

Wetlands Bureau Decision Report

Decisions Taken
04/04/2011 to 04/10/2011

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

**2010-02028 STURMS, DENNIS
HENNIKER Unnamed Wetland**

Requested Action:

Retain dredge and fill impacts totaling ± 42,100 sq. ft. and dredge and fill an additional ± 1,326 sq. ft. of palustrine wetlands for construction of a commercial development on ± 6.35 acres. Restore ± 2,187 sq. ft. of wetlands. Preserve ± 21 acres in Warner, NH (Tax Map/Lot 14/55).

APPROVE PERMIT:

Retain dredge and fill impacts totaling ± 42,100 sq. ft. and dredge and fill an additional ± 1,326 sq. ft. of palustrine wetlands for construction of a commercial development on ± 6.35 acres. Restore ± 2,187 sq. ft. of wetlands. Preserve ± 21 acres in Warner, NH (Tax Map/Lot 14/55).

With Conditions:

1. All work shall be in accordance with plans by Dunbay Group, Inc. dated July 14, 2010, as received by the Department on July 28, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent upon the restoration of 2,187 square feet of wetlands in accordance with plans received referenced above.
4. The schedule for construction of the restoration area shall occur prior to or coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. 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 approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES 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.
14. All material removed during work activities shall be removed down to the level of the original hydric soils.
15. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
16. The restoration area shall be regraded to original contours following completion of work.
17. Only native plant species appropriate to the area shall be planted.
18. 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.
19. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
20. 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.

21. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
22. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
23. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
24. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of each restoration site.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 21 acres as depicted on plans received by DES on March 10, 2011.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. The applicant shall coordinate the removal of debris and trash on the parcel with the Grantee of the easement and complete the removal in a timely manner.
9. A one-time payment of \$2,000 for easement monitoring purposes to the Warner Conservation Commission shall be provided upon granting of the conservation easement.
10. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands in excess of 20,000 square feet.
2. Abutter concerns were received September 01, 2010, regarding the project's potential impacts on water quality and the volume of water in an existing dug well.
3. This permit is contingent on approval from the DES Alteration of Terrain Bureau.
4. The DES Alteration of Terrain Bureau reviews pre and post development discharge and groundwater recharge.
5. The Agent response received March 10, 2011, responded to the abutter concerns, received September 01, 2010. The response was prepared by a Professional Engineer and concluded that the majority of the wetland impact area is not in the same watershed as the abutter's well and that the decreased water volume noted by the abutter during summer 2010 was due to a major documented regional drought.
6. In email correspondence dated October 18, 2010, the EPA indicated the revised mitigation proposal was acceptable.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. 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.
9. 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.

10. 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 resource, as identified under RSA 482-A:1.

2010-02101 CANAAN, TOWN OF
CANAAN Mascoma River

Requested Action:

Proposal to impact 660 square feet for the replacement of two 30 inch culverts with a concrete open bottom arch culvert 2.8 feet high and 7.3 feet wide. 295 square feet of the impacts will be temporary.

APPROVE PERMIT:

Impact 660 square feet for the replacement of two 30 inch culverts with a concrete open bottom arch culvert 2.8 feet high and 7.3 feet wide. 295 square feet of the impacts will be temporary.

With Conditions:

1. All work shall be in accordance with plans by Mark Moser Engineering entitled Proposed Culvert Upgrade at Back Bay Road, Canaan NH dated July 06, 2010 revised March 15, 2011 as received by the NH Department of Environmental Services (DES) on March 16, 2011.
2. Areas of temporary impact shall be restored to pre-construction conditions.
3. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. The 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.
14. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
15. No equipment shall enter the water.
16. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
17. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. 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.
20. 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.
21. 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.

22. 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).

23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p) Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a).
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 licensed professional engineer indicated that the new structure will freely pass the 100-year storm event.
6. A licensed professional engineer indicated that the existing downstream culvert will be able to accommodate the 100-year storm from the proposed replacement structure.
7. The alternative design meets the criteria of Env-Wt 904.09(c).
8. The replacement crossing is a significant improvement and meets the intent of the stream crossing rules per Env-Wt 901.01.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.
10. 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.

2010-02139 WHITEFIELD, TOWN OF
WHITEFIELD Tributary To Johns River

Requested Action:

Dredge and fill 3,360 square feet (229 linear feet) of a perennial stream to restore the streambed by removing accumulated sediments and clean out a culvert inlet.

APPROVE PERMIT:

Dredge and fill 3,360 square feet (229 linear feet) of a perennial stream to restore the streambed by removing accumulated sediments and clean out a culvert inlet.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife entitled Town of Whitefield - Pine Street Drainage (Profile; Temporary Stream Diversion; Sediment Removal) dated July 2010 and as received by DES on August 06, 2010 and Town of Whitefield - Pine Street Drainage (Plan View) dated January 2011 and as received by DES on January 31, 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.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Work shall be done during periods of no or low flow.
5. Prior to commencing work within surface waters a cofferdam shall be constructed to isolate the work area from the surface waters.
6. 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.
7. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
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. 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. 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.
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 prior to entering jurisdictional areas.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. 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 major project per Env-Wt 303.02 (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
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 project will remove accumulated sediment and restore the natural stream channel.
5. The agent stated that the stream will handle high flows and downstream abutters should not be impacted.
6. The agent stated that there will be no increases in flooding or damage to other properties.
7. A vegetated berm will be built outside of the jurisdiction of the department.
8. The owner of Whitefield tax map 102 lot 19 expressed concerns regarding the need to clean out and maintain a culvert downstream of both this project and his property. Problems with the downstream culvert result in flooding of the Whitefield tax map 102 lot 19. The downstream culvert is on private property and the Town of Whitefield will not be maintaining the downstream culvert.
9. The owner of Whitefield tax map 102 lot 19 stated that they would waive the NH Wetlands Bureau requirement of maintaining a 20 foot setback from their property.
10. No comments were submitted from the NH Natural Heritage Bureau, the NH Fish and Game Department or the Conservation Commission.

2010-02301 105 BAY STREET LLC, RICHARD CLYNE
WOLFEBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 5 ft 10 inch x 33 ft 6 in docking structure, dredge 34 cubic yards from 610 sq ft of lakebed, and excavate 1274 sq ft of shoreline to construct a 33 ft 6 in x 29 ft boathouse providing 2 slips, on an average of 141 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

No Con Com comments by Nov 01, 2010

APPROVE PERMIT:

Permanently remove an existing 5 ft 10 inch x 33 ft 6 in docking structure, dredge 34 cubic yards from 610 sq ft of lakebed, and excavate 1274 sq ft of shoreline to construct a 33 ft 6 in x 29 ft boathouse providing 2 slips, on an average of 141 ft of frontage on

Lake Winnepesaukee, in Wolfboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group and Construction Management revision dated March 2, 2011, as received by the Department on March 9, 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 registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. 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.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. 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 water at the work site has returned to normal clarity.
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.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. There shall be no filling or regrading associated with the temporary construction access unless a permit is obtained from the NH DES Shoreland Program.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of material from public waters.
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. 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 lacustrine resource, as identified under RSA 482-A:1.
5. The applicant has an average of 141 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 2 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.

-Send to Governor and Executive Council-

Requested Action:

Construct and install a 4'x20' permanent fixed pier leading to a 3'x30' seasonal ramp landing on a 10'x20' seasonal float and install a riprap revetment along 106 linear feet (475 sq. ft.) of shoreline on approximately 163 ft of shoreline frontage on Little Harbor.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission did not comment on the application.

Inspection Date: 03/28/2011 by Eben M Lewis

APPROVE PERMIT:

Construct and install a 4'x20' permanent fixed pier leading to a 3'x30' seasonal ramp landing on a 10'x20' seasonal float and install a riprap revetment along 106 linear feet (475 sq. ft.) of shoreline on approximately 163 ft of shoreline frontage on Little Harbor.

With Conditions:

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated 12/22/10, as received by DES on January 3, 2013.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. Work on the riprap revetment shall be done during low tide only.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a); projects in tidal wetlands
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) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated 12/20/2011 (the "Memo") from the NH Natural Heritage Bureau ("NHB") identified one State Threatened plant species within the vicinity of the project: Marsh Elder (*Iva frutescens*).
5. DES Staff conducted a field inspection of the proposed project on March 28, 2011. Field inspection determined there seems to be enough fetch to allow this exposed area to receive wave erosion under the right conditions. The soil is composed of sand and gravel with very little loam and minimal grass coverage. No root structure was noted. This area cannot support vegetation growth due to these edaphic conditions. The areas of salt marsh vegetation identified on the plans and location of the proposed docking structures are accurate. DES Staff did not locate the species located in the NHB memo.
6. The Chief Harbor Master for the Pease International, Division of Ports and Harbors reports: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel."
7. In accordance with Env-Wt 404.04(a) the applicant has demonstrated that the anticipated turbulence, flows, restricted space, or

similar factors render vegetative and diversion methods physically impractical.

8. The applicant requested a waiver of Env-Wt 404.04(e) as the length of requested riprap exceeds 100 linear feet.
9. DES hereby grants the waiver of Env-Wt 404.04(e) in accordance with Env-Wt 204.04(a) as granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety; or an impact on abutting properties that is more significant than that which would result from complying with the rule. Furthermore, granting the request is consistent with the intent and purpose of the rule being waived. Strict compliance with the rule will provide no benefit to the public and will cause an economic hardship to the applicant.

-Send to Governor and Executive Council-

2011-00465 LADEBAUCHE, DOUGLAS/KIMBERLY
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing platform at the shoreline, fill 580 sq ft to construct 50 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 50 ft cantilevered pier, on an average of 220 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no objection with proposed project

APPROVE PERMIT:

Permanently remove an existing platform at the shoreline, fill 580 sq ft to construct 50 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 50 ft cantilevered pier, on an average of 220 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 1, 2011, as received by the Department on March 7, 2011.
2. This permit shall not be effective until it has been recorded with the Belknap 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 and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
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. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is

responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 220 feet of frontage along Lake Winnepesaukee, Alton.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
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 Lake Winnepesaukee, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2010-03364 LANDING BOAT CLUB
NEWBURY Sunapee Lake

Requested Action:

Remove 146 sq ft of deck surface from the south end of the existing wharf restoring it to the pre-existing dimensions of 73.8 ft x 22.1 ft. Retain and repair existing, permanent, docking facilities consisting of two complex docking structures extending from the aforementioned wharf. The north structure consists of a 132.8 ft x 12.6 ft pier with a 12 ft x 30.8 ft "L", one 1.7 ft x 26.6 ft finger pier, and eight 1.7 ft x 21.2 ft finger piers. The south structure consists of an 83 ft x 3 ft pier, accessed by a 3 ft wide angled walkway, with seven 1.7 ft x 18.5 ft finger piers extending to the north, three 1.7 ft x 20 ft finger piers, two 1.7 ft x 18 ft finger piers, and two 1.7 ft x 14 ft fingers extending to the south. Drive 3 tie-off pilings off the lakeward end of the south docking structure.

APPROVE PERMIT:

Remove 146 sq ft of deck surface from the south end of the existing wharf restoring it to the pre-existing dimensions of 73.8 ft x 22.1 ft. Retain and repair existing, permanent, docking facilities consisting of two complex docking structures extending from the aforementioned wharf. The north structure consists of a 132.8 ft x 12.6 ft pier with a 12 ft x 30.8 ft "L", one 1.7 ft x 26.6 ft finger pier, and eight 1.7 ft x 21.2 ft finger piers. The south structure consists of an 83 ft x 3 ft pier, accessed by a 3 ft wide angled walkway, with seven 1.7 ft x 18.5 ft finger piers extending to the north, three 1.7 ft x 20 ft finger piers, two 1.7 ft x 18 ft finger piers, and two 1.7 ft x 14 ft fingers extending to the south. Drive 3 tie-off pilings off the lakeward end of the south docking structure.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, LLC dated March 17, 2011, as received by the NH Department of Environmental Services (DES) on March 21, 2011.
2. The 143 sq ft of deck surface to be removed for the reason that it fails to comply with previous permits issued under RSA 482-A shall be completely removed prior to May 15, 2011.
3. Photographs documenting the removal of the 143 sq ft of deck surface shall be submitted to the Department prior to July 1, 2011.
4. The 3 sq ft of deck surface to be removed for the purpose of allowing the 3 tie-off pilings shall be completely removed prior to the installation of those pilings.
5. 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.
6. 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.

7. This approval shall supercede previous Wetlands Permit 2006-02705. Immediately upon the recording of this permit, 2010-03364, at the appropriate Registry of Deeds Office, Wetlands Permit 2006-02705 shall be considered nullified.
8. This permit does not allow for dredging for any purpose.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
10. The repairs shall maintain the size, location, and configuration of the structures as described in this permit and shown on the approved plans.
11. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
13. 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.
14. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of tie-off pilings which shall not by their presence add boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. Review of documents available to the Department has determined that 143 sq ft of deck were added to the south end of the existing wharf shortly after the issuance of repair permits 1997-01772 and 1996-00971. The immediate removal of this section of the wharf by the Owners shall restore the structure to its pre-existing legal conditions.
5. The owners of the abutting property to the south (the Abutters) contend that the south docking structure has been expanded in a manner that infringes upon their ability to enjoy their frontage.
6. In particular, the Abutter alleges that in 1986 the previous owners of the property now known as the Landing Boat Club increased the number of finger piers extending to the south from 2 to as many as 8.
7. Review of documents available to the Department has found that the site in question was previous occupied by Roger's Boatel, Inc., a marina which included a large, commercially used, boathouse. The Boathouse portion of this facility was damaged by fire in March 1970. The documents referring to this event mention the owner's intent to immediately repair the structures. Repairs above the water line would not have required a permit from the Special Board, predecessor to the Wetlands Bureau.
8. On October 17, 1978 the Special board approved a permit requested by the then current owners of the property, Messrs. Butterfield and Vashel, for 20 cu yd of fill and crib repair. The contents of this file were destroyed as part of a systematic document purge by the Department conducted during 1985 and 1986. Repairs of deck surface above the waterline would not have required a permit in 1978.
9. On June 10, 1985 the Wetlands Board received an application, File # B-1300, for repairs and modifications to the docking structures filed by Mr. Butterfield. The application, which was approved on June 25, 1985, included plans of the docking facilities showing that there were 8 finger pier extending to the south from the south docking structure. The piers nearest shore appear to be 17 ft 1 in in length. Only 6 finger piers are shown to extend north from the south pier. No widths are given for the finger piers.
10. The Abutters have provided a letter to the Department which was written by the previous owners of the abutting frontage, the Abutters' parents, on December 28, 1985, to the Town of Newbury Zoning Board.
11. In the letter, the previous abutters specified that "the swimming area not infringe on our designated waterfront, in other words no swimming on the south side of the club at the water's edge."
12. The letter further specifies that "the slips and docks on the south side remain the same as the summer of 1985"
13. No dimensions for the boat slips or piers are specified in the letter from the previous abutter nor are specific restrictions on boat use, size, or activity described.
14. In the letter, the previous abutters state that "the Private Boat Club sounds like an improvement over the marina" and request

that "the boat club not revert back to a marina."

15. On June 5, 1996 the Landing Boat Club filed an application of repairs of the docking facilities. The plans submitted with the application show that one finger slip from the south side of the south docking structure had been relocated to the north side of the docking structure. This change did not increase the impact of the structure, nor did it increase the number of slips provided by the structure.

16. The relocation of the finger pier increased the distance between the shoreline and the nearest pier on the south side of the south docking structure and decreased the number of boats utilizing the south side of the south docking structure by one. This change reduced the impacts and encroachment on the abutting property to the south.

17. The previous abutter at no time filed a complaint pertaining to the relocation of the finger pier from the south side of the pier.

18. On November 10, 1997 the Landing Boat Club filed an application of repairs of the docking facilities. The plans submitted with the application show the pier which was now closest to the shoreline on the south side of the south docking structure had been reduced in length from 17 ft to 14 ft. This change did not increase the impact of the structure, nor did it increase the number of slips provided by the structure.

19. The previous abutter at no time filed a complaint pertaining to the shortening of this finger pier on the south side of the south docking structure.

20. In 2006 the Landing Boat Club filed an application to repair the existing docking facility in kind. Photographs submitted with the application indicate that a 143 sq ft was added to the wharf along the shoreline however, no modifications were made to the size, location, or configuration of any of the finger piers.

21. The Abutters appealed the Department's approval of the 2006 file, Permit #2006-2705, on the procedural grounds that the Applicant sent notice to the previous abutter at an incorrect address.

22. This application, File #2010-3364, corrects the procedural flaws of application File #2006-2705, in that the Abutters have received the appropriate notice of the project by certified mail.

23. No new docking structures are proposed by the Applicant.

24. The current 20 ft setbacks from property lines established in RSA 482-A:3, XIII and Rule Env-Wt 304.04 were enacted after the original construction of the docking structures and cannot be applied to the structure retroactively.

25. The Department's jurisdiction is limited to excavation, fill and the construction of structures in jurisdictional areas. The Department cannot regulate the types and sizes of watercraft which utilize pre-existing structures.

26. The Abutters have provided no evidence that the continued repair of the 7 remaining, legally existing, finger piers extending from the south side of the south docking structure will in some way result in the docking structures having an increased impact on their frontage.

27. The Department finds that it would be unreasonable to deny the Applicant the ability to maintain the remaining, legally existing, docking structures on this frontage and therefore, this permit to repair structures is approved.

**2010-03366 MCKENNA, JOHN/ANNE MARIE
NEW DURHAM Merrymeeting Lake**

Requested Action:

Dredge 8 rocks from within an existing boatslip adjacent to a seasonal dock consisting of a 4.5 ft x 20 ft section extending from a 6 ft x 10 ft section extending at an angle from a 6 ft x 10 ft section accessed by a 3 ft x 4.5 ft boardwalk on an average of 80 ft of frontage on Merrymeeting Lake, in New Durham.

Conservation Commission/Staff Comments:

no comments from Con Com by Jan 10, 2011

APPROVE PERMIT:

Dredge 8 rocks from within an existing boatslip adjacent to a seasonal dock consisting of a 4.5 ft x 20 ft section extending from a 6 ft x 10 ft section extending at an angle from a 6 ft x 10 ft section accessed by a 3 ft x 4.5 ft boardwalk on an average of 80 ft of frontage on Merrymeeting Lake, in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc revision dated February 25, 2011, as received by the NH Department of Environmental Services (DES) on March 11, 2011.

2. Appropriate siltation, erosion, and 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. This permit does not allow dredge of lake bed sediments, only those rocks identified on the approved plan may be removed.
4. All dredged material (rocks) shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock from public waters.
2. The abutter to the north provided a notarized permission letter for the work within the abutters 20 ft setback.
3. There is insufficient area to dispose of the rocks within the lakebed in similar depth, in front of the applicants frontage, therefore the rocks will be placed on land owned by the applicant out of jurisdictional areas of the Department.

2011-00017 DONNELLY, BRIAN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Replace 145 linear feet of retaining wall with 145 linear feet of rip rap impacting 945 sq ft of bank on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments suggesting a vegetated natural boulder solution

DENY PERMIT:

Deny applicant's request to replace 145 linear feet of retaining wall with 145 linear feet of rip rap impacting 945 sq ft of bank on Lake Winnepesaukee, in Wolfeboro.

With Findings:

Standards for Approval

1. This project is classified as a minor impact per Rule Env-Wt 303.03(k), "projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02."
2. Pursuant to Rule Env-Wt 404.04(c) "Applications to use rip-rap adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project."
3. Pursuant to RSA 482-A:3,XIV(a) "In processing an application for permits under this chapter, except for a permit by notification, the department shall: (2) request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary." "Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."

Findings of Fact

1. On January 3, 2011, the Wetlands Bureau received an application for impacts, on the lot identified as Wolfeboro tax map 251, lot 17, (the "Lot") to replace 145 linear feet of retaining wall by impacting 945 sq ft of bank with 145 linear feet of rip rap on Lake Winnepesaukee.
2. The materials submitted did not include a stamped surveyed plan identifying normal high water shoreline and the footprint of the proposed project.
3. On January 4, 2011, the Department issued a Request for More Information letter to the Applicant requesting stamped, surveyed

- plans locating the proposed rip-rap relative to the normal high water line and property lines as required per Env-Wt 404.04, (c).
4. On March 9, 2011, the Department received a response from the Agent for the Applicant to the Department's January 4, 2011 Request for More Information letter. In the response the Agent maintained the proposal to place 145 linear feet of rip rap was less impacting than repairing the wall, and that the project should be deemed a minimum impact project pursuant to Env-Wt 303.04(o), therefore they are not required to submit a stamped surveyed plan as required pursuant to Env-Wt 404.04.
 5. The plan submitted by the Applicant in response to the Request for More Information was not stamped by a licensed surveyor.
 6. Minimum impact projects are not exempt from the requirements of section Env-Wt 404.
 7. The replacement of 145 linear feet of retaining wall by impacting 945 sq ft of bank to place 145 linear feet of rip rap would not be deemed a minimum impact project by the department. Pursuant to Env-Wt 303.03(k) the project would be classified as a minor impact project.

Finding in Support of Denial

1. The construction of rip rap adjacent to public waters requires a stamped surveyed plan, the applicant did not submit stamped surveyed plans as requested in the Request for More Information letter, therefore pursuant to RSA 482-A:3, the application is denied.

**2011-00248 HUARD REVOC TRUST, DEBRA
STODDARD Highland Lake**

Requested Action:

Impact 500 sq ft of bank to stabilize 54 linear feet of shoreline with large boulders, coir logs, and plantings on an average of 239 ft of frontage Highland Lake, in Stoddard.

Conservation Commission/Staff Comments:

No Con Com comments by Feb 4, 2011

APPROVE PERMIT:

Impact 500 sq ft of bank to stabilize 54 linear feet of shoreline with large boulders, coir logs, and plantings on an average of 239 ft of frontage Highland Lake, in Stoddard.

With Conditions:

1. All work shall be in accordance with plans by Oak Hill Environmental Services dated December 15, 2010, revision #4, as received by the NH Department of Environmental Services (DES) on April 1, 2011.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation, erosion, and 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. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects which disturb between 50 and 200 linear feet along the shoreline of a lake.
2. The proposed project is stabilizing a previously disturbed shoreline.

**2011-00326 TOWN OF WATERVILLE VALLEY
WATERVILLE VALLEY Mad River**

Requested Action:

Dredge and fill 1,200 square feet of the bed and banks of the Mad River to install a new sewer force main. Work in jurisdiction includes 400 square feet of temporary impacts to the river banks and 800 square feet of temporary impacts to river bed.

APPROVE PERMIT:

Dredge and fill 1,200 square feet of the bed and banks of the Mad River to install a new sewer force main. Work in jurisdiction includes 400 square feet of temporary impacts to the river banks and 800 square feet of temporary impacts to river bed.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers entitled Town of Waterville: North End Water & Sewer Improvements (Drawing no. W-3) dated October 2010, revised March 2011 as received by the Department on March 23, 2011.
2. Areas of temporary impact shall be restored to pre-construction conditions.
3. Native material removed from the streambed during sewer main installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
4. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
5. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
9. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. 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.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
14. 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 prior to entering jurisdictional areas.
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. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. 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.
20. 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.
21. 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.
22. 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.
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 (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 demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. Stream flow will be maintained during construction.
6. The riverbed will be restored with existing river stone (stockpiled).
7. The project was reviewed by staff of the Nongame and Endangered Species Program who expressed the concern of potential riverbed degradation. The applicant provided evidence that the riverbed has not significantly degraded over the last 38 years, and the water main will be installed four feet below the existing stream grade.
8. The agent has coordinated with the Drinking Water/Ground Water Bureau.
9. The applicant provided a copy of a Permanent Utility Line and Access Easement from the owner of property identified on the Town of Waterville Valley tax map as Map 103 Lot 23.
10. No comments were submitted from the NH Natural Heritage Bureau or Conservation Commission.

**2011-00379 SMITH, SHIRLEY
CENTER HARBOR Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 8,548 sq. ft of forested wetlands for construction of an access road for Phase 2 of the Butterfield Road residential subdivision which includes 7 new residential lots and two "Green Area" lots. Work in wetlands consists of two wetland impact areas. Area #1 consists 6,347 sq. ft. of wetlands impact for the installation of a 6 ft. span x 4 ft. high x approximately 43 ft. run concrete box culvert embedded with natural wetland material (no angular rip-rap) with associated grading, filling and headwalls. Area #2 consists 2,174 sq. ft. of wetlands impact for grading and filling for the access road alignment.

APPROVE PERMIT:

Dredge and fill 8,548 sq. ft of forested wetlands for construction of an access road for Phase 2 of the Butterfield Road residential subdivision which includes 7 new residential lots and two "Green Area" lots. Work in wetlands consists of two wetland impact areas. Area #1 consists 6,347 sq. ft. of wetlands impact for the installation of a 6 ft. span x 4 ft. high x approximately 43 ft. run concrete box culvert embedded with natural wetland material (no angular rip-rap) with associated grading, filling and headwalls. Area #2 consists 2,174 sq. ft. of wetlands impact for grading and filling for the access road alignment.

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors dated May 2010 and plans by Fluet Engineering Associates, P.C. plans sheets dated February 26, 2010 and revised sheets through June 6, 2010, as received by the NH Department of Environmental Services (DES) on February 16, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
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 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. 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.
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. 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. 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.
14. 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.
15. 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.
5. The department received comments from the United States Environmental Protection Agency ("EPA") indicating the project is eligible for the New Hampshire State Programmatic General Permit ("SPGP").
6. DES has not received any objections regarding the proposed project from the affected abutter or others.
7. The Town of Center Harbor Conservation Commission submitted a 40-day hold request on the file.
8. The department did not receive any further comments from the Conservation Commission.
9. The department reviewed the applications after 40-day hold had passed.
10. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address work in wetlands that is within 20 feet of an abutting property per Administrative Rule Env-Wt 304.04.
11. The applicant attempted to obtain an agreement from the affected abutters but was unable to receive an approval response from all abutters.
12. The proposed project is the second phase of a residential subdivision in which phase one was approved on October 4, 1990 (File #88-1453). The previous approval included conceptual plans that depicted the additional access road.
13. The permit is conditioned that it does not convey a property right, nor authorize any injury to property of other, nor invasion of rights of others.
14. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
15. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

MINIMUM IMPACT PROJECT

2010-02354 KELLY, JAMES/NINA
BARNSTEAD Half Moon Lake

Requested Action:

Remove stone fill from 128 sq ft of bank, restore a total of 44.5 linear ft of stone retaining wall and replant approximately 135 sq ft of shoreline with native species to stabilize soils on an average of 203 ft of frontage on Half Moon Lake in Barnstead.

Conservation Commission/Staff Comments:
No comments from Con Com by 10/06/2010

APPROVE PERMIT:

Remove stone fill from 128 sq ft of bank, restore a total of 44.5 linear ft of stone retaining wall and replant approximately 135 sq ft of shoreline with native species to stabilize soils on an average of 203 ft of frontage on Half Moon Lake in Barnstead.

With Conditions:

1. All work shall be in accordance with plans by Frederick McGarry dated March 16, 2011, as received by the NH Department of Environmental Services (DES) on March 17, 2011.
2. All rock fill not utilized in the reconstruction of the stone retaining wall shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Repairs shall maintain the size, location, and configuration of the pre-existing retaining walls.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done in the dry.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

**2011-00103 BAILEY, ROBERT
WEARE Tributary To Peacock Brook**

Requested Action:

Dredge and fill ± 3,240 square feet of perennial stream to install a 16.8-foot x 6-foot x 15.75-foot precast open bottomed box culvert at a historic woods road crossing for driveway access to a single family residential lot.

APPROVE PERMIT:

Dredge and fill ± 3,240 square feet of perennial stream to install a 16.8-foot x 6-foot x 15.75-foot precast open bottomed box culvert at a historic woods road crossing for driveway access to a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated July 14, 2010, and revised through December 16, 2010, as received by the Department on January 10, 2011.
2. Work shall be done during low flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
14. 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.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
17. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 904.07(c), Tier 2 stream replacement.
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.

2011-00455 GEORGE, JENNI/SIMON
DEERFIELD Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,304 square feet of wetlands, including fill of 222 square feet for parking lot construction; 780 square feet to install twin 12" x 35' culverts at one crossing, and 302 square feet to install one 18" x 30' culvert at a second crossing, both in the same driveway, associated with the parking lot of a veterinary clinic.

APPROVE PERMIT:

Dredge and fill a total of 1,304 square feet of wetlands, including fill of 222 square feet for parking lot construction; 780 square feet to install twin 12" x 35' culverts at one crossing, and 302 square feet to install one 18" x 30' culvert at a second crossing, both in the same driveway, associated with the parking lot of a veterinary clinic.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering dated 2/3/2011, as received by the NH Department of Environmental Services (DES) on 3/7/2011.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. 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. 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.
5. 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.
6. 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.
7. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The work is necessary to provide improved access at a veterinary facility.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
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. Although there were species of concern reported for the project vicinity the NH Natural Heritage Bureau does not expect the species to be impacted by the project.
5. The Deerfield Conservation Commission did not report.

2011-00467 TOWN OF ORFORD
ORFORD Jacob's Brook

Requested Action:

Dredge and fill 580 square feet for the replacement of an existing bridge. Impacts in jurisdiction include 80 square feet (16 linear feet) of the bed of a perennial stream for the removal of an existing concrete bridge pier and approximately 500 square feet of the bank of a perennial stream for rip-rap protection of the abutments. A bridge will be installed landward of top of bank to landward of top of bank.

APPROVE PERMIT:

Dredge and fill 580 square feet for the replacement of an existing bridge. Impacts in jurisdiction include 80 square feet (16 linear feet) of the bed of a perennial stream for the removal of an existing concrete bridge pier and approximately 500 square feet of the bank of a perennial stream for rip-rap protection of the abutments. A bridge will be installed landward of top of bank to landward of top of bank.

With Conditions:

1. All work shall be in accordance with plans by Ruggles Engineering Services, Inc. entitled Bridge Replacement: Bridge 145/067 dated 01/31/2011 as received by DES on March 07, 2011.
2. Work shall be done during low flow.
3. No equipment shall enter the water.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
6. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.

7. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
8. 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 prior to entering jurisdictional areas.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
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. 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.
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. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minimum Impact Project per Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact;
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. A new bridge will be built in accordance with Env-Wt 303.05 (r): any stream crossing built landward of the top of one bank to landward of the top of the opposite bank so as not to impact jurisdictional areas.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

FORESTRY NOTIFICATION

2011-00664 RUBLO, LOLA
ALBANY Unnamed Stream

COMPLETE NOTIFICATION:
Albany Tax Map 3, Lot# 37

2011-00694 SPNHF
BOSCAWEN Unnamed Stream

COMPLETE NOTIFICATION:
Boscawen Tax Map 45, Lot# 62

EXPEDITED MINIMUM

**2010-03429 PSNH, ATTN: ALLAN PALMER
BOW Merrimack River**

Requested Action:

Proposal to dredge and fill 136 sq. ft. of wetlands and sluiceway channel to replace an existing wooden platform and stairs with a new steel platform and stairway and in-kind replacement of an existing concrete weir.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 136 sq. ft. of wetlands and sluiceway channel to replace an existing wooden platform and stairs with a new steel platform and stairway and in-kind replacement of an existing concrete weir.

With Conditions:

1. All work shall be in accordance with plans by Northeast Utilities "Construction Notes" plan sheet 1 of 1 dated August 3, 2010 and platform and stairway drawing, as received by DES on December 23, 2010 and "Dredge and Fill Application Plan" revision date March 7, 2011, as received by DES on March 7, 2011.
2. Work shall be done during low flow.
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. 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. 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.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant and Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received a comment letter from the Upper Merrimack River Local Advisory Committee ("UMRLAC") dated January 11, 2011.
6. The UMRLAC submitted comments regarding the correct resource category, justification for the need to remove a 12 inch red maple tree, request to maintain base flows through the channel if it is a perennial stream in order to protect resident aquatic species and concerns with the new structure creating debris jams and leading to bank erosion.
7. The applicant provided DES with a response (letter dated and received March 7, 2011) that addressed each of the UMRLAC comments.
8. The applicant copied the response to UMRLAC.
9. DES did not receive any additional comments from the UMRLAC.

**2011-00481 MORAN, MONTGOMERY
WOLFEBORO Wentworth Lake**

Requested Action:

Repair "in kind" 107 linear feet of retaining wall in the same footprint on Wentworth Lake, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair "in kind" 107 linear feet of retaining wall in the same footprint on Wentworth Lake, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans, as received by the NH Department of Environmental Services (DES) on March 29, 2011.
2. Repair shall maintain existing size, location and configuration.
3. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
4. Work shall be done in the dry.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of retaining wall conducted "in the dry" with no c change in height, length, location or configuration.

GOLD DREDGE

**2011-00350 CASSAVAUGH, GREGORY
(ALL TOWNS)**

Conservation Commission/Staff Comments:
cc Bath Con Com

2011-00574 **BLISH, KEITH**
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00575 **BLISH, CAROL**
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00675 **BILODEAU, RICHARD**
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00695 **HUBNER, PAUL**
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
CC Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2011-00681 **LEVENE, DAVID**
RINDGE Lake Monomonec

COMPLETE NOTIFICATION:
Rindge Tax Map 15, Lot# 35 Lake Monomonec

2011-00682 **QUINCHIA, BARBARA/IVAN**
HEBRON Newfound Lake

COMPLETE NOTIFICATION:
Hebron Tax Map 18A, Lot# 15 Newfound Lake

ROADWAY MAINTENANCE NOTIF

2011-00713 TOWN OF BELMONT
BELMONT Tioga River

PERMIT BY NOTIFICATION

2011-00627 UNIVERSITY OF NEW HAMPSHIRE
DURHAM Lamprey River

Requested Action:

Impact 150 square feet of upper bank of Lamprey River to install water level monitoring manhole, similar to dry hydrant without intake or discharge.

PBN IS COMPLETE:

Impact 150 square feet of upper bank of Lamprey River to install water level monitoring manhole, similar to dry hydrant without intake or discharge.

2011-00666 ELLIS, TODD
FREEDOM Ossipee River

Requested Action:

Repair existing retaining walls "in kind", "in the dry" on Ossipee Lake, Freedom.

Conservation Commission/Staff Comments:

Con Com signed Exp application

PBN IS COMPLETE:

Repair existing retaining walls "in kind", "in the dry" on Ossipee Lake, Freedom.

With Findings:

Repair existing retaining walls "in kind", "in the dry" on Ossipee Lake, Freedom.

2011-00673 CAMP DAVID LLC
SUNAPEE Lake Sunapee

Requested Action:

Remove existing seasonal dock, install a 6 ft x 40 ft seasonal dock, install a 4 ft x 7 ft concrete pad, install 2 seasonal PWC lifts, install 2 seasonal boatlifts, on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:
Remove existing seasonal dock, install a 6 ft x 40 ft seasonal dock, install a 4 ft x 7 ft concrete pad, install 2 seasonal PWC lifts, install 2 seasonal boatlifts, on Lake Sunapee, Sunapee.

With Findings:
Remove existing seasonal dock, install a 6 ft x 40 ft seasonal dock, install a 4 ft x 7 ft concrete pad, install 2 seasonal PWC lifts, install 2 seasonal boatlifts, on Lake Sunapee, Sunapee.

2011-00700 ALLISON, RICHARD
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair existing boathouse "in kind" with no modifications, on Lake Winnepesaukee, Wolfeboro.

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

PBN IS COMPLETE:
Repair existing boathouse "in kind" with no modifications, on Lake Winnepesaukee, Wolfeboro.

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.

2011-00705 ROCKY LEDGE SHORES CONDOS
LACONIA Lake Winnepesaukee

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

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

PBN IS COMPLETE:
Repair of existing docking structures with no change in size, location or configuration.

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

CSPA PERMIT

2010-02536 OLSON, JOSHUA
FITZWILLIAM Laurel Lake

Requested Action:

Impact 5,991 sq ft for the purpose of replacing a nonconforming primary structure in kind and constructing associated accessory structures and regrading activities.

APPROVE AMENDMENT:

PERMIT AMENDMENT: Amend shoreland impact permit to correct approved plan date and project description.

Impact 5,991 sq ft for the purpose of replacing a nonconforming primary structure in kind and constructing associated accessory structures and regrading activities.

With Conditions:

1. All work shall be in accordance with revised plans by Aspen Environmental Consultants, LLC., dated February 7, 2011 and received by the Department of Environmental Services ("DES") on February 10, 2011.
2. No more than 12.76% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed restoration areas as delineated on plans dated February 7, 2011, are planted and allowed to revert to undisturbed, natural ground cover as defined in RSA 483-B:4, X-b.
4. 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.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

ATF permit issued after a revised proposal was received that met the standards of RSA 483-B.

2011-00443 BANDTEL, KARL
CENTER HARBOR Squam Lake

Requested Action:

Impact 24,415 sq ft in order to construct a dwelling, garage, driveway and accessory structures.

APPROVE PERMIT:

Impact 24,415 sq ft in order to construct a dwelling, garage, driveway and accessory structures.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan dated February 15, 2011 and received by the NH Department of Environmental Services (DES) on March 10, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 6.76% 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 25,424 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.

2011-00539 G & A COLONY 2003 TRUST
HARRISVILLE Silver Lake

Requested Action:

Impact 11,810 sq ft in order to raze an existing house and rebuild a new structure in the same footprint with a modified driveway and pathways.

APPROVE PERMIT:

Impact 11,810 sq ft in order to raze an existing house and rebuild a new structure in the same footprint with a modified driveway and pathways.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering, Inc. dated February 14, 2011 and received by the NH Department of Environmental Services (DES) on March 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. 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.
4. No more than 28.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,809 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.
6. The proposed interceptor drain shall be located behind the waterfront buffer to minimize surface runoff.
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.

**2011-00599 DARTMOUTH COLLEGE, TRUSTEES OF
 HANOVER Connecticut River**

Requested Action:

Impact 13,872 sq ft for the purpose of relocating a swim dock and constructing an ADA access including an entrance kiosk, a pervious concrete path, stairs, stormwater detention areas, and the restoration of vegetation within the protected shoreland zone.

APPROVE PERMIT:

Impact 13,872 sq ft for the purpose of relocating a swim dock and constructing an ADA access including an entrance kiosk, a pervious concrete path, stairs, stormwater detention areas, and the restoration of vegetation within the protected shoreland zone.

With Conditions:

1. All work shall be in accordance with plans by Milone & MacBroom dated February 4, 2011 as revised through March 18, 2011 and received by the NH Department of Environmental Services (DES) on March 25, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Program or Wetlands Bureau will require a new application and further permitting by the Department.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. 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.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. Pursuant to NH Code of Admin. Rules Env-Wq 1413, the Department waives the requirements of Env-Wq 1406.12(h), the completion and submittal of the Shoreland Application Worksheet, based on the minimum impact the proposed project will have on the parcel's protected shoreland.

**2011-00611 BLODGETT, RICHARD/RUTH
 ENFIELD Mascoma Lake**

Requested Action:

Impact 3,120 sq ft in order to construct a stormwater collection and infiltration system that controls runoff flow.

APPROVE PERMIT:

Impact 3,120 sq ft in order to construct a stormwater collection and infiltration system that controls runoff flow.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated March 1, 2011 and received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. No more than 6.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 5,383 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.
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.

2011-00614 HOLDSWORTH, FREDERIC
LACONIA Winnepesaukee River

Requested Action:

Impact 80 sq ft to excavate beneath a porch and deck that is to be extended toward reference line.

APPROVE PERMIT:

Impact 80 sq ft to excavate beneath a porch and deck that is to be extended toward reference line.

With Conditions:

1. All work shall be in accordance with plans by Ciampa Construction dated March 1, 2011 and received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. No more than 21% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00616 RAFFERTY, ELIZABETH
ALEXANDRIA New Found Lake

Requested Action:

Impact 870 sq ft in order to expand existing deck and add a new patio and shed.

APPROVE PERMIT:

Impact 870 sq ft in order to expand existing deck and add a new patio and shed.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Co., Inc. dated March 23, 2011 and received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. No more than 22.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,260 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.
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.

2011-00619 SULLIVAN, MARK
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 6,734 sq ft in order to remove existing structure and build a larger structure.

APPROVE PERMIT:

Impact 6,734 sq ft in order to remove existing structure and build a larger structure.

With Conditions:

1. All work shall be in accordance with plans by Kane Engineering dated March 25, 2011 and received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. No more than 27% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 760 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.
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.

**2011-00622 LAKEHOUSE TRUST, TED WEISS
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Impact 1,926 sq ft in order to construct a retaining to alleviate erosion within the waterfront buffer.

APPROVE PERMIT:

Impact 1,926 sq ft in order to construct a retaining to alleviate erosion within the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated February 10, 2011 and received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. No more than 22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 6,311 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.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

**2010-03002 CORBETT, DAVID
BARNSTEAD Locke Lake**

Requested Action:

Impact 1,950 sq ft for the purpose of constructing a new garage and deck and installing stormwater controls.

APPROVE AMENDMENT:

PERMIT AMENDMENT: Amend Shoreland Impact Permit to expand deck size and attach garage to deck.

Impact 1,950 sq ft for the purpose of constructing a new garage and deck and installing stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by Varney Engineering, LLC. dated December 31, 2010 and received by the Department of Environmental Services ("DES") on February 17, 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 deed is sent to the department by certified mail, return receipt requested.
3. No more than 22.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

4. The proposed stormwater management plan shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. The proposed walkway shall be designed in a fashion that does not concentrate and discharge stormwater to public waters.
6. No impacts to natural ground cover shall occur within the waterfront buffer.
7. The project as proposed will leave approximately 2,300 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,988 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).
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. 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.
10. 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.
11. 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.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. 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.
15. Silt fencing must be removed once the area is stabilized.
16. 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.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Locke Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip edges of the proposed structure.
3. The applicant has proposed to install stormwater controls consisting of rain gutters that direct stormwater to a dry well.
4. The applicant has proposed to replace an eroding stairway system to the surface water with a new infiltration step system.
5. The applicant has proposed to install a series of stormwater controls, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00404 LERNER, JIM/LORI
BRIDGEWATER Newfound Lake

Requested Action:

Impact 21,800 sq ft for the purpose of expanding a nonconforming primary structure, constructing new accessory structures and installing stormwater controls.

APPROVE PERMIT:

Impact 21,800 sq ft for the purpose of expanding a nonconforming primary structure, constructing new accessory structures and installing stormwater controls.

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

With Conditions:

1. All work shall be in accordance with revised plans by Pollock Land Planning, LLC., dated April 4, 2011 and received by the Department of Environmental Services ("DES") on April 5, 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 28.8% 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 shall occur to natural ground covers within the waterfront buffer.
7. The vegetation planted within both the bio-retention areas and the waterfront buffer shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
8. The vegetation planted within the bio-retention areas shall not be removed without the written approval of DES.
9. 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.
10. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,000 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans received by DES must remain in an unaltered state.
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.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Newfound Lake 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 within the protected shoreland by 2,053 sq ft.
4. The applicant has proposed to install stormwater controls consisting of regrading area that will direct stormwater to a bioretention swales.
5. The applicant has proposed to reduce impervious area within the waterfront buffer and plant additional, native vegetation.
6. The applicant has proposed to install stormwater controls, enhance the waterfront buffer and decrease the overall impervious area 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.

UTILITY NOTIFICATION

**2011-00676 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
WINCHESTER Unnamed Wetland**

**2011-00677 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
HINSDALE Unnamed Wetland**

**2011-00678 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
LITTLETON Unnamed Wetland**

**2011-00679 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
CHARLESTOWN Unnamed Wetland**

**2011-00683 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
CLAREMONT Unnamed Wetland**

**2011-00684 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
CORNISH Unnamed Wetland**

**2011-00685 NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID
PLAINFIELD Unnamed Wetland**

**2011-00686 PSNH
SOMERSWORTH Unnamed Wetland**

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

2011-00687 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
LEBANON **Unnamed Wetland**

2011-00688 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
MONROE **Unnamed Wetland**

2011-00689 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
HUDSON **Unnamed Wetland**

2011-00690 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
PELHAM **Unnamed Wetland**

2011-00691 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
WALPOLE **Unnamed Wetland**

2011-00692 **NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**
WINDHAM **Unnamed Wetland**