

Wetlands Bureau Decision Report

Decisions Taken
06/27/2011 to 07/03/2011

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

**2007-02278 THE ERIC M OLSON TRUST
RINDGE Robbins Pond**

Requested Action:

Approve name change to: The Eric M. Olson Trust, PO Box 252, Rindge NH 03461. Previous owner: Frederick Dodd.

Conservation Commission/Staff Comments:

1. The Rindge Conservation Commission supports repair of the dam.

APPROVE NAME CHANGE:

Dredge and fill 74,000 sq. ft. of palustrine and lacustrine wetlands for reconstruction of an existing dam located on Robbins's Pond in Rindge. Compensatory mitigation for the wetland impacts consists of a conservation easement on a 17 acre parcel created on the project property that will connect to an existing conservation parcel.

With Conditions:

1. All work shall be in accordance with plans by HTE Northeast Inc., plan sheets 1, 2 and 5 of 7 revision dated April 2008, plan sheet 3 of 7 revision dated March 2008, plan sheet 4 of 7 revision dated June 2008, plan sheet 6 of 7 revision dated July 2008, plan sheet 7 of 7 dated April 7, 2008 and plan sheet W-1 dated July 2, 2008, as received by DES on January 15, 2009 and applicable narratives by Eco Terra, LLC., dated April 8, 2008, as received by DES on May 9, 2008 and narratives dated and revised through September 18, 2008, as received by DES on September 24, 2008.
3. This permit is contingent on approval by the DES Dam Safety Program.
4. This permit is contingent on approval by the DES Watershed Management Bureau.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream/pond flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Work shall be done during drawdown and low flow.
7. 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.
8. 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.
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. Unconfined work within the stream/pond, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. 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.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. 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.
15. 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.
16. 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.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

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

19. 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.

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

21. 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.

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

Wetland/upland buffer preservation:

23. This permit is contingent upon the execution of a conservation easement on a 17 acre parcel as depicted on plans received September 24, 2008.

24. 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.

25. 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.

26. 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.

27. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

28. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

29. 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.

30. 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 the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2010-03324 AIKENS JR, PETER & MISTY
RYE Tidal Wetland

Requested Action:

Construct a 5 ft. x 10 ft. permanent dock to be located in a small tidal creek to dock an outboard motor powered watercraft in Parson's Creek, a tributary to the Atlantic Ocean.

Conservation Commission/Staff Comments:

See findings.

Inspection Date: 06/24/2011 by Eben M Lewis

DENY PERMIT:

Construct a 5 ft. x 10 ft. permanent dock to be located in a small tidal creek to dock an outboard motor powered watercraft in Parson's Creek, a tributary to the Atlantic Ocean.

With Findings:

The decision to deny this permit application was based on the following findings:

1. Pursuant to RSA 482-A:1, approvals must be consistent with the findings of public purpose, which holds that it is in the public good to protect the state's waters from unregulated alteration:
 - a) Salt marsh ecosystems are one of the most valuable natural resources in the Gulf of Maine and in New Hampshire in particular, where only about 5,500 acres currently exist compared with nearly three times that amount estimated to have been present at the time of settlement.
 - b) The disappearance of the marshes is attributed to filling for road construction and real estate development as well as, more recently, by invasive plant species such as the Tall Reed (*Phragmites* sp.) and Purple Loosestrife (*Lythrum* sp.) colonizing areas where the hydrology has been altered and tidal flows have been interrupted or truncated due to a variety of anthropogenic activities.
 - c) Salt marshes provide a number of essential functions and values including: being a nursery for diverse species of shellfish and finfish, many of which are commercially important; wetland wildlife habitat for numerous species of birds and mammals; pollutant attenuation and removal of water borne pollutants from upland runoff; shoreline anchoring and abatement of storm surge during major ocean storm events and hurricanes; a 'living laboratory' for educational and research opportunities in many aspects of coastal ecology; they provide many opportunities for recreational activities such as fishing, hunting, shellfish harvesting, canoeing and kayaking and bird watching; and are of exceptional real estate value, by having considerable aesthetic appeal in their unspoiled and undeveloped condition.
 - d) Since 1990 a number of salt marsh restoration projects have been implemented in New Hampshire, restoring a total of about 650 acres of salt marsh by the removal of hydrologic restrictions to tidal flow and in some cases, such as the subject Parson's Creek salt marsh in Rye, in March 1998, by the replacement of under-sized culverts with 2 (two) precast concrete box culverts beneath Wallis Road to increase tidal flushing.
2. Pursuant to RSA 482-A:3 XIII. (a), All boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters, and at least 20 feet in tidal waters. (b) Boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line. (c) Notwithstanding the provisions of subparagraph (a), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services.
3. Pursuant to Env-Wt 101.29 ""Dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure is in the water or not."
4. Pursuant to Env-Wt 302.01 Statement of Purpose (a) "For tidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of tidal wetlands. No project shall be allowed that intrudes into a tidal wetland unless the department finds it to be for the public good as set out in RSA 482:A-1. Preserving the integrity of salt marshes and other tidal wetlands shall be given highest priority by the department, because of the high productivity and rarity of such wetlands and the difficulty in restoration of value and function for those environments."
5. Pursuant to Env-Wt 302.04(d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
6. Pursuant to Env-Wt 302.04(d)(2), the department shall not grant a permit if the project will contribute to significant degradation of the waters of the state.
7. Pursuant to Env-Wt 302.04(d)(3), the department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands:
8. On 12/09/2010 the DES received an application to impact 482 sq. ft. of tidal marsh wetlands for the purpose of constructing a 120 ft. x 4 ft. elevated walkway across a tidal (salt) marsh to a 5 ft. x 16 ft. permanent dock to be located in a small tidal creek know as Parsons Creek.
9. On December 9, 2010 the DES issued a notice the application was Administratively Complete.
10. On January 4, 2010 the DES received a 3-page letter from the Rye Conservation Commission stated, in summary, "The Rye Conservation Commission is opposed to the proposed project and very strongly urges denial of the application."
11. Concerns expressed by the Rye Conservation Commission include:
 - a) "...the application had not demonstrated any need for the proposed project, and the Conservation commission perceives none ..."
 - b) ". . . The proposed project was intended to enable [the] applicant's son to easily bring a kayak to Wallis Creek and then to kayak south to Petey's Restaurant (run by Mr. Aikens) a distance of several tenths of a mile."
 - c) Concerns regarding an outboard motor powered boat being docked in the marsh.

12. On January 26, 2011, the DES received a letter from Pease International, Division of Ports and Harbors, Chief Harbor Master stating: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel."

13. On January 26, 2011, the DES sent a "Request for More Information" (RFMI) to the applicant and the agent requesting the following:

- a) The fee correct filing fee.
- b) The applicant incorrectly classified the project as a minor impact application. As proposed, this project is a major impact project pursuant to Env-Wt 303.02 Major Projects (a) Projects in sand dune, tidal wetlands, or bogs, except for repairing of existing structures pursuant to Env-Wt 303.04(v)
- c) DES questions the need for the proposed project in accordance with Env-Wt 302.04(a)1 as no need was provided.
- d) No alternatives with the least impacts to wetlands were explored pursuant to Env-Wt 302.03.
- e) No explanation had been provided clarifying how the impacts will have a minimal effect on the tidal salt marsh in accordance with Env-Wt 302.04(a)4. No details were provided for the restoration of the temporary impacts.
- f) The application did not reflect the correct square footage of impacts.
- g) DES disagreed with the applicant's response to Env-Wt 302(a)7 as the applicant stated that the "impacts on plants, fish, and wildlife are negligible."
- h) DES questions the applicant's statement that the structures will not impacts public commerce, navigation and recreation pursuant to Env-Wt 302.04(a)8.
- i) Explain how this project will not negatively impact the aesthetics interest of the general public stated in Env-Wt 302.04(a)9.
- j) No evidence supported the applicant's response to Env-Wt 302.04(a)10.
- k) The applicant must obtain written consent from the abutter, The Town of Rye, for the dock pursuant to RSA 482-A XIII(a).
- l) Explain how the project will not exacerbate flooding, erosion and sedimentation to the marsh and creek channel as state in Env-Wt 302.04(14).

14. On April 07, 2011 the DES received a 2-page response to the RFMI from the applicant including the correct fee, their responses items (a) through (l) of the RFMI and changed the plan to reflect a proposed 5' x 10' deck on the marsh in lieu of the docking structures:

15. Pursuant to Env-Wt 302.04(a)1 the response to the RFMI states: "Access to the waterway is an inherent right in the property. The owner would like to use his rights to access the creek and minimize the affect to the wetlands."

16. Pursuant to Env-Wt 302.04(a)4 the response to the RFMI states, in summary, the reduction of structures on the marsh and the use of construction matting.

17. Pursuant to Env-Wt 302.04(a)6 the response to the RFMI states, "the total temporary impacts are 920 s.f. and the total permanent impact is 50 s.f. for the deck structure.

18. Pursuant to Env-Wt 302.04(a)7 the response to the RFMI states, in summary, "the revised projects impact to plants, fish, and wildlife will be far less..."

19. Pursuant to Env-Wt 302.04(a)8 the response to the RFMI states, "the new deck structure will not impact public commerce because the structure is no in the creek. The owner will tie his boat to the piling on the side of the creek and climb a ladder to access the deck and then walk across the wetland grass to his property."

20. Pursuant to Env-Wt 302.04(a)9 the response to the RFMI states, "this project will not impact the aesthetic interest of the public because it is only a 5' x 10' deck building slightly above finish grade on a one acre parcel."

21. Pursuant to Env-Wt 302.04(a)10 the response to the RFMI states, "We have removed the floating dock structure and the owners small boat will tie directly to the pilings of the deekc on the side of the creek. The channel is approximately 15' wide at this section."

22. Pursuant to RSA 482-A:3XII the response to the RFMI states, "The proposal is no longer for a boat docking facility. The revised proposal is for a deck, constructed on the tidal marsh, with a ladder to access the creek. We do not believe consent from the abutter is required for this type of structure/deck."

23. Pursuant to Env-Wt 302.04(a)14 the response to the RFMI states, "The proposed deck structure will be attached at 6 points by pilings. The structure will not hold back or detain any water or exacerbate flooding. The decking flooring will be open to allow water flow through it to the marsh below which will not contribute to flooding.

24. DES finds the following in response to the agents' RFMI response of April 07, 2011:

- a. The statements cited above, as submitted by the agent to the " rights to access the creek" provide no corroborating statutory reference and have no legal grounding which supersedes the regulatory authority of the DES as promulgated under RSA 482-A
- b. The agent provided no clarification of the restoration of temporary impacts.
- c. No evidence substantiated the agents statement "the revised projects impact to plants, fish, and wildlife will be far less".
- d. DES finds that the proposed deck is incorrectly defined by the applicant as the owner intends to use the deck as a dock and therefore is defined as a "Dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to

discharge and load passengers, freight, and other goods whether the structure is in the water or not pursuant to Env-Wt 101.29.

e. The applicant did not obtain notarized, written consent from the abutter, Town of Rye, as the proposed dock is located within 20 feet and is therefore not compliant with RSA 482-A:3 XIII(c).

f. The proposed deck would be approximately 1 foot above the existing substrate and no corroborating evidence supported the agents statement, "The structure will not hold back or detain any water or exacerbate flooding." DES finds that the 6 piles and the height of the deck would contribute to erosion and flooding as debris, including but not limited to, seaweed, dead saltmarsh vegetation, and other materials flushed through the area by the tides would be caught in the between the piles.

25. In response to 302.04(a)(16) regarding Cumulative Impacts, the applicant does not adequately address this factor and did not provide the DES with the required documentation of the applicant's percentage of ownership of this wetland, which has multiple owners, and the percentage of that ownership that would be impacted.

26. On May 26, 2011, DES received an email from the Rye Conservation Commission following their review of the revised plans stating their reasons for denial of the application and stated, in summary, the following:

- a. The height of the dock above the saltmarsh will affect the saltmarsh
- b. How the boat would be secured to the dock.
- c. What size boat would use the dock.
- d. Pollutants from the boat damaging Parson's Creek.

27. On June 24, 2011, DES personnel inspected the property and location of the proposed structure on Parsons Creek. Field inspection found that there are NO other docking structures of the type proposed in this application located anywhere on this salt marsh.

28. Upon review of all materials submitted to the record on this application, the DES finds that this project does not represent the least impacting practicable alternative for the applicant to access the tidal waters contiguous with the Atlantic Ocean and therefore is not compliant with Env-Wt 302.04(d)(1)

29. DES finds that this project would cause or contribute to significant degradation of waters of the state as the piles of the deck will exacerbate erosion of the salt marsh by accelerating calving of the bank of the saltmarsh along Parsons Creek and is therefore not complaint with Env-Wt 302.04(d)(2)

30. DES finds the project will cause random or unnecessary destruction of wetlands as the lack of height of the deck will shade the underlying vegetation and eventually kill the vegetation and is therefore not complaint with Env-Wt 302.04(d)(3).

31. Upon review of all materials submitted to the record on this application and upon field inspections by DES personnel, this project will, more than likely, contribute to the degradation of, and result in the loss of, the ecological integrity of the fragile tidal marsh ecosystem of the Parson Creek salt marsh and therefore the DES shall not grant a permit pursuant to RSA 482-A:1 and Env-Wt 302.04(d)(2).

32. Given that the owner was granted an After-the-Fact Approval at his restaurant, Petey's, approximately 2,100 feet away to "retain 150 sq. ft. within tidal waters for the construction of an 85 sq. ft. fixed pier with a 2 ft. x 8 ft. ramp to a 4 ft. x 12 ft. float" on Parsons Creek under NH DES Wetlands Bureau File 2004-01528 on 10/08/2004, there is a practicable and least environmentally impacting alternative to constructing a boat docking system in the tidal marsh, which would represent unnecessary destruction of wetlands, and therefore the DES shall not grant a permit pursuant to Env-Wt 302.04(d)(3).

2011-00531 BELL, THOMAS
WOLFEBORO Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 ft seasonal dock connected to a 4 ft x 6 ft concrete pad, construct a 500 sq ft perched beach with 4 ft wide access steps to the waterbody, remove 5 cubic yards of material from 142 sq ft of lakebed, repair in kind an existing 21 ft 5 in x 31 ft boathouse, on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments with regards to seasonal dock and Loon nest

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock connected to a 4 ft x 6 ft concrete pad, construct a 500 sq ft perched beach with 4 ft wide access steps to the waterbody, remove 5 cubic yards of material from 142 sq ft of lakebed, repair in kind an existing 21 ft 5 in x 31 ft boathouse, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 04, 2011, as received by the NH Department of Environmental Services (DES) on March 17, 2011, and boathouse plans by North Country CAD dated March 11, 2011 as received by the NH Department of Environmental Services on March 17, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. 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(d), construction or modification of a major docking system.
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. In accordance with RSA 482-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.
6. The applicant is the only owner of this island property.
7. The applicant has an average of 1287 feet of shoreline frontage along Lake Winnepesaukee.
8. A maximum of 18 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
9. The proposed docking facility will provide 6 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2005-01506 HERRICK, DAVID/MARLO
HOPKINTON Unnamed Wetland

Requested Action:

Request to waive Administrative Rule Env-Wt 502.01 which states "issued permits and completed permit by notifications shall have a duration of 5 years..."

APPROVE TIME EXTENSION:

Dredge and fill 15,905 square feet of palustrine forested and emergent wetland for access in the proposed subdivision of 75.49 acres into 22 single family residential lots. Mitigate for the proposed impacts through a preservation of 12.82 acres, 6.73 acres will be protected via conservation easement and 6.10 acres to be transferred to the town by warrantee deed.

With Conditions:

1. All work shall be in accordance with plans by TF Bernier Inc., dated June 2005, and revised through June 20, 2005, as received by the Department on June 30, 2005 and water diversion plan by Aspen Environmental Consultants, LLC, as received by the Department on May 25, 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. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during no flow conditions.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Mitigation Conditions:

17. This permit is contingent upon the preservation of approximately 12.84 acres which includes 6.414 acres of wetlands and 6.413 acres of contiguous upland buffer. This land shall be protected to be protected as follows: 6.10 acres of land identified as Subdivision lot 99-22 shall be protected via warranty deed granted to the Town of Hopkinton with stewardship provided by the Conservation Commission, and 6.73 acres shall be protected via a conservation easement granted to the Hopkinton Conservation Commission across lots 99-9, 99-15, 99-16, 99-20, 99-21 and 99-23.
18. All mitigation shall be in accordance with plans prepared by TF Bernier Inc. dated December 2005, as received by the Department on February 7, 2006.

19. Lot 99-22, shall be conveyed to The Town of Hopkinton by Warrantee Deed and be under the stewardship of the Hopkinton Conservation Commission.
20. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed and the Conservation Easement granted to the Conservation Commission shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
21. DES Wetlands Bureau Staff shall review the restrictions of the proposed Warrantee Deed prior to recordation with the Merrimack County Registry of Deeds.
22. DES Wetlands Bureau Staff shall review the restrictions of the proposed conservation easement prior to the recordation with the Merrimack County Registry of Deeds.
23. A plan providing the boundaries of the preservation lot, Conservation Easement area and a stewardship plan shall be submitted to DES Wetlands Bureau for review prior to recordation with the Merrimack County Registry of Deeds.
24. A copy of the recording of the deed, easements, stewardship plan, and preservation lot plan, from the Merrimack County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
25. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.
26. The applicant or the applicant's agent shall supply a copy of the "Homeowner-ltr-form" and a copy of the recorded easement plan to each of the affected property owners.
27. Signs to indicate the location of and restrictions on the preservation areas shall be posted no further than every 150 feet along the boundary of the conservation areas prior to tree clearing for construction.
28. The logging activities in the open space/preservation area shall be severely limited by the Warrantee Deed and the Easement.
29. There shall be no removal of the existing vegetative undergrowth within the preservation area and clear cut logging, the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. Activities in contravention of the Warranty Deed or Conservation Easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

DES reaffirms findings 1 through 15 with additional findings:

1. This is a minor impact project per Administrative Rule 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 Wt 303.04(f); and Administrative Rule 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 Wt 303.04(n).
2. The applicant previously proposed a cluster development to limit impacts but the concept was not approved by the town.
3. The applicant is required to install a through road per the requirements of the town of Hopkinton.
4. All impact areas are for access to buildable uplands.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant is unable to relocate the entrance to Annie Gunn Lane further to the west due to highly erodable steep slopes.
7. The applicant has agreed to install open bottom culverts on intermittent streams to maintain a natural stream channel.
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 Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
10. The applicant has address all the requirements of Wt 304.09.
11. The Hopkinton Conservation Commission supports the proposed project and is willing to steward the conservation lands per their letter dated February 18, 2006.
12. The applicant will mitigate for the proposed impacts by preserving 12.8 acres of wetland and upland areas, this is in excess of the requirements of Chapter Wt 800.
13. The conservation lands consist of a large emergent/scrub shrub wetland and stream corridors into and out of this system.
14. The conservation lands were targeted for their habitat given the possible presence of wood turtles on the site.
15. The Conservation lands abut the "Open Space" land of "Brockwood Development" located on Map 209, 37.

Additional Finding:

16. The applicant's agent met with DES on March 15, 2011 because the permit was close to expiring and he wanted to discuss

- extending the permit expiration deadline due to the poor economic conditions and discuss work that had already been completed.
17. DES suggested that requesting a waiver to the timeframes prescribed by Administrative Rule Env-Wt 502.01 may be appropriate given the economic constraints.
 18. Administrative Rule Env-Wt 204.01 provides that waiver to rules are to accommodate those situations where strict adherence to the rules would not be in the best interest of the public or the environment.
 19. On April 1, 2011, DES received the request (before the permit expired) for a waiver pursuant to Env-Wt 204.03.
 20. Administrative Rule Env-Wt 204.04(a) provides that a request for a waiver shall be granted if:
 - (1) Granting the request will not result in:
 - a. An adverse effect to the environment or natural resources of the state, public health, or public safety; or
 - b. An impact on abutting properties that is more significant than that which would result from complying with the rule; and
 - (2) One or more of the following conditions is satisfied:
 - a. Granting the request is consistent with the intent and purpose of the rule being waived;
 - b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant;
 - (b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement.
 21. Permit 2005-01506 had an expiration date of April 4, 2011.
 22. The majority of the wetland impacts have been completed with only 3,091 sq. ft. of impact remaining.
 23. The applicant's agent has indicated that the project complies with Administrative Rules for stream crossings Chapter Env-Wt 900.
 24. The applicant has requested a 5-year extension of the existing permit.
 25. Compliance with the rule in this case would represent a burden and economic hardship to the applicant.
 26. The applicant provided the additional impact fees that are consistent with the current impact fee structure.
 27. Due to the current economic conditions and fact that the project has started, DES believes that a 5-year time extension is appropriate to allow time for the economy to recover and the work to be completed.
 28. No further time extension will be granted by the DES Wetlands Bureau for this project.
 29. The request has been processed through a wavier, however, a recent change to RSA 482-A:3 (Senate Bill 38) will allow for up to a 5-year permit extension for valid permits, effective August 6, 2011.
 30. Based on findings 16 through 29 DES has granted the waiver request and granted a onetime permit timeframe extension.

2011-00339 PIKE INDUSTRIES INC
COLUMBIA Beaver Brook

Requested Action:

Approve name change to Pike Industries, Inc., 3 Eastgate Park Rd., Belmont NH 03220 per request received 6/27/11. Previous owner: Triple K Properties, LTD.

APPROVE NAME CHANGE:

Dredge and fill 3,831 square feet within palustrine scrub-shrub wetlands, an intermittent stream (impacting 50 linear feet), and the bank of an unnamed perennial stream (impacting 32 linear feet) to expand an existing gravel and stone excavation pit (Ledge Pit) and to provide road access to an adjacent gravel pit. In addition, 10,670 square feet of previously impacted wetlands and intermittent stream channel (290 linear feet) will be restored as part of the project.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, Inc. dated January 2011, as received by the NH Department of Environmental Services (DES) on February 10, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. 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.
11. 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.
12. 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.

Wetland/Stream Restoration Conditions:

13. This permit is contingent upon the restoration of 10,670 square feet of wetlands and an intermittent stream channel (290 linear feet) in accordance with the plans received by DES on February 10, 2011.
14. The schedule for construction of the restoration areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
15. Wetland/stream restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland and stream areas similar to those 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.
16. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
17. 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 and third years following the completion of each restoration area.
18. 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.
19. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2011-00414 MARSILIO, DOMINICK
WOLFEBORO Sargents Pond

Requested Action:

Construct a 390 sq ft perched beach with less than 10 cubic yards of sand and 4 ft wide access steps to the waterbody, excavate 1 cubic yard from 16 sq ft of lakebed to provide access, install a 6 ft x 30 ft seasonal dock connected to a 7 ft x 3 ft concrete pad, on Sargents Pond, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com requested 40 day hold with no follow up comments submitted.

APPROVE PERMIT:

Construct a 390 sq ft perched beach with less than 10 cubic yards of sand and 4 ft wide access steps to the waterbody, excavate 1 cubic yard from 16 sq ft of lakebed to provide access, install a 6 ft x 30 ft seasonal dock connected to a 7 ft x 3 ft concrete pad, on Sargents Pond, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders revision dated June 09, 2011, as received by the NH Department of Environmental Services (DES) on June 13, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 718). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. 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 material from the lakebed.
2. The applicant has an average of 153 feet of shoreline frontage along Sargents Pond.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2011-01081 ST PAULS SCHOOL
CONCORD Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 9,600 sq. ft. of wetlands for constuctions of a synthetic turf field, supporting building and parking lot.

WITHDRAW APPLICATION:

Withdraw proposal to dredge and fill 9,600 sq. ft. of wetlands for constuctions of a synthetic turf field, supporting building and parking lot.

With Findings:

1. On June 20, 2011, the department received a request from the applicant to withdraw his pending application, Wetlands Bureau File #2011-01081.
2. The department has completed the request.

MINIMUM IMPACT PROJECT

2011-00308 SANDWICH DIAMOND LEDGES LLC
SANDWICH Unnamed Wetland

Requested Action:

Dredge and fill 2,900 square feet of wetlands to construct an access driveway as part of a four lot subdivision.

APPROVE PERMIT:

Dredge and fill 2,900 square feet of wetlands to construct an access driveway as part of a four lot subdivision.

With Conditions:

1. All work shall be in accordance with the plans by Hambrook Land Surveying dated January 2011 revised June 01, 2011 as received by DES June 10, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culverts shall be laid at original grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
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. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

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.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a vernal pool survey and narrative, completed by a NH certified wetland scientist, in which three vernal pool areas were identified.
6. The applicant has provided an approximately 100 foot buffer to the vernal pool areas located on the site.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

2011-00909 BRADFORD REALTY LLC
STRAFFORD Bow Lake

Requested Action:

Install a 6 ft x 40 ft seasonal dock, construct a 20 ft x 20 ft perched beach with less than 10 cubic yards of sand and 3 ft wide access steps on an average of 302 ft of shoreline frontage, Bow Lake, Strafford.

Conservation Commission/Staff Comments:

No comments from Con Com by 06/23/2011

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock, construct a 20 ft x 20 ft perched beach with less than 10 cubic yards of sand and 3 ft wide access steps on an average of 302 ft of shoreline frontage, Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills dated June 28, 2011, as received by the NH Department of Environmental Services (DES) on June 29, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 514.82). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

2011-00937 NH DES
CLARKSVILLE Unnamed Stream

Requested Action:

Confirm Emergency Authorization impact approximately 720 square feet (200 linear feet) of intermittent streams to replace in-kind six culverts that failed during recent flooding.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization impact approximately 720 square feet (200 linear feet) of intermittent streams to replace in-kind six culverts that failed during recent flooding.

With Conditions:

1. 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 project is classified as Minimum Impact Project per Rule Env-Wt 303.04(j).
2. The emergency repairs were needed to provide safe passage on the road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 03, 2011.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

**2011-00939 GRIFFIN, MIKE
FRANKLIN Winnepesaukee River**

Requested Action:

Proposal to maintenance dredge 1000 square feet sediment build-up in front of the intake trash-racks at the Franklin Generating Station in the Winnepesaukee River.

APPROVE PERMIT:

Maintenance dredge 1000 square feet sediment build-up in front of the intake trash-racks at the Franklin Generating Station in the Winnepesaukee River.

With Conditions:

1. All work shall be in accordance with plan and narrative as received by the NH Department of Environmental Services (DES) on May 4, 2011.
2. All work shall be done during low flow conditions unless emergency conditions exist. If work is proposed in high flows the permittee shall contact DES Wetlands in writing two business days prior to dredging and written authorization from DES Wetlands shall be obtained prior to working in high flows.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Dredge shall maintain the original depths, additional material shall not be removed.
9. 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(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The department has issued three other permits over the last 20-years for the same impact area.

EXPEDITED MINIMUM

2010-03330 BERWEGER, RAY
WOLFEBORO Rust Pond

Requested Action:

Construct a 815 sq ft perched beach with less than 10 cubic yards of sand and 6 ft wide access steps to the waterbody, on Rust Pond, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments with concerns, applicant should perch beach, possible lake dredging, poor plans and correct application used

APPROVE PERMIT:

Construct a 815 sq ft perched beach with less than 10 cubic yards of sand and 6 ft wide access steps to the waterbody, on Rust Pond, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated May 28, 2011, as received by the NH Department of Environmental Services (DES) on May 31, 2011.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 579). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2011-01137 PAUGUS POINT A CONDOMINIUM
LACONIA Lake Winnepesaukee

Requested Action:

Repair an existing 6 ft x 30 ft piling supported dock with a 3 piling ice cluster on a frontage with an existing 6 ft x 30 ft seasonal dock, a 5 ft x 35 ft seasonal dock, a 4 ft x 29 ft seasonal dock, a 6 ft x 30 ft seasonal dock, and a 6 ft 6 in x 40 ft permanent dock on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com submitted comments with regards to possible milfoil impacts

APPROVE PERMIT:

Repair an existing 6 ft x 30 ft piling supported dock with a 3 piling ice cluster on a frontage with an existing 6 ft x 30 ft seasonal dock, a 5 ft x 35 ft seasonal dock, a 4 ft x 29 ft seasonal dock, a 6 ft x 30 ft seasonal dock, and a 6 ft 6 in x 40 ft permanent dock on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on May 20, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

**2011-01254 BELANGER, SUSAN
GILFORD Lake Winnepesaukee**

Requested Action:

Repair an existing docking structure consisting of a 6 ft x 37 ft piling pier with a seasonal boatlift and 3 pilings to support a 14 ft x 30 ft seasonal canopy on 132 ft of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Con signed Exp Application

APPROVE PERMIT:

Repair an existing docking structure consisting of a 6 ft x 37 ft piling pier with a seasonal boatlift and 3 pilings to support a 14 ft x 30 ft seasonal canopy on 132 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by James Belanger dated May 19, 2011, as received by the NH Department of Environmental Services (DES) on June 01, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

2011-01299 WILKINSON, MARK
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 30 ft piling supported dock and 6 ft x 8 ft deck over the bank, install a 6 ft x 40 ft seasonal dock connected to a 7 ft x 3 ft concrete pad on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 6 ft x 30 ft piling supported dock and 6 ft x 8 ft deck over the bank, install a 6 ft x 40 ft seasonal dock connected to a 7 ft x 3 ft concrete pad on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated May 25, 2011, as received by the NH Department of Environmental Services (DES) on June 06, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The permanent dock shall be completely removed prior to the installation of the seasonal dock.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.

6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pad shall be completely located behind the natural undisturbed shoreline.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

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

GOLD DREDGE

2011-01455 BEAUDOIN, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: BathConCom

2011-01524 CHAFFEE, BRIAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01525 PERRY, SCOTT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01526 BOYNTON, THOMAS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01527 MATHESON, FREDERICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01531 WAGNER, ARTHUR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Com

2011-01554 GRACE, JOSEPH
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01555 LASKOSKI, STEPHEN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath Con Com

2011-01556 LASKOSKI, LUKE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2011-01528 MERWIN, LINDA
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Moultonboro Tax Map 131, Lot# 14 Lake Winnepesaukee

2011-01529 PINARD, KENNETH/LOU ANN
STEWARTSTOWN Big Diamond Pond

COMPLETE NOTIFICATION:
Stewartstown Tax Map 249, Lot# 1 Big Diamond Pond

2011-01553 GEILEN, JOHN
NEWTON Country Pond

COMPLETE NOTIFICATION:
Newton Tax Map 2, Lot# 3 Country Pond

**2011-01569 COPELAND, WILLIAM
MOULTONBOROUGH Squam Lake**

COMPLETE NOTIFICATION:
Moultonboro Tax Map 84, Lot# 3 Squam Lake

ROADWAY MAINTENANCE NOTIF

**2011-01510 NH DEPT OF TRANSPORTATION
RANDOLPH Unnamed Stream**

COMPLETE NOTIFICATION:
Replace an 18" culvert with a24" and extend by 6'

**2011-01558 NH DEPT OF TRANSPORTATION
ROLLINSFORD Roadside Ditch**

COMPLETE NOTIFICATION:
Clean a roadside ditch

**2011-01560 NH DEPT OF TRANSPORTATION
GREENLAND Unnamed Wetland**

COMPLETE NOTIFICATION:
Replace an existing 24" CMP culvert with a 42" CMP culvert

**2011-01561 NH DEPT OF TRANSPORTATION
LYME Unnamed Stream**

COMPLETE NOTIFICATION:
Replace 100 feet of an existing 18" CGMP with 100 feet of 24" RCP culvert pipe

PERMIT BY NOTIFICATION

**2011-01477 STANLEY REV TRUST, STANLEY
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.

2011-01478 CHRISTI, JOSEPH
TILTON Lake Winnisquam

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

Conservation Commission/Staff Comments:
Con Com signed PBN form

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

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

2011-01479 NORTHEAST DEVELOPERS LLC
ALTON Lake Winnepesaukee

Requested Action:
Install a seasonal dock and concrete anchor pad on Lake Winnepesaukee.

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

PBN IS COMPLETE:
Install a seasonal dock and concrete anchor pad on Lake Winnepesaukee.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (a) and (ab), install a seasonal dock and concrete anchor pad.

2011-01492 KALLFELZ, JAMES/ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee

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

Conservation Commission/Staff Comments:
Con Com signed PBN form

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

With Findings:

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

CSPA PERMIT

2008-02690 DIEHL, DEBONY
JACKSON Ellis River

Requested Action:

AMENDMENT DESCRIPTION: Revised plans sent April 29, 2011 to add 1,492 sq ft of parking area.

Impact 921 sq ft for the purpose of installing a septic system.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans sent April 29, 2011 to add 1,492 sq ft of parking area.

Impact 921 sq ft for the purpose of installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Company dated January 8, 2009 and received by the Department of Environmental Services ("DES") on January 12, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts to currently unaltered native vegetation in order to comply with RSA 483-B:9,V,(b),(2)(A)(i).
4. The project as proposed will leave approximately 2500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. 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.
9. No more than 17.87% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. 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.

- 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.

2009-00698 163 SPUR ROAD LLC
DOVER Bellamy River

Requested Action:

Approve name change to 163 Spur Road LLC, PO Box 1163, Rochester NH 03866 per request received 3/24/11. Previous owner: Gregg Porciello.

APPROVE NAME CHANGE:

Impact 3,194 sq ft to replace an existing single family dwelling and add two decks and access stairs.

With Conditions:

- 1. All work shall be in accordance with plans by NHSC, Inc. dated January 7, 2009 and received by the Department of Environmental Services ("DES") on February 6, 2009.
- 2. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
- 3. At least 135 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
- 5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

- 1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wq 1406.18.

2009-01965 NEW CASTLE REALTY TRUST, MILDRED ANDERSON TTEE
RYE Atlantic Ocean

Requested Action:

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

Request amendment to change driveway footprint and construct new retaining walls.

APPROVE AMENDMENT:

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

With Conditions:

- 1. All work shall be in accordance with plans submitted by Terrafirma Landscape Architecture date June, 2011 and received by the

Department of Environmental Services ("DES") on June 15, 2011.

2. No more than 18.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. 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. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2011-00440 MOULTON, MICHAEL
WAKEFIELD Great East Lake

Requested Action:

Impact 5,067 sq ft for the purpose of converting 2,731 sq ft of gravel (impervious) driveway to a permeable surface (porous pavers) and the retention of a blue stone patio on the property.

APPROVE AFTER THE FACT:

Impact 5,067 sq ft for the purpose of converting 2,731 sq ft of gravel (impervious) driveway to a permeable surface (porous pavers) and the retention of a blue stone patio on the property.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp in collaboration with Gove Environmental Services dated April 20, 2011 and received by the NH Department of Environmental Services (DES) on April 27, 2011.
2. Be advised, retention of the portions of blue stone patio located within the 20 ft setback and other unauthorized shoreline structures (i.e. retaining walls) on the property shall be subject to and determined by pending Wetland Enforcement File #2009-01425. Retention of shoreland and shoreline structures not authorized by this permit may require additional approval by the Department.
3. In accordance with comments and recommendations provided by the New Hampshire Fish and Game Department, all construction activities to occur along shoreline will be performed outside the Loon nesting season and during draw-down conditions.
4. No more than 25.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. There shall be no impacts to the areas on the property currently existing in and to remain in an unaltered state (approximately 185 sq ft) on the property.
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. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. 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. In accordance with comments and recommendations provided by the NH Fish & Game Department, all construction activities to occur on the shoreline will be performed outside the Loon nesting season and during draw down conditions.

Condition (note) to permit:

*Be advised, retention of the portions of blue stone patio located within the 20 ft setback and other unauthorized shoreline structures (i.e. retaining walls) on the property shall be subject to and determined by pending Wetland Enforcement File #2009-01425.

2011-01024 FAVREAU, JUDITH/RANDY
PELHAM Little Island Pond

Requested Action:

Amend Permit to approve revised plan received by DES on June 22, 2011, for an additional 284 sq ft of temporary impacts associated finish grading an existing altered area.

Impact 1,054 sq ft for the purpose of constructing a new septic system (approximately 216 sq ft of temporary impacts) on the property, foundation repairs, modification to an existing 2nd story deck on an existing non-conforming structure (removal of approximately 220 sq ft deck and construction of a 144 sq ft deck), and the removal of approximately 618 sq ft of concrete walkways and stairs.

APPROVE AMENDMENT:

Amend Permit to approve revised plan received by DES on June 22, 2011, for an additional 284 sq ft of temporary impacts associated finish grading an existing altered area.

Impact 1,054 sq ft for the purpose of constructing a new septic system (approximately 216 sq ft of temporary impacts) on the property, foundation repairs, modification to an existing 2nd story deck on an existing non-conforming structure (removal of approximately 220 sq ft deck and construction of a 144 sq ft deck), and the removal of approximately 618 sq ft of concrete walkways and stairs.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC. dated May 6, 2011 and revised June 22, 2011 as received by the NH Department of Environmental Services (DES) on May 12, 2011 and June 22, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. All work shall occur within existing altered areas on property.
4. 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. Specifically, any future work (including maintenance and repair) to the existing retaining wall on the property may require a permit from DES.
5. There shall be no increase in impervious surface area on the property as a result of this proposed project.

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. 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.

2011-01094 L LAKEHOUSE LLC
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 145,000 sq ft in order to remove existing dwelling, driveway and portions of retaining wall. Construct a a new dwelling with attached terrace construct a detached garage with concrete apron construct paved drives and walks and closed drainage system for storm water management.

APPROVE PERMIT:

Impact 145,000 sq ft in order to remove existing dwelling, driveway and portions of retaining wall. Construct a a new dwelling with attached terrace construct a detached garage with concrete apron construct paved drives and walks and closed drainage system for storm water management-Per NH-DES AOT File No. 20110328-039: relocate a playhouse.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, PC dated June 20, 2011 and received by the NH Department of Environmental Services (DES) on June 24, 2011.
2. No more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 15,300 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01268 LAKE SHORE BARRINGTON LLC
BARRINGTON Swains Lake

Requested Action:

AMENDMENT DESCRIPTION: Correction of language in reference to condition #4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,530 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.

Impact 15,670 sq ft in order to construct a residential structure, driveway and septic system.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Correction of language in reference to condition #4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,530 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.

Impact 15,670 sq ft in order to construct a residential structure, driveway and septic system.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. dated May 31, 2011. and received by the NH Department of Environmental Services (DES) on June 2, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 22.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,378 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01269 WHITACRE, HUNTLEY/LYNNE
ORFORD Connecticut River

2011-01335 BUSTO, DEBORAH/DOMINIC
STODDARD Highland Lake

Requested Action:

Impact 2,389 sq ft in order to rebuild an existing garage within same footprint.

APPROVE PERMIT:

Impact 2,389 sq ft in order to rebuild an existing garage within same footprint.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated May 10, 2011 and received by the NH Department of Environmental Services (DES) on June 14, 2011.

2. No more than 47% 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.

2011-01337 CITY OF BERLIN
BERLIN Androscoggin River

Requested Action:

Impact 2,500 sq ft in order to rehabilitate existing manholes including related utility and excavation for drainlines.

APPROVE PERMIT:

Impact 2,500 sq ft in order to rehabilitate existing manholes including related utility and excavation for drainlines.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated May 1, 2011 and received by the NH Department of Environmental Services (DES) on June 8, 2011.
2. No more than 2.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 58,500 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01357 D & J REALTY TRUST
HAMPTON Hampton Salt Marsh

Requested Action:

Impact 1,274 sq ft in order to rebuild a house destroyed by fire with similar footprint.

APPROVE PERMIT:

Impact 1,274 sq ft in order to to rebuild a house destroyed by fire with similar footprint.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering Inc. dated July 22, 2010 and received by the NH Department of Environmental Services (DES) on June 16, 2011.
2. No more than 35.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01373 GARBARINO, WILLIAM/CAROL
ORFORD Connecticut River

2011-01377 JONASH, RONALD
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 826 sq ft in order to add an addition and replace portion of deck and driveway with pervious surface.

APPROVE PERMIT:

Impact 826 sq ft in order to add an addition and replace portion of deck and driveway with pervious surface.

With Conditions:

1. All work shall be in accordance with plans by Ronald Jonash dated May 2011 and received by the NH Department of Environmental Services (DES) on June 13, 2011.
2. No more than 25.3% 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 5,100 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the

structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01391 REGAN, DANIEL
ENFIELD Crystal Lake

Requested Action:

Impact 5,615 sq ft in order to construct a garage with drip edge and regrade gravel driveway.

APPROVE PERMIT:

Impact 5,615 sq ft in order to construct a garage with drip edge and regrade gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineering dated May 1, 2011 and received by the NH Department of Environmental Services (DES) on June 14, 2011.
2. No more than 17.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 3,819 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01392 STAPLETON, LILLIAN/MICHAEL
WAKEFIELD Lake Ivanhoe

Requested Action:

Impact 7,555 sq ft in order to build a new house on vacant lot, with driveway, septic system & water line.

APPROVE PERMIT:

Impact 7,555 sq ft in order to build a new house on vacant lot, with driveway, septic system & water line.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated June 3, 2011 and received by the NH Department of Environmental Services (DES) on June 14, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 11.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 4,701 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

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

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

**2011-01491 BARTOLOTTA, GREGORY/JOANN
STODDARD Granite Lake**

Requested Action:

Impact 14,175 sq ft in order to remove an existing house and driveway to build a new house, septic system, garage and driveway.

APPROVE PERMIT:

Impact 14,175 sq ft in order to remove an existing house and driveway to build a new house, septic system, garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated April 11, 2011 and received by the NH Department of Environmental Services (DES) on June 23, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15% 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 2,356 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. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.