 7.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 23,516 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.

2011-00390 MOECKEL IRREVOCABLE TRUST
WINDHAM Moeckel Pond

Requested Action:

Impact 15,080 sq ft in order to construct a house, septic system and associated accessory structures.

Conservation Commission/Staff Comments:

Town Line - Windham & Pelham

APPROVE PERMIT:

Impact 15,080 sq ft in order to construct a house, septic system and associated accessory structures.

With Conditions:

- 1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated December 1, 2010 and received by the NH Department of Environmental Services (DES) on February 18, 2011.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 14,498 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.
- 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.

2011-00392 MOECKEL IRREVOCABLE TRUST
WINDHAM Moeckel Pond

Requested Action:

Impact 19,304 sq ft in order to construct a house, septic system and associated accessory structures.

Conservation Commission/Staff Comments:

TOWN LINE WINDHAM/PELHAM

APPROVE PERMIT:

Impact 19,304 sq ft in order to construct a house, septic system and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated December 1, 2010 and received by the NH Department of Environmental Services (DES) on February 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 4.3 of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 28,228 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.
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.

CSPA PERMIT W/WAIVER

**2010-03224 BINTZ, AMY/WILLIAM
WAKEFIELD Pine River Pond**

Requested Action:

Impact 2,415 sq ft in order to replace residence within the same footprint with an addition to be added and replace an impervious patio with a pervious patio.

APPROVE PERMIT:

Impact 2,415 sq ft in order to replace residence within the same footprint with an addition to be added and replace an impervious patio with a pervious patio.

WAIVERS APPROVED: RSA 483-B:9, II(b) and RSA 483-B:9, V,(d),(A),(g) are waived to allow the expansion of a primary structure that encroaches upon the primary building setback and the impervious surface area to exceed 30 percent of area within the protected shoreland.

With Conditions:

1. All work shall be in accordance with plans by Salmon Falls Architecture dated October 20, 2010 and received by the NH Department of Environmental Services (DES) on November 29, 2010.
2. This approval includes waivers of RSA 483-B:9, II(b) and RSA 483-B:9, V,(d),(A),(g) and, therefore, shall not be effective until it has been recorded at the Carroll County 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 40% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 254 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.
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. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. 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. The existing non-conforming structure is located within the 50 ft primary building setback to Pine River Pond and Back Pond 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 Pine River Pond and Back Pond 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 498 sq ft of impervious surface within the waterfront buffer of the protected shoreland.
5. The applicant has proposed to decrease the overall area of impervious surface within the protected shoreland by 320 sq ft.
6. 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 leading to drywells.
7. The applicant has proposed to install stormwater controls and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 320 sq ft, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-03422 FUHS, SANDY
ATKINSON Island Pond

Requested Action:

Impact 9,838 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 9,838 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

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

With Conditions:

1. All work shall be in accordance with plans by James M. Lavelle Associates dated December 15, 2010 and received by the Department of Environmental Services ("DES") on December 22, 2010 and additional materials received by the Department on March 1, 2011.
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 24.0% 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 Subsurface Systems Bureau and installing the proposed septic system.
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. No impacts to natural ground cover shall occur within the waterfront buffer.
8. 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.
9. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings achieve a 100% success rate.
10. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to the 420 sq ft of unaltered area as delineated on plans received by DES between 50 feet and 150 feet from the reference line.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
12. 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.
13. 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.
14. 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.
15. 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.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.
20. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

With Findings:

1. The existing non-conforming primary structure is located within the 50 ft primary building setback to Big Island 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 decrease the impervious area of the lot within the protected shoreland by approximately 757 sq ft.
4. The applicant has proposed to install stormwater controls consisting of multiple dry wells that will be capable of infiltrating stormwater from the existing and proposed structures.
5. The applicant has proposed to reduce location, size and grade of the existing driveway in a way that will be less apt to concentrate stormwater.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

FORESTRY W/PRIME WETLAND

2011-00112 RICE, JOHANNA
HAMPTON FALLS Unnamed Stream

Requested Action:

Timber harvest on upland soils with one crossing of forested wetland outside the prime wetland buffer to cut 43% of basal area of

prime wetland buffer and to remove dead and downed timber.

COMPLETE NOTIFICATION:

Timber harvest on upland soils with one crossing of forested wetland outside the prime wetland buffer to cut 43% of basal area of prime wetland buffer and to remove dead and downed timber.

With Findings:

1. Ecological integrity of the prime wetland will be maintained as managing the timber resource will allow the owner to maintain the property in an undeveloped state.
2. Wildlife habitat of the prime wetland will be enhanced as food, cover and nesting sources will be increased due to cutting activity.
3. The proposed harvest was supported with a Wildlife Management Plan outlining the diversity of species and the beneficial impact of the proposal on improving noteworthy species habitat in the area.
4. The project will minimize impacts to the Taylor River as best management practices will be followed.